

Kansas Department of Agriculture  
 Division of Water Resources  
**CHANGE: P/D and P/U WORKSHEET**

1. File Number: <b>35141</b>	2. Status Change Date:	3. Change Num: <b>1</b>	4. Field Office: <b>02</b>	5. GMD: <b>05</b>
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6. Status: <input type="checkbox"/> Approved <input type="checkbox"/> Denied by DWR/GMD <input type="checkbox"/> Dismiss by Request/Failure to Return	7. Filing Date of Change: <b>12/20/17</b>
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8a. Applicant(s) Person ID \_\_\_\_\_  
 New to system  Add Seq# \_\_\_\_\_

8c. Landowner(s) Person ID \_\_\_\_\_  
 New to system  Add Seq# \_\_\_\_\_

8b. Landowner(s) Person ID **4943**  
 New to system  Add Seq# **1**

**NAME CHANGE**

**DAVID D ESSMILLER REV INTER VIVOS TR  
 66 SW 30 AVENUE  
 GREAT BEND KS 67530-9707**

8d. WUC Person ID **4943**  
 New to system  Add Seq# **1**

**NAME CHANGE**

**DAVID D ESSMILLER REV INTER VIVOS TR  
 66 SW 30 AVENUE  
 GREAT BEND KS 67530-9707**

9. Documents and Enclosure(s):  DWR Meter(s) Date to Comply: **12/31/2018**  N & P Date to Comply: **12/31/18**

Anti-Reverse Meter  Meter Seal  Check Valve  N & P Form  Water Tube  Driller Copy  H & E Letter

Conservation Plan Date Required: \_\_\_\_\_ Date Approved: \_\_\_\_\_ Date to Comply: \_\_\_\_\_

10. Use Made of Water From: \_\_\_\_\_ To: \_\_\_\_\_

Date Prepared: **1/23/18** By: **TJS**  
 Date Entered: \_\_\_\_\_ By: \_\_\_\_\_

File No. **19251**      11. County: **BARTON**      Basin: **Arkansas River**      Stream: **---**      Formation Code: **113 (Main stem Alluvium)**      Special Use: **---**

12. Points of Diversion											Rate and Quantity						
CHK	MOD	DEL	ENT	PDIV	Qualifier	S	T	R	ID	'N	'W	Comment (AKA Line)	Rate gpm/cfs	Quantity af/mgy	Rate gpm/cfs	Quantity af/mgy	Overlap PD Files
		<b>DEL</b>		<b>21451</b>	<b>NC SE</b>	<b>35</b>	<b>19S</b>	<b>14W</b>	<b>2</b>	<b>1300</b>	<b>1290</b>	<b>---</b>	<b>1215 GPM</b>	<b>118 AF</b>	<b>1215 GPM</b>	<b>118 AF</b>	<b>None</b>
		<b>ENT</b>			<b>NC SW</b>	<b>35</b>	<b>19S</b>	<b>14W</b>	<b>---</b>	<b>1290</b>	<b>3984</b>	<b>---</b>	<b>1215 GPM</b>	<b>118 AF</b>	<b>1215 GPM</b>	<b>118 AF</b>	<b>None</b>

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										NE¼								NW¼				SW¼				SE¼				Total	Owner	Chg?	Overlap Files
CHK	MOD	DEL	ENT	PUSE	S	T	R	ID		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								
		<b>ENT</b>		<b>5446</b>	<b>35</b>	<b>19S</b>	<b>14W</b>	<b>1</b>										<b>38.9</b>	<b>37.8</b>	<b>37.7</b>	<b>38.6</b>	<b>0.6</b>	<b>33.8</b>	<b>38.9</b>	<b>0.6</b>	<b>226.9</b>	<b>8b</b>	<b>YES</b>	<b>19251</b>				
		<b>DEL</b>		<b>33588</b>	<b>35</b>	<b>19S</b>	<b>14W</b>	<b>2</b>																									

Base Acres: **79**      Year: **" Post 2015 Reduction"**      Minimum Reasonable Quantity: **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  
 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.

