

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.

**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.

**RECEIVED**  
 9:00am  
 NOV 30 2018

File No. 40318

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

Place of Use                       Point of Diversion

Stafford Field Office  
 Division of Water Resources

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: Gerald J & Judith Baalman  
4755 N 183<sup>rd</sup> St W, Colwich KS 67030-9333

Phone Number: (     )                      Email address: \_\_\_\_\_

Name and address of Water Use Correspondent: Gerald J & Judith Baalman  
4755 N 183rd St W, Colwich KS 67030-9333

Phone Number: (     )                      Email address: \_\_\_\_\_

3. The presently authorized place of use is:  
 Owner of Land ---- NAME: A.) Gerald J & Judith Baalman                      // B.) Mark A Baalman Living Trust  
 ADDRESS: A.) 4755 N 183rd St W, Colwich KS 67030-9333 // B.) 3201 N 279<sup>th</sup> St W, Andale KS 67001-9663  
 (If there is more than one landowner, attach supplemental sheets as necessary.)

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
A.) 5	26S	2W													17.40	36			53.40
B.) 5	26S	2W															16.10	6	22.10
																	Total: 75.5		

4. If this application is for a change in place of use, it is proposed that the place of use be changed to:  
 Owner of Land ---- NAME: A.) Gerald J & Judith Baalman                      // B.) Mark A Baalman Living Trust  
 ADDRESS: A.) 4755 N 183rd St W, Colwich KS 67030-9333 // B.) 3201 N 279th St W, Andale KS 67001-9663  
 (If there is more than one landowner, attach supplemental sheets as necessary.)

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
A.) 5	26S	2W													19	38.5			57.5
B.) 5	26S	2W															17	7.5	24.5
																	Total: 82		

For Office Use Only: Code \_\_\_\_\_ Fee \$ 200 TR # \_\_\_\_\_ Receipt Date \_\_\_\_\_ Check # 3444

5. **Presently authorized point of diversion:**  
 One in the NE Quarter of the NE Quarter of the SE Quarter  
 of Section 5, Township 26 South, Range 2 W,  
 in Sedgwick County, Kansas, 2476 feet North 81 feet West of Southeast corner of section.  
 Authorized Rate 540 GPM Authorized Quantity 113 AF Depth of well --- (feet)  
**(DWR use only: Computer ID No. 2 GPS 2480 feet North 75 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 NE Quarter of the NE Quarter of the SE Quarter  
 of Section 5, Township 26 South, Range 2 W,  
 in Sedgwick County, Kansas, 2480 feet North 75 feet West of Southeast corner of section.  
 Proposed Rate No Change Proposed Quantity No Change Proposed well depth (feet) NA.  
 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) Correcting issues with the authorized  
place of use by increasing the acreage

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

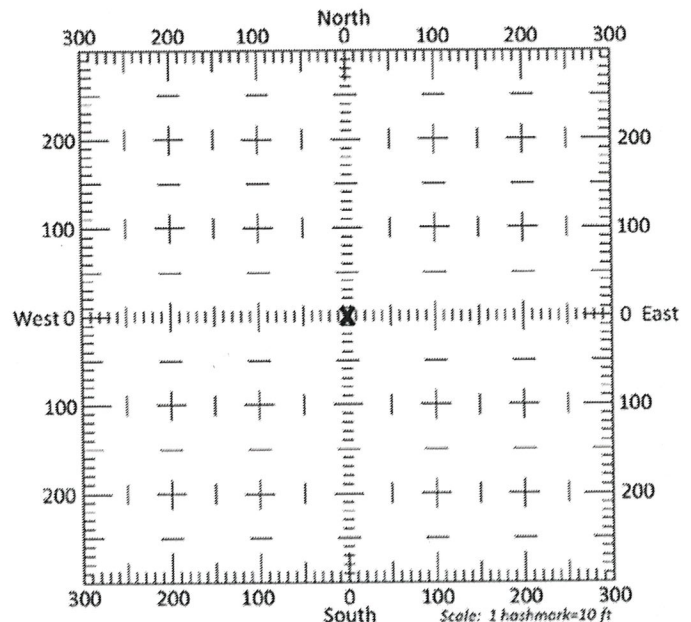
9. The change(s) (was)(will be) completed by?  
Upon Approval

