

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

1. File Number: 21303	2. Status Change Date:	3. Change Num: 2 1*	4. Field Office: 02	5. GMD: 05
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6. Status: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied by DWR/GMD <input type="checkbox"/> Dismiss by Request/Failure to Return	7. Filing Date of Change: 3/22/19
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8a. Applicant(s) New to system <input type="checkbox"/> Person ID _____ Add Seq# _____	8c. Landowner(s) New to system <input type="checkbox"/> Person ID _____ Add Seq# _____
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8b. Landowner(s) New to system <input type="checkbox"/> Person ID 23897 Add Seq# 1 CARMEN SCHMITT PO BOX 47 GREAT BEND KS 67530-0047	8d. WUC New to system <input type="checkbox"/> Person ID 23897 Add Seq# 1 CARMEN SCHMITT PO BOX 47 GREAT BEND KS 67530-0047
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9. Documents and Enclosure(s): DWR Meter(s) Date to Comply: **12/31/19** N & P Date to Comply: **12/31/19**

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: **4/30/19** By: **TJS**
 Date Entered: _____ By: _____

**TJS-SFFO*

File No. **21303** 11. County: **STAFFORD** Basin: **Arkansas River** Stream: --- Formation Code: **180**
 (Undiff Kansan/Nebraskan) Special Use: ---

12. Points of Diversion										Rate and Quantity						
CHK	MOD	DEL	PDIV	Qualifier	S	T	R	ID	'N	'W	Comment (AKA Line)	Rate	Quantity	Rate	Quantity	Overlap PD Files
ENT												gpm/cfs	af/mgy	gpm/cfs	af/mgy	
DEL								4								None
ENT				NW SW NW	5	22S	14W			3886	5201			No change to rate or quantity		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																		Total	Owner	Chg?	Overlap Files									
CHK	MOD	DEL	ENT	PUSE	S	T	R	ID		NE¼				NW¼				SW¼				SE¼								
										NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE					
ENT								31 21S 14W										29				29	3.5	35.5	35.5	3.5	136	8b.	Yes	30636
ENT								6 22S 14W		Lot 1	Lot 2			Lot 3	Lot 4												181.4	8b.	Yes	30636
										15.7	37.6	38.9	16.5	34.6	1.2	1.3	35.6													

Base Acres: **180** Year: **Multiple** Minimum Reasonable Quantity: **1.21 AF/acre**
 Comments:

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



Phone: 620-234-5311
Fax: 620-234-6900
www.agriculture.ks.gov

Mike Beam, Interim Secretary

Laura Kelly, Governor

May 1, 2019

Carmen Schmitt
PO Box 47
Great Bend, KS 67530-0047

Re: Water Right, File No(s). 21303

Dear Water Right Owner:

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

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

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

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

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

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

Sincerely,

A handwritten signature in black ink, appearing to read "Jeff Lanterman".

Jeff Lanterman
Water Commissioner

Enclosures

pc: Water Rights Section
Groundwater Management District No.5

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE
Mike Beam, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

APPROVAL OF APPLICATION FOR CHANGE IN POINT OF DIVERSION AND PLACE OF USE WATER RIGHT FILE NO. 21,303

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Carmen & Debbie S. Schmitt, PO Box 47, Great Bend, Kansas 67530-0047, received on March 22, 2019, for approval of a change in the point of diversion and place of use under the certificate of appropriation issued pursuant to the application for permit to appropriate water for beneficial use, as modified and amended by the Order of the Chief Engineer dated October 15, 2012, approving the application to change the point of diversion, finds that the change is reasonable and will not impair existing rights, that the change relates to the same local source of supply and that the application should be and is hereby approved.

The effective date of the change shall be the date this order is executed by the Chief Engineer, after which the authorized location of the point of diversion shall be:

one (1) well located in Northwest Quarter of the Southwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 5, more particularly described as being near a point 3,886 feet North and 5,201 feet West of the Southeast corner of said section, in Township 22 South, Range 14 West, Stafford County, Kansas.

after which the authorized location of the place of use shall be:

Sec. Range	Twp.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTAL	
		NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$		
31	21S 14W									29.00				29.00	3.50	35.50	35.50	3.5	136.0
6	22S 14W	Lot 1 15.70	Lot 2 37.60	38.90	16.50	Lot 3 34.60	Lot 4 1.20	1.30	35.60										181.4

a total of 136.0 acres in Section 31, Township 21 South, and a total of 181.4 acres in Section 6, Township 22 South, all in Range 14 West, Stafford County, Kansas,

located substantially as shown on the topographic map accompanying the application to change the point of diversion and place of use.

Installation of the works for diversion of water shall be completed on or before December 31, 2019, or within any authorized extension of time. The applicant shall notify the Chief Engineer of the Division of Water Resources, Kansas Department of Agriculture, when construction of the works for diversion has been completed.

The water right owner shall properly install an acceptable water meter on the diversion works authorized under this water right, prior to the use of water, in strict accordance with the Kansas Administrative Regulations 5-1-4 through 5-1-12 adopted by the Chief Engineer. The water right owner shall notify the Chief Engineer when installation of the water meter has been completed. The water right owner shall maintain the water meter in an operating condition satisfactory to the Chief Engineer, at all times during diversion of water and shall maintain records from which the total quantity of water diverted may be determined. The water right owner shall also report the reading of said water meter and the total quantity of water diverted annually to the Chief Engineer. Such records shall be furnished to the Chief Engineer by March 1 following the end of each calendar year.

All diversion works into which any type of chemical or other foreign substance will be injected into the water pumped from the diversion works shall be equipped with an in-line, automatic, quick-closing check valve capable of preventing pollution of the source of the water supply. The type of valve installed shall meet specifications adopted by the Chief Engineer and shall be maintained in an operating condition satisfactory to the Chief Engineer.

In all other respects, the Certificate of Appropriation issued pursuant to Approval of Application, File No. 21,303 permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated May 8, 1992, as modified and amended by the aforementioned order.

Ordered this 1st day of May, 2019, in the City of Stafford, Stafford County, Kansas.

Jeff Lanterman
Jeff Lanterman
Water Commissioner Stafford Field Office
Division of Water Resources
Kansas Department of Agriculture

State of Kansas)
) SS
County of Stafford)

The foregoing instrument was acknowledged before me this 1st day of May, 2019, by Jeff Lanterman, Water Commissioner Safford Field Office, Division of Water Resources, Kansas Department of Agriculture.

Faith Curtis
Notary Public



RIGHT TO A HEARING AND TO ADMINISTRATIVE REVIEW

If you are aggrieved by this Order, then pursuant to K.S.A. 82a-1901, you may:

- 1) request an evidentiary hearing before the Chief Engineer, or
- 2) request administrative review by the Secretary of Agriculture.

Failure to request an evidentiary hearing before the Chief Engineer does not preclude your right to administrative review by the Secretary.

To obtain an evidentiary hearing before the Chief Engineer, a written request for hearing must be filed within 15 days after service of this Order as provided in K.S.A. 77-531 (**i.e., within a total of 18 days after this Order was mailed to you**), with: Kansas Department of Agriculture, Attn: Legal Section, 1320 Research Park Drive, Manhattan, KS 66502, FAX (785) 564-6777.

If you do not file a request for an evidentiary hearing before the Chief Engineer, you may petition for administrative review of the Order by the Secretary of Agriculture. A petition for review shall be in writing and state the basis for requesting administrative review. The request for hearing may be denied if the request fails to clearly establish factual or legal issues for review. See K.S.A. 77-527. The petition must be filed within 30 days after service of this Order as provided in K.S.A. 77-531 (**i.e., within a total of 33 days after this Order was mailed to you**), and be filed with: Secretary of Agriculture, Attn: Legal Division, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, KS 66502, FAX (785) 564-6777.

If neither a request for an evidentiary hearing nor a petition for administrative review is filed as set forth above, then this Order shall be effective and become a final agency action as defined in K.S.A. 77-607(b). Failure to timely request either an evidentiary hearing or administrative review may preclude further judicial review under the Kansas Judicial Review Act.

CERTIFICATE OF SERVICE

On this 1st day of May, 2019, I hereby certify that the foregoing Approval of Application for Change in Point of Diversion, and Place of Use, Water Right, File No. 21,303, dated _____, 2019, was mailed postage prepaid, first class, US mail to the following:

Carmen & Debbie S. Schmitt
PO Box 47
Great Bend KS 67530-0047

With photocopies to:

Groundwater Management District No. 5

Faith Curtis
Division of Water Resource

Submit To: CHIEF ENGINEER
Division of Water Resources
Kansas Department of Agriculture
1320 Research Park Drive
Manhattan, Kansas 66502
http://agriculture.ks.gov/dwr

APPLICATION FOR APPROVAL TO
CHANGE THE PLACE OF USE, THE
POINT OF DIVERSION OR THE USE
MADE OF THE WATER UNDER AN
EXISTING WATER RIGHT



State of Kansas

RECEIVED
APR 17 2019

WATER METER REQUIRED

Filing Fee Must Accompany the Application

(Please refer to Fee Schedule on signature page of application form.)

Stafford Field Office
Division of Water Resources

Paragraph Nos. 1, 2, 3, 4 & 8 must be completed. Complete all other applicable portions. A topographic map or detailed plat showing the authorized and proposed points(s) of diversion and /or place of use must accompany this application.

Water Resources
Received

MAR 22 2019

11:18

KS Dept Of Agriculture

1. Application is hereby made for approval of the Chief Engineer to change the

- Place of Use
- (Check one or more) Point of Diversion
- Use Made of Water

File No. 21303

2. Name of applicant: Carmen Schmitt

Address: PO Box 47

City, State and Zip: Great Bend KS 67530-0047

Phone Number: (620)793-5100 E-mail address: carmen@schmittinc.net

What is your relationship to the water right; owner tenant agent other? If other, please explain. _____

Name of water use correspondent: Carmen Schmitt

Address: PO Box 47

City, State and Zip: Great Bend KS 67530-0047

Phone Number: (620) 793-5100 E-mail address: carmen@schmittinc.net

3. The change(s) proposed herein are desired for the following reasons (please be specific): Moving the point of diversion west to cover an existing well previously authorized by File No. 30636. Also, the application proposes to create a complete PU overlap with File No. 30636 while authorizing a pivot in the S 1/2 of 31-21S-14W and a pivot in the N 1/2 of 6-22S-14W.

This application is intended to be filed in conjunction with a PD/PU application proposed under File No. 30636

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

(Date)

For Office Use Only:					
F.O. Code	<u>2</u>	GMD	<u>5</u>	Meets K.A.R. 5-5-1 (YES / NO)	Use <u>RR</u>
Source	<u>G</u>	S	County	<u>SE</u>	By <u>DAW</u>
Fee \$	<u>400</u>	TR #	Receipt Date	<u>3/22/19</u>	Date <u>5/22/19</u>
			Check #	<u>2474</u>	

SCANNED

Assisted by: _____ TJS - SFFO

3/25/2019 CLM

4. The presently authorized place of use is:

Owner of Land — NAME: Carmen Schmitt

ADDRESS: PO Box 47, Great Bend KS 67530-0047

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	
5	22S	14W	Lot 1 40	Lot 2 40	40	40	Lot 3 40	Lot 4 36	40	40									316

List any other water rights that cover this place of use. 30636

Owner of Land — NAME: ---

ADDRESS: ---

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	

List any other water rights that cover this place of use. ---

(If there are more than two landowners, attach additional sheets as necessary.)

5. It is proposed that the place of use be changed to:

Owner of Land — NAME: Carmen Schmitt

ADDRESS: PO Box 47, Great Bend KS 67530-0047

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	
31	21S	14W	*	*			*	*			29			29	3.5	35.5	35.5	3.5	136
			Lot 1	Lot 2			Lot 3	Lot 4											
6	22S	14W	15.7	37.6	38.9	16.5	34.6	1.2	1.3	35.6									181.4
																			Total: 317.4

List any other water rights that cover this place of use. 30636

Owner of Land — NAME: ---

ADDRESS: ---

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	

List any other water rights that cover this place of use. ---

RECEIVED

Water Resources

Received

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

*GAT/DWR
4-10-19

APR 17 2019
Stafford
Division of Water Resources

MAR 28 2019
KS Dept Of Agriculture
SCANNED

- 6. The presently authorized point(s) of diversion is One (1) well with diversion works
(Provide description and number of points)
- 7. The proposed point(s) of diversion is One (1) existing well with diversion works
(Provide description and number of points)

List all presently authorized point(s) of diversion:

8. **Presently authorized point of diversion:**
 One in the NE Quarter of the SE Quarter of the NW Quarter of Section 5, Township 22 South, Range 14 W, in Stafford County, Kansas, 3845 feet North 3040 feet West of Southeast corner of section.
 Authorized Rate 1600 GPM Authorized Quantity 270 AF
 (DWR use only: Computer ID No. 4 GPS 4006 feet North 3033 feet West)
 This point will not be changed This point will be changed as follows:
Proposed point of diversion: (Complete only if change is requested)
 One in the NW Quarter of the SW Quarter of the NW Quarter of Section 5, Township 22 South, Range 14 W, in Stafford County, Kansas, 3886 feet North 5201 feet West of Southeast corner of section.
 Proposed Rate No Change Proposed Quantity No Change
 This point is: Additional Well Geo Center List other water rights that will use this point None

9. **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 _____
 (DWR use only: Computer ID No. _____ GPS _____ feet North _____ feet West)
 This point will not be changed This point will be changed as follows:
Proposed point of diversion: (Complete only if change is requested)
 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 _____
 This point is: Additional Well Geo Center List other water rights that will use this point _____

10. **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 _____
 (DWR use only: Computer ID No. _____ GPS _____ feet North _____ feet West)
 This point will not be changed This point will be changed as follows:
Proposed point of diversion: (Complete only if change is requested)
 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 _____
 This point is: Additional Well Geo Center List other water rights that will use this point _____

- 11. Describe the current condition of and future plans for any point(s) of diversion which will no longer be used. Stock water well

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

- 12. The presently authorized use of water is for Irrigation purposes.
It is proposed that the use be changed to N/A - No Change purposes.
- 13. If changing the place of use and/or use made of water, describe how the consumptive use will not be increased.
When considering the place of use overlap with File No. 30636, the application does not propose to exceed the base acreage of both water rights by more than 10 acres or 10 percent. Therefore, an increase in consumptive use is not anticipated.

(Please show any calculations here.)

- 14. It is requested that the maximum annual quantity of water be reduced to N/A (acre-feet or million gallons).
- 15. It is requested that the maximum rate of diversion of water be reduced to N/A gallons per minute (____ c.f.s.).
- 16. The application must include either a topographic map or detailed plat. A U.S. Geological Survey Topographic Map, scale 1:24,000, is available through the Kansas Geological Survey, 1930 Constant Avenue, University of Kansas, Lawrence, Kansas 66047-3726 (www.usgs.gov). The map should show the location of the presently authorized point(s) of diversion. Distances North and West of the Southeast corner of the section must be shown. The presently authorized place of use should also be shown. Identify the center of the section, the section lines and the section corners and show the appropriate section, township, and range numbers on the map. In addition the following information must also be shown on the map.
 - a. If a change in the location of the point(s) of diversion is proposed, show:
 - 1) The location of the proposed point(s) of diversion. Distances North and West of the Southeast corner of the section must be shown. Please be certain that the information shown on the map agrees with the information shown in Paragraph Nos. 9, 10 and 11 of the application.
 - 2) If the source of supply is groundwater, please show the location of existing water wells of any kind, including domestic wells, within 1/2 mile of the proposed well or wells. Identify each well as to its use and furnish name and mailing address of the property owner or owners. If there are no wells within 1/2 mile, please indicate so on the map.
 - 3) If the source of supply is surface water, the names and mailing addresses of all landowners 1/2 mile downstream and 1/2 mile upstream from your property lines must be shown.
 - b. If a change in the place of use is desired, show the proposed place of use by crosshatching on the map. Please be certain that the information shown on the map agrees with the information shown in Paragraph No. 5 of the application.

- 17. Attach documentation to show the change(s) proposed herein will not impair existing water rights and relates to the same local source of supply as to which the water right relates. This information may include statements, plats, geology reports, well logs, test hole logs, and other information as necessary information to show the above. Additional comments may be made below.

This application proposes to cover an existing well which has been authorized under File No. 30636. The existing well appears to maintain the same local source of supply.
See attached "Domestic Well Spacing Consent" forms and well log

Water Resources Received

MAR 22 2019

- 18. If the proposed change(s) does not meet all applicable rules and regulations of the Kansas Water Appropriation Act, please identify the rules and regulations for which you request a waiver. State the reason why a waiver is needed and why the request should be granted. Attach documentation showing that granting the request will not impair existing water rights and will not prejudicially and unreasonably affect the public interest.

As proposed, the existing well does not meet spacing to two (2) nearby wells which are located on an abandoned school house property. (See attached "Domestic Well Spacing Consent" forms which have been signed by the nearby well owner.

The applicant has provided GPS locations for the wells (memo on file dated 3/14/19). A waiver of 5-25-2 is requested.

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

SCANNED

* See 4/9/19 email from applicant. TJS - SFFO

Any use of water that is not as authorized by the water right or permit to authorize water **before** the chief engineer approves this application is a violation of the Kansas Water Appropriation Act for which criminal or civil penalties may be assessed. Such violation is a class C misdemeanor, punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. K.S.A. 82a-728(b). Civil penalties shall be not less than \$100 nor more than \$1,000 per violation. In the case of a continuing violation, each day such violation continues may be deemed a separate violation. In addition to these penalties the water right may be modified or suspended. K.S.A. 82a-737, as amended.

The application must be signed by all owners of the place of use authorized under the water right and his or her spouse, if married. Please indicate if there is no spouse. If land is being purchased under contract, the seller must sign as landowner until such time as the contract is completed.

In the event that all applicants cannot appear before one notary public, they may as necessary sign separate copies of the application before any notary public conveniently available to them. All copies signed in this manner shall be considered to be valid parts of the application.

If the request is signed on behalf of any Owner by someone with legal authority to do so (for example, an agent, one who has power of attorney, or an executor, executrix, conservator), it will be necessary to attach proper documents showing such authority.

I declare that I am an owner of the currently authorized place of use as identified herein, or that I represent all such owners and am authorized to make this application on their behalf, and declare further that the statements contained herein are true, correct, and complete. By filing this application I authorize the chief engineer to permanently reduce the quantity of water and/or rate of diversion as specified in sections 14 and 15 of this application.

Dated at Great Bend, Kansas, this 20 day of March, 20 19.

Carmen Schmitt
(Owner)

Julie Schmitt
(Spouse)

Carmen Schmitt
(Please Print)

Debbie S. Schmitt
(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

(Owner)

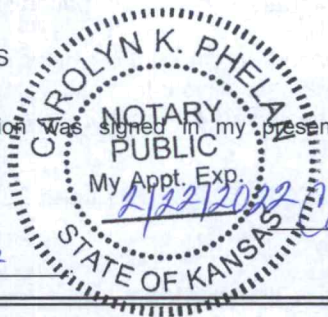
(Spouse)

(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 March, 20 19.



Carolyn K. Phelan
Notary Public

My Commission Expires 2/22/2022

FEE SCHEDULE

Each application to change the place of use, the point of diversion or the use made of the water under this section shall be accompanied by the application fee set forth in the schedule below:

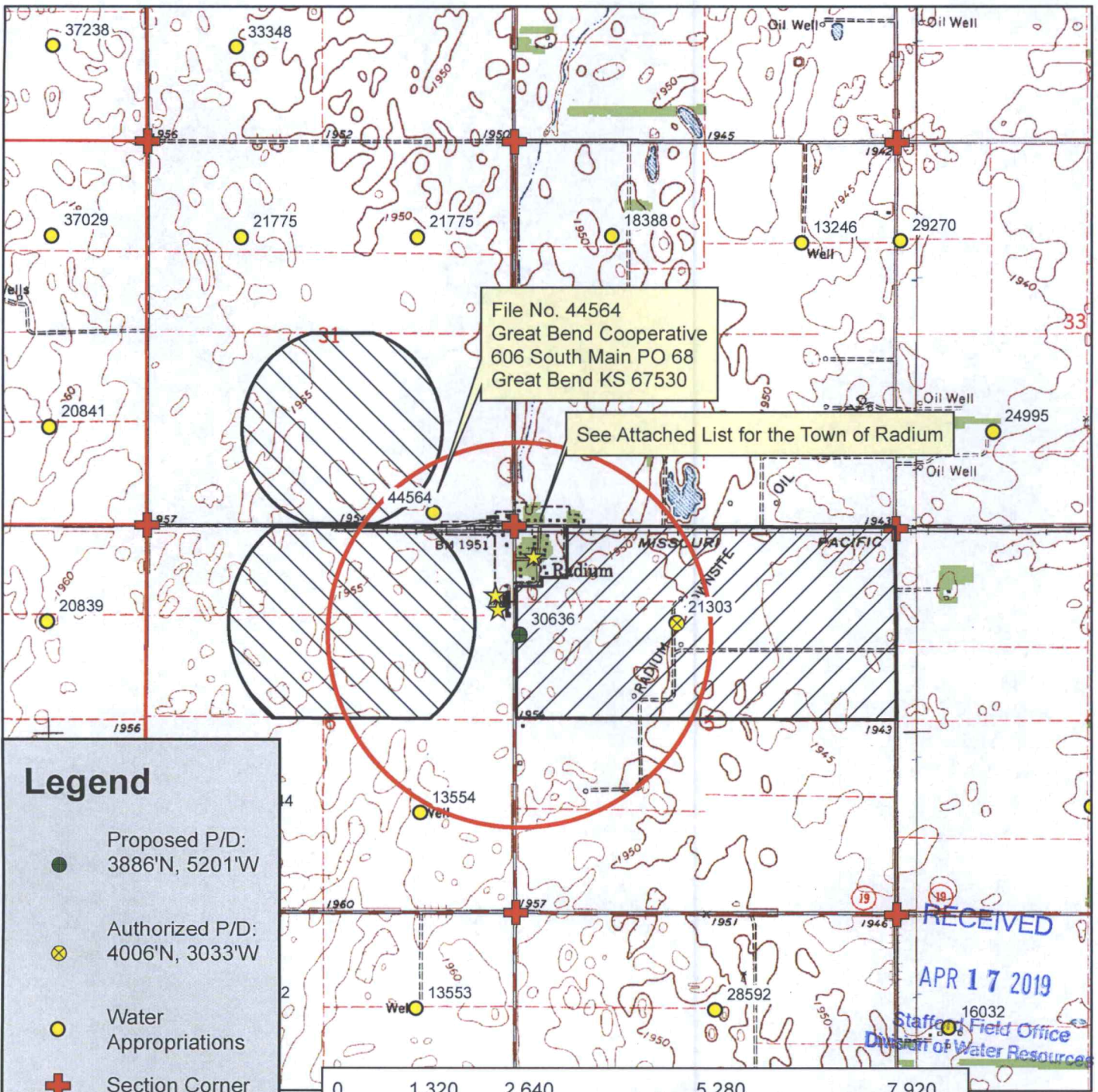
- (1) Application to change a point of diversion 300 feet or less \$100
- (2) Application to change a point of diversion more than 300 feet \$200
- (3) Application to change the place of use \$200
- (4) Application to change the use made of the water \$300

Make check payable to **Kansas Department of Agriculture.**

RECEIVED

APR 17 2019

Stafford Field Office
Division of Water Resources

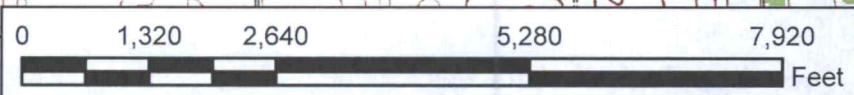


Legend

- Proposed P/D: 3886'N, 5201'W
- ⊗ Authorized P/D: 4006'N, 3033'W
- Water Appropriations
- ⊕ Section Corner
- ▭ Section Line
- ★ Domestic Well
- ▭ 1/2 Mile Buffer

Place of Use

- ▨ Authorized
- ▨ Proposed



Water Right, File No. 21,303
 Change in Point of Diversion/Place of Use
 Application Map

5/6-22S-14W // Stafford County

Water Resources
 Received
 APR 17 2019
 16032
 Staffed Field Office
 Division of Water Resources

KS Dept Of Agriculture

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

Conroy Schmidt

Signature

SCANNED

3/19/19 TJS-SFFO 1:24,000 scale

Water Right File Nos. 21303 & 30636

Point of Diversion Change Application, Nearby Well Owners – Town of Radium KS

SPECE, SAMUEL M WILLIAM L, 2224 CLEVELAND, GREAT BEND, KS, 67530
CITY OF RADIUM, Attn: JOANN CLARK, 112 STATION RD, RADIUM, KS, 67550
RADIUM RANGER SENIOR CITIZ, Attn: RITA MILLER SECRETARY, 637 NW 90TH ST, ST JOHN, KS 67576
CLARK, MARY JOANN, 112 STATION RD, RADIUM, KS, 67550
GRAY, GARY K & MARY JOANN CLARK, 200 STATION RD, RADIUM, KS, 67550
GRAY, GARY LYNN, 206 STATION RD, RADIUM, KS, 67550
FOSTER, AGATA N, 648 EMERALD COVE DR, CHALOTTE, NC, 28262
SPICER, PAUL B, 220 STATION RD, RADIUM, KS, 67550
SIMMONS REVC TRUST, SUSAN J, 226 STATION RD, RADIUM, KS, 67550
BATTIN, SUSAN M, 309 RADIUM RD, RADIUM, KS, 67550
DETERAGE, THERESA M, 321 ESTES AVE, RADIUM, KS, 67550
BROWN ET AL, GERALD W, 309 RADIUM RD, RADIUM, KS, 67550-9105
MOSIER, TREY, 301 ESTES AVE, RADIUM, KS, 67550
MCALLISTER, KAREN, 577 80TH AVE, LARNED, KS, 67550-5244
BATES-CALDERWOOD, CLAIR A, 302 ESTES AVE, RADIUM, KS, 67550-9128
NORMAGENE ROWLEY, Attn: MICHAEL E BURKS, 2542 20TH ST, GREAT BEND, KS, 67530
NELLIE ACKERMAN ET AL, Attn: NORMAGENE ROWLEY, 2542 20TH ST, GREAT BEND, KS, 67530
GERALYN FRANCES KELLY SCHATZ FAMILY TRUST, , 25610 W 69TH TER, SHAWNEE, KS, 66226-3385
RAYBERN JTWROS, LEWIS & AMANDA, 494 NW 150TH ST, SEWARD, KS, 67576
GALES, JOSHUA, 211 ESTES DR, RADIUM, KS, 67550-5505
CUMMINS, LACY J, 215 ESTES AVE, RADIUM, KS, 67550
BAUMAN, ZACHARY J, 214 ESTES AVE, RADIUM, KS, 67550
NEELAND, ROBERT D, 204 ESTES AVE, RADIUM, KS, 67550
GREAT BEND COOPERATIVE ASSOCIATION, , PO BOX 68, GREAT BEND, KS, 67530-0068
BROWN, SUSAN M, 309 RADIUM RD, RADIUM, KS, 67550

RECEIVED

APR 17 2019

Stafford Field Office
Division of Water Resources

Water Resources
Received

MAR 22 2019

KS Dept Of Agriculture

3/13/2019 TJS - SFFO
SCANNED

1320 Research Park Drive
Manhattan, KS 66502
785-564-6700
www. agriculture.ks.gov



900 SW Jackson, Room 456
Topeka, KS 66612
785-296-3556

Mike Beam, Interim Secretary

Laura Kelly, Governor

CARMEN SCHMITT
PO BOX 47
GREAT BEND, KS 67530

March 25, 2019

RE: File No 21303

Dear Sir or Madam:

An application for approval of the Chief Engineer to change the following condition or conditions of the file number referred to above has been received:

- place of use PU/PD
- point of diversion
- use made of water

As a matter of record, the Division of Water Resources has on hand a large number of applications awaiting processing. Therefore, to be fair to all concerned, and so that we can process those applications on hand in the order they were received, we intend to concentrate on the backlog of applications until the issue is resolved. You will be contacted regarding this application as soon as it has been examined.

