### Kansas Department of Agriculture Division of Water Resources

CHANGE: P/D P/U WORKSHEET

1. File Number: <b>16718</b>	2. Status Change Date:	3. Change Num:	4. Field Office: <b>02</b>	5. GMD: <b>05</b>
6. Status: Approved	☐ Denied by DWR/GMD ☐	Dismiss by Reques	st/Failure to Return	7. Filing Date of Change: 2/19/18
8a. Applicant(s)  New to system □	Person ID Add Seq#	8c. Landown New to sy		Person ID Add Seq#
8b. Landowner(s) New to system   DAVID D ESSMILLE 66 SW 30 AVE GREAT BEND KS	Person ID 4943 Add Seq# 1  R REV INTER VIVOS TRUS	66 SW		Person ID 4943 Add Seq# 1  EV INTER VIVOS TRUST 530-9707
	s):   DWR Meter(s) Date to Comp  Meter Seal  Check Valve  te Required: Da	ly:12/31/18  ⊠ N & P Form  Ite Approved:	☑ Water Tube  ☑	to Comply: 12/31/18  Driller Copy
10. Use Made of Water Fro	om:	To:		
			Date Prepared: <b>3/2/</b> Date Entered:	<b>18</b> ву: <b>ТЈЅ</b> Ву:

File No.	16718		11. Cor BARTO			Bas	sin: <b>W</b> a	alnut (	Creek				St	ream:									n Code: 11 em Alluviu		None
	nts of Diver	sion										77		14			Rate a	and Qu	antity						
CHK	DDIV/																А	uthoriz	zed		Add	ditiona	al		
DEL ENT	PDIV	Qualifier	;	S	Т	R	ID	"	N	'W		Com	ment (	AKA L	ine)		Rate gpm/c		Quantity af/mgy	-	Rate gpm/cfs		Quantity af/mgy	Overlap PD Files	
DEL	38859						2																	None	
ENT		NE SE NW	2	26 1	9S 1	4W	_	39	30 2	2650						ia .	1720	GPM	174 A	F	1720 (	<b>SPM</b>	174 AF	None	
							1																		
											_													72	
13. Stor				N	IF	Quar	ntity					ac/ft	Ad	ddition	al Rat	e				NF	Additi	onal (	Quantity		_ ac/ft
14. Limi				af/yr at	t			(	gpm (_				cfs) wh	nen co	mbine	d with	file nu	ımber(	(s)						
Limi	tation:		a	af/yr a	t			(	gpm (_				cfs) wh	nen co	mbine	d with	file nu	umber(	(s)						
		Allocation																							
16. Plac	ce of Use					NE	=1/4			NV	V¹/4			sv	V1/4			s	E1/4		Total	Owne	er Chg	? Overlap Files	
MOD DEL ENT	PUSE	STR	ID		NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1⁄4	NW 1/4	SW 1/4	SE 1/4	NE ¼	NW 1/4	SW 1/4	SE 1/4					
		64, 26 19S			0.5	33.25	39	6	33.25	0.5	6	39	5								157.5	8b.	* <del>Yes</del> /	No 32527	
											_										III				
							. 1																		
											-														
-			,																						
Base A	cres: <b>120</b>	Year: <b>19</b>	<b>75</b> M	linimu	m Rea	sonabl	le Qua	antity:	1.18	AF/	acre	)													

Comments:

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.

than	agraph N 100 fee t(s) of div	et, or if	place	of use	will b	e cha	eted. nged,	Comp include	lete a	II othe pograp	r appl hic ma	icable ap or	<b>portio</b> detaile	ons. I d plat	f chan showi	ge in p	oint o	f diversi	ion is greater nd proposed
																		1:4	4pm
						1	File No	. 16,7	18								-	FEB 1	9 2018
									-					-			Sta	afford F	Field Office
1.	Applicati	ion is he	ereby r	nade f	or app	roval	of the C	Chief E	ngine					ne or b	oth):		Divisio	en of Wa	ater Resources
						⊠ F	Place o	f Use		$\boxtimes$	Point	of Dive	ersion						
	under th	e water	right v	which is	s the s	ubject	of this	applic	ation i	in acco	ordance	e with	the co	ndition	s desc	cribed b	pelow.		
	The sou	rce of s	upply i	s:			Fround	water			Surfa	ce wat	er						
	Name a							iller	H .								1007-174	ECK OTA	918-915-115-1
	66 SW 3	The second			1111	S 675	30		26.							<u> </u>	300	- 34 79	- North
	Phone N		7.								ss: <u>es</u>	smiller	farms(	@cox.1	net	103.0			111 671 1114
	Name ar							it: <u>Dav</u>	id D E	ssmill	er						Mary 42	-	HO PARTILLA
	66 SW 3					KS 675	530												
	Phone N								Email	addre	ss: <u>es</u>	smiller	tarms(	@cox.1	net				
	The pres							-		NITED	\ //\ /O (	TDU	O.T.	440:					
	Owner o												S1			eat Ber		1.140	07500
	(If there is						Avenu					)		**PO	Box 1	168, GI	reat Be	end, KS	67530
	(**************************************	1 1 1	1, 0,		Ξ1/4	100			31.11 7	7110000	July 1	CI	A /1 /	5	71 1	O.F.	-1/	1.016	111201
Sec	. Twp.	Range	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	V1/4 SW1/4	SE1/4	NE1/4	NW1/4	N1/4 SW1/4	SE1/4	NE1/4	NW1/4	5W1/4	SE1/4	TOTAL ACRES
*26		14W	13	40	20	7	INL/4	1400/4	300/4	JL/4	INL/4	1400/4	300/4	SE/4	INE/4	INVV/4	300/4	SE/4	80
**2		14W	27	40	20	13												T (F)	40
	0 100	1400	21			10	-												40
	If this ap Owner o	f Land -	NA	AME: ESS:	David 66 SW	D Ess	miller f Avenue	Revoca e, Grea	able IN	NTER V	/IVOS 67530			e chan	ged to	:		1 1 1 1 1 1 1	
				NE	=1/4			NV	V1/4			SV	V1/4			SE	=1/4	looned.	TOTAL
Sec	. 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
26	198	14W	0.5	33.25	39	6	33.25	0.5	6	39							- vladi		157.5
	a takin	The		10.2		10.5	3145			-11	U L.		1	e la traval	7 4 1		CA = 1/5	eg jir	d py db. /
	THE PARTY	Tra ar	401 , 1	100 L		[ <u>-1</u>					That .					ŲI'I'II.	er lost 5	mar de la	112.46110
	For Offi	ce Use	Only:	Code		Fe	e \$ 30	00 -	TR	#	.7	Re	eceipt	Date			Chec	k# 6	433

