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

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.

	t(s) of diversion																	ion is greater and proposed
	THE ATTENDED		111													RI	ECE	VED.
					F	ile No	. 35,14	41			1	-	. Lii			1	1:05 C 2 0	am
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	under the water	right w	hich is	the s				ation i					ndition	e deen	DIV ribed b	ISION O	f Water	Resources
	The source of su			o tric o		round		ation		Surfac			Idition	0 4000				
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	66 SW 30 Avenu	The Park	Early Harris		67530	0-9707		F11			Tit		-	-	e de la compansión de l	1 1 3 1 1	100	adient part
	Phone Number: (620)786-0349 Email address:																	
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-	Phone Number:				0755	<u> </u>		Fmail	addre	ss:	Tura .	1 1 1 1 1 1 1 1 1	771 1	T 1000	- 40-			
	The presently au				se is:			Linaii	addio		1_		- 7 1,	-11 J-P				
	Owner of Land -					miller F	Revoca	able In	ter Viv	os Tru	st							
	ADDRESS: 66 SW 30 Avenue, Great Bend, KS 67530-9707																	
	(If there is more th	an one	landov	vner, at	tach su	ppleme	ental sh	eets as	neces	sary.)								
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Sec	c. Twp. Range	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	ACRES
35	19S 14W		THO II	at levi	No.		**	61.0				400,17	(Critical	39.5			39.5	79
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	ni i dinawa						Aug .		- 7			Shaki			/ @r	100	V.VIB.S	
	If this application Owner of Land -	NA ADDRI	AME:	David 66 SW	D Ess	miller f venue,	Revoca Great	able In Bend,	ter Viv	os Tru 7530-9	st	use be	e chan	ged to	:			00 at 1
			NF	Ξ1/4	-		NV	N <sup>1</sup> / <sub>4</sub>			SV	N1/4		To the	SI	=1/4		TOTAL
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35	19S 14W				- 1	74 a. 41.				38.9	37.8	37.7	38.6	0.6	33.8	38.9	0.6	226.9
_	Proposed not	aros h			1 1 1	315 R	in park	, p. 10 p. 20. 10		I I A E	1 (8)	Halia.		i paty	1.08	ipec a	IN GL	G-By Giles
	IDEAR PROTEIN	V. YOU	III THE	TITLE	81 Y			19E				10.67	771		738	- 1	701 AAO	917
	For Office Use	Only:	Code		Fe	e \$		_ TR	#		Re	eceipt	Date _	at de	y den	Chec	k# 100	418

5.	Presently authorized point	of diversion:					
	One in the	Quarter of the	NC	Quarter	of the	SE	Quarter
	of Section 35	, Township	19	South, F	Range	14	(W),
	in Barton (						
	Authorized Rate 1215 GPM	* * * * * * * * * * * * * * * * * * * *					
	(DWR use only: Computer						
	This point will not be changed						
	Proposed point of diversion	: (Complete only if chan	ge is requ	ested or if existin	g point is bett	ter describe	ed by GPS)
	One in the						
	of Section 35						
	in Barton (						
	Proposed Rate no change						
	This point is: Additional W						
·							
6.	Presently authorized point	of diversion:					
٠.	One in the			Quarter	of the		Quarter
	of Section	Township		South F	Range		(E/W)
	in (						
	Authorized Rate						
	(DWR use only: Computer						
	☐This point will not be changed						
	Proposed point of diversion						
	One in the						
	of Section						
	in (						
	Proposed Rate	Proposed Quantity		Proposed	well depth (feet	)	
	This point is: Additional W						
7.	The changes herein are desir	ed for the following reason	ns? 13a.	If the proposed po	int of diversion	will be reloca	ated within 100
	(please be specific) Installing w	ipe pivot on better ground,		feet of the existing the diagram below (PLEASE NOTE:	in relation to the The "X" in	e existing poi	int of diversion.  iagram below
	making a complete p/u overlag	with 19251 and relocating	the	represents preser	ntly authorized North	point of div	ersion.)
	existing well to be closer to the	proposed wine pivot		100 5	50 0	50 10	nn
8.	If a well, is the test hole log atta			الم	<del>"——<u>"</u>—</del>	وستتس	
0.	in a well, is the test hole log atte	ioned: 1 Tes 2 Tes		E		161 21 20 <u>2</u>	Marks 554
9.	The change(s) (was)(will be) co	empleted by?		50 —	+ —	n ton i	50
	as soon as possible			F	=	_	
	ac coon ac possible			aF	<del>-</del>		0.5
10.	If the point of diversion is a well	:		West 0 - III	<u>X</u>		0 East
	(a) What are you going to do v	vith the old well?			=	45.05	heD.
				50 E			50
	plug it			- F	· –	' -	
				F	. =	, =	
	(b) When will this be done? wh	nen new well is complete				ШШГ	
21.0				100 5	50 0	50 10	00
11.	Groundwater Management	District recommendat	ion		South <b>Scale: 1</b> " =	100'	
	attached? Yes No		13b.	If the proposed poi			ated more than
12.	Assisted by <u>CRC-Stafford Field</u>	Office	11/100	100 feet but with diversion, attach a For groundwater se	in 1320 feet f a topographic i	from the eximap or aeria	isting point of al photograph.
			1,000	within one-half mile names and mailing	of the propose addresses of	d point of div	ersion and the For surface
		DEC 2		water sources, si landowner(s) one- upstream from you	half mile down	stream and	resses of the one-half mile
		jatiora č	ield Cifice	aponoum nom you	. p. oporty mios.		