File No. 35,141

**RECEIVED**  
 11:05 am  
 DEC 20 2017

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: David D Essmiller

66 SW 30 Avenue, Great Bend, KS 67530-9707

Phone Number: (620)786-0349

Email address: \_\_\_\_\_

Name and address of Water Use Correspondent: David D Essmiller

66 SW 30 Avenue, Great Bend, KS 67530-9707

Phone Number: (620)786-0349

Email address: \_\_\_\_\_

3. The presently authorized place of use is:

Owner of Land ---- NAME: David D Essmiller Revocable Inter Vivos Trust

ADDRESS: 66 SW 30 Avenue, Great Bend, KS 67530-9707

(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						
35	19S	14W																	39.5				39.5	79

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: David D Essmiller Revocable Inter Vivos Trust

ADDRESS: 66 SW 30 Avenue, Great Bend, KS 67530-9707

(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	
35	19S	14W									38.9	37.8	37.7	38.6	0.6	33.8	38.9	0.6	226.9

**For Office Use Only: Code \_\_\_\_\_ Fee \$ \_\_\_\_\_ TR # \_\_\_\_\_ Receipt Date \_\_\_\_\_ Check # 6418**

5. **Presently authorized point of diversion:**  
 One in the -- Quarter of the NC Quarter of the SE Quarter of Section 35, Township 19 South, Range 14 (W), in Barton County, Kansas, 1,300 feet North 1,290 feet West of Southeast corner of section. Authorized Rate 1215 GPM Authorized Quantity 118 acre-feet Depth of well 90 (feet)  
**(DWR use only: Computer ID No. 2 GPS 1,290 feet North 1,354 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 NC Quarter of the SW Quarter of Section 35, Township 19 South, Range 14 (W), in Barton County, Kansas, 1,290 feet North 3,984 feet West of Southeast corner of section. Proposed Rate no change Proposed Quantity no change Proposed well depth (feet) 85-90.  
 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) Installing wipe pivot on better ground,  
making a complete p/u overlap with 19251 and relocating the  
existing well to be closer to the proposed wipe pivot.

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

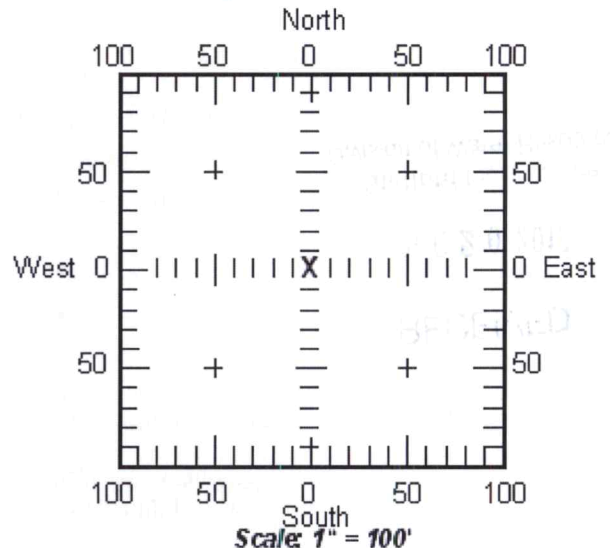
9. The change(s) (was)(will be) completed by?  
as soon as possible

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? when new well is complete

11. Groundwater Management District recommendation attached?  Yes  No

12. Assisted by CRC-Stafford Field Office

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.)



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.

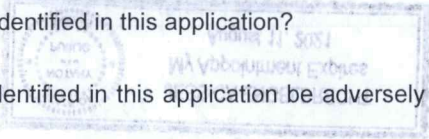
RECEIVED

DEC 20 2017

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 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 Stafford, Kansas, this 19<sup>th</sup> day of December, 2017.