	One in the	NW	Quarter of the	NW	Qua	rter of the	NE	Qua	rter
			, Township						
			unty, Kansas,						
			Authorized Quantity						
			No. 2 scaled from aer						
			This point will be change	4					s:
	Proposed point	of diversion:	Complete only if change	ge is requ	ested or if exi	sting point i	s better des	cribed by GPS	<u>S)</u>
			Quarter of the						
	of Section	26	, Township	19	Sou	th, Range	14	(	W),
	in Barton	Cou	unty, Kansas, <u>3,930</u>	_ feet No	rth2,650	feet West of	Southeast of	orner of sectio	n.
	Proposed Rate _	no change	Proposed Quantity _	no cha	nge Propo	sed well dept	n (feet)	73	
	This point is:	Additional Well	☐ Geo Center List of	ther wate	r rights that will	use this poir	nt <u>32527 if ad</u>	d well is approv	ed.
-									
6. [	Presently autho	rized point of	diversion:						
	One in the		Quarter of the		Qua	rter of the		Qua	rter
			, Township						
			unty, Kansas,						n.
	Authorized Rate		Authorized Quantity		Depth	of well		_ (feet)	
	(DWR use only:	Computer ID	No GP	s	feet I	North	fee	et West)	
	☐This point will n	ot be changed	☐This point will be change	ed as follov	ws: 🗌 No chang	e, point better	described with	n GPS as follows	3:
	Proposed point	of diversion:	Complete only if chang	ge is requ	iested or if exi	sting point i	s better des	cribed by GPS	3)
			Quarter of the						
	of Section		, Township		Sou	th, Range		(E/\	W),
			unty, Kansas,						
			Proposed Quantity _						
L	This point is:	Additional Well	☐ Geo Center List o	ther wate	r rights that will	use this poir	nt		<u> </u>
7.	(please be specific	c) move the wel	for the following reason  to better accommodate  nd move to a location		the diagram be	sting point of elow in relation TE: The "X esently author	diversion, inc n to the existir " in center	ng point of diver of diagram be	on on rsion.
	where 32527 can	be stacked on t	his well		100	50	n 50	100	
8.	If a well, is the tes	t hole log attach	ned? 🗌 Yes 🛮 No		Ę'	т <u>і</u> пп.	<u>+</u> ' ' ' '   '	''\	
9	The change(s) (wa	as)(will be) com	nleted by?		50 F	+ -	_ _ +	<b>∃</b> 50	
Ο.			picted by .				_	=	
	prior to 2018 irriga	ation season			E			Ⅎ₋ ₋	
10.	If the point of dive	rsion is a well:			West 0		<u>X                                      </u>	II ☐ 0 East	
	(a) What are you	going to do witl	n the old well?		E		_	=	
	,	0 0			50 E			_50	
	plug it				E	'	_ '	=	
					F		_ ,	7	
	(b) When will this	s be done? where	n new well is drilled					ШП	
					100		D 50 outh	100	
11.	Groundwater N	Management	District recommendations Tas-sfF	ion d		Scale	1" = 100		
	attached?	res Miles	3/1/2018 123-3.1	13b.	If the proposed	d point of dive	ersion will be	relocated more	than
12.	Assisted by <u>CRC-</u>	SFFO	RECEIVED		diversion, atta For groundwat within one-half names and m water sources	ch a topogra er sources, s mile of the prailing addres s, show the one-half mile	phic map or now all wells roposed point ses of the ov names and downstream	ne existing point aerial photograms (including dome of diversion and where. For su addresses of a and one-half	raph. estic) d the irface f the
D	D 4 404 / D - 1 - 1 - 1 - 1	(40/0047)	FEB <b>1 9</b> 201					File No. 16.718	
1 )\//	R 1-121 (Revised 07/	10/2017)		Page 2			- F	TIE INU. 10./10	