In accordance with the provisions of the Kansas Water Appropriation Act, a portion of which is included below, the use of water prior to approval of the application is unlawful. You should not proceed and divert water as indicated by your plans in your application for a change for this file until you receive approval for this change from the Chief Engineer. Once approved, compliance with the terms, conditions and limitations of the permit is necessary. Conservation of the water resources of Kansas is required.

Section 82a-728 of the Kansas Water Appropriation Act, provides (a) except for the appropriation of water for the purpose of domestic use, . . . it shall be unlawful for any person to appropriate or threaten to appropriate water from any source without first applying for and obtaining a permit to appropriate water in accordance with the provisions of the Water Appropriation Act or for any person to violate any condition of a vested right, appropriation right or an approved application for a permit to appropriate water for beneficial use.

(b) (1) The violation of any provision of this section by any person is a class C misdemeanor...

A class C misdemeanor is punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. Each day that the violation occurs constitutes a separate offense.

If you have any questions, please contact me at (785) 564-6645. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

Brent Tourney, L.G.
Change Applications Unit Supervisor
Water Appropriation Program

RECEIVED

APR 17 2019

Stafford Field Office
Division of Water Resources

BAT: DLW5

SCANNED

Saryerwinnie, Tyler [KDA]

From: Carmen Schmitt <carmen@schmittinc.net>
Sent: Tuesday, April 09, 2019 1:19 PM
To: Lanterman, Jeff [KDA]
Cc: Saryerwinnie, Tyler [KDA]; Conant, Cameron [KDA]
Subject: Re: Plugging report Gray Well

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.

Jeff, I was incorrect about the two wells. The second location turned out to be a clean-out 4" pvc for an old septic system. The only well on the school property is now plugged. Please proceed with the change application forms that you can approve and let me know how I can help.
Thank you
Carmen Schmitt

On Tuesday, April 9, 2019 12:04 PM, "Lanterman, Jeff [KDA]" <Jeff.Lanterman@ks.gov> wrote:

Carmen. We were under the understanding that there were two wells you provided GPS on that didn't meet spacing to your existing south well. Is that incorrect? The quickest thing to do here would be to redo your change application and do them on forms that I can approve here. We could probably do that with email as long as I am satisfied that there are no domestic wells within 660.

Thanks
Jeff

From: Carmen Schmitt <carmen@schmittinc.net>
Sent: Tuesday, April 9, 2019 9:31 AM
To: Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>
Subject: Fw: Plugging report Gray Well

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.

Jeff, attached is the plugging record for the Gray domestic well on the Radium school property. Please let me know when Alan Crane and I can meet up with you about consummating the application to move the point of diversion for #30636.
Thank you
Carmen Schmitt

On Tuesday, April 9, 2019 9:03 AM, Rosencrantz Bemis <R-Bwater@hotmail.com> wrote:

Good Morning Gentlemen,

Attached is the plugging report for NE 1/4 6-22-14 at the Radium School.

Please let us know if there is anything else we can assist you with.

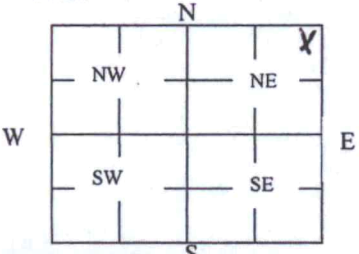
Thank you

WATER WELL PLUGGING RECORD Form WWC-5P KSA 82a-1212 ID NO.

1 LOCATION OF WATER WELL: County: Stafford	Fraction ¼ NE ¼ NE ¼ NE ¼	Section Number 6	Township Number T 22 S	Range Number 14 <input type="checkbox"/> E <input checked="" type="checkbox"/> W
---	-------------------------------------	----------------------------	----------------------------------	--

Street/Rural Address of Well Location; if unknown, distance & direction from nearest town or intersection: If at owner's address, check here <input type="checkbox"/> Radium, KS	Global Positioning Systems (GPS) information: Latitude: _____ (in decimal degrees) Longitude: _____ (in decimal degrees) Elevation: _____ Horizontal Datum: <input type="checkbox"/> WGS84, <input type="checkbox"/> NAD83, <input type="checkbox"/> NAD27 Collection Method: _____ <input type="checkbox"/> GPS unit (Make/Model: _____) <input type="checkbox"/> Digital Map/Photo, <input type="checkbox"/> Topographic Map, <input type="checkbox"/> Land Survey Est. Accuracy: <input type="checkbox"/> < 3 m, <input type="checkbox"/> 3-5 m, <input type="checkbox"/> 5-15 m, <input type="checkbox"/> > 15 m
---	---

2 WATER WELL OWNER: Gary or Angela Gray RR#, St. Address, Box #: 206 Station Road City, State ZIP Code: Radium, KS 67550	
--	--

3 MARK WELL'S LOCATION WITH AN "X" IN SECTION BOX: 	4 DEPTH OF WELL <u>78</u> ft. WELL'S STATIC WATER LEVEL <u>40</u> ft WELL WAS USED AS: <input checked="" type="checkbox"/> Domestic <input type="checkbox"/> Public Water Supply <input type="checkbox"/> Dewatering <input type="checkbox"/> Irrigation <input type="checkbox"/> Oil Field Water Supply <input type="checkbox"/> Monitoring <input type="checkbox"/> Feedlot <input type="checkbox"/> Domestic (Lawn & Garden) <input type="checkbox"/> Injection Well <input type="checkbox"/> Industrial <input type="checkbox"/> Air Conditioning <input type="checkbox"/> Other _____ Was a chemical/bacteriological sample submitted to Department? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
--	---

5 TYPE OF BLANK CASING USED:

Steel RMP (SR) Wrought Fiberglass Other (Specify below) _____
 PVC ABS Asbestos-Cement Concrete Tile

Blank casing diameter 5 in. Was casing pulled? Yes No If yes, how much _____
 Casing height above or below land surface 60 in.

6 GROUT PLUG MATERIAL: Neat cement Cement grout Bentonite Other _____

Grout Plug Intervals: From 8 ft. to 5 ft., From 78 ft. to 8 ft., From _____ ft. to _____ ft.

What is the nearest source of possible contamination:

<input checked="" type="checkbox"/> Septic tank	<input type="checkbox"/> Seepage pit	<input type="checkbox"/> Fuel storage	<input type="checkbox"/> Other (specify below) _____
<input type="checkbox"/> Sewer lines	<input type="checkbox"/> Pit privy	<input type="checkbox"/> Fertilizer storage	
<input type="checkbox"/> Watertight sewer lines	<input type="checkbox"/> Sewage lagoon	<input type="checkbox"/> Insecticide storage	
<input type="checkbox"/> Lateral lines	<input type="checkbox"/> Feedyard	<input type="checkbox"/> Abandoned water well	Direction from well? <u>South</u>
<input type="checkbox"/> Cess pool	<input type="checkbox"/> Livestock pens	<input type="checkbox"/> Oil well/Gas well	How many feet? <u>150</u> ft

FROM	TO	PLUGGING MATERIALS	FROM	TO	PLUGGING MATERIALS
78	8	Hole plug			RECEIVED
8	5	Cement			
5	0	Top soil			APR 09 2019
					Stafford Field Office Division of Water Resources

7 CONTRACTOR'S OR LANDOWNER'S CERTIFICATION: This water well was plugged under my jurisdiction and was completed on (mo/day/year) 4-8-19 and this record is true to the best of my knowledge and belief. Kansas Water Well Contractor's License No. 134. This Water Well Record was completed on (mo/day/year) 4-9-19 under the business name of Rosencrantz- Bemis Ent Inc by (signature) [Signature]

Send one white copy to Kansas Department of Health & Environment, Geology Section, 1000 SW Jackson Street, Ste. 420, Topeka, KS 66612-1367. Send one copy to WATER WELL OWNER and retain one for your records.
 Visit us at <http://www.kdheks.gov/waterwell/index.html> Telephone 785-296-5524.

KSA82a-1212 Revised 1/20/2015

WATER WELL RECORD

Form WWC-5

Division of Water Resources App. No.

21303

1 LOCATION OF WATER WELL: Fraction $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section Number 5 Township No. T 22 S Range Number R 14 E W
 County: Stafford
 Street/Rural Address of Well Location; if unknown, distance & direction from nearest town or intersection: If at owner's address, check here .
 1/8 South, 1/8 East of Radium

2 WATER WELL OWNER: William & Karl Estes
 RR#, Street Address, Box #: 8609 Brookhollow
 City, State, ZIP Code : Wichita, KS 67206

Global Positioning System (GPS) information:
 Latitude: (in decimal degrees)
 Longitude: (in decimal degrees)
 Elevation:
 Datum: WGS 84, NAD 83, NAD 27
 Collection Method:
 GPS unit (Make/Model:)
 Digital Map/Photo, Topographic Map, Land Survey
 Est. Accuracy: <3 m, 3-5 m, 5-15 m, >15 m

3 LOCATE WELL WITH AN "X" IN SECTION BOX:

N

NW	NE
SW	SE

W E

S

-----1 mile-----

4 DEPTH OF COMPLETED WELL 225 ft.

Depth(s) Groundwater Encountered (1)..... ft. (2)..... ft. (3)..... ft.

WELL'S STATIC WATER LEVEL 36 ft. below land surface measured on mo/day/yr. 10-23-12.....

Pump test data: Well water was 62' 6" ft. after 2 1/2 hours pumping. 1162 gpm

EST. YIELD. 2173 gpm. Well water was 82' ft. after 3 hours pumping. 2173 gpm

Bore Hole Diameter 30 in. to 225 ft., and in. to ft.

WELL WATER TO BE USED AS: Public water supply Geothermal Injection well
 Domestic Feedlot Oil field water supply Dewatering Other (Specify below)
 Irrigation Industrial Domestic-lawn & garden Monitoring well

Was a chemical/bacteriological sample submitted to Department? Yes No

If yes, mo/day/yr sample was submitted.....

Water well disinfected? Yes No

5 TYPE OF CASING USED: Steel PVC Other

CASING JOINTS: Glued Clamped Welded Threaded

Casing diameter 16 in. to 225 ft., Diameter in. to ft., Diameter in. to ft.

Casing height above land surface 18 in., Weight Sch 40 lbs./ft., Wall thickness or gauge No.

TYPE OF SCREEN OR PERFORATION MATERIAL:
 Steel Stainless Steel PVC Other (Specify)
 Brass Galvanized Steel None used (open hole)

SCREEN OR PERFORATION OPENINGS ARE:
 Continuous slot Mill slot Gauze wrapped Torch cut Drilled holes None (open hole)
 Louvered shutter Key punched Wire wrapped Saw cut Other (specify)

SCREEN-PERFORATED INTERVALS: From 225 ft. to 125 ft., From ft. to ft.
 From ft. to ft., From ft. to ft.

GRAVEL PACK INTERVALS: From 225 ft. to 20 ft., From ft. to ft.
 From ft. to ft., From ft. to ft.

6 GROUT MATERIAL: Neat cement Cement grout Bentonite Other

Grout Intervals: From ft. to ft., From 20 ft. to 0 ft., From ft. to ft.

What is the nearest source of possible contamination:
 Septic tank Lateral lines Pit privy Livestock pens Insecticide storage Other (specify below)
 Sewer lines Cesspool Sewage lagoon Fuel storage Abandoned water well
 Watertight sewer lines Seepage pit Feedyard Fertilizer storage Oil well/gas well

Direction from well North Distance from well 275ft

FROM	TO	LITHOLOGIC LOG	FROM	TO	LITHO. LOG (cont.) or PLUGGING INTERVALS
0	1	Sandy clay	111	131	Sandy clay
1	14	Clay	131	141	Sand
14	22	Fine sand	141	162	Sandy clay
22	46	Sand	162	166	Fine sand
46	61	Sandy clay	166	176	Sandy clay
61	62	Clay	176	190	Sand & gravel
62	76	Sand	190	191	Clay
76	84	Clay	191	225	Gravel
84	98	Sandy clay			
98	111	Fine sand			

7 CONTRACTOR'S OR LANDOWNER'S CERTIFICATION: This water well was constructed, reconstructed, or plugged under my jurisdiction and was completed on (mo/day/year) 12-7-12 and this record is true to the best of my knowledge and belief.
 Kansas Water Well Contractor's License No. 134 This Water Well Record was completed on (mo/day/year) 12-14-12
 under the business name of Rosencrantz-Bemis by (signature) John Alton

INSTRUCTIONS: Use typewriter or ball point pen. PLEASE PRESS FIRMLY and PRINT clearly. Please fill in blanks and check the correct answers. Send three copies (white, blue, pink) to Kansas Department of Health and Environment, Bureau of Water, Geology Section, 1000 SW Jackson St., Suite 420, Topeka, Kansas 66612-1367. Telephone 785-296-5524. Send one copy to WATER WELL OWNER and retain one for your records. Include fee of \$5.00 for each constructed well. Visit us at <http://www.kdheks.gov/waterwell/index.html>.

RECEIVED
 APR 17 2019
 Stafford Field Office
 Division of Water Resources
 Water Resources
 Received
 MAR 22 2019
 KS Dept Of Agriculture

SCANNED

Property Details for PID: 0930530600000002010

QuickRef ID : R818

Owner Name : SCHMITT, CARMEN

Location: 00000 NW 150TH ST, Saint John, KS
67576

Abbreviated Boundary Description: S06, T22, R14, ACRES 146.49, NW4
LESS R/D ROW

Owner Information:

Owner SCHMITT, CARMEN

Mailing Address PO BOX 47 GREAT BEND, KS 67530

Property Information:

Type Agricultural Use

Status Active

Taxing Unit 046 DOUGLAS TWP

Neighborhood Code 050

No Secondary Address Details found

Market Land Details:

Actual Width: 0

Eff. Width 0

RECEIVED

APR 17 2019

Stafford Field Office
Division of Water Resources

Property Details for PID: 0930493100000002000

QuickRef ID : R730

Owner Name : SCHMITT, CARMEN

Location: 00000 NW 150TH ST, Pawnee Rock, KS 67567

Abbreviated
Boundary
Description: UNPLATTED SUBDIVISION-RURAL, S31, T21,
R14, ACRES 294.25, S2 SEC EX BEG 70 N & 40
W SE COR SE4 TH W 1410 TH N 135 TH E 1410
TH S 135 TO POB LESS RD SECTION 31
TOWNSHIP 21 RANGE 14

Owner Information:

Owner SCHMITT, CARMEN

Mailing Address PO BOX 47 GREAT BEND, KS 67530

Property Information:

Type Agricultural Use

Status Active

Taxing Unit 035 LINCOLN TWP

Neighborhood
Code 040

No Secondary Address Details found

Market Land Details:

Actual Width:

0

RECEIVED

APR 17 2019

Stafford Field Office
Division of Water Resources

Property Details for PID: 0930530600000002000

QuickRef ID : R817

Owner Name : SCHMITT, CARMEN

Location: 00000 NW 150TH ST, Saint John, KS 67576

Abbreviated Boundary Description: UNPLATTED SUBDIVISION-RURAL, S06, T22, R14, ACRES 145.88, LOTS 1,2 & S2 NE4 EX NE COR NE4 TH S 1347 TH W 404 TH N 807.5 TH E 140 SECTION 06 TOWNSHIP 22 RANGE 14

Owner Information:

Owner SCHMITT, CARMEN

Mailing Address PO BOX 47 GREAT BEND, KS 67530

Property Information:

Type Agricultural Use

Status Active

Taxing Unit 046 DOUGLAS TWP

Neighborhood Code 050

No Secondary Address Details found

Market Land Details:

Actual Width: 0

RECEIVED

APR 17 2019

Stafford Field Office
Division of Water Resources

Property Details for PID: 0930530500000001000

QuickRef ID : R795

Owner Name : SCHMITT, CARMEN

Location: NW 150TH ST, Saint John, KS 67576

Abbreviated Boundary Description: UNPLATTED SUBDIVISION-RURAL, S05, T22, R14, ACRES 301.98, LOTS 1,2,3 & 4 AND S2 NE4 & S2 NW4 EX BEG NW COR NW4 TH S 835 (S) TH E390 (S) TH N 115(S) TH E SECTION 05 TOWNSHIP 22 RANGE 14

Owner Information:

Owner SCHMITT, CARMEN

Mailing Address PO BOX 47 GREAT BEND, KS 67530

Property Information:

Type Agricultural Use

Status Active

Taxing Unit 046 DOUGLAS TWP

Neighborhood Code 050

No Secondary Address Details found

Market Land Details:

Actual Width: 0

RECEIVED

APR 17 2019

Stafford Field Office
Division of Water Resources

CARMEN SCHMITT
P.O. BOX 47
GREAT BEND KS 67530

New Wealth Comes From the Land
620-793-5100

3-20-19

Attn: Mr. Brent Turney
CHIEF ENGINEER
Division of Water Resources
Kansas Department of Agriculture
1320 Research Park Drive
Manhattan, KS 66502

Re: Water Right File Numbers 21303 and 30636
Section 5-22S-14W
Stafford County, Kansas

Water Resources
Received
MAR 22 2019
KS Dept Of Agriculture

Dear CHIEF ENGINEER:

Overview: Carmen Schmitt presently owns N/2 of Section 5-22S-14W with the related water rights files 21303 and 30636. Historically this land has been flood irrigated; not developed with pivot sprinklers because of the extensive oil production infrastructure on the land. Carmen Schmitt also owns S/2 Section 31-21S-14W and N/2 Section 6-22S-14W, historically not irrigated. The purpose of the enclosed Applications is to pivot irrigate acreage in S/2 Section 31-21W-14W and N/2 Section 6-22S-14W and discontinue the flood irrigation in N/2 Section 5-22S-14W.

Enclosed please find:

- A. Application for Approval to Change the Place of Use and Point of Diversion File #30636.
- B. Application for Approval to Change the Place of Use and Point of Diversion File #21303. Please note paragraph 18. alludes to "Domestic Well Spacing Consent" forms as being attached. The "Consentor" personally gave verbal approval on Friday, March 15 after which I obtained the forms from DWR Stafford. As of today the "Consentor" is away from home and unavailable. As soon as I can again locate the "Consentor" I will send the executed forms to you for attachment to this application.
- C. Check in the amount of \$800.00 for the total application fees.

Please give these applications your prompt attention, as we want to proceed for the upcoming irrigation season. I may be reached at the phone number on this letterhead or my cell number, which is 620.793.0102, or my email address, which is carmen@schmittinc.net.

Sincerely,



Carmen Schmitt

cc: GMD 5 Jerry Cullop, Secretary
KDA Kenneth B. Titus, Chief Legal Counsel

RECEIVED
APR 17 2019
Stafford Field Office
Division of Water Resources

SCANNED

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



Phone: 620-234-5311
Fax: 620-234-6900
www.agriculture.ks.gov

Mike Beam, Secretary

Laura Kelly, Governor

April 10, 2019

SAMUEL M WILLIAM L SPECE
2224 CLEVELAND
GREAT BEND, KS 67530

RE: Water Right, File No(s). 21303 & 30636

Dear Water-User,

This is to advise you that Carmen Schmitt has filed two (2) applications for approval of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, to change the point of diversion and the place of use under the above referenced file number(s). 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 each complete application posted by the water right file number(s) as referenced above at www.agriculture.ks.gov/divisions-programs/dwr/water-appropriation/notices. Also, a copy of each application map has been included on the back of this letter for you reference. If you do not have access to the internet and would like copies of the applications, please contact the Stafford Field Office. If you have any additional questions about the applications, please contact the Stafford Field Office at (620) 234-5311.

