

File No. **30121** 11. County: **PRATT** Basin: **SF Ninnescah** Stream: --- Formation Code: **180**
 (Undiff. Kansan / Nebraskan) Special Use: **None**

12. Points of Diversion Rate and Quantity
 CHK MOD PDIV Authorized Additional
 DEL Qualifier S T R ID 'N 'W Comment (AKA Line) Rate Quantity Rate Quantity
 ENT gpm/cfs af/mgy gpm/cfs af/mgy Overlap PD Files

DEL 37562 **None**

ENT **NW NE SW** **19 28S 13W** **2604 3934 290' EAST OF ORIG WELL** **1100 GPM, 278 AF** **1100 GPM, 278 AF** **None**

13. Storage: Rate _____ NF Quantity _____ ac/ft Additional Rate _____ NF Additional Quantity _____ ac/ft

14. Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) _____
 Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) _____

15. 5YR Allocation: Allocation Type _____ Start Year _____ 5 YR Amount _____ Amount Unit _____ Base Acres _____ Comment _____

16. Place of Use CHK MOD DEL ENT	PUSE	S	T	R	ID	NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg?	Overlap Files
						NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼				
CHK 27570																							8b.	No	None
ENT 1200	24	24S	14W	1																		20	8b.	Yes	None

Base Acres: Year: Minimum Reasonable Quantity:
 Comments: **PUSE 1200 now owned by PersonID 10373 (8b.); see deed**

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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2:45 pm
FEB 09 2018

File No. 30121

Stafford Field Office
 Division of Water Resources

1. Application is hereby made for approval of the Chief Engineer to change the (check one or both):

Place of Use Point of Diversion

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

The source of supply is: Groundwater Surface water

2. Name and address of Applicant: Blake Himmelwright

Phone Number: (620)672-5578 Email address: hilo@himmelwrightinc.kscoxmail.com

Name and address of Water Use Correspondent: Lemon McCoy & Jennings

First National Bank Bldg, STE 200, PO Box 987, Pratt KS 67124-0987

Phone Number: () Email address:

3. The presently authorized place of use is:

Owner of Land ---- NAME: Lemon McCoy & Jennings

ADDRESS: First National Bank Bldg, STE 200, PO Box 987, Pratt KS 67124-0987

(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	
19	28S	13W					10	Lot 1 10	Lot 2 37.53	40	40	Lot 3 37.56	Lot 4 37.59	40					252.68
24	28S	14W				20									20				40

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

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		

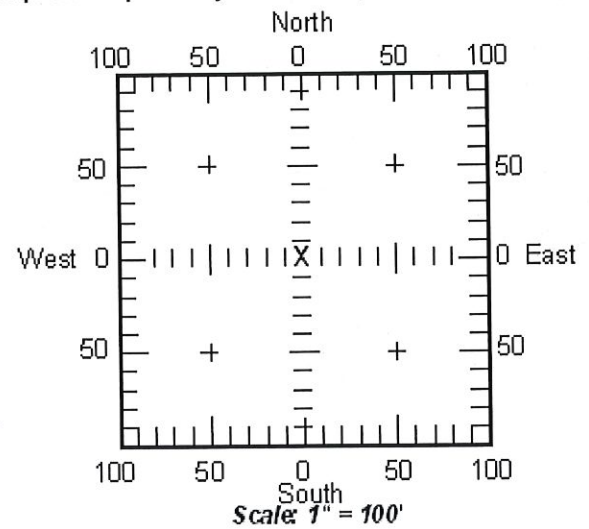
For Office Use Only: Code _____ Fee \$ <u>100</u> TR # _____ Receipt Date _____ Check # <u>8792</u>
--