David Essmiller  
 (Owner)  
David Essmiller  
 (Please Print)  
 \_\_\_\_\_  
 (Owner)  
 \_\_\_\_\_  
 (Please Print)  
 \_\_\_\_\_  
 (Owner)  
 \_\_\_\_\_  
 (Please Print)

Seanna Essmiller  
 (Spouse)  
Seanna Essmiller  
 (Please Print)  
 \_\_\_\_\_  
 (Spouse)  
 \_\_\_\_\_  
 (Please Print)  
 \_\_\_\_\_  
 (Spouse)  
 \_\_\_\_\_  
 (Please Print)

State of Kansas }  
County of Stafford } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 19<sup>th</sup> day of December, 2017.



Jessica Engelbrecht  
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 20 2017

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

1. 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.
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 300' (no more than 2640' from previous) 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 2,640 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: Jeff Lanterman  
Duly Authorized Designee of the Chief Engineer

(Print Name): Jeff Lanterman  
Division of Water Resources - Kansas Department of Agriculture

Date of Issuance: 1/24/2018

State of Kansas )

County of Stafford ) SS

Acknowledged before me on 01/24/2018

by Jeff Lanterman

Signature: Jessica Engelbrecht  
Notary Public



My commission expires

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DEC 20 2017  
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 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 Great Bend, Kansas, this 20<sup>th</sup> day of December, 20 17.

_____	_____
(Owner)	<u>Deanna Essmiller</u> (Spouse)
_____	_____
(Please Print)	<u>Deanna Essmiller</u> (Please Print)
_____	_____
(Owner)	(Spouse)
_____	_____
(Please Print)	(Please Print)
_____	_____
(Owner)	(Spouse)
_____	_____
(Please Print)	(Please Print)

State of Kansas }  
County of Barton } SS



I hereby certify that the foregoing application was signed in my presence and sworn to before me this 20 day of December, 20 17.

My Commission Expires Oct 5, 2018.  
Constance L. Dunlap  
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 20 2017**  
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.