10. If the point of diversion is a well:  
 (a) What are you going to do with the old well?  
NA  
 (b) When will this be done? NA

11. Groundwater Management District recommendation  
 attached?  Yes  No

12. Assisted by TJS - SFFO

13a. If the proposed point of diversion will be relocated more than  
300 feet but within 2,640 feet of 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



13b. If the proposed point of diversion will be relocated within 300  
feet of the existing point of diversion, indicate its location on the  
 diagram shown above in relation to the existing point of  
 diversion. **(PLEASE NOTE: The "X" in center of diagram**  
**above represents the presently authorized point of**  
**diversion.)**

14. If the proposed groundwater point of diversion is 300 or fewer feet from the 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 November 26, 2018, Kansas, this NOV. day of 26, 2018.

Gerald J. Baalman  
(Owner)

Judy Baalman Judith Baalman  
(Spouse)

Gerald J. Baalman  
(Please Print)

Judy Baalman Judith Baalman  
(Please Print)

Mark A Baalman Living Trust  
(Owner)

(Spouse)

MARK A BAALMAN Living Trust  
(Please Print)

(Please Print)

(Owner)

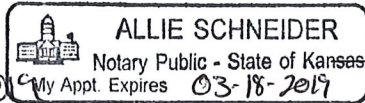
(Spouse)

(Please Print)

(Please Print)

State of Kansas }  
County of Sedgwick } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 26<sup>th</sup> day of November, 2018.

 ALLIE SCHNEIDER  
Notary Public - State of Kansas  
My Appt. Expires 03-18-2019

Allie Schneider  
Notary Public

My Commission Expires 03-18-2019

**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. 40318.

1. A change application was received on 11/30/2018 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 \_\_\_\_\_ foot radius of the authorized point(s) of diversion.  Applicable  Not Applicable
4. The point(s) of diversion described herein is administratively corrected to be more accurately described using the Global Positioning System (GPS), as described in the application.  Applicable  Not Applicable
5. The point(s) of diversion authorized herein shall not actually be located more than \_\_\_\_\_ feet from the previously authorized point(s) of diversion.  Applicable  Not Applicable
6. 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
7. **The owner of the authorized place(s) of use shall properly install an acceptable water flow meter on or before December 31, ~~2018~~ 2019\***, 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
8. **Installation of the works for diversion of water shall be completed on or before December 31, 20\_\_\_\_**, or within any authorized extension of time. By March 1, 20\_\_\_\_ the applicant shall notify the Chief Engineer that construction of the works for diversion has been completed, on the form provided by the Chief Engineer, as required by K.A.R. 5-8-4e.  
 Applicable  Not Applicable
9. **The completed well log shall be submitted with the required notice.**  Applicable  Not Applicable
10. 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
11. Additional Conditions are attached.  Yes\*  No
12. 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*