5. Presently authorized point of diversion:

14.	lf th	e proposed groundwater poir	nt of diversion is 300 or fewer feet	from existing point of dive	ersion, complete the following:				
	(a)		sent all owners of the currently au If no, all owners must sign this ap		dentified in this application?				
	(b)	Will the ownership interest of any owner of the currently authorized place(s) of use identified in this application be advergated if this application is approved as requested?  Yes No (If yes, all owners must sign this application.)							
	(c)		oved expeditiously, will there be s f no, all owners must sign this app		perty, public health or safety?				
or a	cha	plication proposes a surface on nge in place of use, the application ttach notarized statement aut	water change in point of diversion cation must be signed by all owne horizing representation).	, a groundwater change in rs of the currently authori	n point of diversion greater than 3 zed place of use, or their duly au	300 fee ıthorize			
age thei	an r b	d the owner, the spouse chalf, in regards to the w	sworn upon my oath or affir of the owner, or a duly author vater right(s) to which this a e true, correct and complete.	orized agent of the ow pplication pertains. J	mer(s) to make this applicat	tion o			
Date	d a	Great Bend,	Bouton County, Kansas, thi	s 23 day of 1	anuary, 20 1	8			
	4	ad & Essim	le	heanna	Esmille				
	X	owner)	1.		(Spouse)				
	Un	(Please Print	The state of the s		(Please Print)				
		(Flease Fillit			(Flease Film)				
		(Owner)	A CONTRACTOR OF THE PROPERTY O		(Spouse)	A STATE			
		se digital services in the services of the ser			es et use authorized place(d) e novazo austrialis eriares codeus.				
T i		(Please Print	()		(Please Print)				
	V	(Owner)	<del>la des des group d'anne d'</del> Notat Lan d'Esta (n. 7 million en Chilo	<u> </u>	(Spouse)				
	AI-1	(Please Print	)		(Please Print)				
State	of	Kansas							
Cour	ity o	of Barton	SS						
1 1			ng application was signed in i	my presence and swor	n to before me this $\frac{23}{3}$	day of			
	0ر	<u>hucury</u> , 20_18_	NOTARY PUBLIC - State of Kansa DEIDRA MASON My Appt. Exp.	1 Quidia	Mason				
Му С	om	mission Expires 0 22	2	A STATE OF THE SECOND	Notary Public	- Jan Ed			
accur	ate	OMPLETE APPLICATIONS WILL information; maps, if necessary, repriate fee must be paid.	BE PROCESSED. To be complete, a must be included; signatures of all the	all of the applicable portions of appropriate owners' must be	of the application form must be comp affixed to the application and notariz	leted wi zed; and			
			FEE SCHE	DULE					
	in t	ne schedule below: Make che 1) Application to change a p		ment of Agriculture	\$10	00			
			RECEIVED						

FEB 1 9 2018

### 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. 16,718 A change application was received on 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 Not 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 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 1,554 feet from the previously authorized point(s) of diversion. 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. ☐ Applicable ☐ Not Applicable 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. ☐ 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 Applicable ⊠ No 10. Additional Conditions are attached. ☐ Yes 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 administrative review by the Secretary must be filed within 30 days pursuant to K.S.A. 77-531. Any request for administrative Authorized Designee of the Chief Engineer review must state a basis for review pursuant to K.S.A. 77-527. (Print Name): Canterman File any request with Kansas Department of Agriculture, Division of Water Resources - Kansas Department of Agriculture Legal Division, 1320 Research Park Drive, Manhattan, KS Date of Issuance: 66502. Failure to timely request a hearing or review may preclude review under the Kansas Judicial Review Act. State of Kansas For Use by Register of Deeds SS County of Acknowledged before me on Signature:

RECEIVED

My commission expire

(Notary Seal) File No. 16.718

JESSICA ENGELBRECHT My Appointment Expires

August 11, 2021

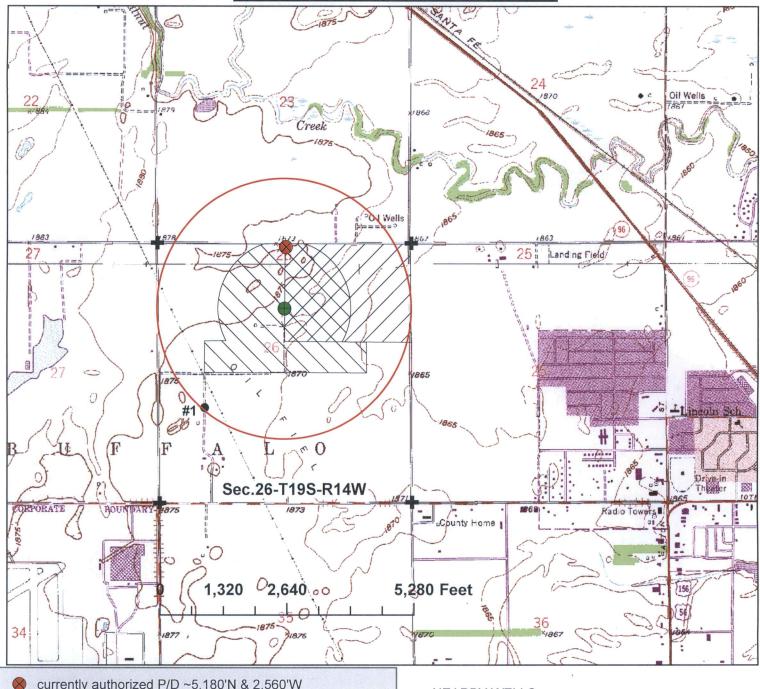
14. If t	the proposed groundwater point of divers	sion is 300 or fewer feet from	existing point of diversion, com	plete the following:
(a)	Does the undersigned represent all ov Yes No (If no, all o	vners of the currently authori wners must sign this applicat		this application?
(b)	) Will the ownership interest of any ow affected if this application is approved ☐ Yes ☐ No (If yes, all o			his application be adversely
(c)	If this application is not approved expe ☐ Yes ☐ No (If no, all or	editiously, will there be substa wners must sign this applicat		c health or safety?
or a ch	pplication proposes a surface water cha ange in place of use, the application mu attach notarized statement authorizing r	st be signed by all owners of	roundwater change in point of d the currently authorized place o	iversion greater than 300 fee of use, or their duly authorize
age an	by verify, being first duly sworn und the owner, the spouse of the obehalf, in regards to the water rigined in this application are true, co	wner, or a duly authorize ht(s) to which this appli	d agent of the owner(s) to	make this application of
Dated a	at	, Kansas, this	day of	, 20
1	also and a second			
17.6	ert G. Sue Her Great's	Bend City Attorney	(Spouse	
7200	(Please Print)	<u></u>	(Please Pi	rint)
	(Owner)	· '	(Spouse	3)
	(Please Print)		(Please Pr	int)
	(Owner)		(Spouse	9)
	(Please Print)		(Please Pr	int)
State of County	f Kansas )	5		
	reby certify that the foregoing applic	ation was signed in my p		e me this <u>qth</u> day of
	NOTARY PUBLIC - STATE OF R Julie Urban	ANSAS	Jules Unbarn	hlic
My Con	nmission Expires My Appl Exp.		2 Hotaly Fu	
accurate	OMPLETE APPLICATIONS WILL BE PROCe information; maps, if necessary, must be incopriate fee must be paid.	ESSED. To be complete, all of t cluded; signatures of all the appro	he applicable portions of the applica opriate owners' must be affixed to the	ation form must be completed wit ee application and notarized; and
		FEE SCHEDULE	*	
	pplication to change the place of use or the schedule below: Make checks paya  (1) Application to change a point of div  (2) Application to change a point of div  (3) Application to change the place of	ble to: Kansas Department version 300 feet or less version more than 300 feet	of Agriculture	\$100 \$200

