

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.

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 9:50 AM  
 APR 01 2019

File No. 18876

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: Mull Investments LP

553 R Rd, Pawnee Rock KS 67567

Phone Number: (620)982-4336

Email address: mullfarms2@yahoo.com

Name and address of Water Use Correspondent: Mull Investments LP

553 R Rd, Pawnee Rock KS 67567

Phone Number: (620)982-4336

Email address: mullfarms2@yahoo.com

3. The presently authorized place of use is:

Owner of Land ---- NAME: Mull Investments LP

ADDRESS: 553 R Rd, Pawnee Rock KS 67567

(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	
											Lot 6	Lot 7							
6	27	16W								27.13	23.53	21.43	24.46						96.55

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: Mull Investments LP

ADDRESS: \_\_\_\_\_

(If there is more than one landowner, attach supplemental sheets as necessary.)

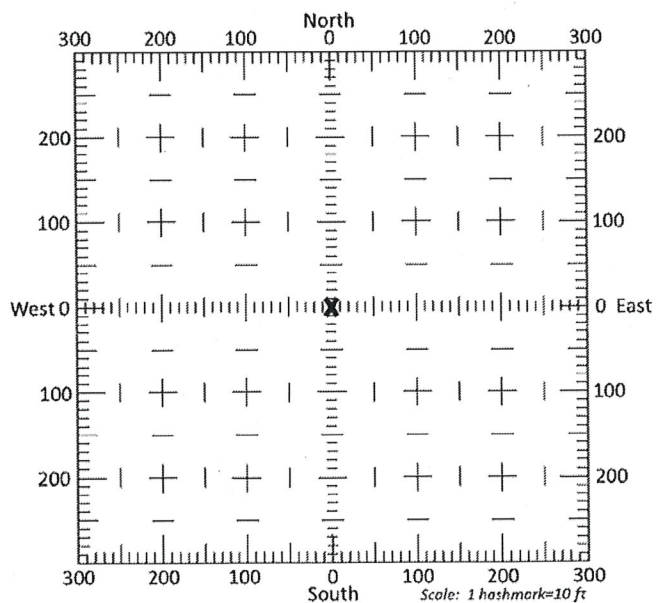
Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
											Lot 6	Lot 7							
6	27	16W								32.5	29.5	35	38						135

<b>For Office Use Only: Code</b> _____ <b>Fee</b> \$ <u>300</u> - <b>TR #</b> _____ <b>Receipt Date</b> _____ <b>Check #</b> <u>2148</u>
--

5. **Presently authorized point of diversion:**  
 One in the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of the NC SW Quarter  
 of Section 6, Township 27 South, Range 16 W,  
 in Kiowa County, Kansas, 1,320 feet North 3,960 feet West of Southeast corner of section.  
 Authorized Rate 900 gpm Authorized Quantity 203 AF Depth of well 180 (feet)  
**(DWR use only: Computer ID No. 2 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 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) Modify place of use to cover the  
installed center pivot system. The 2010 AWEPP reduction  
was in error.
8. If a well, is the test hole log attached?  Yes  No
9. The change(s) (was)(will be) completed by?  
Upon approval of application
10. If the point of diversion is a well:  
 (a) What are you going to do with the old well?  
N/A  
 (b) When will this be done? N/A
11. Groundwater Management District recommendation  
 attached?  Yes  No
12. Assisted by EKF/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.)

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 APR 01 2015



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.

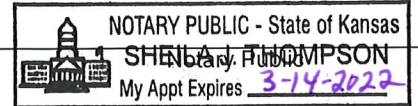
Dated at Pawnee Rock, Kansas, this 22 day of March, 2019.

<u>Rick Stimatze</u>	
(Owner)	(Spouse)
<u>Rick Stimatze</u>	
(Please Print)	(Please Print)
(Owner)	(Spouse)
(Please Print)	(Please Print)
(Owner)	(Spouse)
(Please Print)	(Please Print)

State of Kansas }  
 County of Pawnee } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 22 day of March, 2019.