14. If the proposed groundwater point of diversion is 300 or fewer fee	et from existing point of diversion, complete the following:
(a) Does the undersigned represent all owners of the currently a ☐ Yes ☐ No (If no, all owners must sign this a	
<ul> <li>(b) Will the ownership interest of any owner of the currently at affected if this application is approved as requested?</li> <li>☐ Yes</li> <li>☐ No</li> <li>(If yes, all owners must sign this</li> </ul>	uthorized place(s) of use identified in this application be adversely application.)
(c) If this application is not approved expeditiously, will there be ☐ Yes ☐ No (If no, all owners must sign this a	
If the application proposes a surface water change in point of diversion or a change in place of use, the application must be signed by all ow agent (attach notarized statement authorizing representation).	
I hereby verify, being first duly sworn upon my oath or aft age and the owner, the spouse of the owner, or a duly aut their behalf, in regards to the water right(s) to which this contained in this application are true, correct and complete	thorized agent of the owner(s) to make this application on application pertains. I further verify that the statements
Dated at Safford , Kansas,	this 19th day of December, 2017.
David Essmiller (Please Print)	Leanna Symiller (Spouse) Leanna Essmiller (Please Print)
(Owner)	(Spouse)
The Secretary of the Se	A Mark (a) the contraction of th
(Please Print)	(Please Print)
(Owner)	(Spouse)
the complete will be taken and the state of the	A NOTE OF THE PART
(Please Print)	(Please Print)
State of Kansas	
County of Otafford SS	
I hereby certify that the foregoing application was signed in	n my presence and sworn to before me this 19th day of
Delmber	
JESSICA ENGELBRECHT My Appointment Expires	Cleaner Whathe rought
August 11, 2021	Notary Public
My Commission Expiles	The same of any and a constant with many than
ONLY COMPLETE APPLICATIONS WILL BE PROCESSED. To be complete accurate information; maps, if necessary, must be included; signatures of all t the appropriate fee must be paid.	
FEE SCH	EDULE
Each application to change the place of use or the point of diversion of forth in the schedule below: Make checks payable to: Kansas Depa (1) Application to change a point of diversion 300 feet or less (2) Application to change a point of diversion more than 300	under this section shall be accompanied by the application fee set artment of Agriculture s
(3) Application to change the place of use	RECEIVED \$200
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Stafford Field Office
Division of Water Resources

# 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. 5-5-1, et seq. and other applicable provisions of the Kansas Water Appropriation Law, K.S.A. 82a-701 et. seq., and rules and regulations promulgated thereunder, With the exception of those conditions expressly contained herein, this Summary Order does not change the terms, conditions and limitations of File No. 35,141 A change application was received on 12/20/2017 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. 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 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 300' (no more than 2640' from previous) foot radius of the authorized point(s) of diversion. Applicable ☐ Not Applicable The point(s) of diversion authorized herein shall not actually be located more than 2,640 feet from the previously authorized point(s) of diversion. Applicable Not Applicable 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. The owner of the authorized place(s) of use shall properly install an acceptable water flow meter on or before December 31, 2018, 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. ☐ Not Applicable Installation of the works for diversion of water shall be completed on or before December 31, 2018, or within any authorized extension of time. By March 1, 2019 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. ■ Not Applicable The completed well log shall be submitted with the required notice. Applicable ☐ Not Applicable 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 Additional Conditions are attached. ☐ 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. FOR OFFICE USE ONLY Administrative Appeal and Effective Date of Order APPLICATION APPROVED AND If you are aggrieved by this order, pursuant to K.S.A. 82a-1901, SUMMARY ORDER ISSUED you may request an evidentiary hearing before the Chief Engineer or request administrative review by the Secretary of Agriculture. A request for hearing by the Chief Engineer must be filed within 15 days of service of this Order and a request for Duly Authorized Designee of the Chief Engineer administrative review by the Secretary must be filed within 30 days pursuant to K.S.A. 77-531. Any request for administrative review must state a basis for review pursuant to K.S.A. 77-527. (Print Name): File any request with Kansas Department of Agriculture, Legal Division, 1320 Research Park Drive, Manhattan, KS Division of Water Resources - Kansas Department of Agriculture 66502. Failure to timely request a hearing or review may Date of Issuance: preclude review under the Kansas Judicial Review Act. State of Kansas For Use by Register of Deeds ) SS County of Acknowledged before me on \_\_\_\_\_ DEC 2 0 2017 Signature: Stafford Field Office Notary Public Division of Water Resources My commission expires: \_\_\_\_\_ (Notary Seal) DWR 1-121 (Revised 07/10/2017) Page 4 File No. 35,141