RECEIVED

FEB 1 9 2018

Stafford Field Office

### P/U & P/D Change Application Map, File No. 16,718 Sec.26-T19S-R14W in Barton County



- currently authorized P/D ~5,180'N & 2,560'W
- proposed P/D located 3,930'N & 2,650'W

A Essenul

nearby permitted wells

currently authorized place of use covering 120 acres

proposed place of use covering 157.5 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.

-NEARBY WELLS-

#1-BT-019 & 32527

BT-019: Robert H Essmiller 380 W Barton County RD Great Bend, KS 67530

32527: owned by applicant

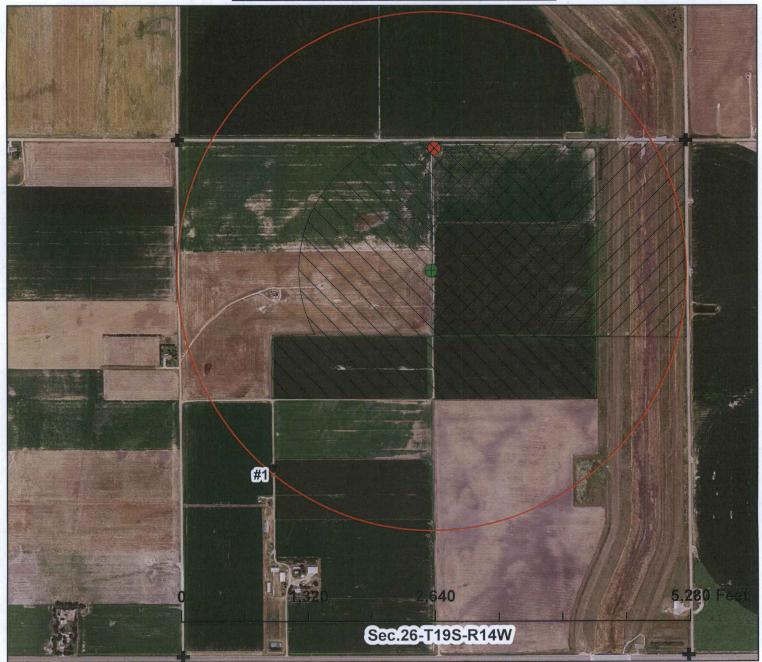


RECEIVED

FEB 1 9 2018

1 inch = 2,000 feet

### P/U & P/D Change Application Map, File No. 16,718 Sec.26-T19S-R14W in Barton County



- ⊗ currently authorized P/D ~5,180'N & 2,560'W
- proposed P/D located 3,930'N & 2,650'W
- nearby permitted wells

currently authorized place of use covering 120 acres

proposed place of use covering 157.5 acres

section corners

½ mile circle around proposed P/D

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

Pard Il Esmile 1/9/2018

-NEARBY WELLS-

#1-BT-019 & 32527

BT-019: Robert H Essmiller 380 W Barton County RD Great Bend, KS 67530

32527: owned by applicant



### RECEIVED

FEB 1 9 2018

1 inch = 1,000 feet

Stafford Field On apecreated on 1/9/18 scale 1:12.000

### **CERTIFICATE OF SERVICE**

On this **March** day of **12**, **2018**, I hereby certify that the attached Change in Place of Use and Point of Diversion for Water Right, File No. **16718**, dated **March 9**, **2018** was mailed via Certified U.S. mail to the following:

David D Esmiller 66 SW 30 Ave Great Bend KS 67530-9707

A copy of the letter was sent to the following:

GMD 5

Staff Staff



Stafford Field Office 300 S. Main Street Stafford, Kansas 67578-1521 Phone: 620-234-5311 Fax: 620-234-6900 www.agriculture.ks.gov

Governor Jeff Colyer, M.D.

Jackie McClaskey, Secretary David W. Barfield, Chief Engineer Jeff Lanterman, Water Commissioner

March 12, 2018

David D Esmiller 66 SW 30 Ave Great Bend KS 67530-9707

Re: Water Right, File No(s). 16718

Dear Water Right Owner:

Enclosed is the order executed by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the application for change under the above referenced file number(s).