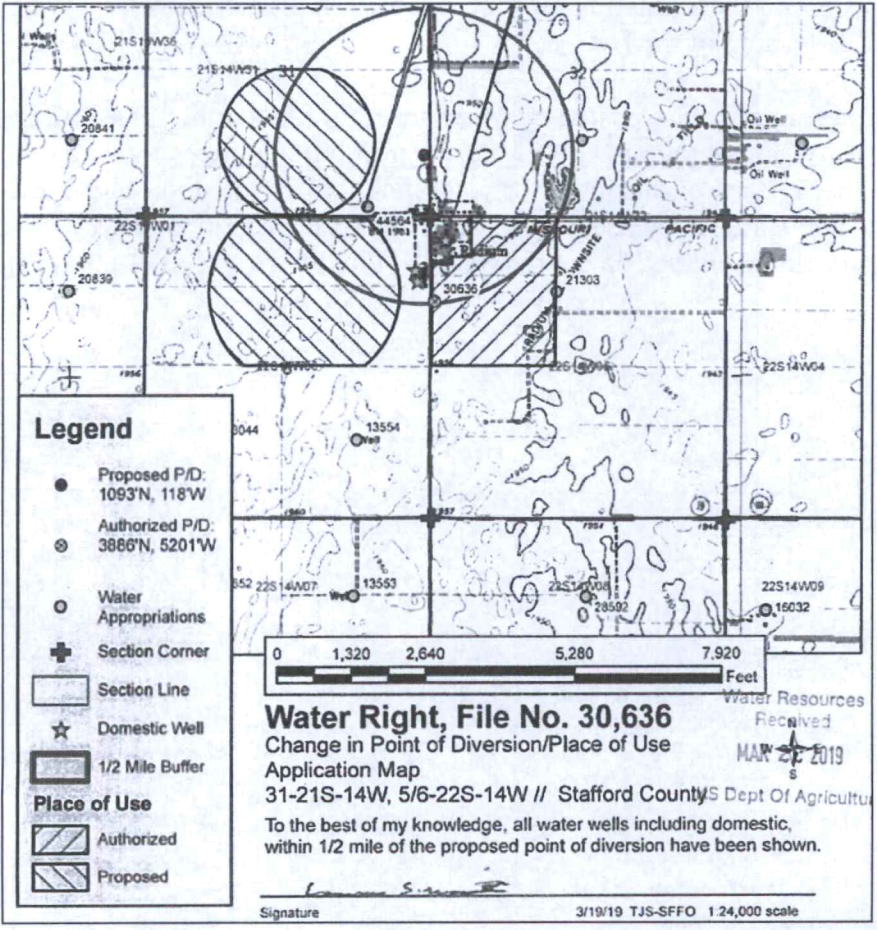
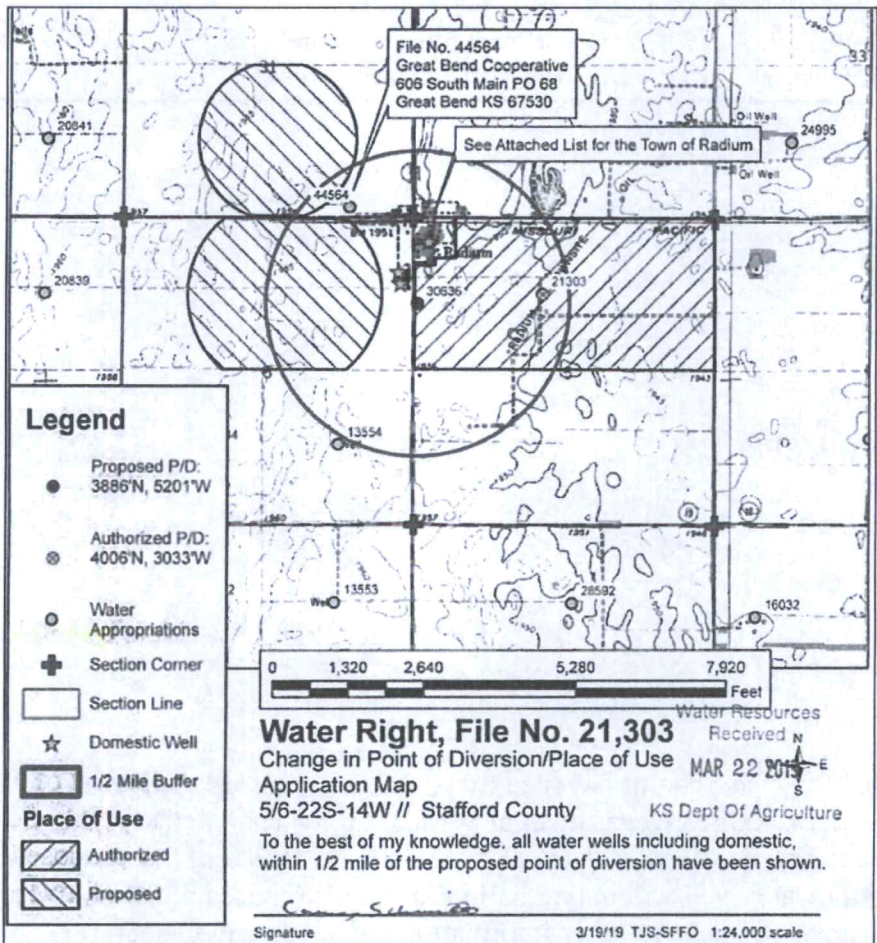
Sincerely,

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

Tyler Saryerwinnie
Environmental Scientist
tyler.saryerwinnie@ks.gov

pc: GMD #5

SCANNED



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



Phone: 620-234-5311
Fax: 620-234-6900
www.agriculture.ks.gov

Mike Beam, Secretary

Laura Kelly, Governor

April 10, 2019

Attn: JOANN CLARK
CITY OF RADIUM
112 STATION RD
RADIUM, KS 67550

RE: Water Right, File No(s) **21303** & 30636

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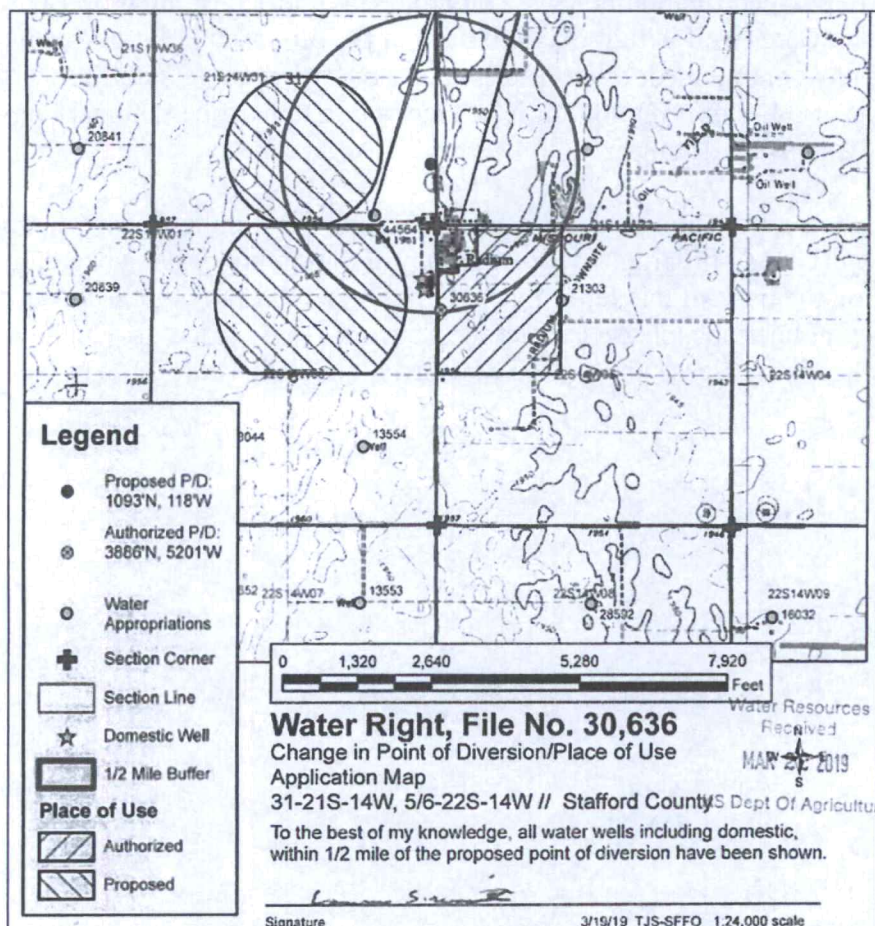
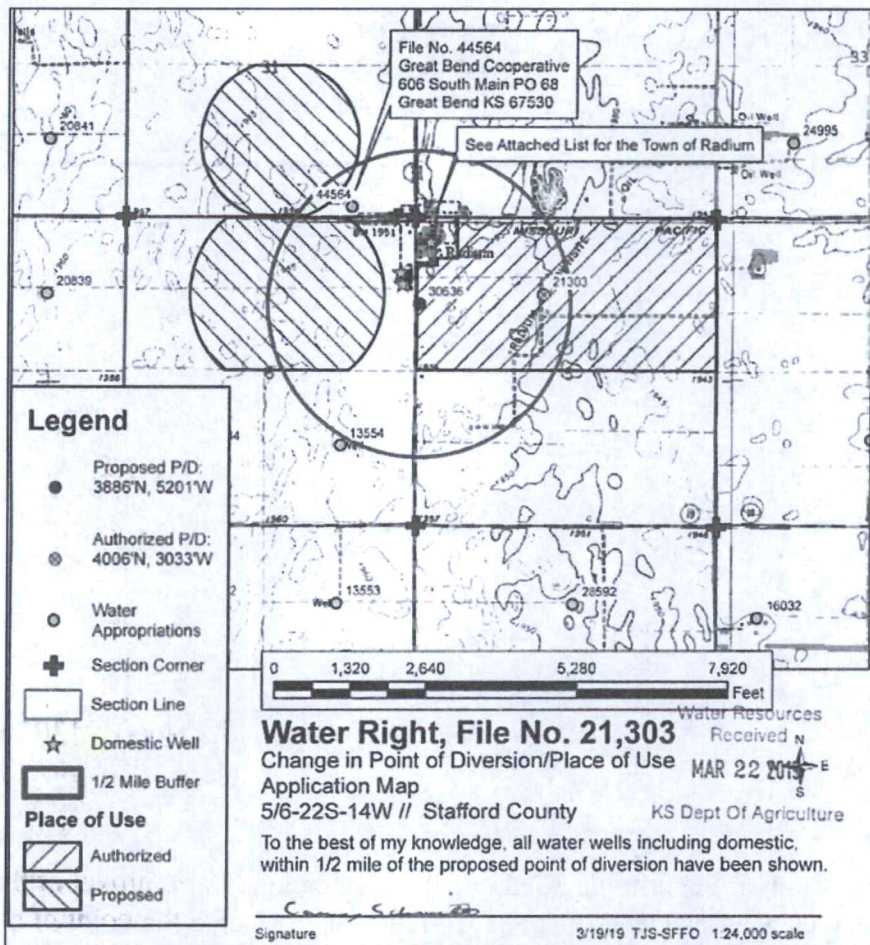
Sincerely,

A handwritten signature in black ink, appearing to read "TS", followed by a horizontal line.

Tyler Saryerwinnie
Environmental Scientist
tyler.saryerwinnie@ks.gov

pc: GMD #5

SCANNED



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



Phone: 620-234-5311
Fax: 620-234-6900
www.agriculture.ks.gov

Mike Beam, Secretary

Laura Kelly, Governor

April 10, 2019

Attn: RITA MILLER SECRETARY RADIUM RANGER SENIOR CITIZ
637 NW 90TH ST
ST JOHN, KS 67576

RE: Water Right, File No(s) 21303 & 30636

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This is to advise you that Carmen Schmitt has filed two (2) applications for approval of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, to change the point of diversion and the place of use under the above referenced file number(s). 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.

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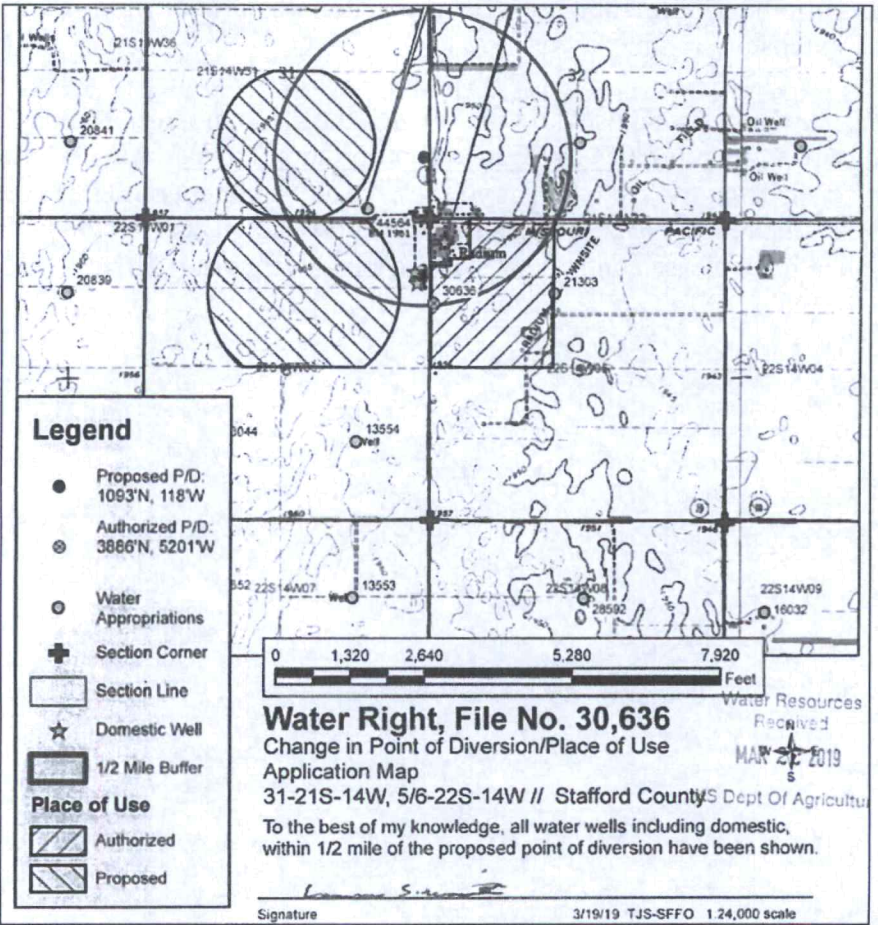
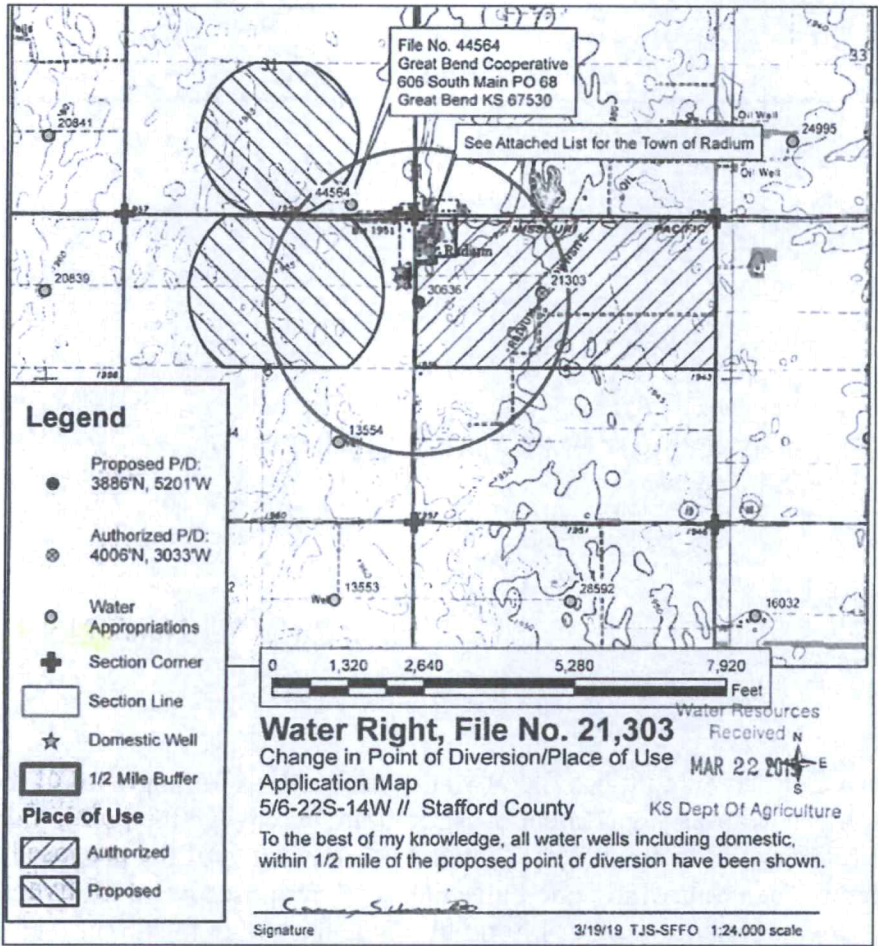
Sincerely,

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Tyler Saryerwinnie
Environmental Scientist
tyler.saryerwinnie@ks.gov

pc: GMD #5

SCANNED



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



Phone: 620-234-5311
Fax: 620-234-6900
www.agriculture.ks.gov

Mike Beam, Secretary

Laura Kelly, Governor

April 10, 2019

MARY JOANN CLARK
112 STATION RD
RADIUM, KS 67550

RE: Water Right, File No(s) **21303** & 30636

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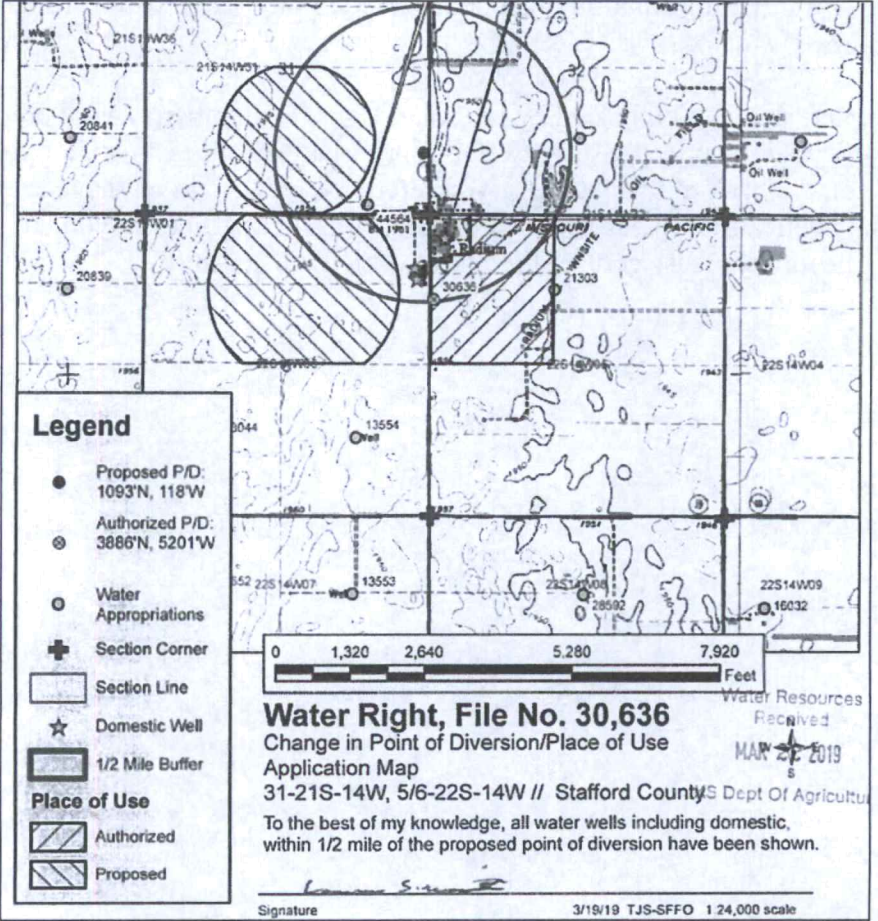
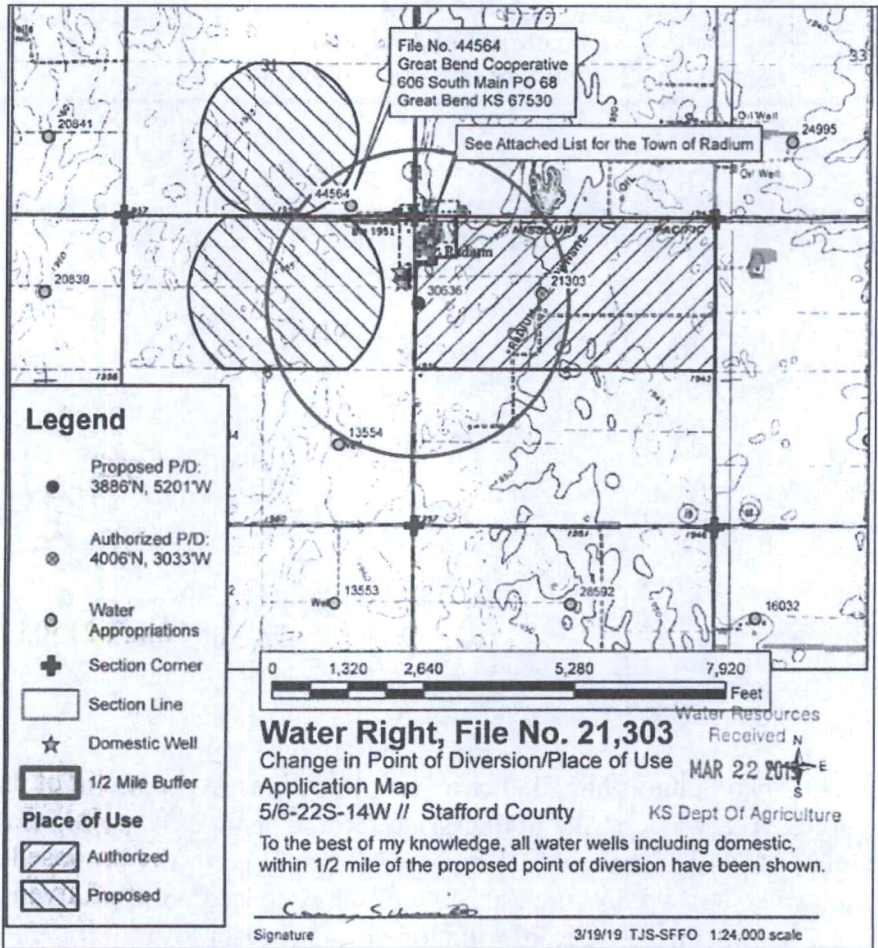
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Sincerely,

Tyler Saryerwinnie
Environmental Scientist
tyler.saryerwinnie@ks.gov

pc: GMD #5

SCANNED



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



Phone: 620-234-5311
Fax: 620-234-6900
www.agriculture.ks.gov

Mike Beam, Secretary

Laura Kelly, Governor

April 10, 2019

GARY GRAY & MARY JOANN CLARK
200 STATION RD
RADIUM, KS 67550

RE: Water Right, File No(s) 21303 & 30636

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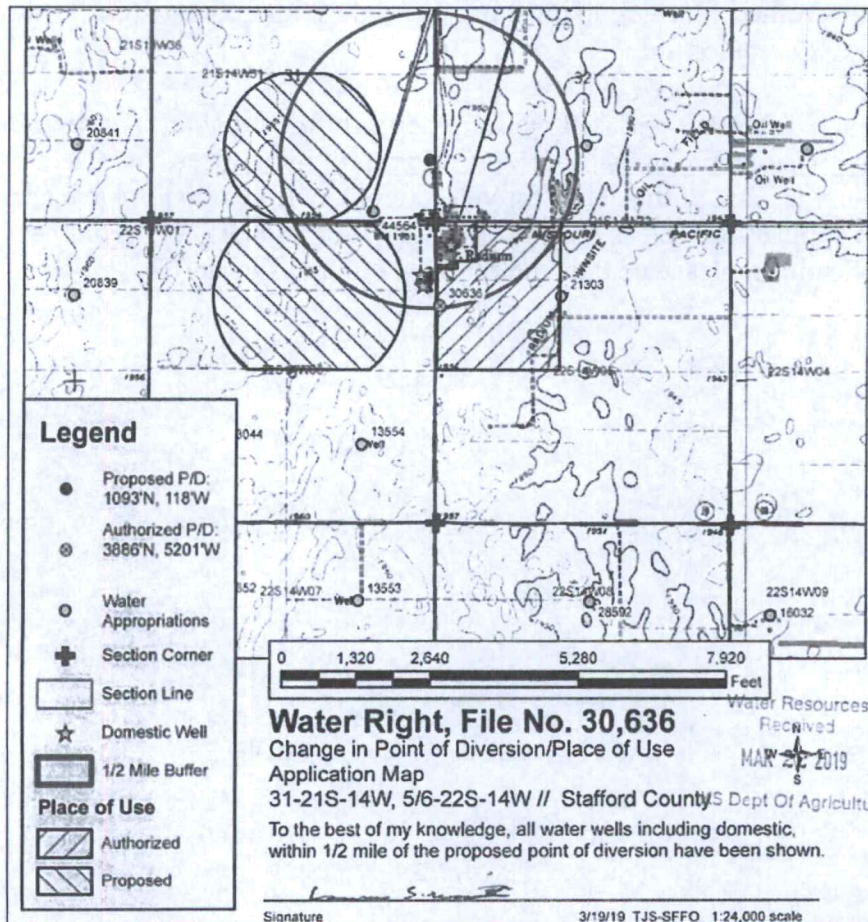
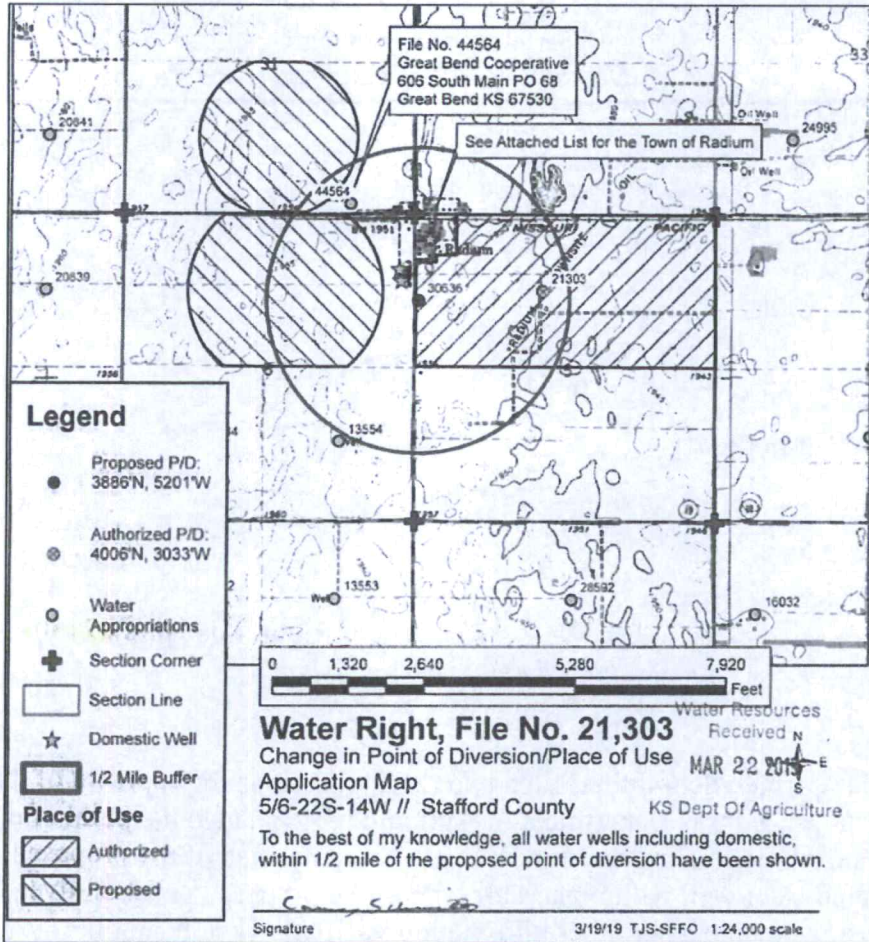
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Tyler Saryerwinnie
Environmental Scientist
tyler.saryerwinnie@ks.gov