\*TJS-SFFO

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

By: \_\_\_\_\_  
Duly Authorized Designee of the Chief Engineer

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

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

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

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

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

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

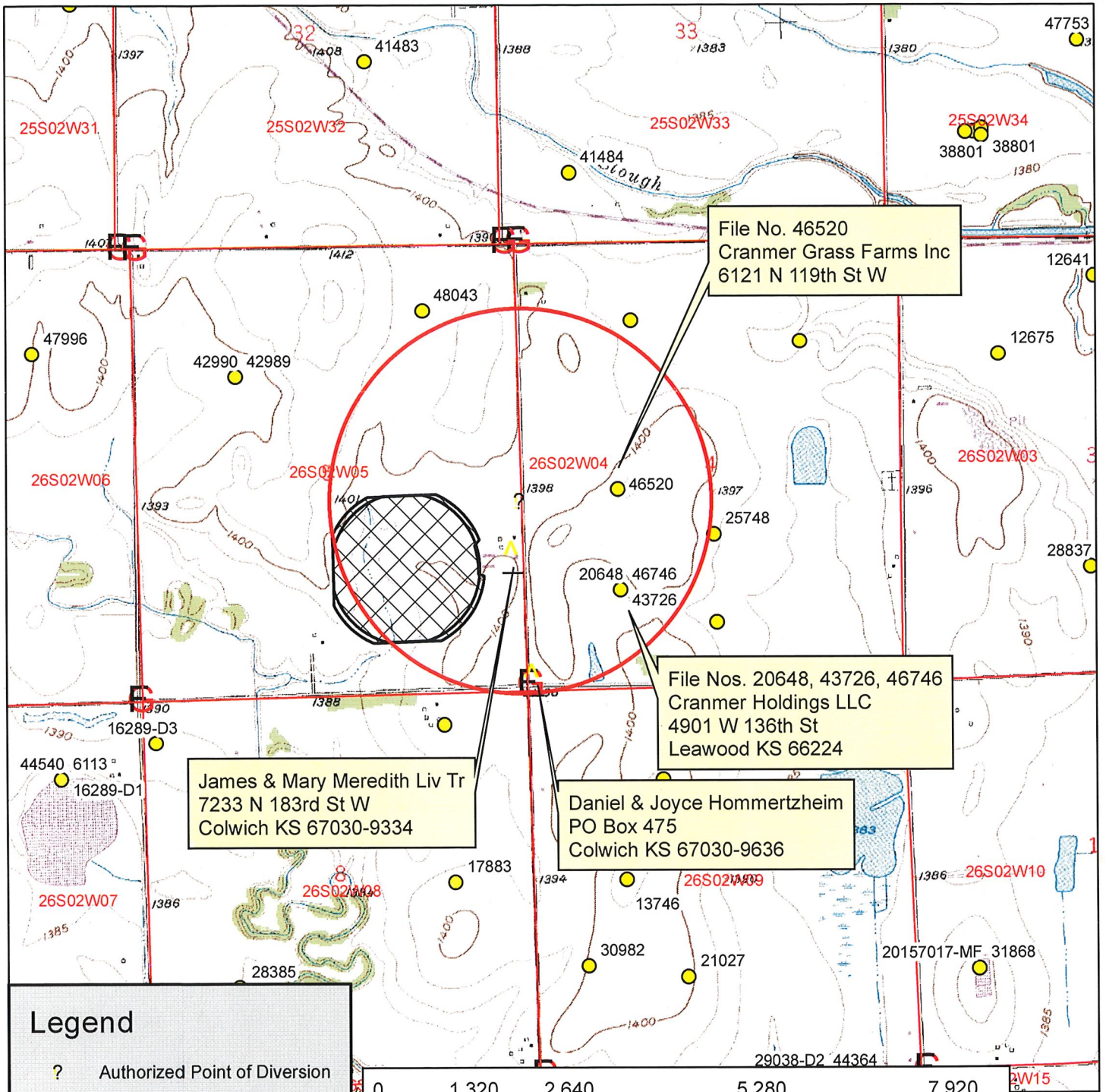
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**ADDITIONAL CONDITIONS TO SUMMARY ORDER APPROVING  
APPLICATION FOR CHANGE AND IMPOSING CONDITIONS**

The effective date of the change approval to change the point of diversion shall be the date this order is executed by the Chief Engineer.

- 10a. The owner of the authorized place(s) of use shall properly install an anti-reverse totalizing water flowmeter which meets or exceeds specifications adopted by the Chief Engineer
  
- 10b. A seal shall be placed on the water flowmeter by the Division of Water Resources or the Groundwater Management District in such a manner as to render the meter non-removable from the measuring chamber without breaking the seal. If the seal is broken without the permission of the chief engineer, this shall create a rebuttable presumption that the point of diversion had been unlawfully operated in violation of the order of the chief engineer and that the water right holder had been acting in violation of the conditions of his or her water right.



File No. 46520  
 Cranmer Grass Farms Inc  
 6121 N 119th St W

File Nos. 20648, 43726, 46746  
 Cranmer Holdings LLC  
 4901 W 136th St  
 Leawood KS 66224

James & Mary Meredith Liv Tr  
 7233 N 183rd St W  
 Colwich KS 67030-9334

Daniel & Joyce Hommertzheim  
 PO Box 475  
 Colwich KS 67030-9636

**Legend**

- ? Authorized Point of Diversion
- Water Appropriations
- 1/2 Mile Buffer
- ▲ Domestic Well
- Section Line
- ⊞ Section Corner
- Place of Use
- ▨ Authorized
- ▩ Proposed