Your attention is directed to the enclosures and to the terms, conditions and limitations specified in this approval for change. An acceptable water flow meter must be installed on your well before any water is applied as authorized under this change approval. A copy of the approved list of Certified Water Flowmeters as well as the regulations regarding the installation of flowmeters, measurement tubes and check valves can be found at <a href="http://agriculture.ks.gov/divisions-programs/dwr/water-appropriation/water-flowmeters">http://agriculture.ks.gov/divisions-programs/dwr/water-appropriation/water-flowmeters</a>. If you do not have access to the internet, please contact this office and we will send you a paper copy of the referenced information.

Since this order modifies the original document referred to above, it should be recorded with the Register of Deeds as other instruments affecting real estate.

This order requires that a notice and completion of works form be submitted once the diversion works are completed, including a properly installed flowmeter. This form is available at the referenced website.

Any abandoned well must be plugged in accordance with the requirements of Article 30 of the Rules and Regulations as adopted by the Kansas Department of Health and Environment.

Should you have any questions, please feel free to contact this office. If you wish to refer to a specific file, please reference it when you contact us.

Sincerely,

Jeff Lanterman

Water Commissioner

Enclosures

pc: Water Rights Section

Groundwater Management District No.5

## KANSAS DEPARTMENT OF AGRICULTURE Division of Water Resources <u>M E M O R A N D U M</u>

TO: Files DATE: February 13, 2018

FROM: Tyler Saryerwinnie RE: Water Right, File No.16718

Notification Responses

On February 23, 2018, one (1) surrounding well owner was notified of the proposed point of diversion and place of use change application filed by David Esmiller, on behalf of the David D Essmiller Revocable Inter Vivos Trust, and they were given a fifteen (15) day deadline to submit comments to the Field Office.

On 2/27/2018, Bob Essmiller called the Stafford Field Office in regards to a nearby notification letter that he received dated 2/23/2018. Mr. Essmiller owns the well authorized by Water Right, File No. BT 19. In an email dated 2/27/2018 Cameron Conant of the Stafford Field Office explains his call back to Bob, in which Bob expresses no concerns over the point of diversion or place of use changes as proposed.

This application can now be moved on to GMD #5 for further review and recommendation.

### Saryerwinnie, Tyler [KDA]

From:

Conant, Cameron [KDA]

Sent:

Tuesday, February 27, 2018 8:40 AM

To:

Saryerwinnie, Tyler [KDA]

Subject:

FW: Phone Message (ESSMILLER PACKET OF CHANGES) 16718, ect

Tyler, I called Bob back and we discussed the changes a bit. He had no concerns with 16718 moving to the south, nor did he have issues with the proposed place of use changes.

I believe Bob was the only nearby well owner within ½ mile, so I guess we can move it on to GMD#5 if/when time allows!!

#### Cameron

From: Engelbrecht, Jessica [KDA]

Sent: Tuesday, February 27, 2018 8:36 AM

To: Conant, Cameron [KDA] < Cameron.Conant@ks.gov>

Subject: Phone Message

Bob Esmiller 620-617-6030

Jessica Engelbrecht, Administrative Assistant
Kansas Department of Agriculture
Division of Water Resources
Stafford Field Office
(620) 234-5311

jessica.engelbrecht@ks.gov (Please note change of

jessica.engelbrecht@ks.gov (Please note change of email address)

### Saryerwinnie, Tyler [KDA]

From:

Saryerwinnie, Tyler [KDA]

Sent:

Tuesday, February 27, 2018 9:57 AM

To:

Orrin Feril (oferil@gmd5.org)

Cc:

Conant, Cameron [KDA]

Subject:

GMD Recommendation Request - File Nos. 16718 & 32527

**Attachments:** 

16718.32528.Cover letter.pdf; 16718.Change App.pdf; 32527.Change App.pdf;

16718.notifications + base.pdf; BT19.32527.32528.base review.pdf

Orrin,

I have attached a cover letter and copies of two (2) change applications for GMD recommendation. I have also included a memorandum outlining the response received and copies of the base acre reviews for each file. Please provide the GMD recommendation by no later than March 19, 2018.

Please let me know if you are needing anything else, or have any questions.

Thank you,

Tyler

**Tyler Saryerwinnie**, Environmental Scientist Kansas Department of Agriculture Division of Water Resources Stafford Field Office

Phone: (620)234-5311



1320 Research Park Drive Manhattan, Kansas 66502 785-564-6700

Secretary Jackie McClaskey

Topeka, Kansas 66612 785-296-3556

900 SW Jackson, Room 456

Governor Jeff Colyer, M.D.

February 27, 2018

Orrin Feril
Big Bend – GMD No. 5
125 S Main St.
Stafford, KS 67578

RE: Change Applications, File Nos. 16,718 & 32,527

Dear Mr. Feril,

We are enclosing copies of the applications, as referenced above, for your review and recommendation. At this time the applications appear to be in proper form. Notification letters were sent to all nearby well owners shown on the application map. These owners were given a 15 day comment period; one response was received.

This office will delay any further action on this file for a period of 15 business days from the date of this letter to allow you time to submit your recommendations concerning the application. Please submit your recommendation within the allotted time, or any authorized extension of time thereof.

If you have any questions, please feel free to contact the office.

Sincerely,

Tyler Saryerwinnnie

Environmental Scientist

Stafford Field Office

tyler.saryerwinnie@ks.gov

Enclosure

### Saryerwinnie, Tyler [KDA]

From:

Orrin Feril <oferil@gmd5.org>

Sent:

Thursday, March 01, 2018 4:03 PM

To:

Saryerwinnie, Tyler [KDA]

Subject:

Application for Change, Water Right, File No. BT019, 16718, 32527, 32528

**Attachments:** 

BT019 16718 32527 32528 2018-03-01 Rec.pdf

Tyler,

I'm attaching the recommendation requested by your office in a letter dated February 27, 2018. Please let me know if you have any questions.