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SCANNED



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Stafford, KS 67578-1521



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Mike Beam, Secretary

Laura Kelly, Governor

April 10, 2019

GARY LYNN GRAY
206 STATION RD
RADIUM, KS 67550

RE: Water Right, File No(s) 21303 & 30636

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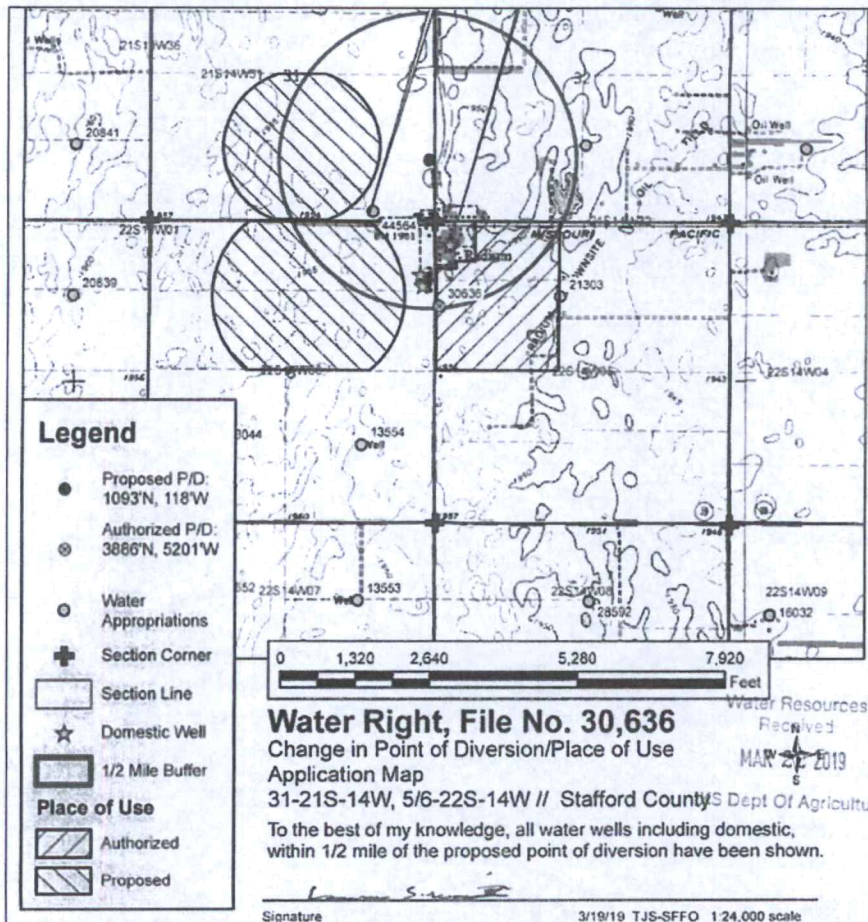
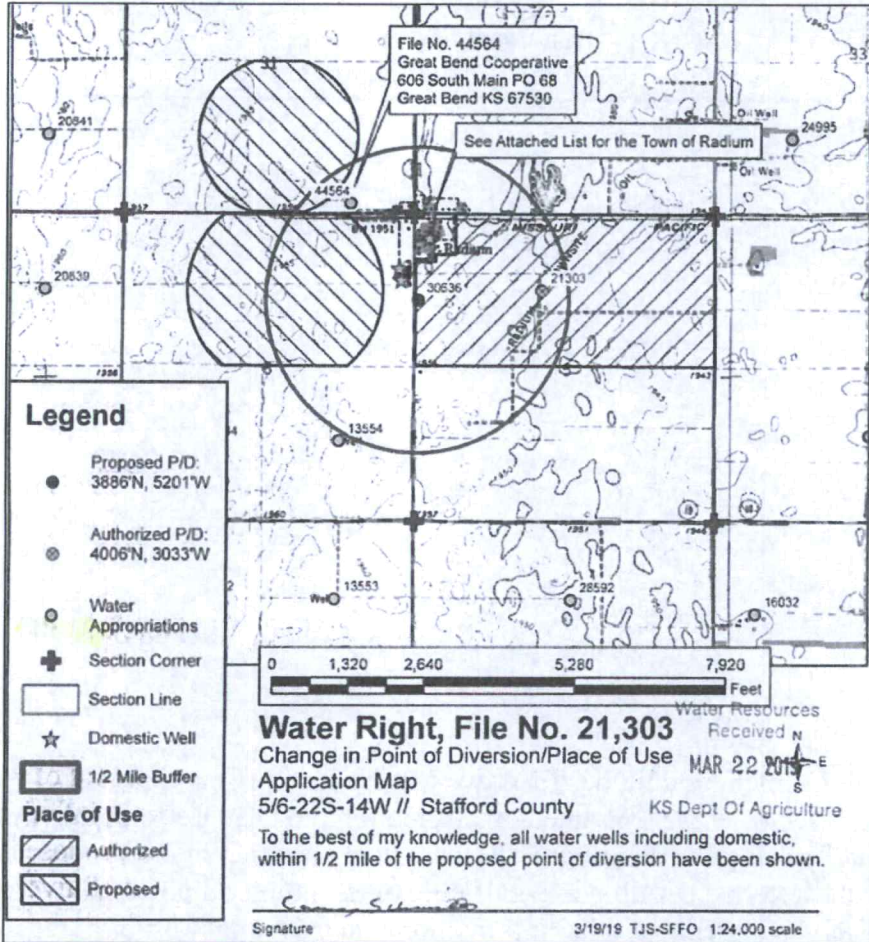
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Tyler Saryerwinnie
Environmental Scientist
tyler.saryerwinnie@ks.gov

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Mike Beam, Secretary

Laura Kelly, Governor

April 10, 2019

AGATA N FOSTER
648 EMERALD COVE DR
CHARLOTTE, NC 28262

RE: Water Right, File No(s) 21303 & 30636

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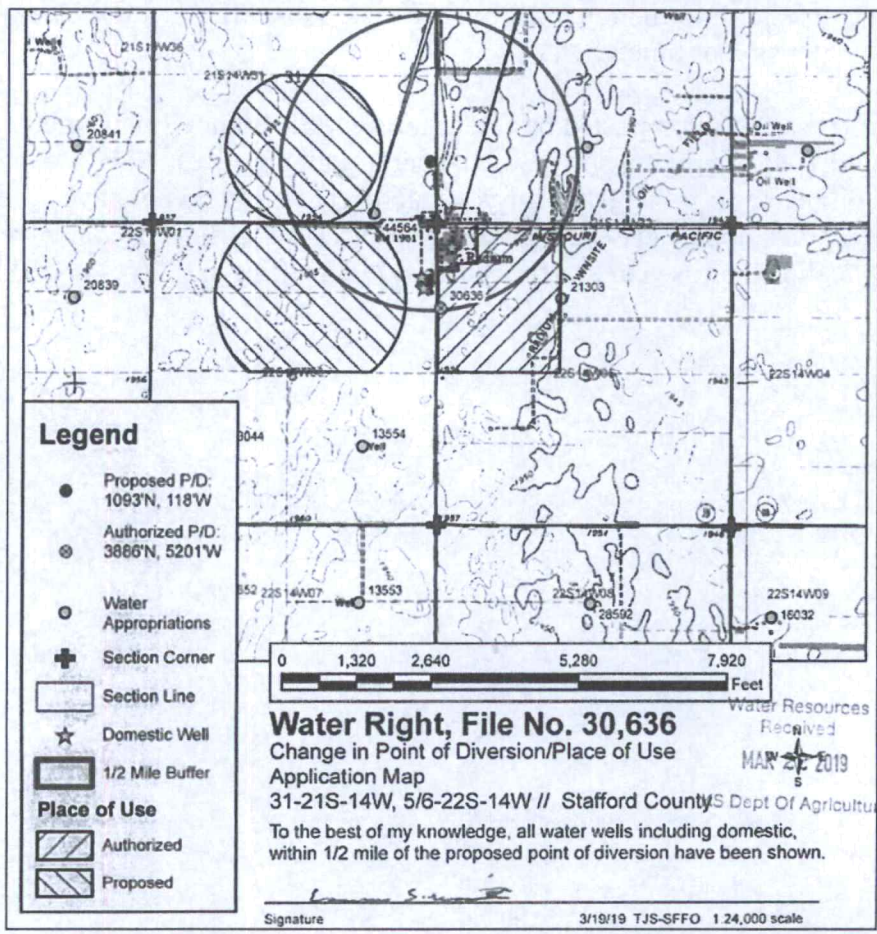
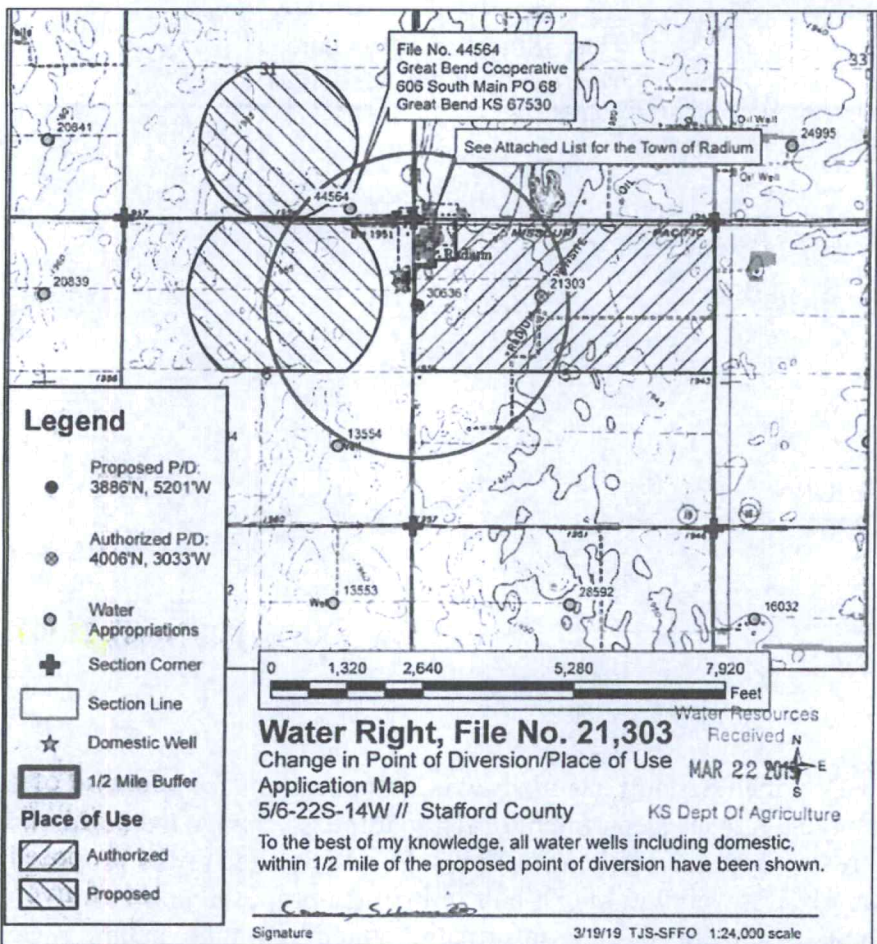
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tyler.saryerwinnie@ks.gov

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Mike Beam, Secretary

Laura Kelly, Governor

April 10, 2019

PAUL B SPICER
220 STATION RD
RADIUM, KS 67550

RE: Water Right, File No(s) 21303 & 30636

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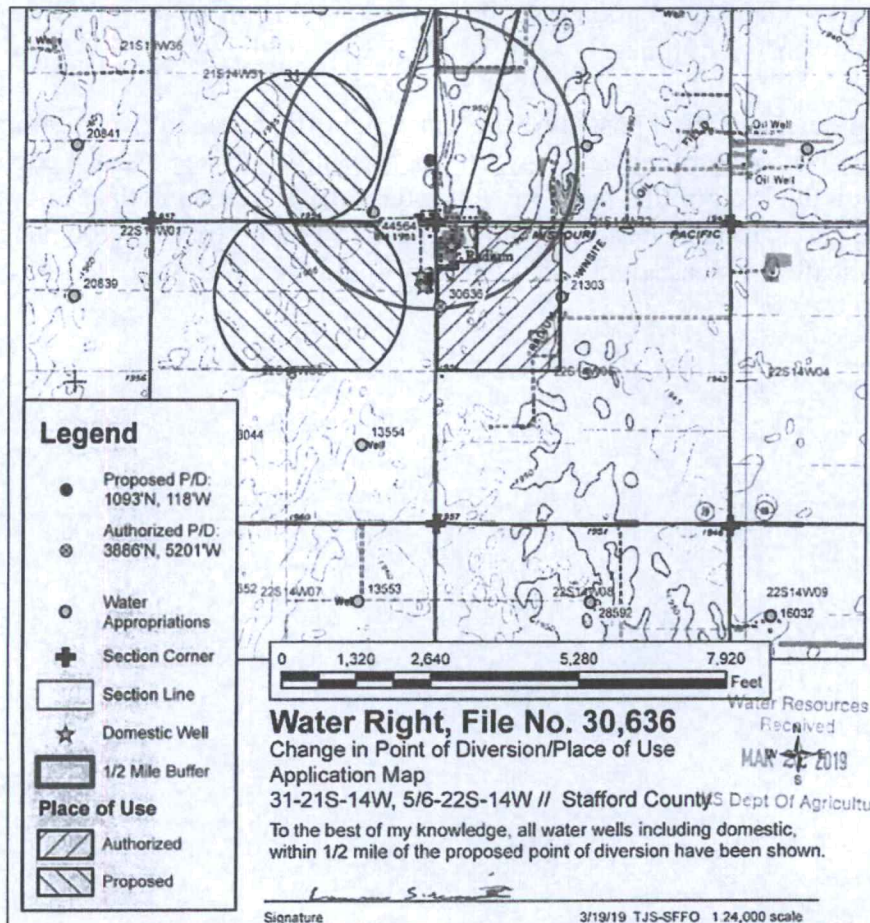
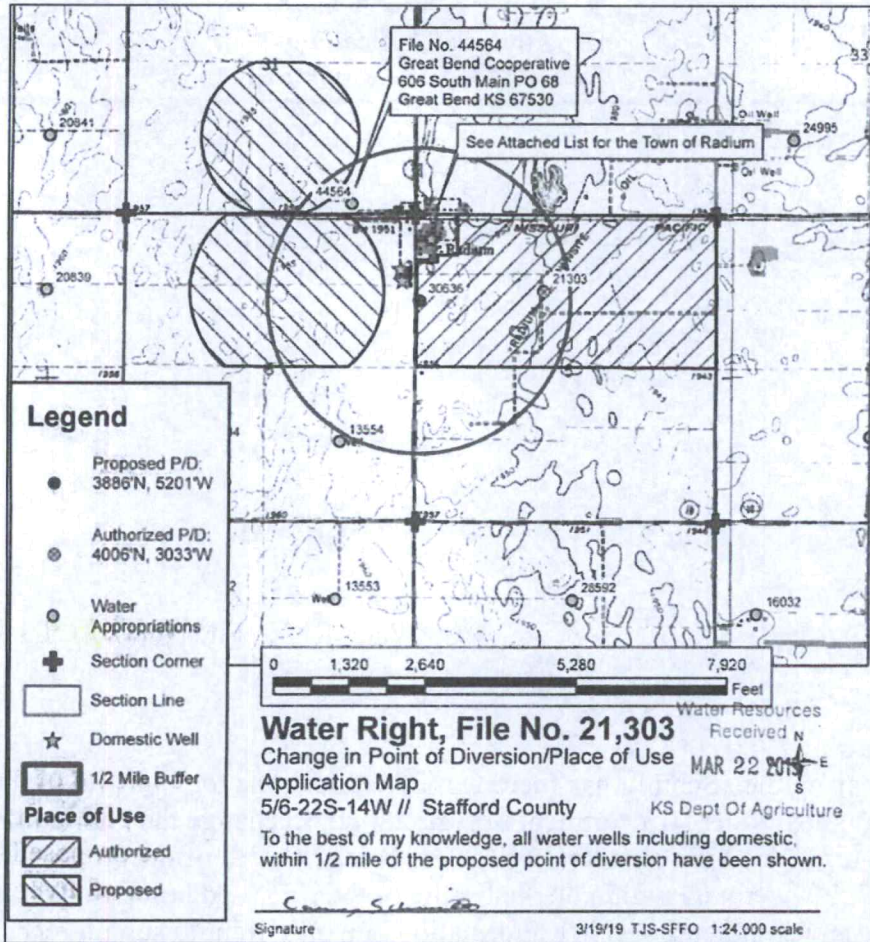
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Environmental Scientist
tyler.saryerwinnie@ks.gov

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Mike Beam, Secretary

Laura Kelly, Governor

April 10, 2019

SUSAN J SIMMONS REVC TRUST
226 STATION RD
RADIUM, KS 67550

RE: Water Right, File No(s) 21303 & 30636

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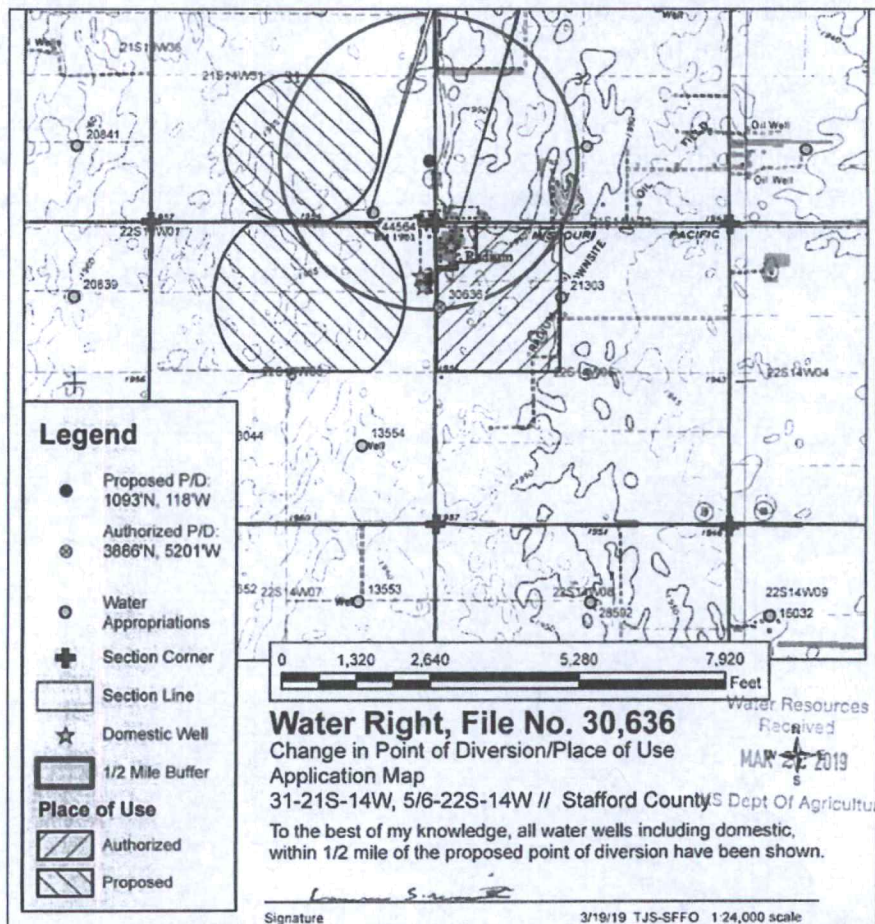
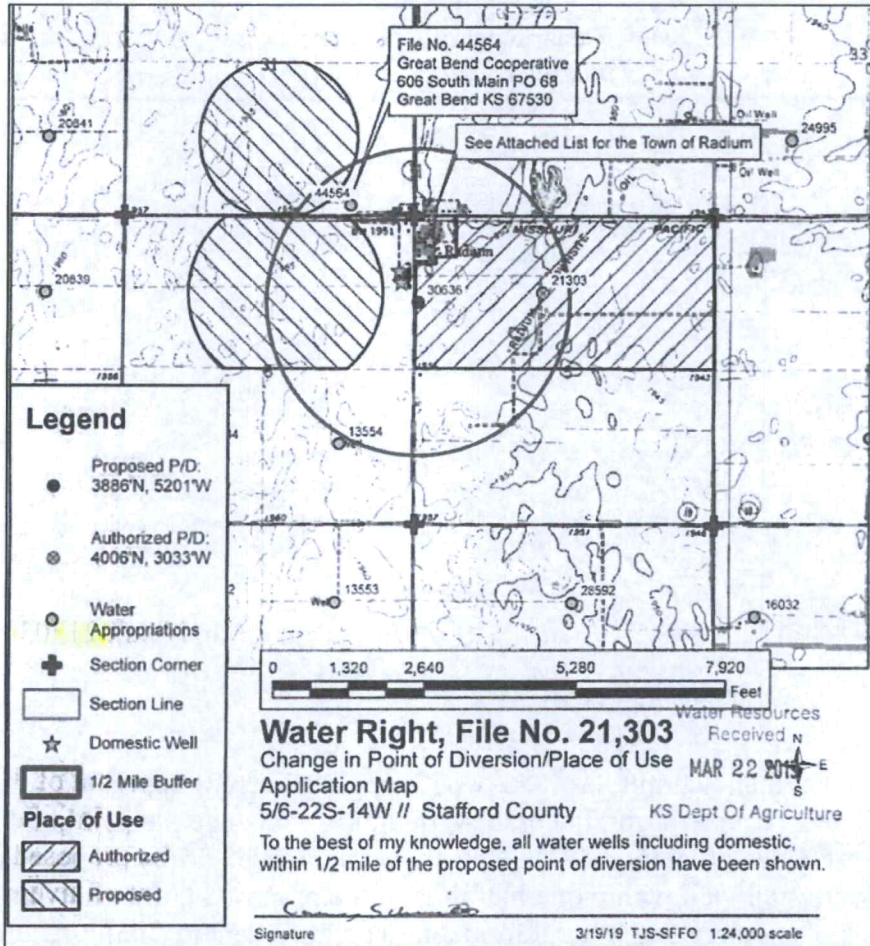
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Environmental Scientist
tyler.saryerwinnie@ks.gov

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SCANNED



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Mike Beam, Secretary

Laura Kelly, Governor

April 10, 2019

SUSAN M BATTIN
309 RADIUM RD
RADIUM, KS 67550

RE: Water Right, File No(s) 21303 & 30636

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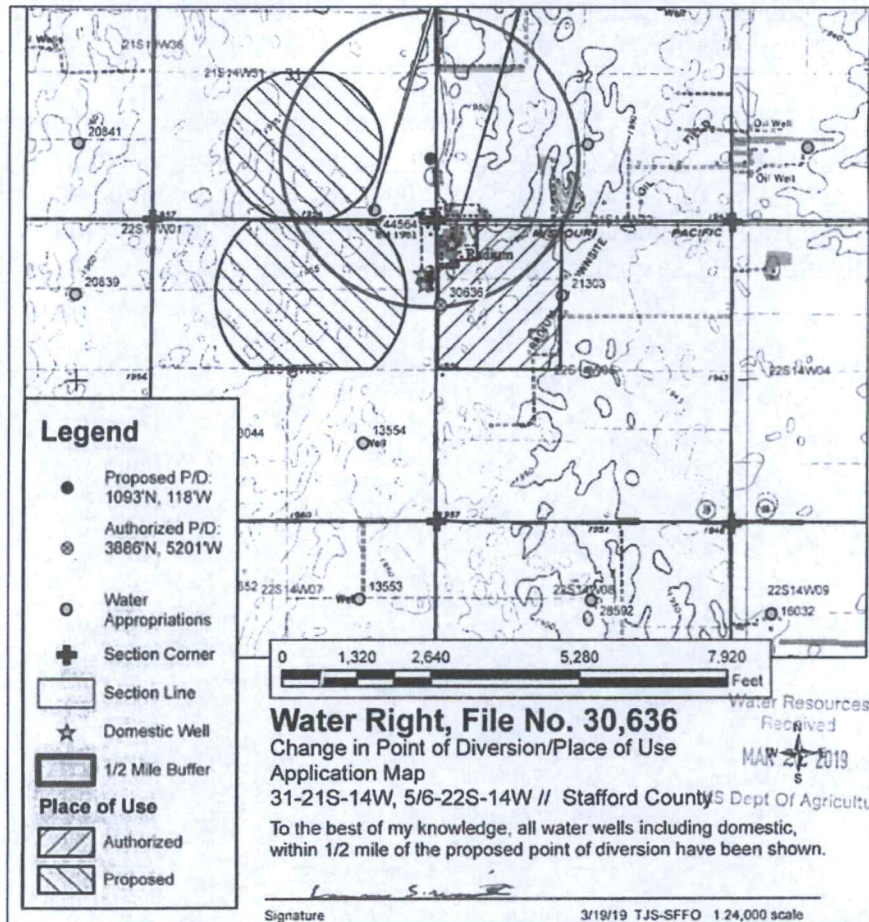
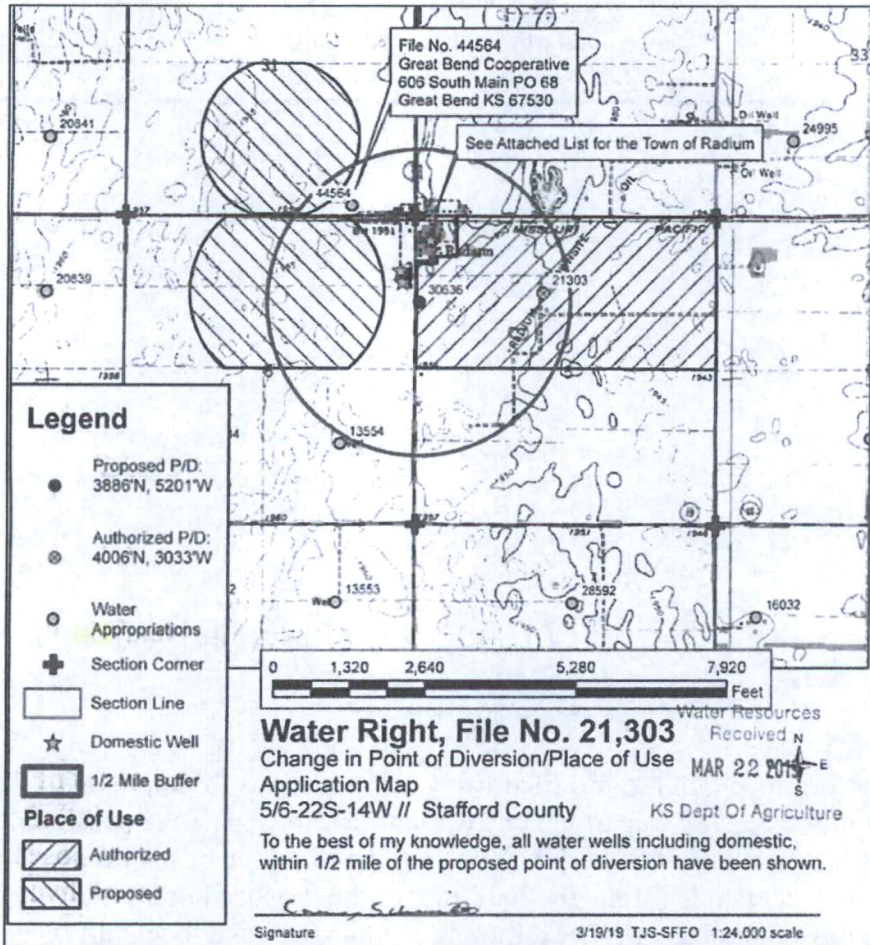
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Mike Beam, Secretary