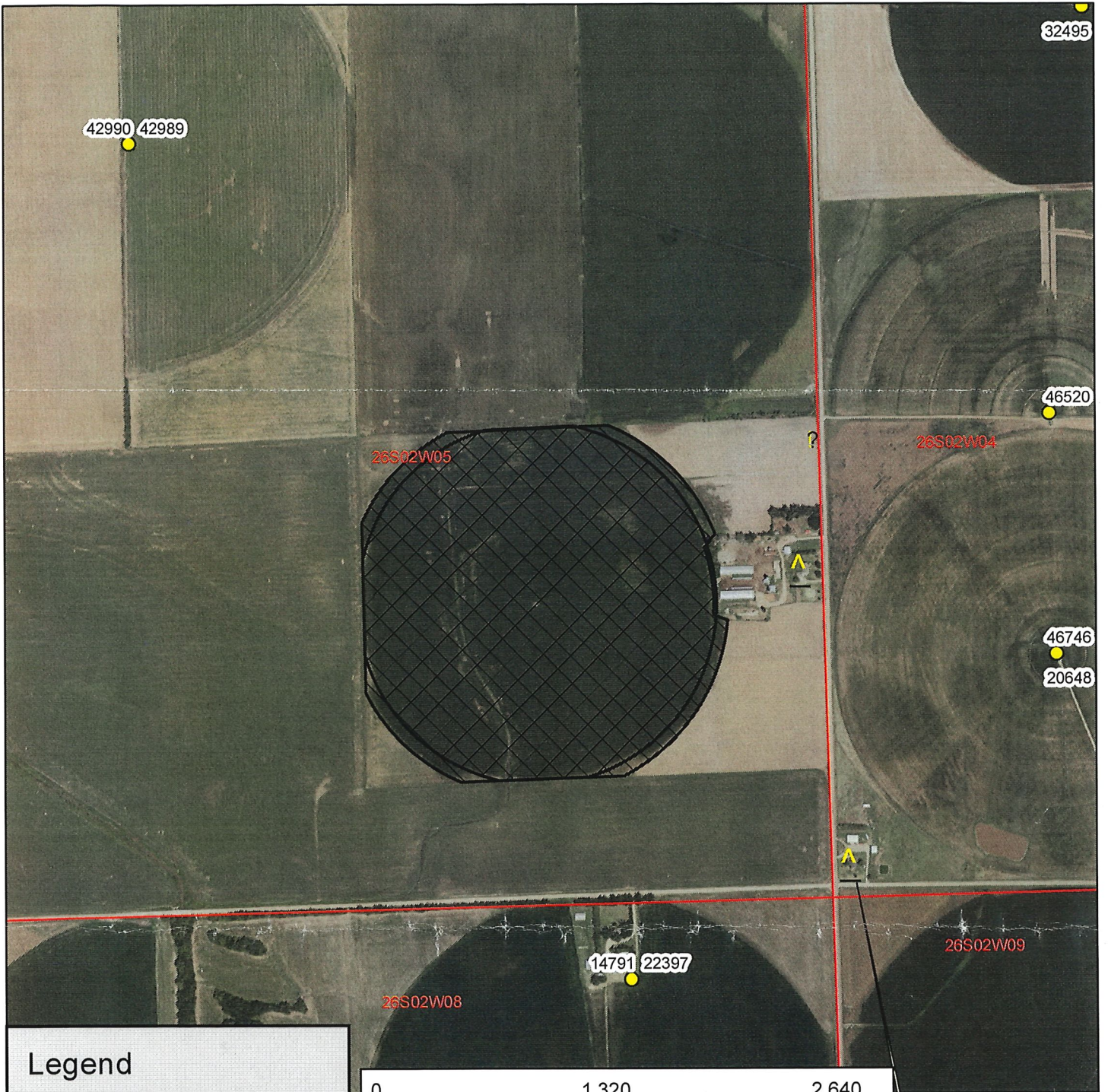
**Water Right, File No. 40,318**  
 Change in Place of Use, Application Map  
 5-26S-2W // Sedgwick County

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

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NOV 30 2018

*Guaranteed*  
 Signature



**Legend**

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

**Place of Use**

- ▨ Authorized
- ▨ Proposed



**Water Right, File No. 40,318**  
 Change in Place of Use, Aerial Map  
 5-26S-2W // Sedgwick County

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