Thank you for your consideration in this matter,

Orrin

Orrin Feril

Manager

Big Bend GMD#5

Email: oferil@gmd5.org Phone: (620) 234-5352 Mobile: (620) 388-0172 Fax: (620) 234-5718 www.gmd5.org Darrell Wood - Edwards (Pres.)
Fred Grunder - Pratt (V Pres.)
John Janssen - Kiowa (Treas.)
Jerry Cullop - Rice (Sec.)
Justin Gatz - Reno
Kent Lamb - Stafford
Phil Martin - Barton
Kerry Froetschner - Pawnee
Tom Taylor - At-Large



Orrin Feril, Manager 125 South Main Street Stafford, Kansas 67578 ph: (620) 234-5352 fx: (620) 234-5718 gmd5@gmd5.org www.gmd5.org

March 1, 2018

Tyler Saryerwinnie Division of Water Resources Kansas Department of Agriculture 300 S Main St Stafford, KS 67578

RE: Vested File No. BT019
Water Right File Nos. 32527, 32528
Change in the Place of Use
Water Right File No. 16718
Change in Point of Diversion and Place of Use

Dear Mr. Saryerwinnie,

Big Bend Groundwater Management District #5 has reviewed the above referenced applications to change the place of use and point of diversion. It is the understanding of the District that these changes are intended to clean up the ownership of the places of use and allow for a more efficient application of water through center pivot irrigation in the N2 of Section 26. The applications appear to be consistent with 5-25-20(b) and are recommended for approval.

The applications to change are subject to the District's well equipment regulation K.A.R. 5-25-5 for a required flow meter.

Please feel free to give me a call if you have any questions.

Sincerely,

Orrin Feril Manager

RECEIVED

MAR 0 1 2018

Stafford Field Office
Division of Water Resources

REGISTER OF DEEDS PAM WORNKEY BARTON COUNTY, KS

Book: 620 Page: 1464

Receipt #: 144253

Total Fees: \$38.00

Pages Recorded: 2

Date Recorded: 3/1/2018 11:49:37 AM

Entered in Transfer Record in my office this Narch

### TRUSTEES' DEED

This indenture made this 23 day of February, 2018, by and between Jack L. Hendrix and Karen K. Hendrix, Co-Trustees of the Revocable Living Trust of Jack L. Hendrix and Karen K. Hendrix dated February 16, 1994, Grantors, and David D. Essmiller and Deanna Essmiller, Trustees of the Revocable Inter Vivos Trust of David D. Essmiller dated October 5, 2011, Grantees.

The Grantors, by virtue of the terms and provisions of said trust instrument, in consideration of the exchange of real estate, and for valuable but non-monetary consideration, do hereby grant, sell and convey to Grantees, the following described real estate in Barton County, Kansas:

Cross DC Book Plat Bock Military Look Ail of Inc Book Scanned SD

.....

: ' .;' .

Tar Barrier

. . . . . . . . . . .

The North 120 acres of the Northeast Quarter (NE/4) of Section Twenty-six (26), Township Nineteen (19) South, Range Fourteen (14) West, Barton County, Kansas, less and except a tract described by metes and bounds as follows: Commencing at the Northeast corner of said Section 26; thence \$ 00 degrees 09 minutes 38 seconds East, 25.0 feet; thence N 89 degrees 34 minutes 51 seconds West, 25.0 feet to the point of beginning; thence S 00 degrees 09 minutes 38 seconds East, on and along the west right-of-way of the township road, 1954,10 feet; thence N 89 degrees 39 minutes 39 seconds West, 918.25 feet; thence N 00 degrees 00 minutes 00 seconds East, 284.80 feet; thence N 16 minutes 55 seconds East, 1626.19 feet; thence N 89 degrees 55 minutes 29 seconds West, 303.97 feet; thence N 00 degrees 25 minutes 36 seconds East, 46.12 feet to the south right-of-way of the township road; thence S 89 degrees 34 minutes 51 seconds East, 1208.43 feet to the point of beginning, said tract containing 41.24 acres, more or less, (also described as the North Half of the Northeast Quarter (N/2 NE/4) and North Half of the South Half of the Northeast Quarter (N/2 S/2 NE/4), less the excepted tract above), including all water rights and mineral interest.

Except and subject to: leases, easements, covenants and restrictions of record.

Grantors covenant that Grantors have good right to convey Grantors' interest in the property conveyed by this Deed (the "Property") and warrants the quiet possession of the Property against the claims of those claiming any right, interest or title through Grantors, except as may be described above, and further covenants that the Property is free from all encumbrances created by Grantors, except as may be described above, and Grantors will warrant and defend the Property against all lawful claims of those claiming any right, interest or title through Grantors, except as may be described above. By the acceptance hereof, it is agreed that Orantors are not

MAR 0 7 2018

Book: 620 Page: 1464

Page 养 2

and shall not be personally liable upon any covenant or warranty herein, whether express or implied, and that Grantors' liability as trustees shall be limited to the assets held by Grantors as trustees at the time any such liability may be determined.

Grantors certify that Grantors are the duly appointed, qualified and acting Trustees of the the Revocable Living Trust of Jack L. Hendrix and Karen K. Hendrix dated February 16, 1994, and have full power and authority to convey Grantors' interest in the Property, and have made this conveyance pursuant to the power and authority granted to Grantors of such Trust Agreement, which agreement is in full force and effect and has not been amended or revoked.