Laura Kelly, Governor

April 10, 2019

THERESA M DETHERAGE
321 ESTES AVE
RADIUM, KS 67550

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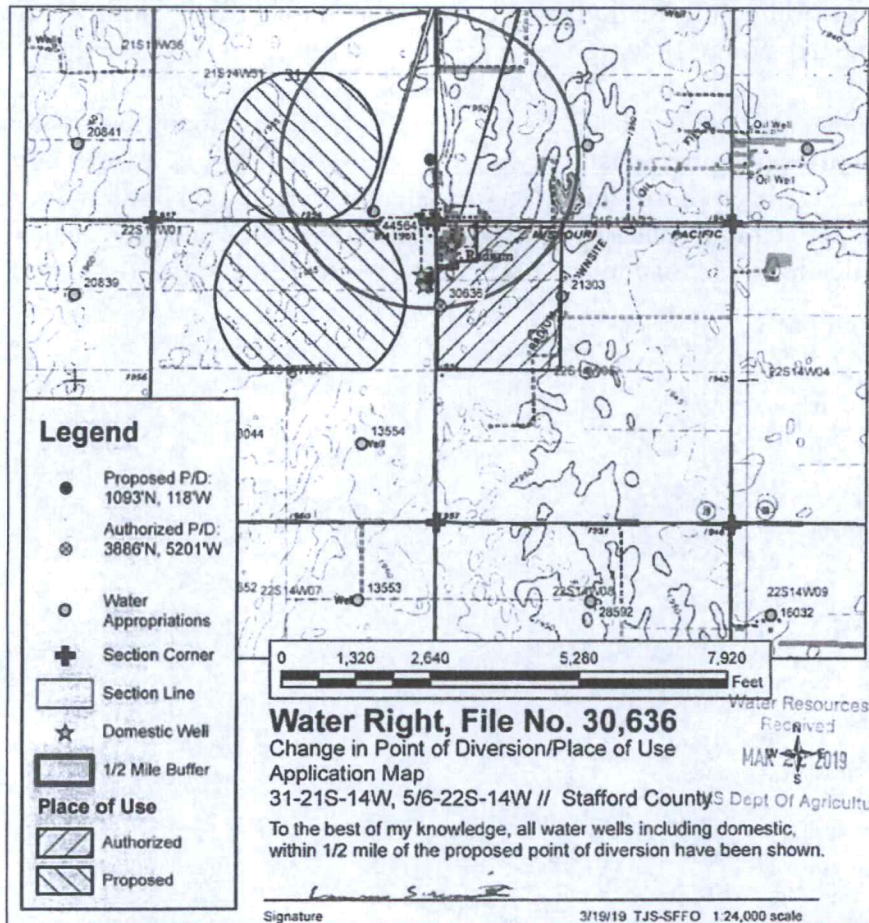
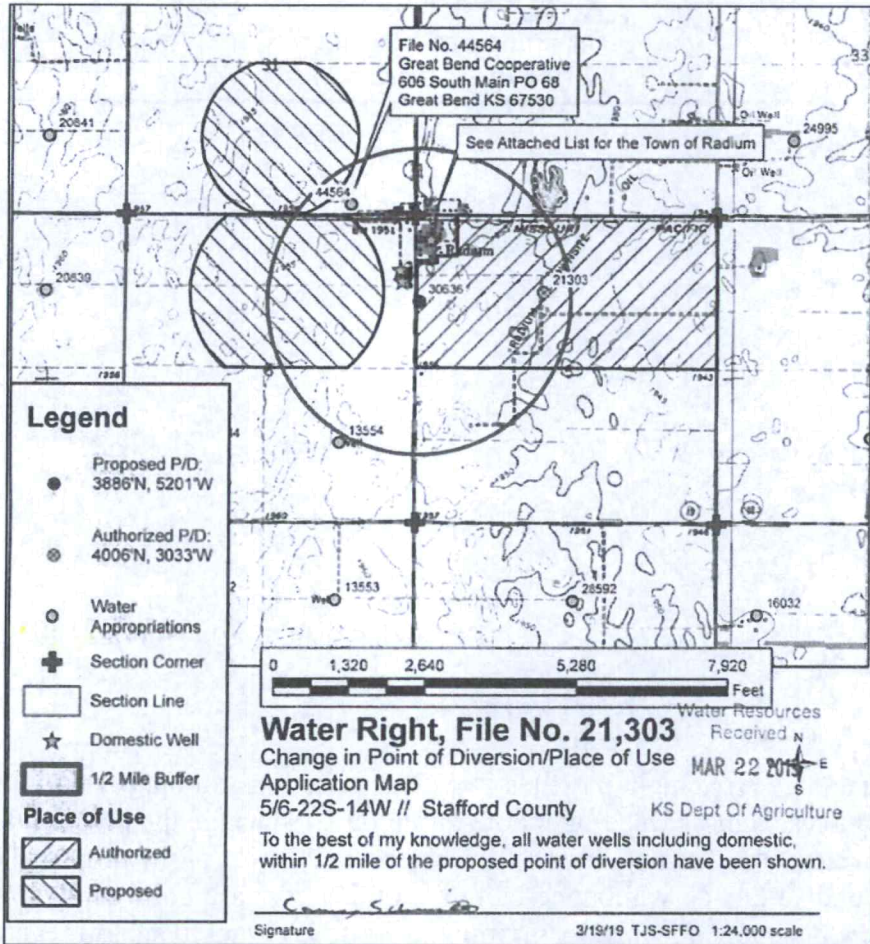
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Environmental Scientist
tyler.saryerwinnie@ks.gov

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Stafford, KS 67578-1521



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Mike Beam, Secretary

Laura Kelly, Governor

April 10, 2019

GERALD W BROWN ET AL
309 RADIUM RD
RADIUM, KS 0

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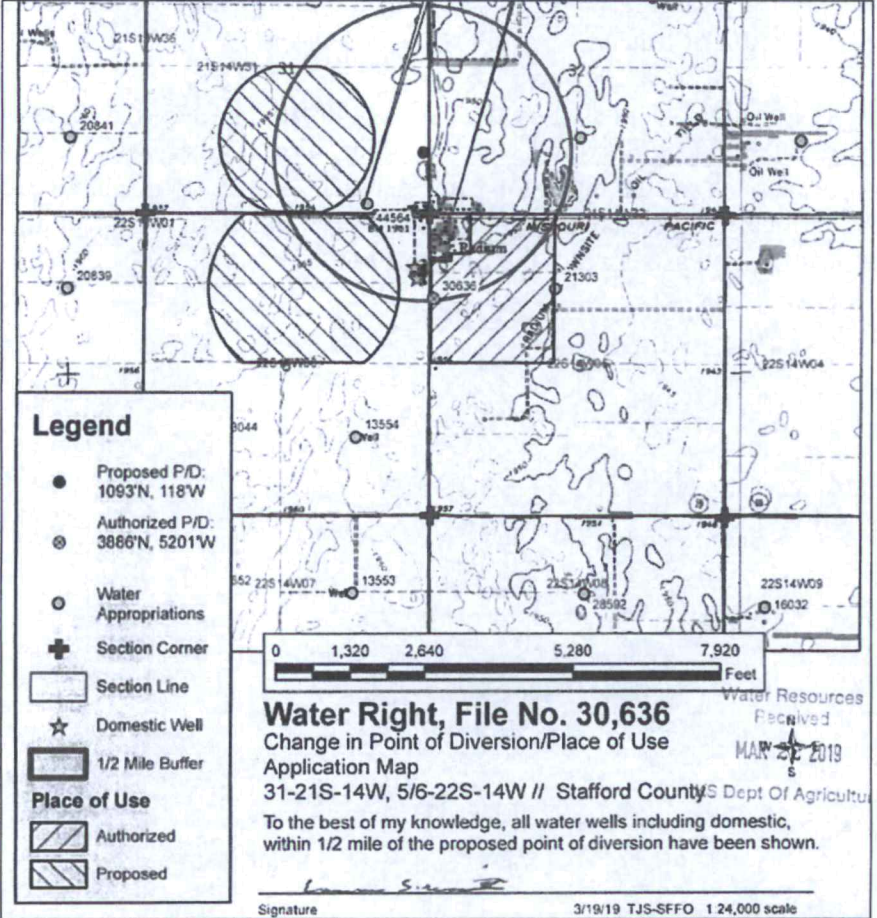
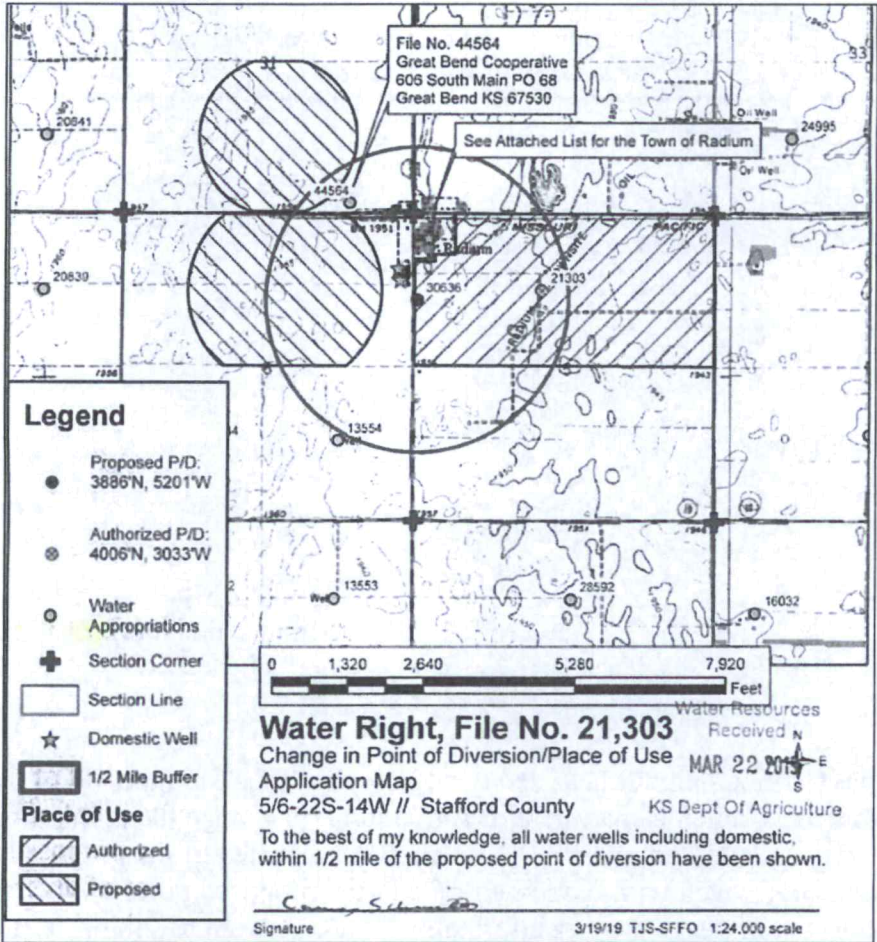
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Environmental Scientist
tyler.saryerwinnie@ks.gov

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Mike Beam, Secretary

Laura Kelly, Governor

April 10, 2019

TREY MOSIER
301 ESTES AVE
RADIUM, KS 67550

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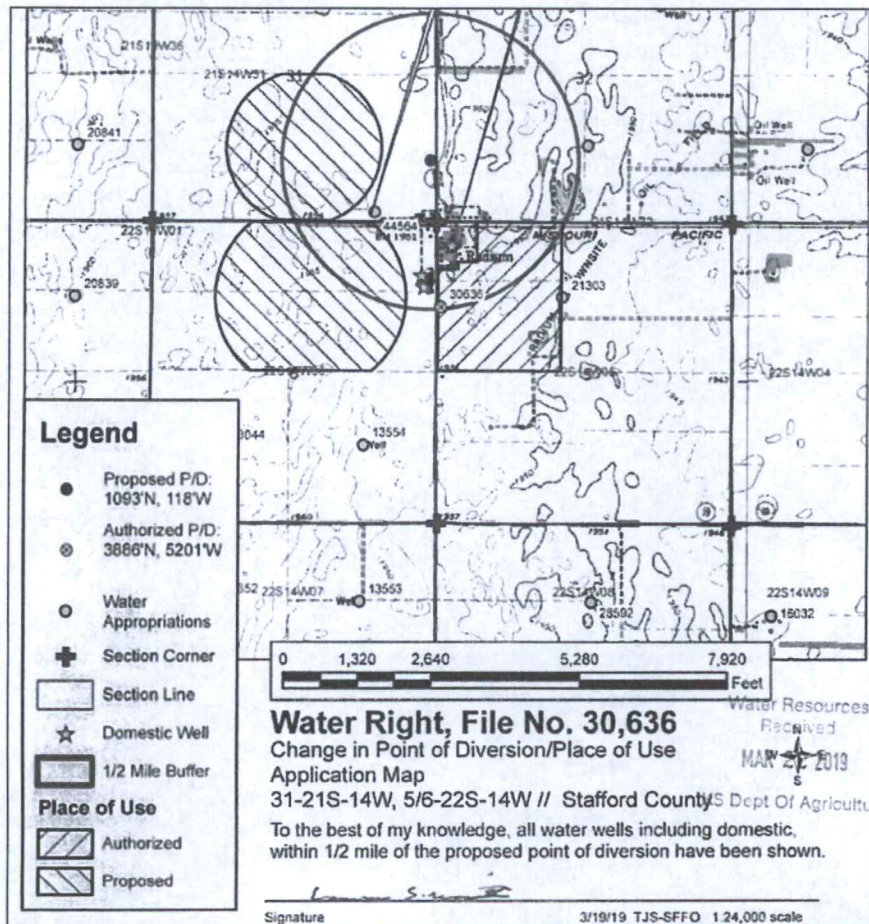
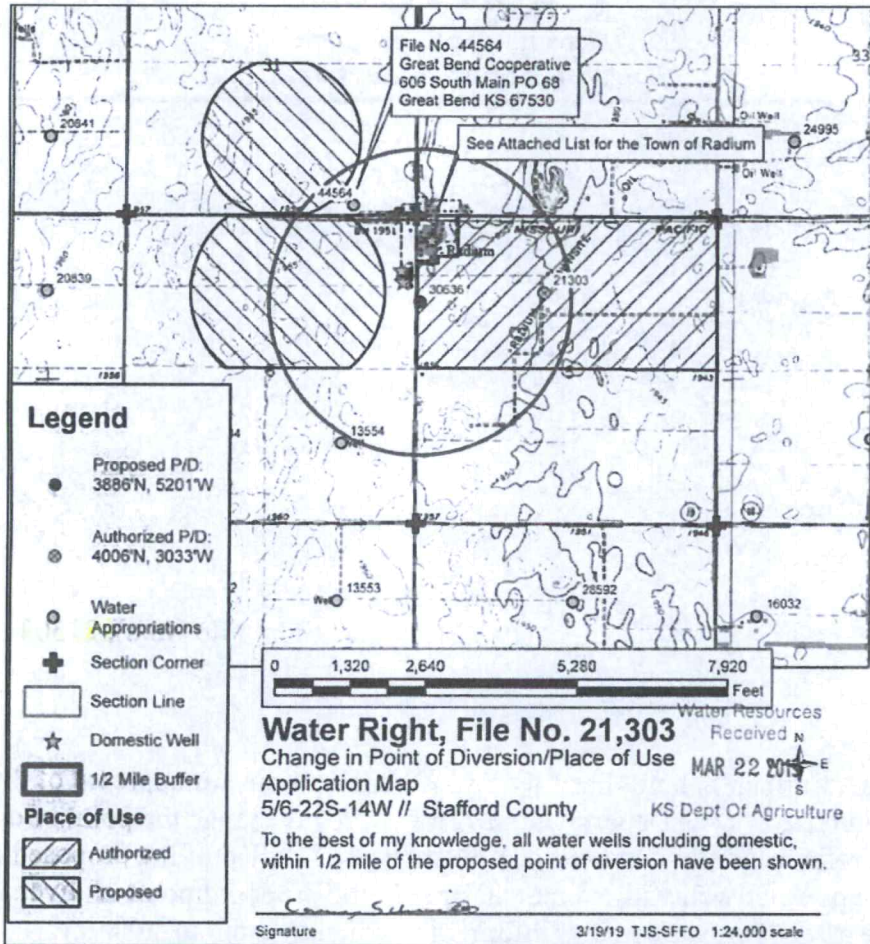
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Tyler Saryerwinnie
Environmental Scientist
tyler.saryerwinnie@ks.gov

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SCANNED



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Mike Beam, Secretary

Laura Kelly, Governor

April 10, 2019

KAREN MCALLISTER
577 80TH AVE
LARNED, KS 67550-5244

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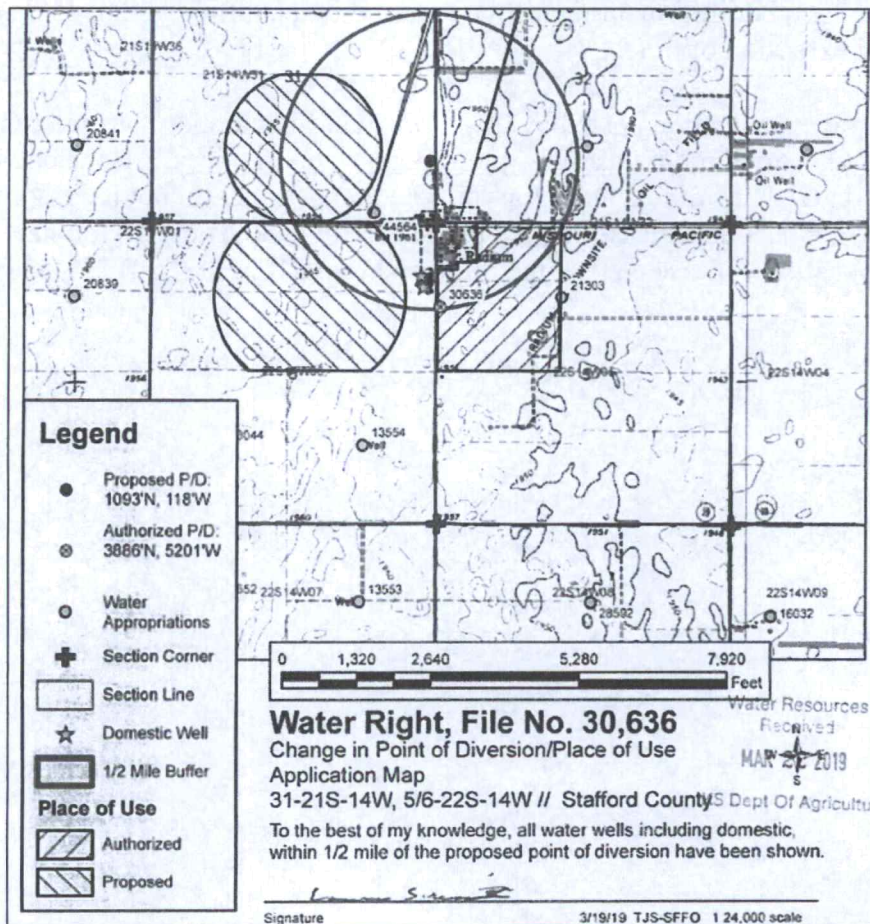
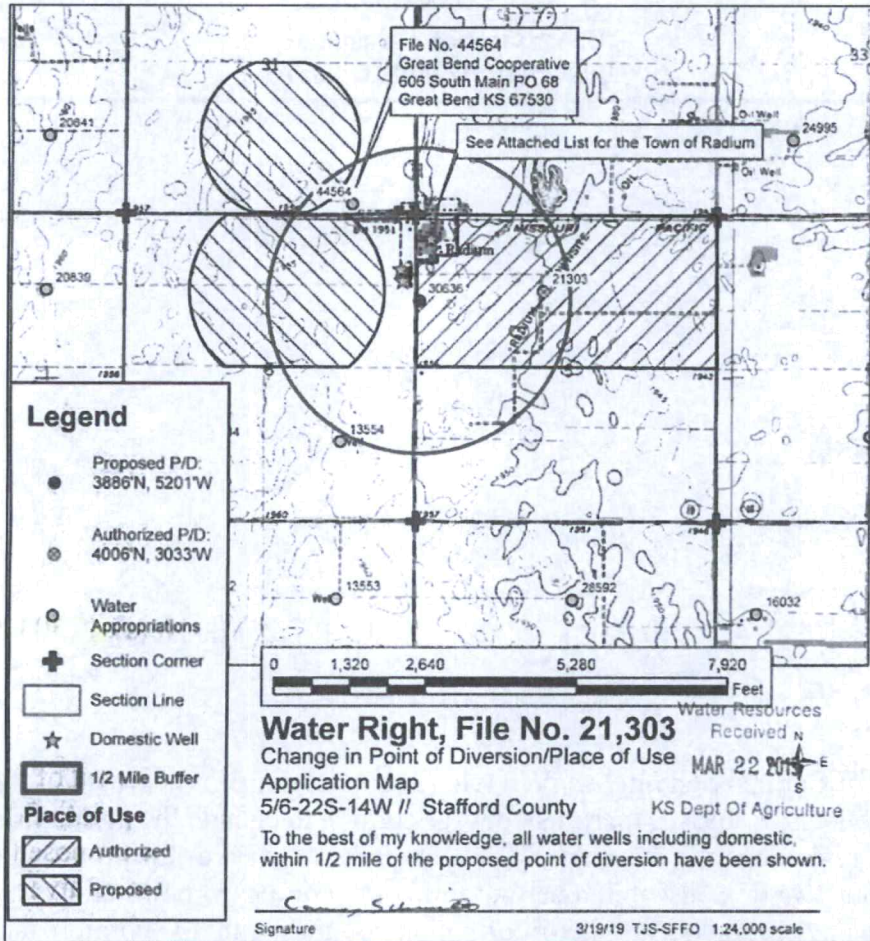
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Environmental Scientist
tyler.saryerwinnie@ks.gov