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 au  ☐ Yes ☐ No (If no, all owners must sign this app	
<ul> <li>(b) Will the ownership interest of any owner of the currently auth affected if this application is approved as requested?</li> <li>☐ Yes</li> <li>☐ No</li> <li>(If yes, all owners must sign this approved as requested?)</li> </ul>	
(c) If this application is not approved expeditiously, will there be so ☐ Yes ☐ No (If no, all owners must sign this app	
If the application proposes a surface water change in point of diversion or a change in place of use, the application must be signed by all owne agent (attach notarized statement authorizing representation).	, a groundwater change in point of diversion greater than 300 feet ers of the currently authorized place of use, or their duly authorized
I hereby verify, being first duly sworn upon my oath or affir age and the owner, the spouse of the owner, or a duly author their behalf, in regards to the water right(s) to which this a contained in this application are true, correct and complete.  Dated at	prized agent of the owner(s) to make this application or pplication pertains. I further verify that the statements
(Owner)	Wlanna (Umilla (Spouse)
(Please Print)	Please Print)
(Owner)	(Spouse)
(Please Print)	(Please Print)
(Owner)	(Spouse)
County of Barton SS Northern My	(Please Print)  NSTANCE L. DUNLAP y Appointment Expires October 5, 2018
I hereby certify that the foregoing application was signed in My Commission Expires Oct 5, 2018.	my presence and sworn to before me this day of Constant Constant Public Notary Public
ONLY COMPLETE APPLICATIONS WILL BE PROCESSED. To be complete, accurate information; maps, if necessary, must be included; signatures of all the the appropriate fee must be paid.	all of the applicable portions of the application form must be completed wite appropriate owners' must be affixed to the application and notarized; and
FEE SCHE	DULE
Each application to change the place of use or the point of diversion unforth in the schedule below: Make checks payable to: Kansas Depart  (1) Application to change a point of diversion 300 feet or less  (2) Application to change a point of diversion more than 300 feet  (3) Application to change the place of use	inder this section shall be accompanied by the application fee set the section shall be accompanied by the accompanied by the accompanied by the application fee set the section shall be accompanied by the accompanied by
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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. 35,141 shall be subject to the following conditions:

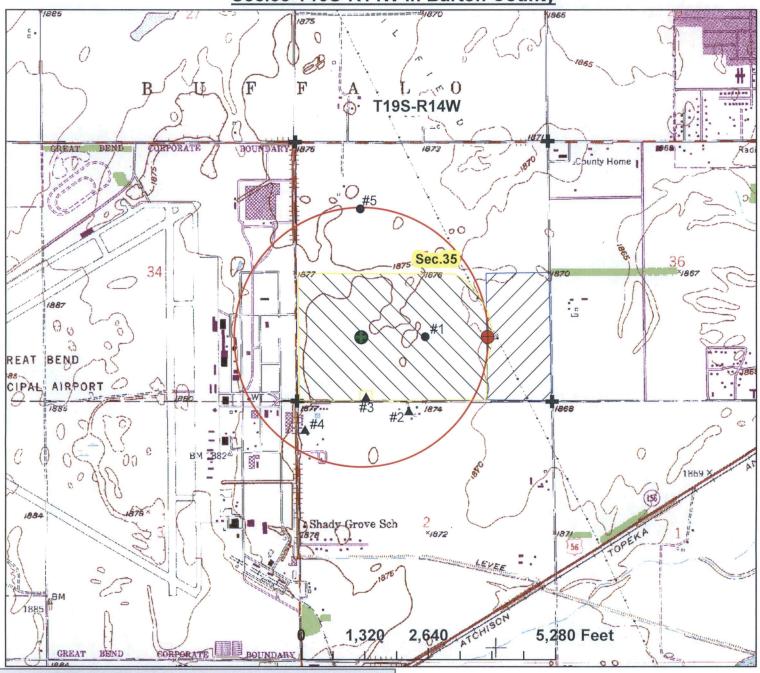
- 10a. The completed well authorized by this change application will meet minimum spacing requirements to all nearby wells. Specifically, the completed well will maintain at least 1320' spacing to the well authorized by Water Right, File No. 19,251.
- 10b. The completed well will be no more than 2640' from the well previously authorized by Water Right, File No. 35,141.