5. **Presently authorized point of diversion:**
 One in the NE Quarter of the NW Quarter of the SW Quarter of Section 19, Township 28 South, Range 13 W, in Pratt County, Kansas, 2640 feet North 4224 feet West of Southeast corner of section.
 Authorized Rate 1100 GPM Authorized Quantity 278 AF Depth of well _____ (feet)
 (DWR use only: Computer ID No. 1 GPS --- feet North --- feet West)
 This point will not be changed This point will be changed as follows: No change, point better described with GPS as follows:
Proposed point of diversion: (Complete only if change is requested or if existing point is better described by GPS)
 One in the NW Quarter of the NE Quarter of the SW Quarter of Section 19, Township 28 South, Range 13 W, in Pratt County, Kansas, 2640 feet North 3934 feet West of Southeast corner of section.
 Proposed Rate No Change Proposed Quantity No Change Proposed well depth (feet) ~196.
 This point is: Additional Well Geo Center List other water rights that will use this point None

6. **Presently authorized point of diversion:**
 One in the _____ 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: No change, point better described with GPS as follows:
Proposed point of diversion: (Complete only if change is requested or if existing point is better described by GPS)
 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. The changes herein are desired for the following reasons?
 (please be specific) The old well has lost production

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. The change(s) (was)(will be) completed by?
ASAP

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

(b) When will this be done? After the new well is drilled (1-2 months?)

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 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.

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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).

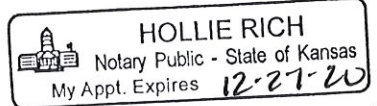
→ ... but we would like to complete the new well before planting corn.

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 regards 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 Pratt, Kansas, this 9th day of Feb., 2018.

Lemon-McLay-Jennings
 by [Signature] (Owner) _____ (Spouse)
Blake Himmelwright, manager
 _____ (Please Print) _____ (Please Print)
 _____ (Owner) _____ (Spouse)
 _____ (Please Print) _____ (Please Print)
 _____ (Owner) _____ (Spouse)
 _____ (Please Print) _____ (Please Print)

State of Kansas }
 County of Pratt } SS



I hereby certify that the foregoing application was signed in my presence and sworn to before me this 9th day of February, 2018.

[Signature]
 Notary Public

My Commission Expires 12-27-20

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

FEE SCHEDULE

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

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

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SUMMARY ORDER APPROVING APPLICATION FOR CHANGE AND IMPOSING CONDITIONS

This Summary Order is issued under authority of K.S.A. 82a-708b, as amended, and K.A.R. 5-5-1, *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. 30121.

1. A change application was received on 2/9/2018 requesting that the place of use and / or point of diversion authorized under the above-referenced file number be changed as described in the application.
2. On and after the effective date of this summary order, the authorized place(s) of use shall be located substantially as shown on the topographic map accompanying the application to change the place of use. Applicable Not Applicable
3. The change in point of diversion shall not impair existing rights and shall be limited to the same source or sources of water as previously authorized. The point of diversion authorized by this summary order shall be located within a 50 foot radius of the authorized point(s) of diversion. Applicable Not Applicable
4. The point(s) of diversion authorized herein shall not actually be located more than 340 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, 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.
 Applicable Not Applicable
7. 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.
 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

If you are aggrieved by this order, pursuant to K.S.A. 82a-1901, 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 review must state a basis for review pursuant to K.S.A. 77-527. File any request with **Kansas Department of Agriculture, Legal Division, 1320 Research Park Drive, Manhattan, KS 66502**. Failure to timely request a hearing or review may preclude review under the Kansas Judicial Review Act.

For Use by Register of Deeds

FOR OFFICE USE ONLY
**APPLICATION APPROVED AND
SUMMARY ORDER ISSUED**

By: [Signature]
Duly Authorized Designee of the Chief Engineer
(Print Name): Jeff Lanterman
Division of Water Resources - Kansas Department of Agriculture
Date of Issuance: 2/9/2018
State of Kansas)
County of Stafford) SS
Acknowledged before me on 2/09/2018
by [Signature]
Signature: [Signature]



My commission expires: _____ (Notary Seal)