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Mike Beam, Secretary

Laura Kelly, Governor

April 10, 2019

CLAIR A BATES-CALDERWOOD
302 ESTES AVE
RADIUM, KS 67550-9128

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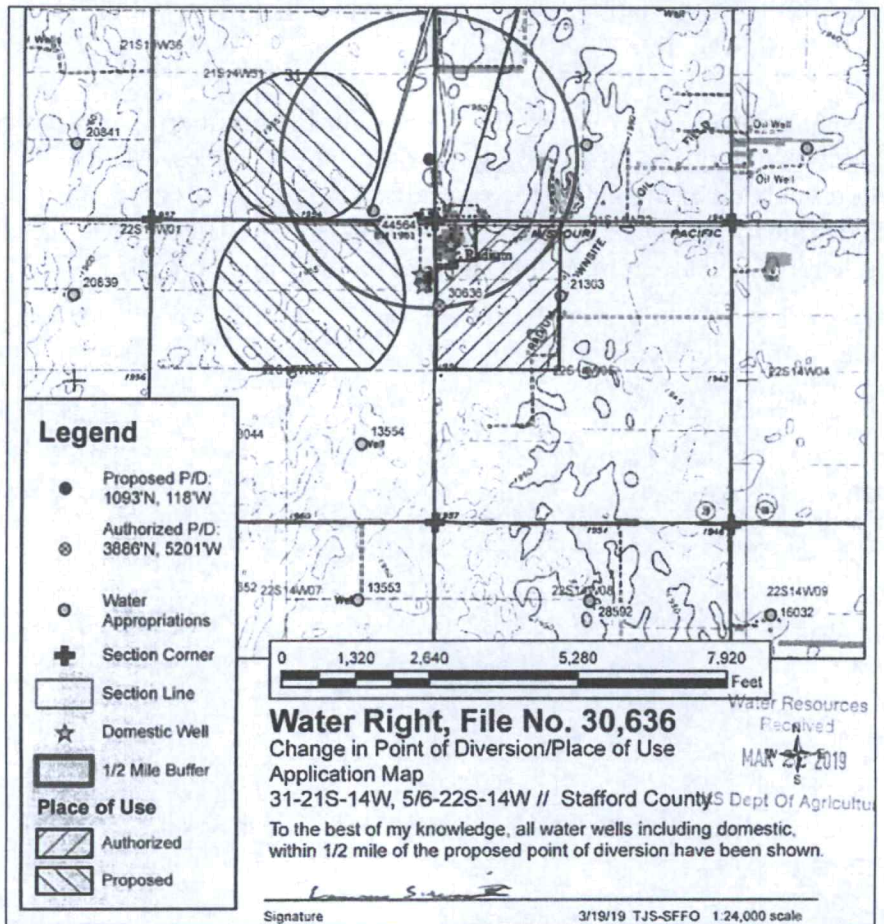
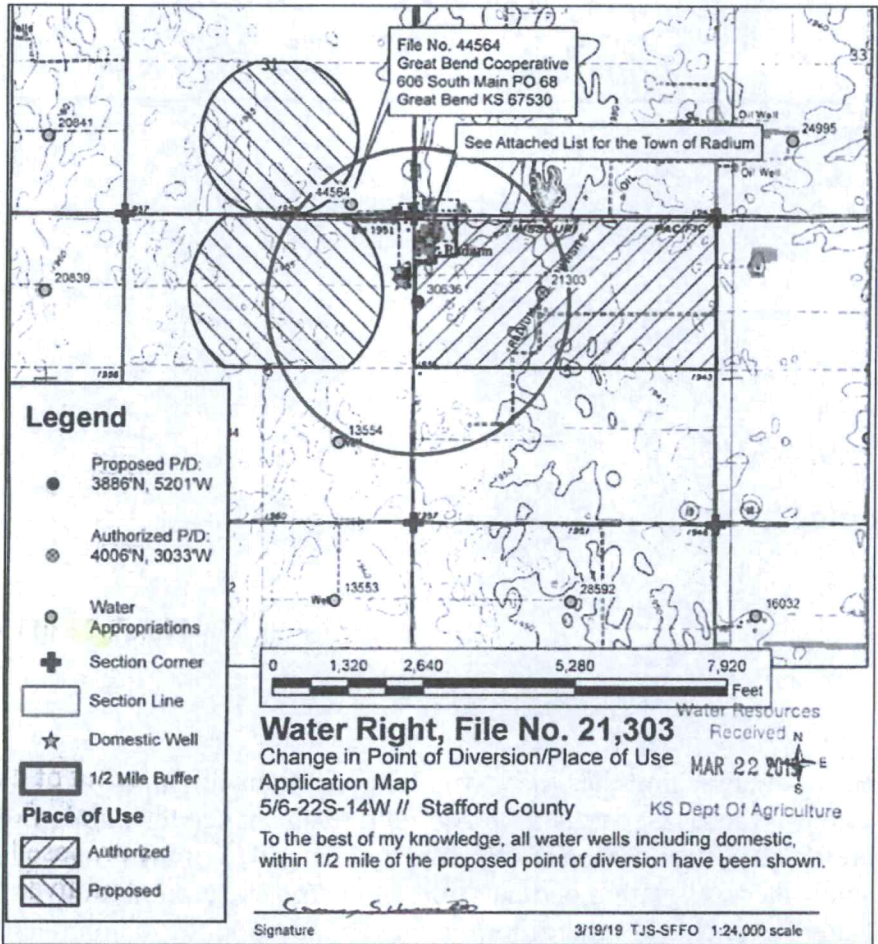
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Mike Beam, Secretary

Laura Kelly, Governor

April 10, 2019

NORMAGENE ROWLEY
Attn: MICHAEL E BURKS
2542 20TH ST
GREAT BEND, KS 67530

RE: Water Right, File No(s) 21303 & 30636

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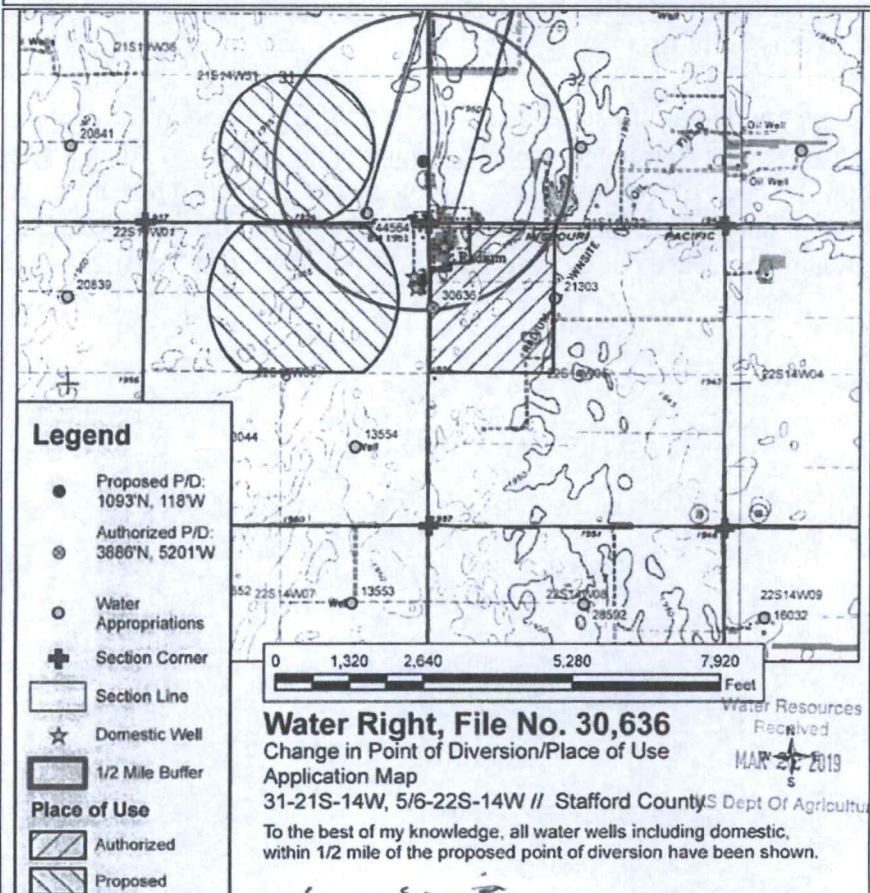
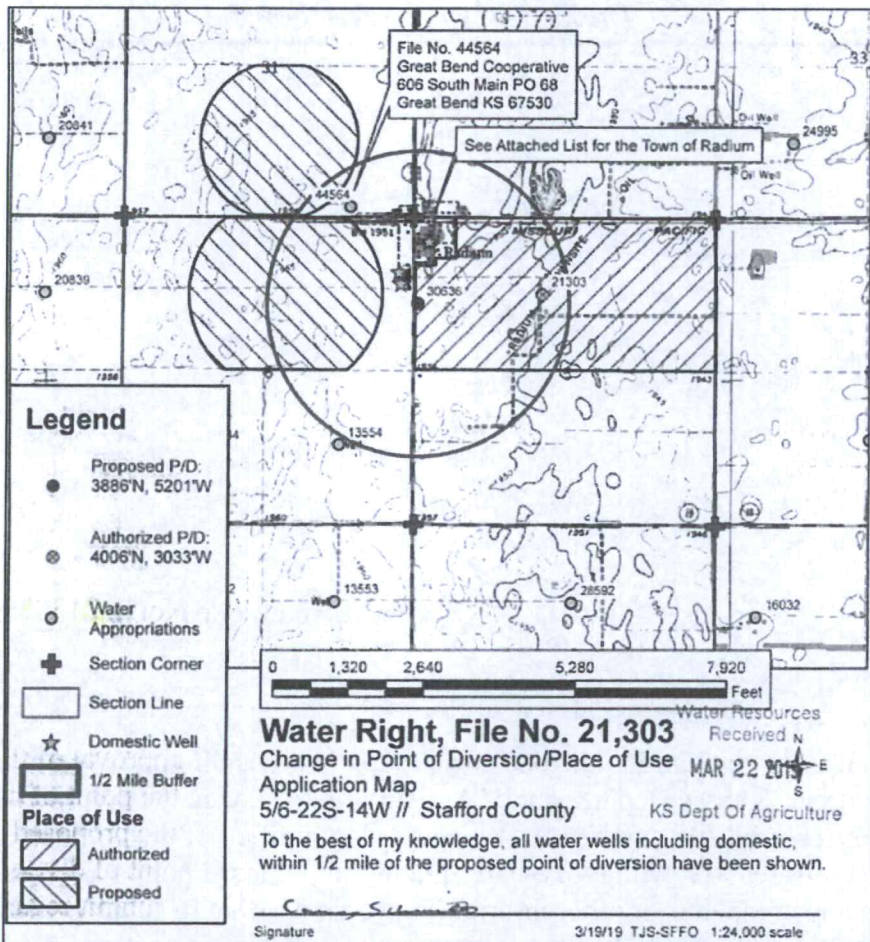
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Mike Beam, Secretary

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April 10, 2019

Attn: NORMAGENE ROWLEY
NELLIE ACKERMAN ET AL
2542 20TH ST
GREAT BEND, KS 67530

RE: Water Right, File No(s) **21303** & 30636

Dear Water-User,

This is to advise you that Carmen Schmitt has filed two (2) applications for approval of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, to change the point of diversion and the place of use under the above referenced file number(s). 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.

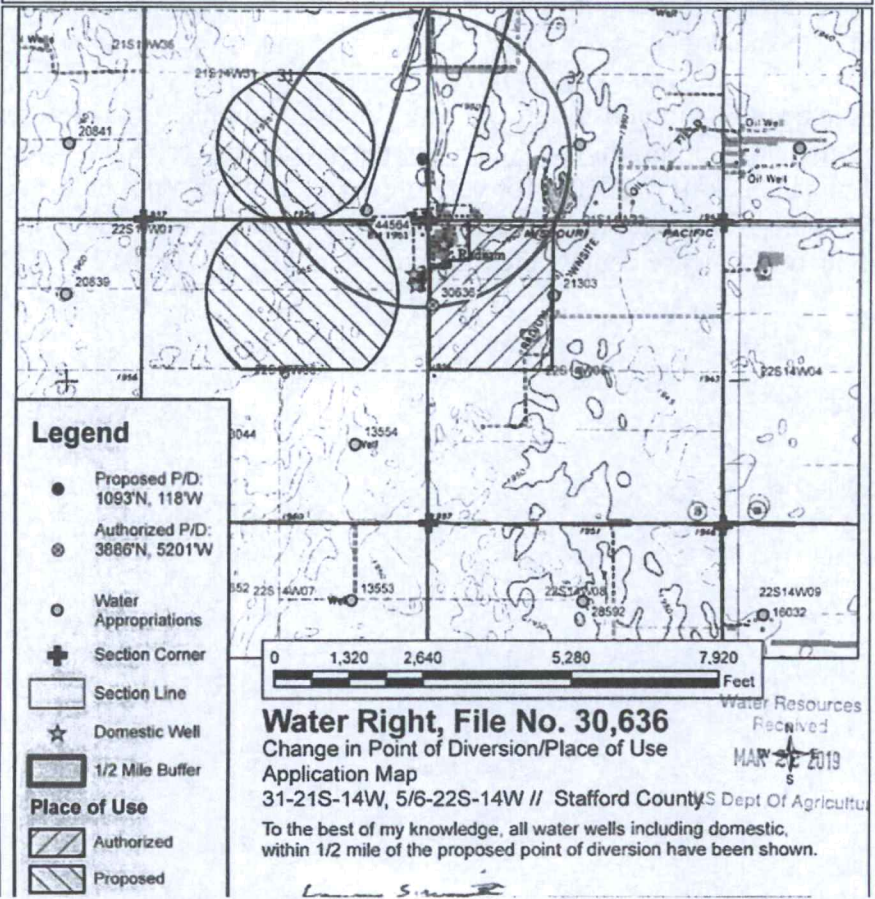
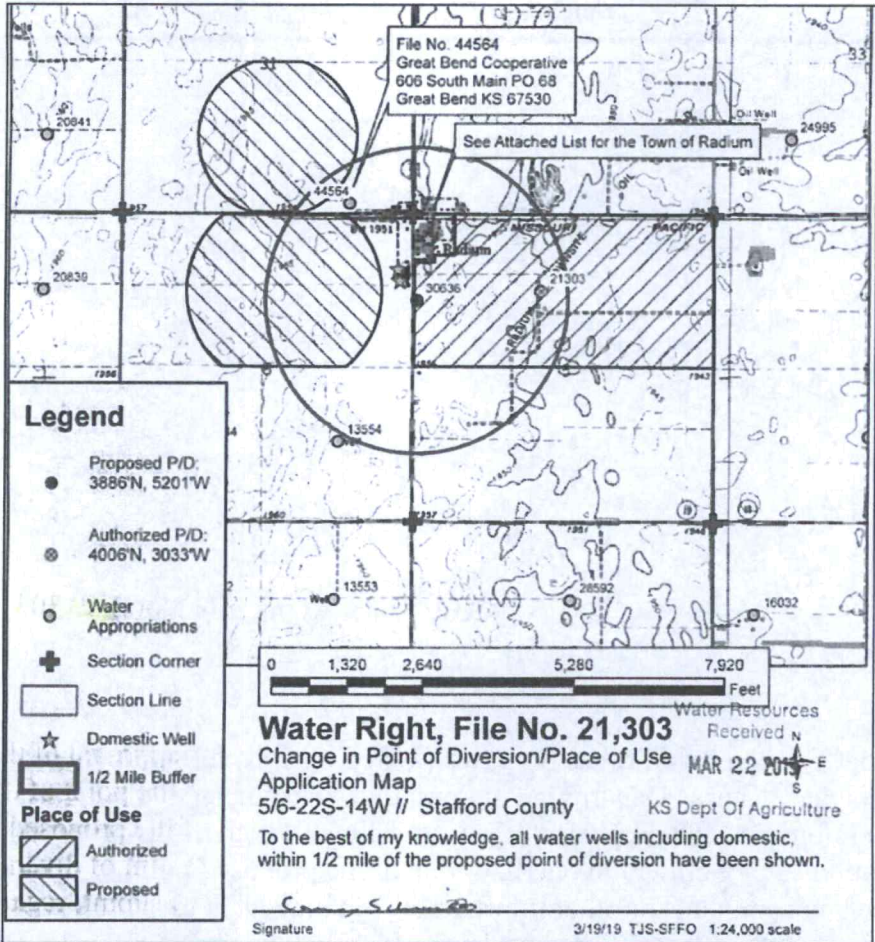
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Sincerely,

Tyler Saryerwinnie
Environmental Scientist
tyler.saryerwinnie@ks.gov

pc: GMD #5

SCANNED



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



Phone: 620-234-5311
Fax: 620-234-6900
www.agriculture.ks.gov

Mike Beam, Secretary

Laura Kelly, Governor

April 10, 2019

GERALYN FRANCES KELLY SCHATZ FAMILY TRUST
25610 W 69TH TER
SHAWNEE, KS 66226-3385

RE: Water Right, File No(s). 21303 & 30636

Dear Water-User,

This is to advise you that Carmen Schmitt has filed two (2) applications for approval of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, to change the point of diversion and the place of use under the above referenced file number(s). 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.

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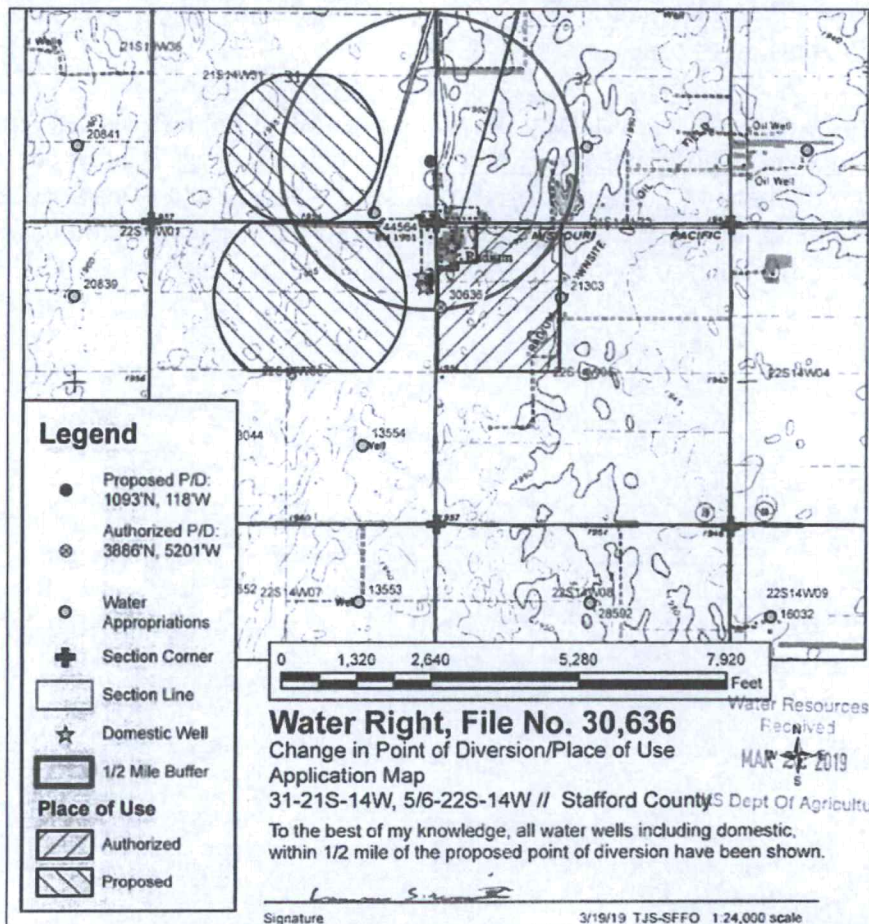
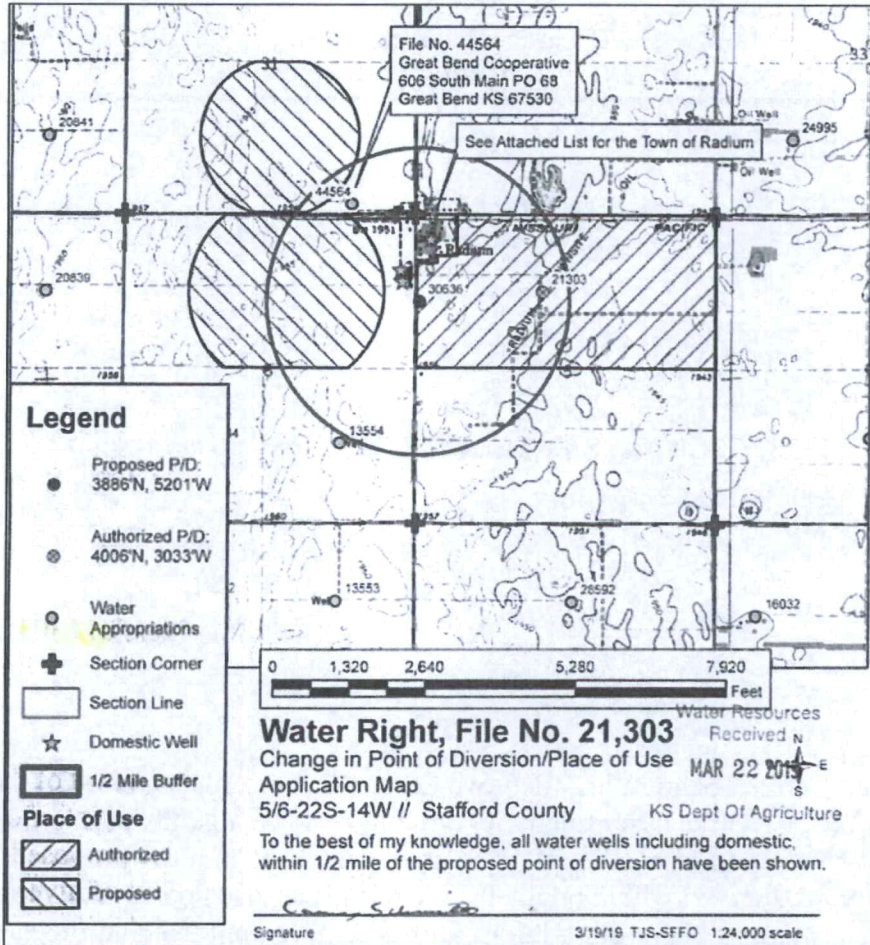
Sincerely,

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

Tyler Saryerwinnie
Environmental Scientist
tyler.saryerwinnie@ks.gov

pc: GMD #5

SCANNED



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



Phone: 620-234-5311
Fax: 620-234-6900
www.agriculture.ks.gov

Mike Beam, Secretary

Laura Kelly, Governor

April 10, 2019

LEWIS & AMANDA RAYBERN JTWROS
494 NW 150TH ST
SEWARD, KS 67576

RE: Water Right, File No(s). 21303 & 30636

Dear Water-User,

This is to advise you that Carmen Schmitt has filed two (2) applications for approval of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, to change the point of diversion and the place of use under the above referenced file number(s). 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.

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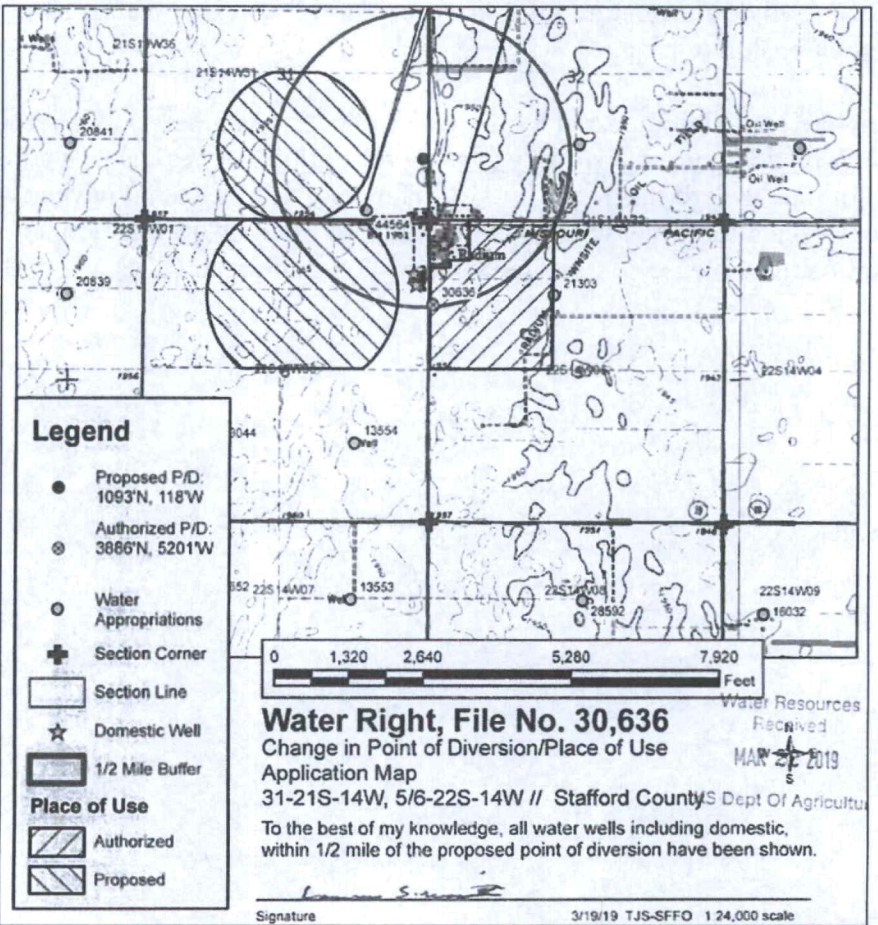
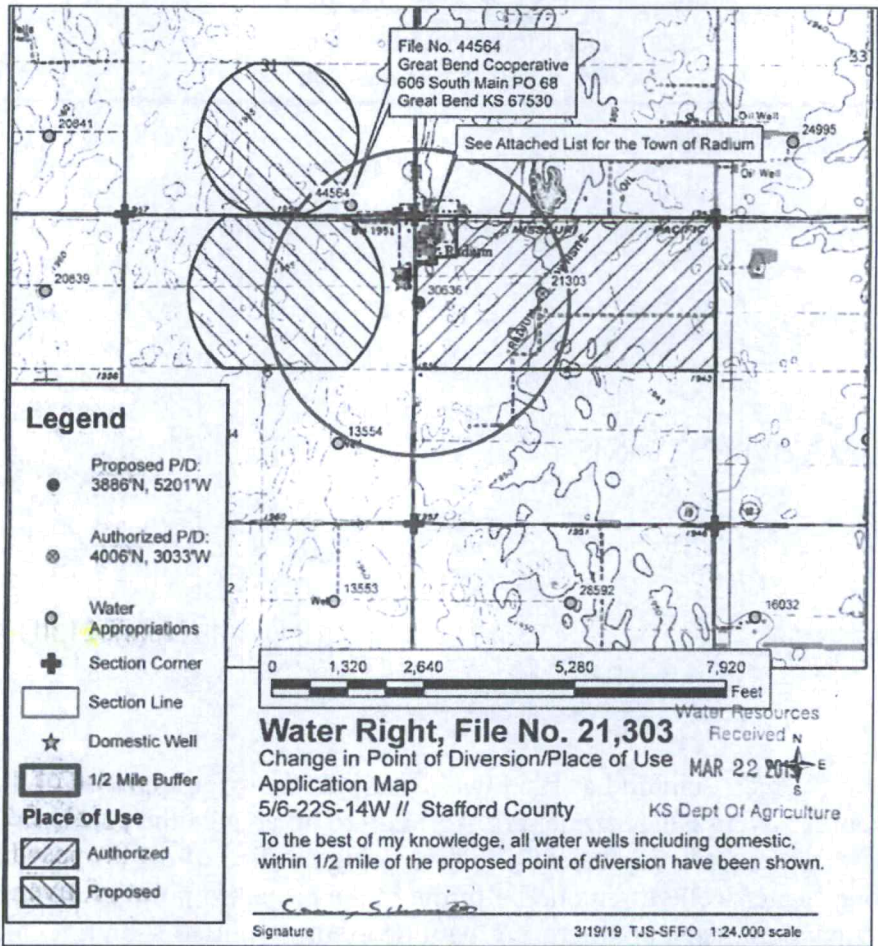
Sincerely,