RECEIVED

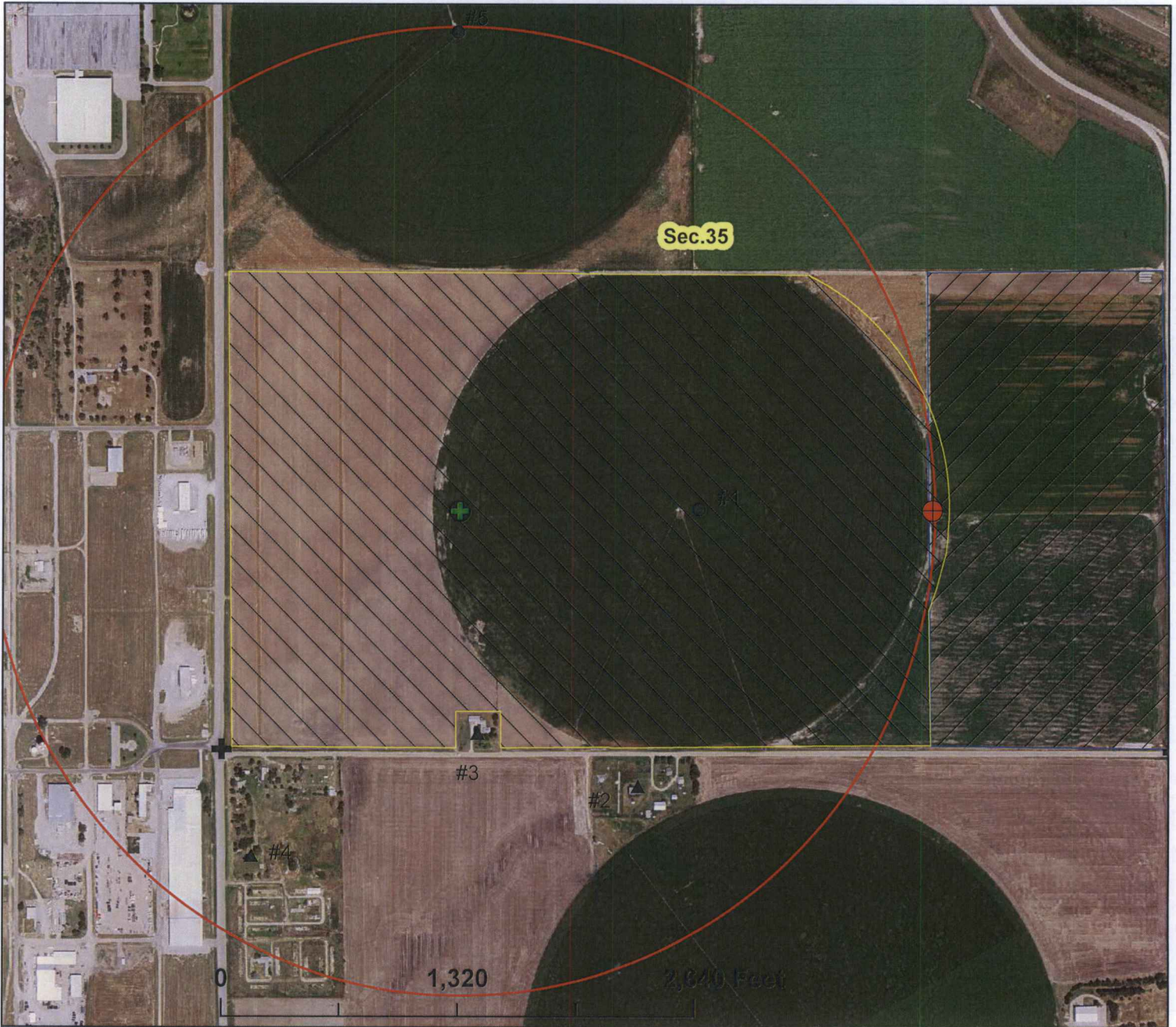
DEC 20 2017

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**



- ⊕ currently authorized P/D located 1,290'N & 1,354'W
- ⊕ 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

-SEE ATTACHED DOCUMENT FOR NEARBY OWNER LIST-



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**DEC 20 2017**

Stafford Field Office  
Division of Water Resources

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

*David Lismille*      12/19/2017

signature

date

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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DEC 20 2017

Stafford, Missouri  
Division of Water Resources

ADVANTA PER ASPERA  
**Kansas**  
Department of Agriculture  
*Division of Water Resources*

Stafford Field Office  
300 S. Main Street  
Stafford, Kansas 67578-1521

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

Phone: (620) 234-5311  
Fax: (620) 234-6900  
[www.agriculture.ks.gov](http://www.agriculture.ks.gov)  
Sam Brownback, Governor

December 22, 2017

Brinning Land LLC  
Robert Brinning  
215 S Monarch ST #203  
Aspen CO 81611-2916

RE: Water Right, File No(s). 19,251 & 35,141

Dear Water User,

This is to advise you that David Essmiller, on behalf of the David Esmiller Revocable Inter Vivos Trust, has filed applications for approval of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, to change the point of diversion under File No. 35,141 and place of use under both of the above referenced files. You are being notified of the proposed change because it appears you have a groundwater well within one-half mile of the proposed point of diversion. As such, you may provide this office any comments or other information you may want to submit regarding the proposed change. Such comments or other information must be received in this office within 15 days of the date of this letter, or any authorized extension of time.

You can find the complete application posted by the water right file number(s) as referenced above at [www.agriculture.ks.gov/divisions-programs/dwr/water-appropriation/notices](http://www.agriculture.ks.gov/divisions-programs/dwr/water-appropriation/notices). If you do not have access to the internet and would like a copy of the application, please contact the Stafford Field Office. If you have any additional questions about the application, please contact the Stafford Field Office at (620) 234-5311.