TO HAVE AND TO HOLD the Property, together with the appurtenances and hereditaments and every part thereof, unto the Grantees.

> Revocable Living Trust of Jack L. Hendrix and Karen K. Hendrix dated February 16, 1994

COUNTY OF OSEN

This instrument was acknowledged before me on the 23rd day of February, 2018, by Jack L. Hendrix and Karen K. Hendrix, as Trustees of the Revocable Living Trust of Jack L. Hendrix and Karen K. Hendrix dated February 16, 1994.

My Appointment Expires:

Notary Public

RECEIVED

MAR 0 7 2018

Stafford Field Office Division of Water Resources

REGISTER OF DEEDS PAM WORNKEY BARTON COUNTY, KS

Book: 620 Page: 1204

Receipt #: 143963

Total Fees: \$21.00

Military Book

Art of Inc Roo Scanned SO

Pages Recorded: 1

Date Recorded: 2/8/2018 2:02:52 PM

Entered in Transfer Record in my office this

### STATUTORY WARRANTY DEED

On this 7th day of February, 2018, Robert H. Essmiller, Jr. and Evelyn M. Essmiller, his wife, Grantors,

In exchange of property for valuable but non-monetary consideration

### CONVEYS AND WARRANTS

to David D. Essmiller and Deanna Essmiller, as Trustees of the Revocable Inter Vivos Trust of David D. Essmiller dated October 5, 2011, as Grantees, all of the following-described real estate in Barton County, Kansas:

The South Half of the South Half of the Northeast Quarter (S/2 S/2 NE/4) of Section 26, T19S-R14W, Barton County, Kansas, less and except a tract by metes and bounds described as follows: Beginning at a point on the south line of said NE 1/4 Section 26 which bears from the east 1/4 corner N89°41"15"W, 24.68 ft.; thence continuing N89°41'15"W on and along the south line of said NE 1/4 section, 920.10 ft.; thence N00°00'00"W, 660.12 ft.; thence S89°39'39"E, 918.25 ft. to the west right-of-way of the township road; thence S00°09'38"E, 659.70 ft. to the point of beginning.

Reserving unto grantors, their heirs and assigns all water rights appurtenant to or associated with the above described property, including but not limited to Kansas Water Right File Numbers 32,528 and BT 19.

By: Robert & Esomeller Jr.
Robert H. Essmiller, Jr.

STATE OF KANSAS

) ss.

COUNTY OF BARTON

This instrument was acknowledged before me on the 7th day of February, 2018, by Robert H. Essmiller, Jr. and Evelyn M. Essmiller, his wife.