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Tyler Saryerwinnie
Environmental Scientist
tyler.saryerwinnie@ks.gov

pc: GMD #5

SCANNED



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



Phone: 620-234-5311
Fax: 620-234-6900
www.agriculture.ks.gov

Mike Beam, Secretary

Laura Kelly, Governor

April 10, 2019

JOSHUA GALES
211 ESTES DR
RADIUM, KS 67550-5505

RE: Water Right, File No(s). 21303 & 30636

Dear Water-User,

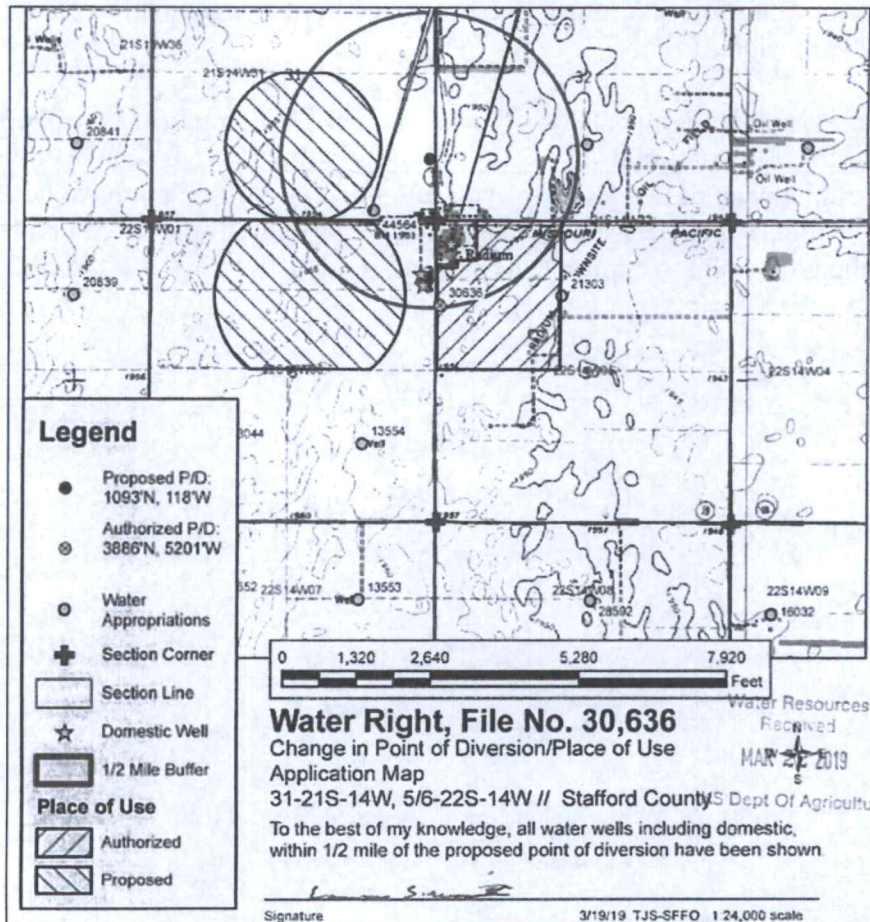
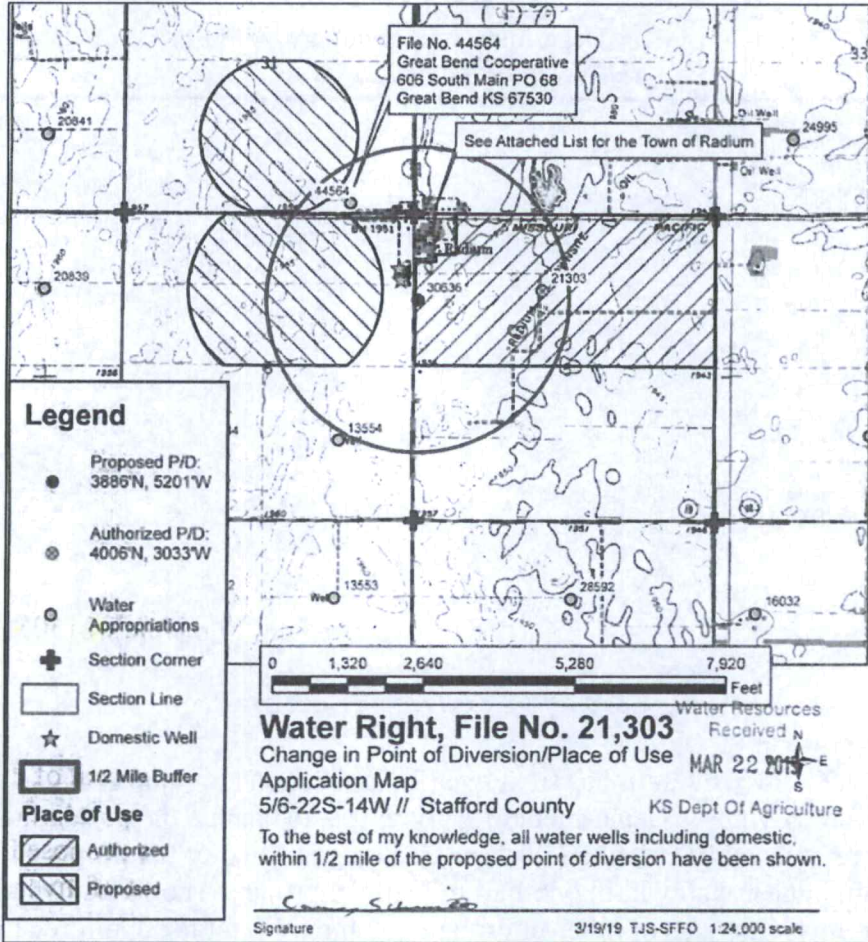
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Sincerely,

Tyler Saryerwinnie
Environmental Scientist
tyler.saryerwinnie@ks.gov

pc: GMD #5



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



Phone: 620-234-5311
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Mike Beam, Secretary

Laura Kelly, Governor

April 10, 2019

LACY J CUMMINS
215 ESTES AVE
RADIUM, KS 67550

RE: Water Right, File No(s). 21303 & 30636

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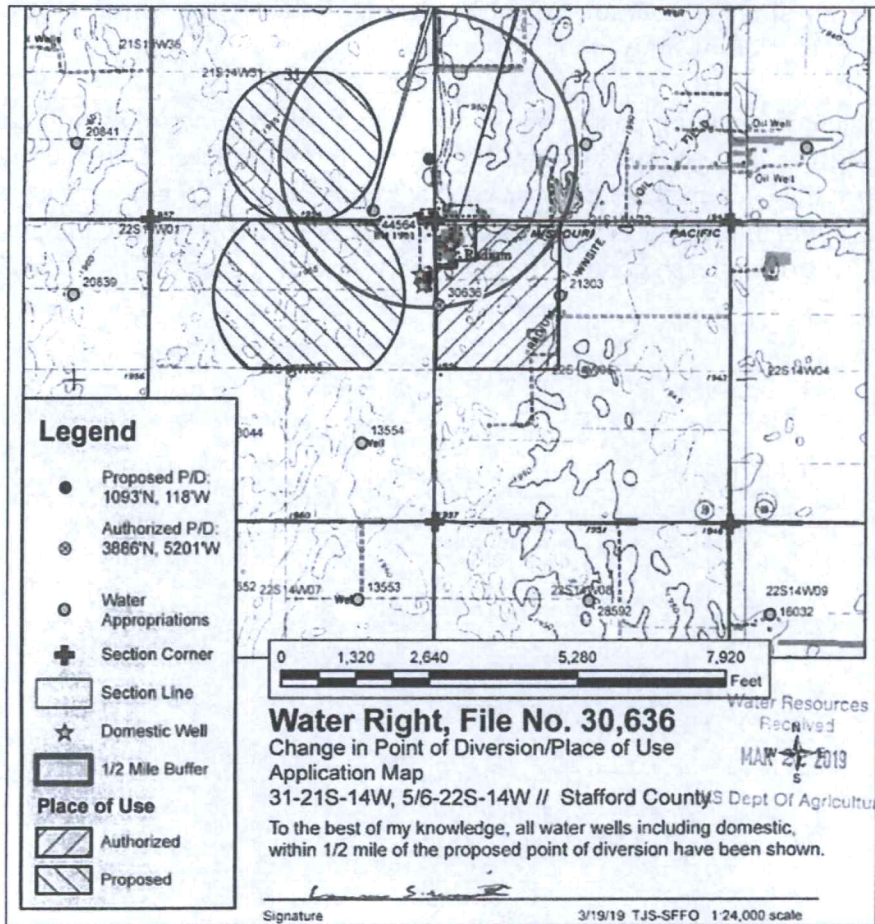
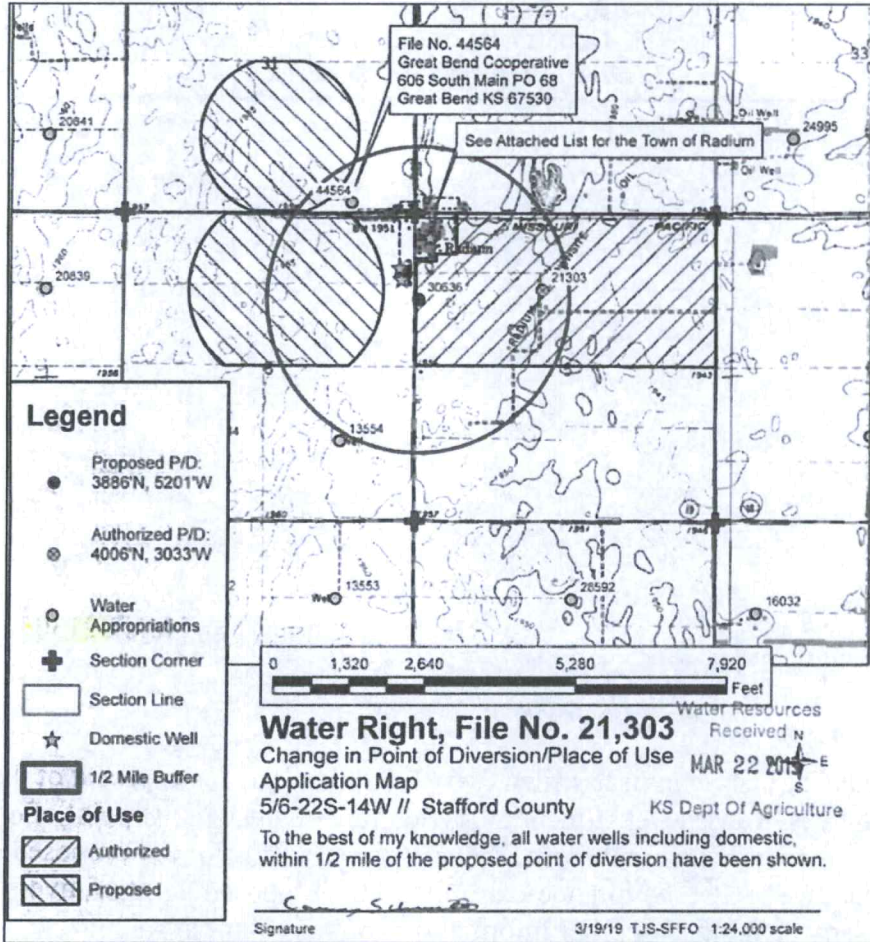
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Tyler Saryerwinnie
Environmental Scientist
tyler.saryerwinnie@ks.gov

pc: GMD #5

SCANNED



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300 S. Main Street
Stafford, KS 67578-1521



Phone: 620-234-5311
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Mike Beam, Secretary

Laura Kelly, Governor

April 10, 2019

ZACHARY J BAUMAN
214 ESTES AVE
RADIUM, KS 67550

RE: Water Right, File No(s) 21303 & 30636

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This is to advise you that Carmen Schmitt has filed two (2) applications for approval of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, to change the point of diversion and the place of use under the above referenced file number(s). 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.

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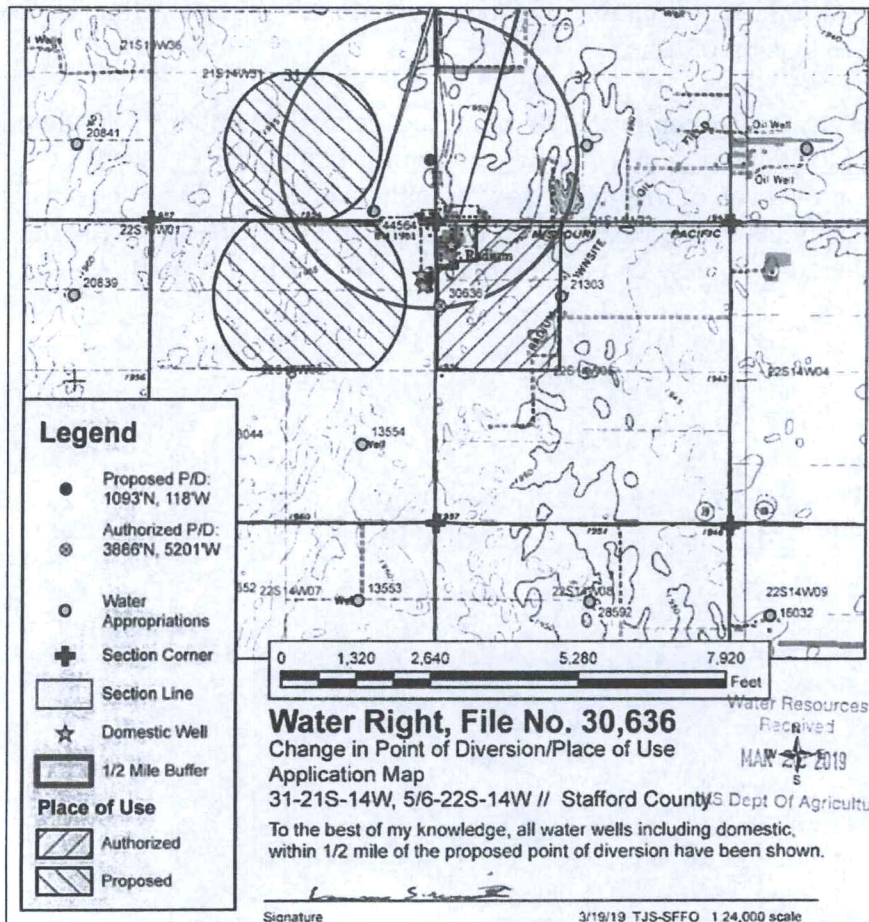
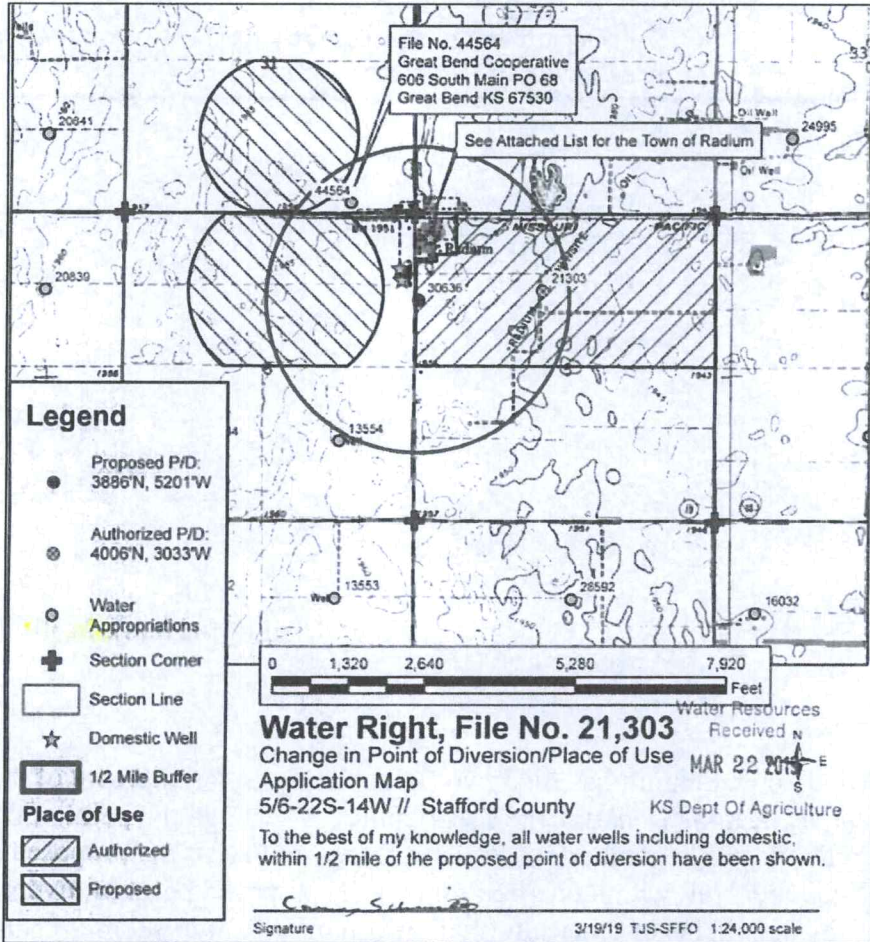
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Tyler Saryerwinnie
Environmental Scientist
tyler.saryerwinnie@ks.gov

pc: GMD #5

SCANNED



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



Phone: 620-234-5311
Fax: 620-234-6900
www.agriculture.ks.gov

Mike Beam, Secretary

Laura Kelly, Governor

April 10, 2019

ROBERT D NEELAND
204 ESTES AVE
RADIUM, KS 67550

RE: Water Right, File No(s) **21303** & 30636

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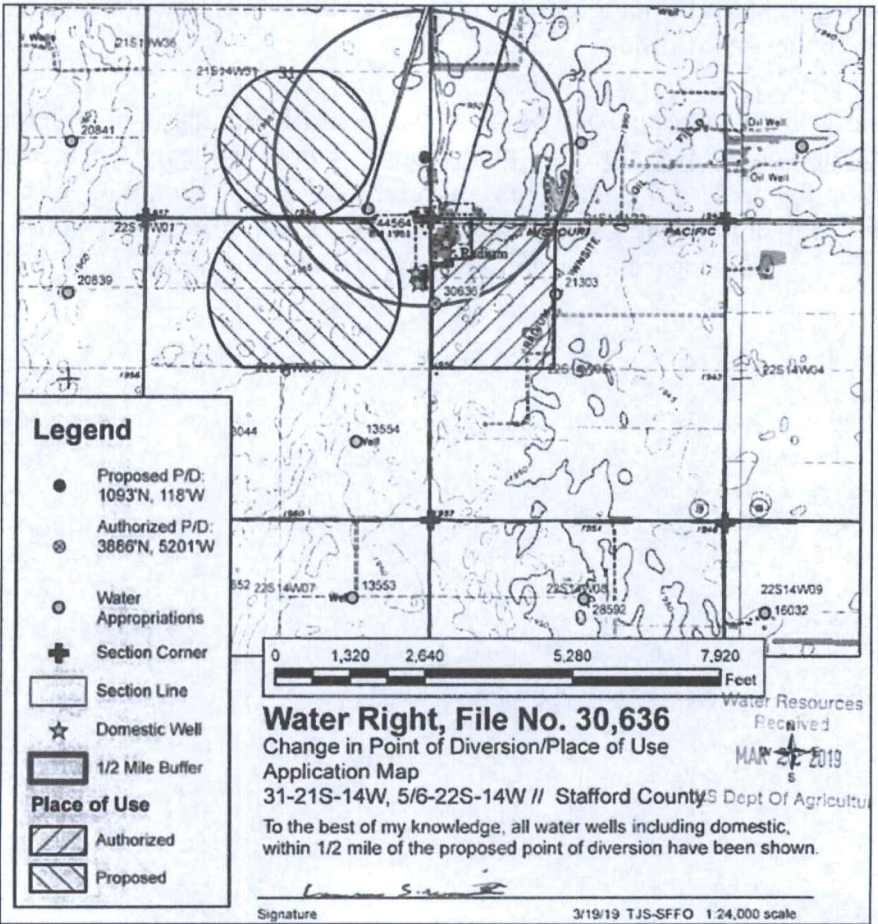
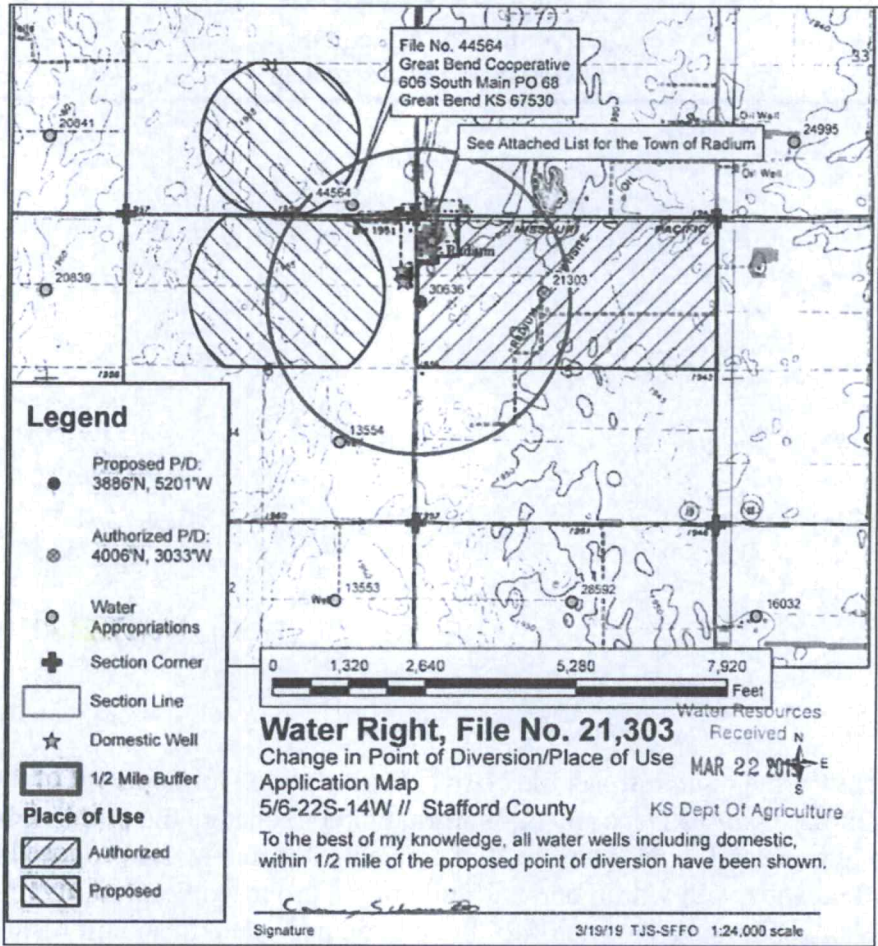
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Environmental Scientist
tyler.saryerwinnie@ks.gov

pc: GMD #5

SCANNED



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300 S. Main Street
Stafford, KS 67578-1521