Sincerely,



Tyler Saryerwinnie  
Environmental Scientist  
[tyler.saryerwinnie@ks.gov](mailto:tyler.saryerwinnie@ks.gov)

pc: GMD#5



Stafford Field Office  
300 S. Main Street  
Stafford, Kansas 67578-1521  
Jackie McClaskey, Secretary  
David W. Barfield, Chief Engineer  
Jeff Lanterman, Water Commissioner

Phone: (620) 234-5311  
Fax: (620) 234-6900  
[www.agriculture.ks.gov](http://www.agriculture.ks.gov)  
Sam Brownback, Governor

December 22, 2017

Derek K & Christina M Genova  
9047 6<sup>th</sup> St  
Great Bend KS 67530

RE: Water Right, File No(s). 19,251 & 35,141

Dear Water User,

This is to advise you that David Essmiller, on behalf of the David Essmiller Revocable Inter Vivos Trust, has filed applications for approval of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, to change the point of diversion under File No. 35,141 and place of use under both of the above referenced files. You are being notified of the proposed change because it appears you have a groundwater well within one-half mile of the proposed point of diversion. As such, you may provide this office any comments or other information you may want to submit regarding the proposed change. Such comments or other information must be received in this office within 15 days of the date of this letter, or any authorized extension of time.

You can find the complete application posted by the water right file number(s) as referenced above at [www.agriculture.ks.gov/divisions-programs/dwr/water-appropriation/notices](http://www.agriculture.ks.gov/divisions-programs/dwr/water-appropriation/notices). If you do not have access to the internet and would like a copy of the application, please contact the Stafford Field Office. If you have any additional questions about the application, please contact the Stafford Field Office at (620) 234-5311.

Sincerely,

A handwritten signature in black ink, appearing to read "T. Saryerwinnie".

Tyler Saryerwinnie  
Environmental Scientist  
[tyler.saryerwinnie@ks.gov](mailto:tyler.saryerwinnie@ks.gov)

pc: GMD#5



Stafford Field Office  
300 S. Main Street  
Stafford, Kansas 67578-1521  
Jackie McClaskey, Secretary  
David W. Barfield, Chief Engineer  
Jeff Lanterman, Water Commissioner

Phone: (620) 234-5311  
Fax: (620) 234-6900  
[www.agriculture.ks.gov](http://www.agriculture.ks.gov)  
Sam Brownback, Governor

December 22, 2017

Larry L & Mary Sloan  
PO Box 70  
Albert KS 67511

RE: Water Right, File No(s). 19,251 & 35,141

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pc: GMD#5

**KANSAS DEPARTMENT OF AGRICULTURE**  
**Division of Water Resources**

**M E M O R A N D U M**

**TO:** Files

**DATE:** January 9, 2018

**FROM:** Tyler Saryerwinnie

**RE:** Water Right, File Nos. 19251 & 35141  
Nearby Owner Notification

On December 20, 2017, David Essmiller filed an application to change the place of use under File No. 19251 and an application to change the point of diversion/place of use under File No. 35141.

On December 22, 2017, Three (3) surrounding well owners were notified of the proposed change applications and were given a deadline to submit comments to the Field Office by January 5, 2018.

On January 2, 2018, Christina Genova sent an email with questions about the nearby notification letter dated December 22, 2017 regarding the above mentioned change applications. Also on January 2, 2018, Christina called the Stafford Field Office to discuss the matter. In an email dated January 2, 2018, Elizabeth Fitch of the Stafford Field Office outlines her conversation with Christina. After their discussion, the water user did not have any more concerns regarding the change applications.

No other nearby owners called the Field Office or submitted comments in writing.

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

## Saryerwinnie, Tyler [KDA]

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**From:** Christina Genova <chrissy@fuelwith.us>  
**Sent:** Tuesday, January 02, 2018 3:21 PM  
**To:** Saryerwinnie, Tyler [KDA]  
**Subject:** Water Right, File No(s) 19,251 and 35,141

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Tyler,

I received a letter regarding our neighbor moving and adding a pivot next to our property. I pulled up the files 19,251 and 35,141 and that's what I seem to understand, that he is moving one pivot and adding a second pivot. We are new to rural living, so my question is should I be concerned? My initial thought is there is a risk that we may not have enough water for our well. I don't know much about the water issues of Kansas, as we grew up in Colorado, and I understand the water supply is much different here.

My question really is what questions should I ask or what should I be knowledgeable about regarding this diversion change? If this is easier discussed you can contact me at my office at 620-796-2130 or cell at 719-240-1942.

I appreciate your information.