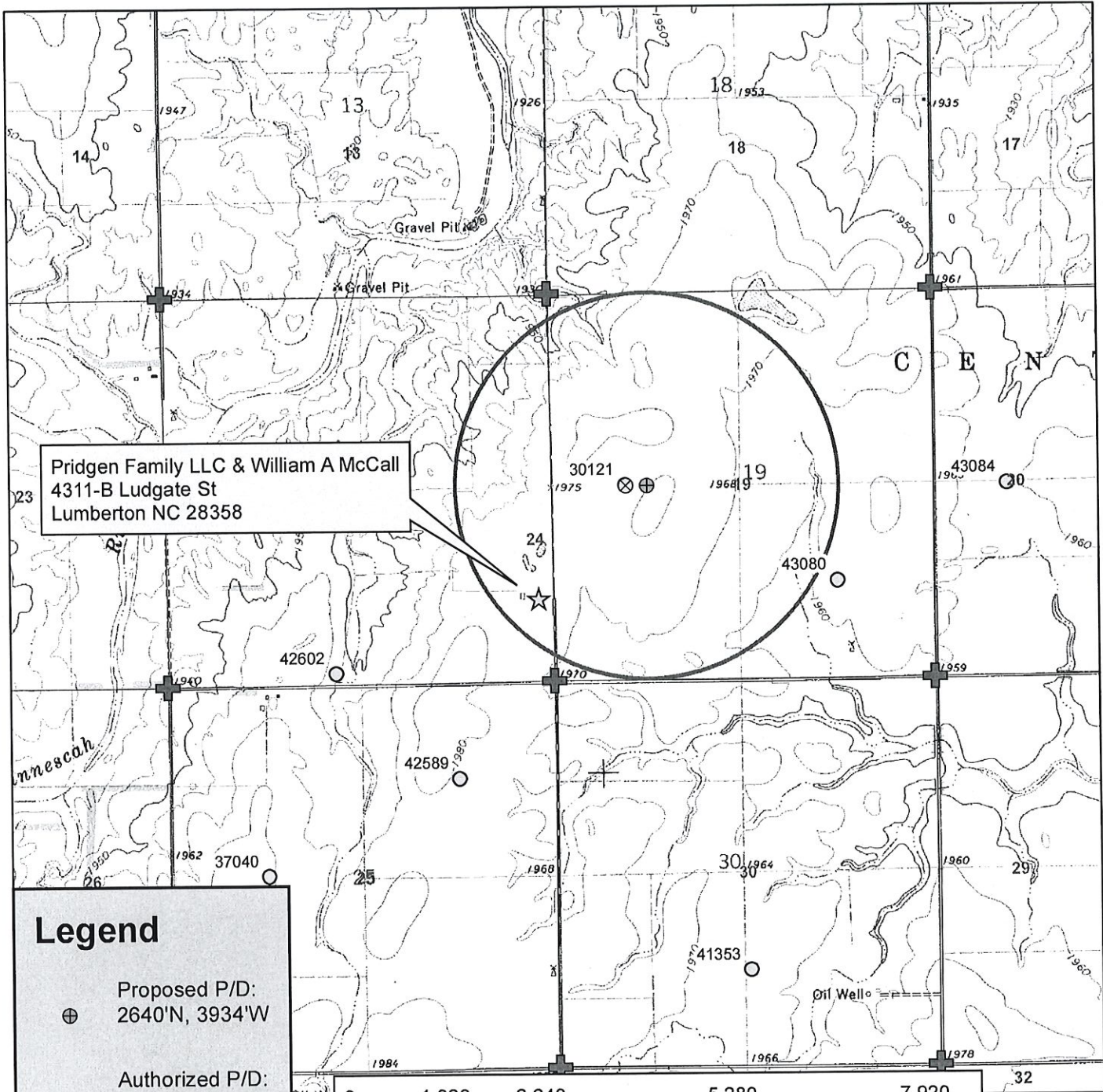
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DWR 1-121 (Revised 07/10/2017)

Stafford Field Office

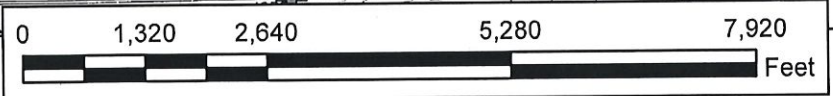
Division of Water Resources



Pridgen Family LLC & William A McCall
 4311-B Ludgate St
 Lumberton NC 28358

Legend

- ⊕ Proposed P/D:
2640'N, 3934'W
- ⊗ Authorized P/D:
2640'N, 4224'W
- Water Appropriations
- ⊕ Section Corner
- ▭ Section Line
- ☆ Domestic Well
- ▭ 1/2 Mile Buffer