My Commission Expires 3-14-2022



**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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**APR 01 2019**

**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. 18876.

1. A change application was received on 4/1/2019 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, 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*

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 \_\_\_\_\_

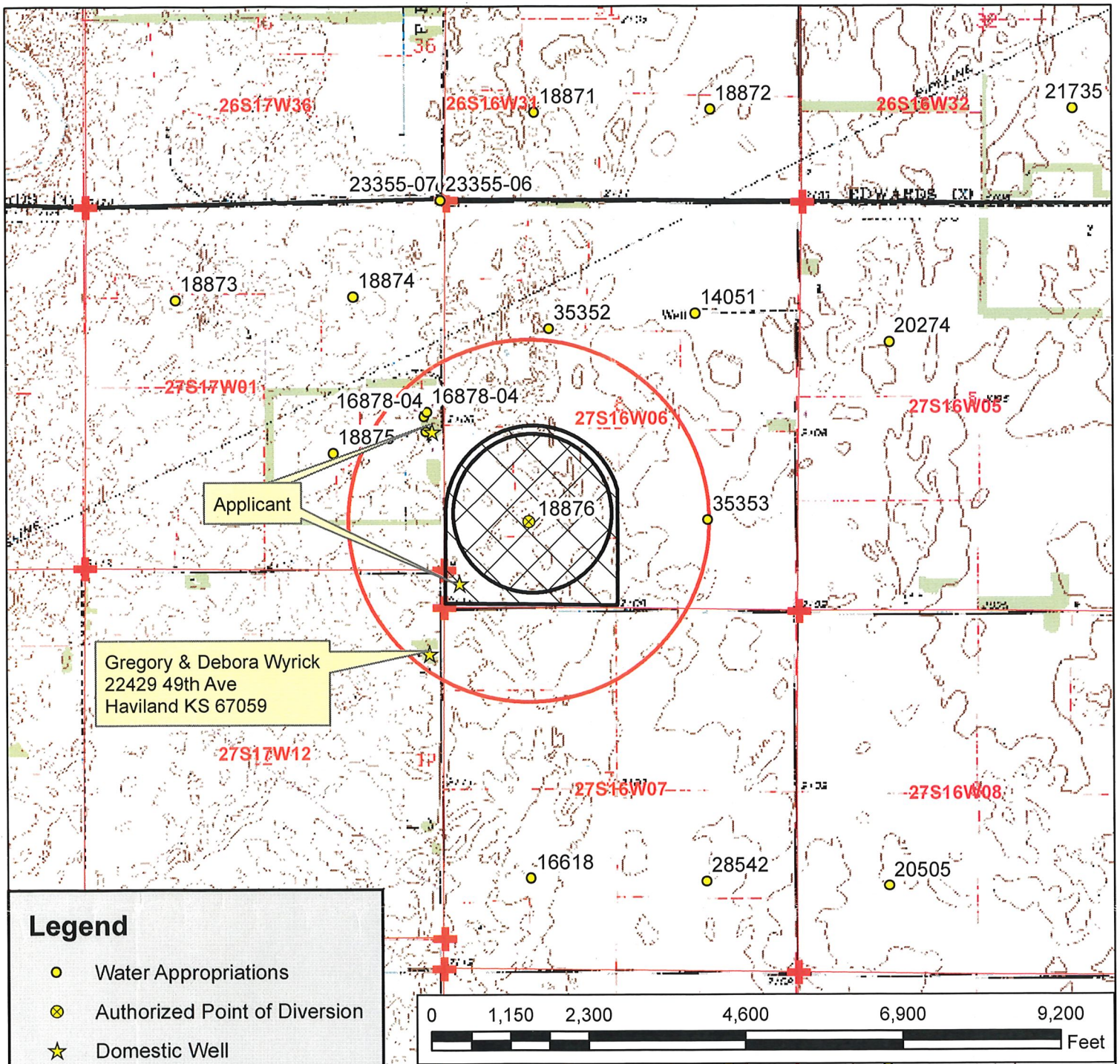
by \_\_\_\_\_

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

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

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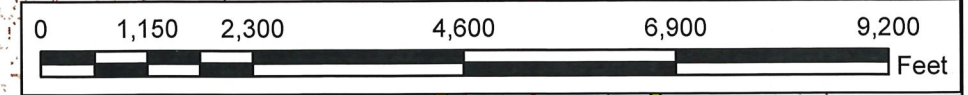