Thank you,

Chrissy

Christina Genova

Centerline Aviation, LLC  
KGBD - Great Bend Airport  
9047 6th Street  
Great Bend, KS 67530  
620-796-2130



## Saryerwinnie, Tyler [KDA]

---

**From:** Fitch, Elizabeth [KDA]  
**Sent:** Tuesday, January 02, 2018 5:06 PM  
**To:** Saryerwinnie, Tyler [KDA]  
**Subject:** Nearby well owner call

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Tyler,

I talked to Chrissy Genova about the changes under File No. 19251 and 35141. She was just wanting to make sure she understood the reason for the letters and what the proposed changes were about. We discussed that and that if should there be any issues in the future, she is not limiting her ability to claim impairment if need be. We also talked about that process a bit. She has no concerns at this time.

Elizabeth K Fitch, Environmental Scientist  
Kansas Department of Agriculture  
Division of Water Resources  
Stafford Field Office  
(620) 234-5311

**My e-mail address has changed: [elizabeth.fitch@ks.gov](mailto:elizabeth.fitch@ks.gov)**  
[agriculture.ks.gov](http://agriculture.ks.gov)

**Saryerwinnie, Tyler [KDA]**

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**From:** Saryerwinnie, Tyler [KDA]  
**Sent:** Tuesday, January 09, 2018 9:16 AM  
**To:** Orrin Feril (oferil@gmd5.org)  
**Cc:** Conant, Cameron [KDA]  
**Subject:** GMD Recommendation Request - File Nos. 19251 & 35141  
**Attachments:** 19251.35141.CoverLetter+Base+Notif Memo.pdf; 19251.Change App.pdf; 35141.Change App.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 responses received and copies of the base acre reviews for each file. Please provide the GMD recommendation by no later than January 30, 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



Stafford Field Office  
300 S. Main Street  
Stafford, Kansas 67578-1521

Jackie McClaskey, Secretary  
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Jeff Lanterman, Water Commissioner

Phone: (620) 234-5311  
Fax: (620) 234-6900  
[www.agriculture.ks.gov](http://www.agriculture.ks.gov)

Sam Brownback, Governor

January 9, 2018

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

RE: Place of Use Change Application, File No. 19,251  
Place of Use/Point of Diversion Change Application, File No. 35141

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 recommendation concerning the applications. 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,

A handwritten signature in black ink, appearing to read "Tyler Saryerwinnie".

Tyler Saryerwinnie  
Environmental Scientist  
Stafford Field Office  
[tyler.saryerwinnie@ks.gov](mailto:tyler.saryerwinnie@ks.gov)

Enclosure

## Saryerwinnie, Tyler [KDA]

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**From:** Orrin Feril <oferil@gmd5.org>  
**Sent:** Monday, January 22, 2018 9:44 AM  
**To:** Saryerwinnie, Tyler [KDA]  
**Subject:** Application for Change, Water Right, File No. 35141  
**Attachments:** 35141 2018-01-22 Rec.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Tyler,  
I'm attaching the recommendation requested by your office in a letter dated January 09, 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](mailto:oferil@gmd5.org)  
Phone: (620) 234-5352  
Mobile: (620) 388-0172  
Fax: (620) 234-5718  
[www.gmd5.org](http://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  
Bob Standish - 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

January 22, 2018

Tyler Saryerwinnie  
Division of Water Resources  
Kansas Department of Agriculture  
300 S. Main Street  
Stafford, Kansas 67578-1342

RE: Water Right File No. 35141  
Change in the Place of Use &  
Change in the Point of Diversion

Dear Mr. Saryerwinnie,

The Big Bend Groundwater Management District #5 reviewed the above referenced application to change the point of diversion and place of use. It is the understanding of the District that this change is intended to move the point of diversion no greater than 2640 feet and to create an overlap of the place of use with water right file number 19251. Therefore, the applications appear to be consistent with 5-25-20(b) and are recommended for approval.

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

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

Sincerely,

Orrin Feril  
Manager

RECEIVED

JAN 22 2018

Stafford Field Office  
Division of Water Resources