Water Right, File No. 30,121
 Change in Point of Diversion Application Map
 19-28S-13W // Pratt County



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

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Signature

2/7/2018 TJS-SFFO 1:24,000 scale

DRILLER'S TEST LOG

Customer Name: Blake Himmelwright Date: 12/29/2017
 Address: _____ Test No: #1-17
 County: Pratt Quarter: SW Section: 19 Township: 28 Range: 13

Drilled Footage From	To	Description of Strata	Indicate Test Location by an X
0	3	Sandy top soil	<div style="border: 1px dashed black; width: 100%; height: 100%; position: relative;"> <div style="border-left: 2px solid black; border-right: 2px solid black; width: 50%; margin: 0 auto;"></div> </div>
3	35	Tan clay, brown clay w/ caliche	
35	66	Sand & gravel- small med clean coarse	
		loose	
66	85	White tan clay, caliche, & soft cemented sand	
85	120	Sand & gravel- small med clean coarse	
		tight	
120	160	Sand & gravel- med to large clean coarse	
160	174	Sand & gravel- small med clean coarse	
		tight	
174	194	Gritty tan clay w/ very little small gravel	
194	196	Red bed	
			Remarks: <u>Plugged test hole</u>
			Garmin GPS- Nad 83
			Latitude: 37.5940 N
			Longitude: 98.7898 W
			Elevation: _____
			Driller: <u>Luis Luna</u>
			Spot Location: <u>NW/ NE/ SW</u>

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ROSENCRANTZ-BEMIS EQUIPMENT CO., INC
 Telephone (620) 792-2488 or (620) 793-5512
 P.O. Box 713, Great Bend, KS 67530

Stafford Field Office
 Division of Water Resources

QUIT CLAIM DEED

On this 23 day of January, 2018, Gale L. Bolen and Jane Bolen, husband and wife, QUITCLAIM to Lemon-McCoy-Jennings, P.A., a General Partnership with offices in Pratt, Kansas the following described real estate in Pratt County, Kansas:

Any and all legal and equitable rights, if any, in one Kansas water appropriation rights established pursuant to the Kansas Water Appropriation Act, K.S.A. 82a-701, et seq., and designated by the Kansas Department of Agriculture, Division of Water Resources ("DWR") as File numbered 30,121, which rights are appurtenant to the following described property:

20.00 acres in the Southeast Quarter of the Northeast Quarter (SE1/4 NE1/4),
20.00 acres in the Northeast Quarter of the Southeast Quarter (NE1/4 SE1/4),
A total of 40.00 acres in Section 24, Township 28 South, Range 14 West, all in Pratt County, Kansas.

Title to the referenced water right is hereby severed from the above described real property.

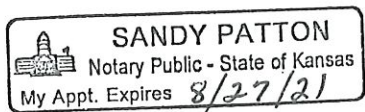
Gale L. Bolen
Gale L. Bolen

Jane Bolen
Jane Bolen

ACKNOWLEDGMENT

STATE OF Kansas §
COUNTY OF Pratt §

This instrument was acknowledged before me on this 23rd day of January, 2018, by Gale L. Bolen and Jane Bolen, husband and wife.



Sandy Patton
Notary Public

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My Appointment Expires:

FEB 09 2018

Pursuant to K.S.A. 79-1437, a real estate sales validation questionnaire is not required due to exception No. 12.

Stafford Field Office
Division of Water Resources



Register of Deeds Pratt County, Kansas
Sherry L. Wenrich
Book: 470 Page: 657
Receipt #: 27080 Total Fees: \$21.00
Pages Recorded: 1
Date Recorded: 2/6/2018 3:20:21 PM

CERTIFICATE OF SERVICE

On this **9th** day of **February, 2018**, I hereby certify that the attached Change in Point of Diversion for Water Right, File No. **30121**, dated **February 9, 2018** was hand delivered to the following:

Blake Himmelwright



Staff