**Legend**

- Water Appropriations
  - ⊗ Authorized Point of Diversion
  - ★ Domestic Well
  - ⊕ Section Corner
  - Half Mile Circle
  - ▭ Section Line
  - ▭ County Line
- Place of Use** RECEIVED
- ▨ Proposed
  - ▨ Authorized
- APR 01 2019

Stafford Field Office  
Division of Water Resources



**Water Right, File No. 18876**

Change in Place of Use Application Map  
6-27-16W // Kiowa County

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



Signature *Rick Schmitz*



# KANSAS DEPARTMENT OF AGRICULTURE

## Division of Water Resources

### Stafford Field Office

## MEMORANDUM

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**TO:** File

**DATE:** 4/9/2019

**FROM:** Tyler Saryerwinnie

**RE:** File No. 18876

This is a memorandum regarding surrounding well owner notification on irrigation field office PU changes and pertains to decisions made during the Water Commissioner meeting which took place on 11/16/2016 with directive from Lane Letourneau Program Manager.

This is applicable to field office changes to increase the place of use by 10 acres or 10% (whichever is less) or a change in place of use to create a complete overlap in which no new acres are being irrigated.

During that meeting it was determined that no surrounding well owner notification will be sent under this type of Place of Use change. All well rates and quantities will remain unchanged and the referenced change will not cause impairment or impact surrounding well owners.

The change in place of use filed on 4/1/2019 for the above referenced file meets this criteria and surrounding well owners will not be notified.



## **Saryerwinnie, Tyler [KDA]**

---

**From:** Saryerwinnie, Tyler [KDA]  
**Sent:** Tuesday, April 09, 2019 4:18 PM  
**To:** Orrin Feril (oferil@gmd5.org)  
**Cc:** Conant, Cameron [KDA]  
**Subject:** GMD Recommendation Request - File No. 18876  
**Attachments:** 18876.GMD Cover Letter+base.pdf; 18876.Change App.pdf

Orrin,

I have attached a cover letter and a copy of one (1) place of use change application for GMD recommendation. Please provide the GMD recommendation by no later than April 29, 2019.

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, KS 67578-1521



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

Mike Beam, Secretary

Laura Kelly, Governor

April 9, 2019

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

RE: Place of Use Change Application, File No. 18,876

Dear Mr. Feril,

We are enclosing a copy of the application, as referenced above, for your review and recommendation. At this time the application appears to be in proper form.

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 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,

A handwritten signature in blue ink, appearing to read "TS" followed by a flourish.

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

Enclosure



## Saryerwinnie, Tyler [KDA]

---

**From:** Orrin Feril <oferil@gmd5.org>  
**Sent:** Tuesday, April 16, 2019 3:45 PM  
**To:** Saryerwinnie, Tyler [KDA]  
**Subject:** Application for Change, Water Right, File No. 18876  
**Attachments:** 18876 2019-04-16 Corr.pdf

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

**EXTERNAL:** This email originated from outside of the organization. Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Tyler,  
I'm attaching a request for extension in response to a letter dated April 09, 2019. This application will be reviewed by the Board at the next meeting. 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)  
Facebook/Twitter: @BigBendGMD5

Darrell Wood - Edwards (Pres.)  
Fred Grunder - Pratt (V Pres.)  
John Janssen - Kiowa (Treas.)  
Jerry Cullop - Rice (Sec.)  
Justin Gatz - Reno  
Marlyn Spare - 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

April 16, 2019

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

Re: Water Right File No. 18876  
Change in the Place of Use

Dear Mr. Saryerwinnie,

The Big Bend Groundwater Management District #5 requests a thirty-day extension on the above referenced application. This application will be reviewed at the next board meeting. Following this review, the District will provide its recommendation on this application.