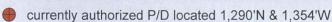
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Stafford Field Office
Division of Water Resources

# P/U & P/D Change Application Map, File No. 35,141 Sec.35-T19S-R14W in Barton County





- proposed P/D located 1,290'N & 3,984'W
- nearby permitted wells
   nearby domestic wells

currently authorized place of use covering 79 acres

proposed place of use covering 226.9 acres

section corners 1/2 mile circle around proposed P/D

By signing below I agree that all wells, including domestic, within  $\frac{1}{2}$  mile of the point of diversion have been shown on the map.

David Essent 12/19/2017

-SEE ATTACHED DOCUMENT FOR NEARBY OWNER LIST-



RECEIVED

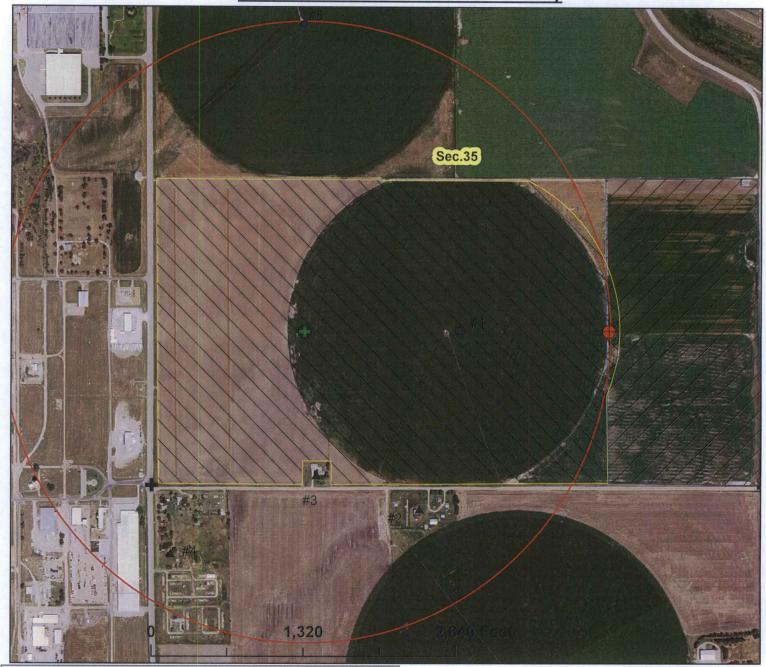
DEC 2 0 2017

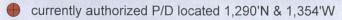
Stafford Field Office
Division of Water Resources

1 inch = 2,000 feet

map created on 12/14/17 scale 1:24,000

P/U & P/D Change Application Map, File No. 35,141 Sec.35-T19S-R14W in Barton County





proposed P/D located 1,290'N & 3,984'W

nearby permitted wells ▲ nearby domestic wells

currently authorized place of use covering 79 acres

proposed place of use covering 226.9 acres

½ mile circle around proposed P/D section corners

By signing below I agree that all wells, including domestic, within ½ mile of the point of diversion have been shown on the map.

David Essell 12/19/2017

-SEE ATTACHED DOCUMENT FOR NEARBY OWNER LIST-



RECEIVED

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Starford rield Office Division of Water Resources

1 inch = 833 feet

map created on 12/14/17 scale 1:10,000

# Application to Change the Point of Diversion & Place of Use for 35,141

### Nearby Well Owners List (within ½ mile of proposed well)

- #1) Water Right, File No. 19251-owned by applicant
- #2) domestic well
  Brinning Land LLC
  Robert Brinning
  215 S Monarch ST #203
  Aspen, CO 81611-2916
- #3) domestic well Derek K & Christina M Genova 9047 6<sup>th</sup> ST, Great Bend, KS 67530
- #4) Larry L & Mary Sloan PO Box 70 Albert, KS 67511
- #5) Water Right, File No. 28434
  Brinning Land LLC
  Robert Brinning
  215 S Monarch ST #203
  Aspen, CO 81611-2916

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Stationamentarities

Division of Water Resources