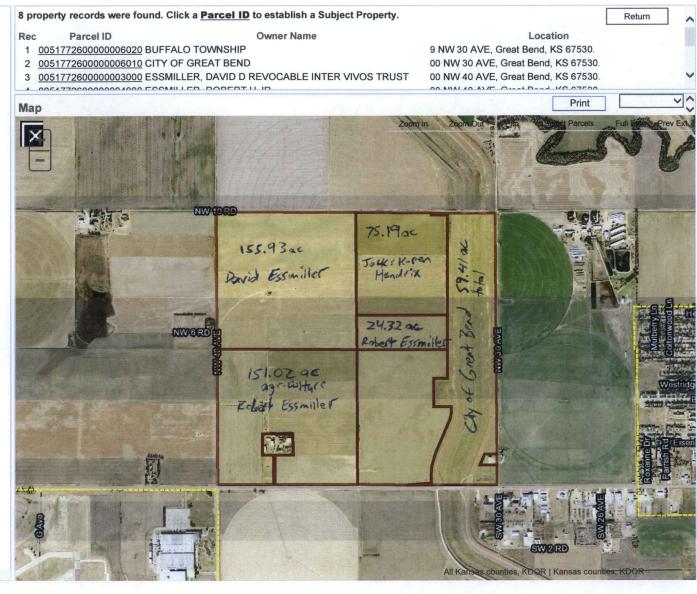
My Commission Expires: 1/-/8-/8

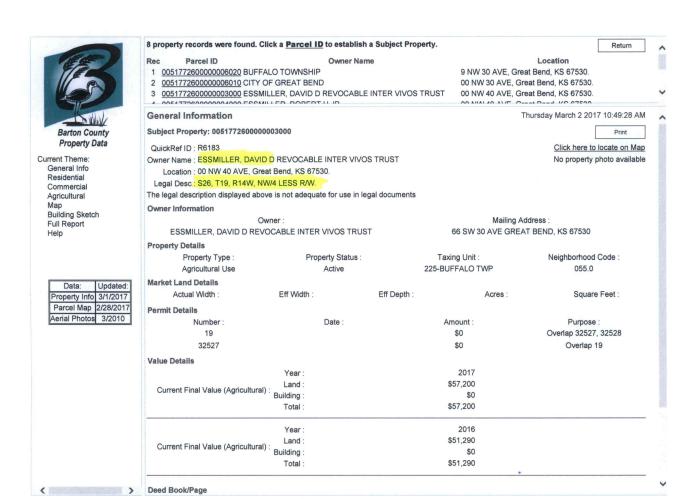
Notary Public

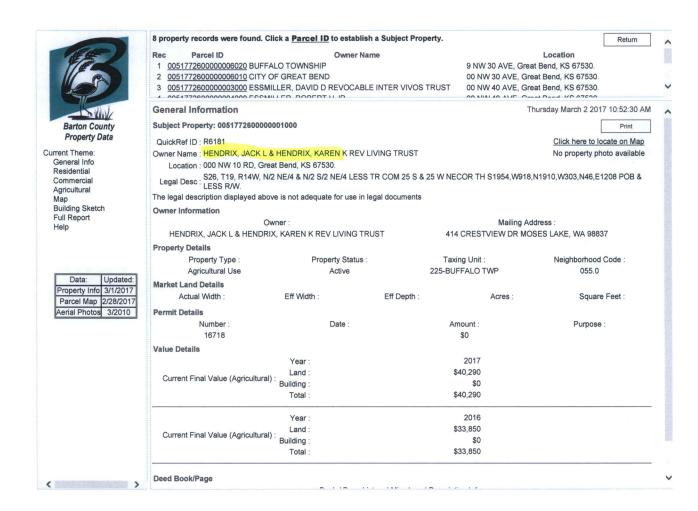


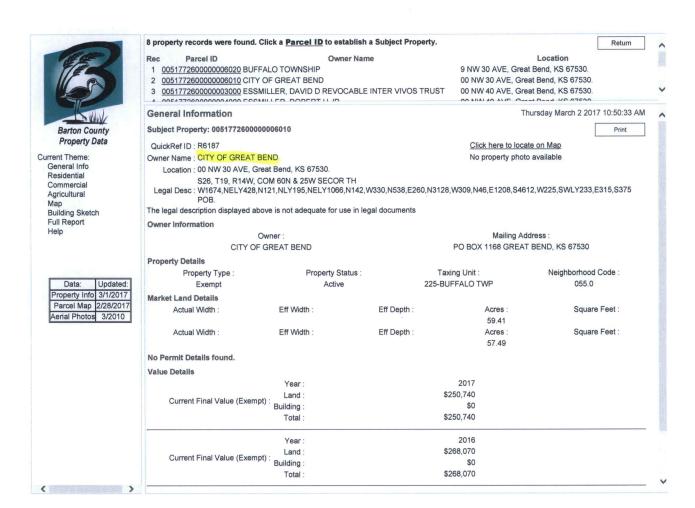
Current Theme:
General Info
Residential
Commercial
Agricultural
Map
Building Sketch
Full Report
Help

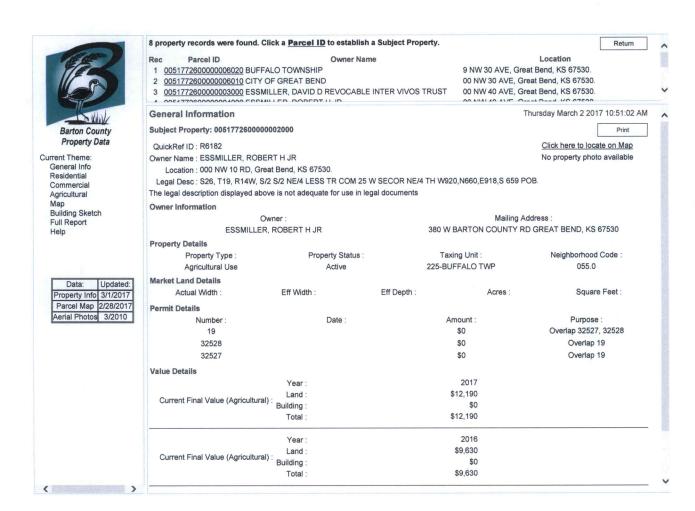
Data:	Updated:
Property Info	3/1/2017
Parcel Map	2/28/2017
Aerial Photos	3/2010













Barton County Property Data

Property D
Current Theme:
General Info
Residential
Commercial
Agricultural
Map
Building Sketch
Full Report
Help

	Data:	Updated:
	Property Info	3/1/2017
	Parcel Map	2/28/2017
	Aerial Photos	3/2010
- 4		

property records were found	. Ollon a <u>raicel 15</u> to es	abilion a Subject i Toperty		K	etain
lec Parcel ID	Own	er Name		Location	
1 <u>0051772600000006020</u> BU	FFALO TOWNSHIP		9 NW 30 AVE, Gre	at Bend, KS 67530.	
2 0051772600000006010 CIT			The state of the s	reat Bend, KS 67530.	
3 <u>0051772600000003000</u> ES		CABLE INTER VIVOS TRU		reat Bend, KS 67530.	Print
Seneral Information				Thursday March 2 2017 10:5	0:09 AN
subject Property: 0051772600	000004000			F	Print
QuickRef ID : R6184				Click here to locate on M	Лар
Owner Name : ESSMILLER, RC	BERT H JR			No property photo availa	able
Location : 00 NW 40 AVE. (					
Legal Desc : S26, T19, R14W	SW/4 LESS TR COM 106	0 E SWCOR TH N567,W20	07,N405,E575,S405,W340,	S567,W28 POB & LESS R/\	N.
he legal description displayed a					
Owner Information					
	Owner:		Mailing A	ddress :	
ESSMILL	ER, ROBERT H JR	38	30 W BARTON COUNTY R	D GREAT BEND, KS 67530	
Property Details					
Property Type :	Property St	atus :	Taxing Unit:	Neighborhood Code	:
Agricultural Use	Active		5-BUFFALO TWP	055.0	
Market Land Details					
Actual Width :	Eff Width :	Eff Depth :	Acres :	Square Feet	:
Permit Details	Data		Amount :	Purpose :	
Number : 19	Date		\$0	Overlap 32527, 3252	98
32527			\$0	Overlap 19	.0
32527			\$0	Overlap 19	
32328			\$0	Ovenap 19	
/alue Details					
	Year:		2017		
Current Final Value (Agricultu	ral) :		\$75,410		
	Building :		\$0		
	Total :		\$75,410		
	Year:		2016		
Current Final Value (Agricultu	Land :		\$59,710		
Carrott I IIIai Value (Agricult	Building :		\$0		
	Total:		\$59,710		