Sincerely,

Orrin Feril  
Manager

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APR 16 2019

Stafford Field Office  
Division of Water Resources



## Saryerwinnie, Tyler [KDA]

---

**From:** Saryerwinnie, Tyler [KDA]  
**Sent:** Wednesday, April 17, 2019 7:35 AM  
**To:** Orrin Feril (oferil@gmd5.org)  
**Cc:** Conant, Cameron [KDA]  
**Subject:** RE: Application for Change, Water Right, File No. 18876

Orrin,

Per your request for an extension of time for the Groundwater Management District review and recommendation, the new deadline to submit a recommendation on the proposed change application is May 17<sup>th</sup>, 2019, or 30 days from the date of this email.

If you need any other information, please let me know.

Thank you,

Tyler Saryerwinnie

---

**From:** Orrin Feril [<mailto:oferil@gmd5.org>]  
**Sent:** Tuesday, April 16, 2019 3:45 PM  
**To:** Saryerwinnie, Tyler [KDA]  
**Subject:** Application for Change, Water Right, File No. 18876

**EXTERNAL:** This email originated from outside of the organization. Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Tyler,  
I'm attaching a request for extension in response to a letter dated April 09, 2019. This application will be reviewed by the Board at the next meeting. 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)  
Facebook/Twitter: @BigBendGMD5

## Saryerwinnie, Tyler [KDA]

---

**From:** Lanterman, Jeff [KDA]  
**Sent:** Friday, May 10, 2019 8:19 AM  
**To:** Saryerwinnie, Tyler [KDA]; Conant, Cameron [KDA]  
**Subject:** FW: Mull Farms Haviland 6 field #18876

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

Plus this

-----Original Message-----

**From:** Lee <[leeawheeler@gmail.com](mailto:leeawheeler@gmail.com)>  
**Sent:** Friday, May 10, 2019 8:14 AM  
**To:** Orrin Feril <[oferil@gmd5.org](mailto:oferil@gmd5.org)>; Lanterman, Jeff [KDA] <[Jeff.Lanterman@ks.gov](mailto:Jeff.Lanterman@ks.gov)>; Stimatze Rick <[rickstimatze.rs@gmail.com](mailto:rickstimatze.rs@gmail.com)>  
**Subject:** Re: Mull Farms Haviland 6 field #18876

EXTERNAL: This email originated from outside of the organization. Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Orrin and Jeff,

I forgot to add that the old T & L 10 tower with end guns was about 1341 ft. to edge of wetter area with end guns ON. This would have been 130 acres, so we are reducing from 130 permitted footprint to 113.4 acres.

On 5/10/19 7:53 AM, Lee wrote:

> Orrin and Jeff,  
>  
> Thanks for the time you have already spent helping us correct the  
> oversight back in 2010 by NRCS and AWEP -EQIP program to reduce  
> irrigated area by removing end guns.  
>  
> Rick and I figured out a few more things yesterday after your  
> questions to us.  
>  
> During the AWEP activity, 2010 there was a 10 tower T & L Pivot  
> there. Tower 9 where they accidently, cut off the system instead of  
> Tower 1, the end tower was 1148 ft. Most I-Wob/R-3000 moving plate  
> sprinklers have a 15-20 ft. wetted radius so the AWEP footprint would  
> have had a wetted radius of 1163-1168 ft. The NRCS used 1157 ft. to  
> determine the reduced acres of 96.5.  
>  
> Around 2014, (you can track this on the Google Earth timeline) a newer  
> (used) sprinkler was brought down from the Pawnee Rock farm. It is  
> a 7 tower Pivot. It's wetted radius is End Tower + end boom plus  
> 15-20 for end sprinkler wetted radius =  $1190 + 49 + 15 = 1254$  ft.  
> The area is then 113.4 acres.  
>