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Mike Beam, Secretary

Laura Kelly, Governor

April 10, 2019

GREAT BEND COOPERATIVE ASSOCIATION
PO BOX 68
GREAT BEND, KS 67530-0068

RE: Water Right, File No(s) 21303 & 30636

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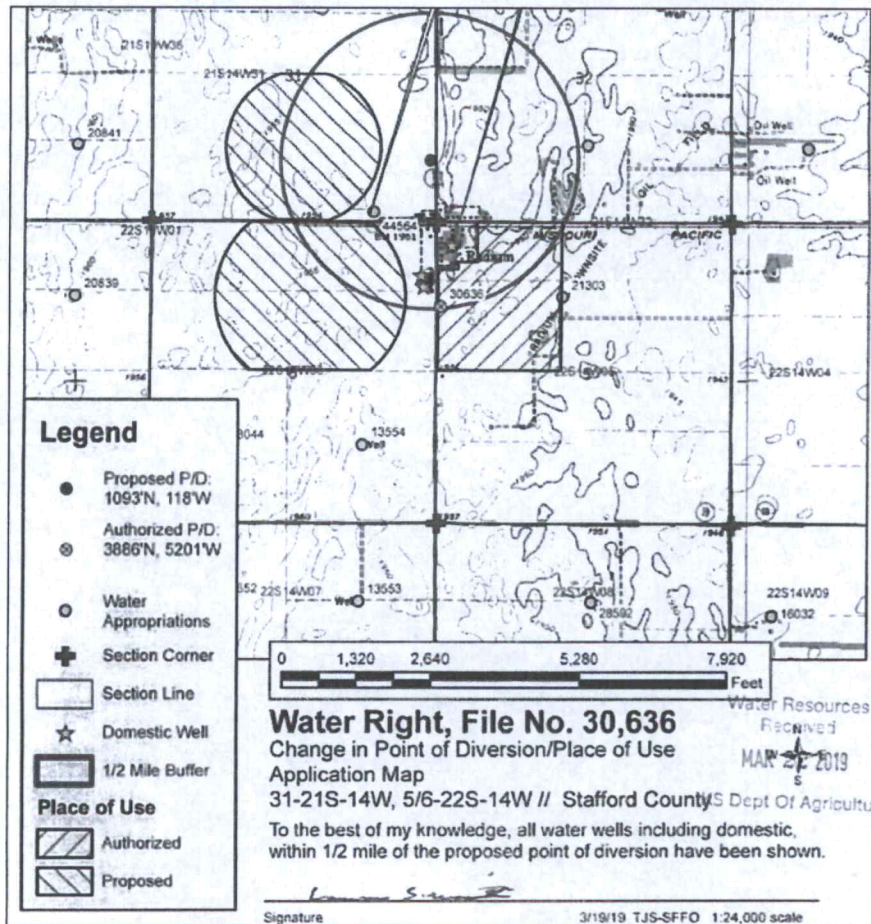
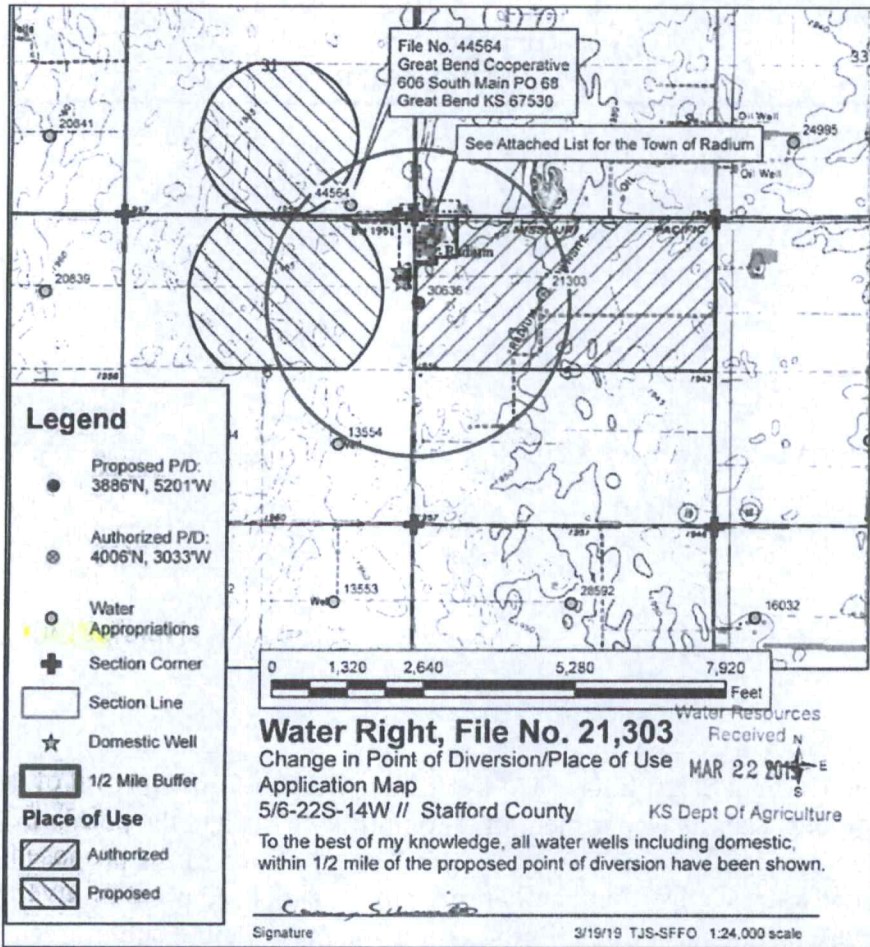
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Tyler Saryerwinnie
Environmental Scientist
tyler.saryerwinnie@ks.gov

pc: GMD #5

SCANNED



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



Phone: 620-234-5311
Fax: 620-234-6900
www.agriculture.ks.gov

Mike Beam, Secretary

Laura Kelly, Governor

April 10, 2019

SUSAN M BROWN
309 RADIUM RD
RADIUM, KS 67550

RE: Water Right, File No(s) 21303 & 30636

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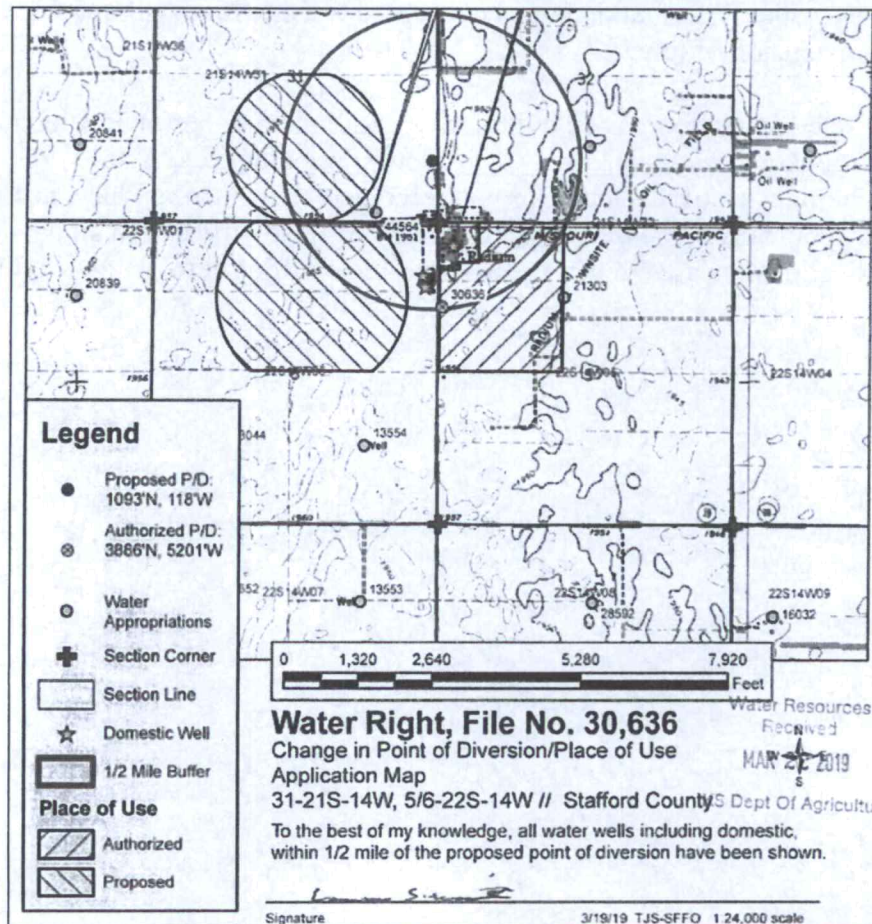
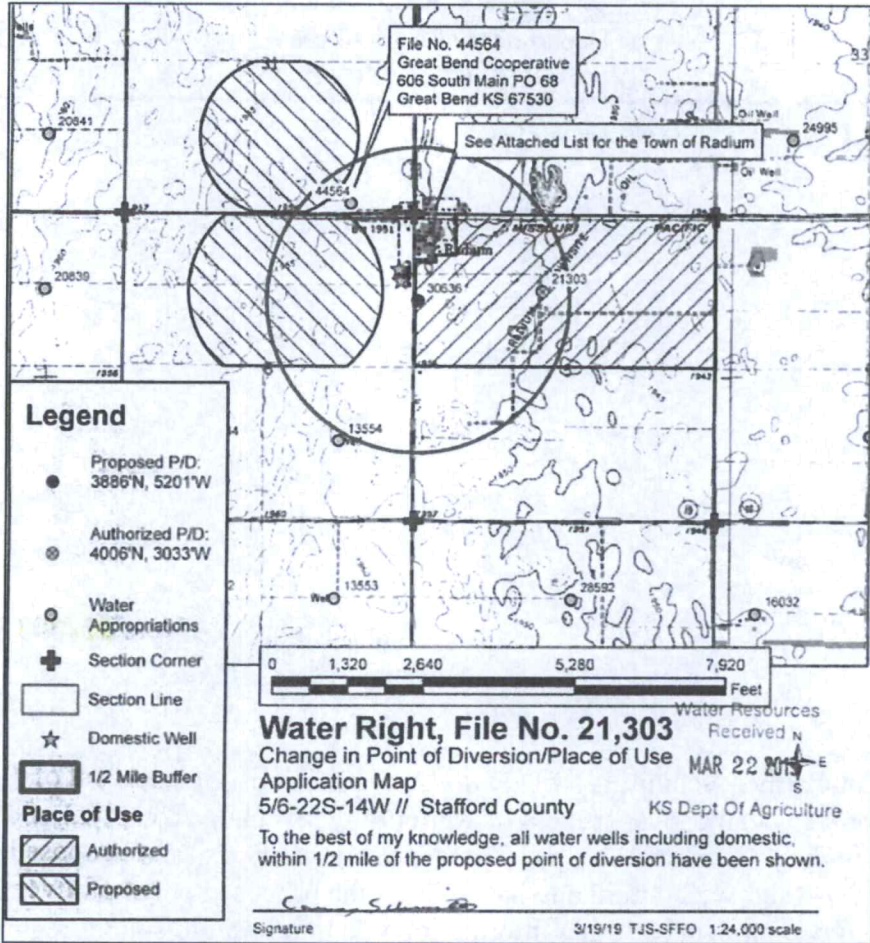
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Tyler Saryerwinnie
Environmental Scientist
tyler.saryerwinnie@ks.gov

pc: GMD #5

SCANNED



Conant, Cameron [KDA]

From: Conant, Cameron [KDA]
Sent: Thursday, April 25, 2019 8:47 AM
To: Feril, Orrin (oferil@gmd5.org)
Cc: Saryerwinnie, Tyler [KDA]
Subject: FW: GMD Recommendation Request - File Nos. 21303 & 30636
Attachments: 21303.30636.Cover Letter + base + memo.pdf; 21303.PD PU Change App.pdf; 30636.PD PU Change App.pdf

Hello Orrin, Tyler is out of the office today but he wanted to make sure these applications keep moving forward so I am forwarding the recommendation request on to you. Please let us know if you have any questions.

Cameron R. Conant

Assistant Water Commissioner
Kansas Department of Agriculture-DWR
Stafford Field Office
(620) 234-5311

From: Saryerwinnie, Tyler [KDA]
Sent: Tuesday, April 23, 2019 5:07 PM
To: Conant, Cameron [KDA] <Cameron.Conant@ks.gov>
Subject: GMD Recommendation Request - File Nos. 21303 & 30636

Orrin,

I have attached a cover letter and copies of two (2) point of diversion / place of use change applications for GMD recommendation. Please note that the applications were originally filed at our Manhattan Headquarters Office requesting a waiver of spacing for two (2) nearby domestic wells. Information has been submitted to DWR which states that one of these nearby wells was miss-identified and the other well has been plugged (WWC5P included w/21303 application). Since it appears that a waiver is no longer necessary, the applications were forwarded to the Stafford Field Office for processing. Twenty-five (25) notification letters were sent; three (3) responses were received and they have been documented in the attached memorandum. Please provide the GMD recommendation by no later than May 15, 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

Mike Beam, Secretary

Laura Kelly, Governor

April 25, 2019

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

RE: Point of Diversion/Place of Use Change Applications, File Nos. 21303 & 30636

Dear Mr. Feril,

We are enclosing a copy of each application, 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 maps. These owners were given a 15 day comment period; three (3) responses were received.

This office will delay any further action on these files 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

Enclosure

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: April 23, 2019

FROM: Tyler Saryerwinnie

RE: Water Right File No(s). 21303 & 30636
Proposed Change Applications
Nearby Owner Notification / Comments

On March 22, 2019, KDA Manhattan Headquarters Office received a point of diversion/ place of use change application for each of the water rights referenced above. These applications were initially submitted to the Manhattan Office, along with a regulation waiver request and two (2) domestic consent forms for nearby domestic wells which were located less than 660 feet from the proposed point of diversion under File No. 21303 (as outlined in a memorandum written on 3/14/2019). In an email dated 4/9/2019, the applicant informed DWR that one well had been misidentified and was not present. He also stated that the other nearby domestic well (located at the schoolhouse) had been plugged and he provided a plugging report for said well. After discussion amongst DWR staff it was decided that since a waiver of regulation was no longer applicable, the applications could be forwarded on to the Stafford Field Office for processing.

On 4/10/2019, twenty-five (25) notification letters were mailed to the nearby well owners who were identified on each application map and corresponding list. Since File Nos. 21303 & 30636 both identified the same well owners on each map, these owners were notified of the place of use / point of diversion change for each file using the same letter. The nearby well owners were given a fifteen (15) day comment period. Several comments were received in the Stafford Field Office via phone. An outline of each conversation has been documented below:

-On 4/12/19, Jeff Lanterman received multiple calls from Sam Spieth regarding the PD/PU change applications filed by Carmen Schmitt. Jeff gave Mr. Spieth an explanation of the proposed changes and informed him that he had received a letter because it is a requirement that all landowners within one-half mile of each proposed point of diversion be notified. Mr. Spieth was trying to decide if the proposed changes will affect him and was also inquiring about getting a well on his own land. Jeff informed him that GMD #5 was closed to new appropriations and that the proposed changes were filed under existing water rights that Mr. Schmitt owned. Mr. Spieth gave a legal description of SW 32-21-14 which he owned to see if it had any existing water rights. Jeff informed him it did not appear to be covered by any water right and he explained the process of filing for a new water permit. They also discussed some topics regarding domestic/stock water wells. At the end of their conversations, Mr. Spieth told Jeff that he did not own a well there he did not think that the proposed changes would affect him.

-Joann Clark called the Stafford Field Office and spoke to Tyler Saryerwinnie on 4/16/19 to discuss the nearby notification letter she received. Ms. Clark wanted an explanation of the proposed changes. We also discussed some topics of aquifers, the High Plains Aquifer/Great Bend Prairie Aquifer, groundwater table, and the potential drawdown effects a well may have on these. I explained that the water rights were already in place and that as proposed, it appeared

File Nos. 21303 & 30636

Change Applications

Nearby Well Owner Comments, Cont.

that the changes met applicable regulations such as move distance and spacing. After our discussion, Ms. Clark was satisfied and did not have any objections with the proposed changes as long as it did not negatively affect her domestic well. Joanne had also mentioned that she thought a well was already drilled north of town. I told her it may have been the test hole and she said that may have been the case.

-Lacey Cummins called the Stafford Field Office and spoke to Tyler Saryerwinnie on 4/16/19 to discuss the nearby notification letter she received. She wanted to ensure the proposed changes will not dry up her domestic well. She said that she has recently invested quite a bit of money into her well and was told that this proposed change has the potential to dry it up. After I gave an explanation of the proposed changes and the spacing regulations that are in place, Lacey said she felt more comfortable about the scenario and she did not have any other questions or comments. I told her that if she so desired, she could submit any other comments or concerns that she has in writing to the Stafford Field Office by the comment deadline.

No other comments were submitted to the Stafford Field Office and it appears that these applications can be forwarded on to Groundwater Management District #5 for review and recommendation.

Tyler Saryerwinnie
Environmental Scientist - SFFO

Saryerwinnie, Tyler [KDA]

From: Orrin Feril <oferil@gmd5.org>
Sent: Monday, April 29, 2019 9:29 AM
To: Conant, Cameron [KDA]
Cc: Saryerwinnie, Tyler [KDA]
Subject: RE: 30636 & 21303 (Schmitt changes)

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.

Cameron,
Thanks for doing some leg work on this. This explanation does help with this situation. Thanks again.

--
Orrin Feril
Manager
Big Bend GMD#5

From: Conant, Cameron [KDA] <Cameron.Conant@ks.gov>
Sent: Monday, April 29, 2019 9:25 AM
To: Orrin Feril <oferil@gmd5.org>
Cc: Saryerwinnie, Tyler [KDA] <Tyler.Saryerwinnie@ks.gov>
Subject: 30636 & 21303 (Schmitt changes)

Hey Orrin, I spoke with Rosencrantz-Bemis about your question on the test log and proposed well depth for 30636.

When they drilled this test hole, they completed the "formation search" down to 235'...they are planning to drill the irrigation well to stop at the shale as shown on the test log, so we are satisfied the source will not be changing. After they finished the test hole drilling formation search, they reamed out the test hole and cased down to 118' to have a water supply well when they drill the irrigation well. They said this was pretty standard practice and they will pull the temporary casing they installed and plug this supply well as soon as drilling it complete.

I think this should explain the "Well depth: 118ft" on the test log. There are no quality concerns. The proposed irrigation well will be completed to the shale and the 118' deep temporarily cased supply well will be plugged as soon as drilling is complete.

Please let me know if anything else pops up on this one. Thanks,

Cameron R. Conant
Assistant Water Commissioner
Kansas Department of Agriculture-DWR
Stafford Field Office
(620) 234-5311

Saryerwinnie, Tyler [KDA]

From: Orrin Feril <oferil@gmd5.org>
Sent: Monday, April 29, 2019 10:02 AM
To: Saryerwinnie, Tyler [KDA]
Subject: Application for Change, Water Right, File No. 21303
Attachments: 21303 2019-04-29 Rec.pdf

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 the recommendation requested by your office in a letter dated April 25, 2019. Please let me know if you have any questions.

Thank you for your consideration in this matter,

Orrin

--

Orrin Feril

Manager

Big Bend GMD#5

Email: oferil@gmd5.org

Phone: (620) 234-5352

Mobile: (620) 388-0172

Fax: (620) 234-5718

www.gmd5.org

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 29, 2019

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

RE: Water Right File No. 21303
Change in the Point of Diversion &
Change in the Place of Use

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 these changes are intended to create an overlap of the place of use with Water Right File No. 30636 and to modify the point of diversion to the west to cover an existing well presently authorized by Water Right File No. 30636. Based upon information received in the District office, the application appears to be consistent with 5-25-20(b) and is therefore 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

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APR 29 2019

Stafford Field Office
Division of Water Resources

CARMEN SCHMITT
P.O. BOX 47
GREAT BEND KS 67530

New Wealth Comes From the Land
620-793-5100

3-20-19

Attn: Mr. Brent Turney
CHIEF ENGINEER
Division of Water Resources
Kansas Department of Agriculture
1320 Research Park Drive
Manhattan, KS 66502

Re: Water Right File Number 21303
Section 5-22S-14W
Stafford County, Kansas

Dear CHIEF ENGINEER:

On March 20, 2019 I submitted an Application for Approval to Change the Place of Use and the Point of Diversion related to File No. 21303. Paragraphs 17 and 18 refer to "Domestic Well Spacing Consent" forms which were intended to be included with the Application, but were unavailable before the Application was made. The executed "Domestic Well Spacing Consent" documents are now enclosed and submitted to be attached to the original Application.

Please attach the enclosed, executed Domestic Well Spacing Consent Forms to the original Application for File No. 21303.

Sincerely,



Carmen Schmitt

cc: GMD 5 Jerry Cullop, Secretary
KDA Kenneth B. Titus, Chief Legal Counsel

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APR 17 2019

Stafford Field Office
Division of Water Resources

WATER RESOURCES
RECEIVED

MAR 25 2019

KS DEPT OF AGRICULTURE

SCANNED

Submit completed form to:
Kansas Department of Agriculture
Division of Water Resources

"South Well"

WATER RESOURCES
RECEIVED

MAR 25 2019

RE: Domestic Well Spacing Consent Form

Dear Sirs:

KS DEPT OF AGRICULTURE

I am aware of the application by Carmen Schmitt under Water Right File No. 21303 to authorize a well at the following location:

One in the NW Quarter of the SW Quarter of the NW Quarter of Section 5, Township 22 South, Range 14 W, in Stafford County, Kansas, 3886 feet North 5201 feet West of Southeast corner of section.

Proposed Rate 1170 GPM Proposed Quantity 210 AF Proposed well depth (feet) 225 - existing well

I have a domestic well located approximately as follows:

One in the NW Quarter of the SW Quarter of the NW Quarter of Section 5, Township 22 South, Range 14 W, in Stafford County, Kansas, 4164 feet North 245 feet West of Southeast corner of section.

My domestic well or wells is located approximately 469 feet away from the proposed well.

The well is used solely for Domestic use as follows:

1. Household Use
2. Watering of livestock, poultry, farm and domestic animals used in operating a farm and/or
3. Irrigation of lands not exceeding a total of (2) acres in area for the growing of gardens, orchards or lawns

-
1. I am aware that the well or well battery at the proposed location does not meet spacing to my domestic well pursuant to K. A. R. 2-25-2. Initials.
 2. I am aware that the operation of the proposed well or well battery may impact the use of my domestic well. Initials
 3. If I believe impairment of my domestic use of water has occurred I agree to exhaust all investigative options prior to claiming impairment with the Division of Water Resources pursuant to K.A.R 5-4-1. If I claim impairment I understand a complainants report may be required that includes the following: Initials
 - a. Be prepared by a licensed well driller, a professional engineer, or a licensed geologist;
 - b. Describe the construction and the components of the well;
 - c. Provide data to show the extent to which the well has fully penetrated the productive portions of the aquifer with water of acceptable quality for the authorized use; and
 - d. provide testing and inspection data to show the extent to which the pump and power are in good working condition to make full use of the available aquifer.

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APR 17 2019

Stafford Field Office
Division of Water Resources

SCANNED

By giving my permission , I do not waive any right I may have to file a complaint with the Chief Engineer or to make written request to secure water pursuant to K.A.R. 5-4-1 if the use of my well becomes impaired such that I am unable to exercise my domestic water right, nor do I waive any other rights I may have under the Kansas Water Appropriation Act or the rules and regulations of the Chief Engineer.

I acknowledge that my permission has been given freely and voluntarily. I further acknowledge that I have not entered any agreement either oral or in writing with any person(s) including the Applicant, land owner, or any representative or agent of the applicant or land owner that conditions my permission or reliance on any person or entity other than the Chief Engineer to investigate any claims of impairment I may make with respect to my domestic well or to secure water to satisfy my domestic water right.

[Handwritten Signature]
Signature

Gary L Gray
Printed Name

206 Station Rd
Address

Radium, KS 67550
City/Town, State

(316) 540-4104
Phone

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 20 day of March, 2019.

My Commission Expires 2/18/21.

[Handwritten Signature]
Notary Public



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APR 17 2019

Stafford Field Office
Division of Water Resources

WATER RESOURCES
RECEIVED

MAR 25 2019

KS DEPT OF AGRICULTURE

SCANNED

Submit completed form to:
Kansas Department of Agriculture
Division of Water Resources

"North Well"

RE: Domestic Well Spacing Consent Form

Dear Sirs:

I am aware of the application by Carmen Schmitt under Water Right File No. 21303 to authorize a well at the following location:

One in the NW Quarter of the SW Quarter of the NW Quarter of Section 5, Township 22 South, Range 14 W, in Stafford County, Kansas, 3886 feet North 5201 feet West of Southeast corner of section.

Proposed Rate 1170 GPM Proposed Quantity 210 AF Proposed well depth (feet) 225 - existing well

I have a domestic well located approximately as follows:

One in the NW Quarter of the SW Quarter of the NW Quarter of Section 5, Township 22 South, Range 14 W, in Stafford County, Kansas, 4364 feet North 283 feet West of Southeast corner of section.

My domestic well or wells is located approximately 653 feet away from the proposed well.

The well is used solely for Domestic use as follows:

1. Household Use
2. Watering of livestock, poultry, farm and domestic animals used in operating a farm and/or
3. Irrigation of lands not exceeding a total of (2) acres in area for the growing of gardens, orchards or lawns

-
1. I am aware that the well or well battery at the proposed location does not meet spacing to my domestic well pursuant to K. A. R. 2-25-2. Initials.
 2. I am aware that the operation of the proposed well or well battery may impact the use of my domestic well. Initials
 3. If I believe impairment of my domestic use of water has occurred I agree to exhaust all investigative options prior to claiming impairment with the Division of Water Resources pursuant to K.A.R 5-4-1. If I claim impairment I understand a complainants report may be required that includes the following: Initials
 - a. Be prepared by a licensed well driller, a professional engineer, or a licensed geologist;
 - b. Describe the construction and the components of the well;
 - c. Provide data to show the extent to which the well has fully penetrated the productive portions of the aquifer with water of acceptable quality for the authorized use; and
 - d. provide testing and inspection data to show the extent to which the pump and power unit are in good working condition to make full use of the available aquifer.

Stafford Field Office
Division of Water Resources **SCANNED**

RECEIVED
WATER RESOURCES
RECEIVED
MAR 25 2019
KS DEPT OF AGRICULTURE

By giving my permission , I do not waive any right I may have to file a complaint with the Chief Engineer or to make written request to secure water pursuant to K.A.R. 5-4-1 if the use of my well becomes impaired such that I am unable to exercise my domestic water right, nor do I waive any other rights I may have under the Kansas Water Appropriation Act or the rules and regulations of the Chief Engineer.

I acknowledge that my permission has been given freely and voluntarily. I further acknowledge that I have not entered any agreement either oral or in writing with any person(s) including the Applicant, land owner, or any representative or agent of the applicant or land owner that conditions my permission or reliance on any person or entity other than the Chief Engineer to investigate any claims of impairment I may make with respect to my domestic well or to secure water to satisfy my domestic water right.

[Signature]
Signature

Garth L. Gray
Printed Name

206 Station Rd
Address

Radium, KS 67550
City/Town, State

(316) 540-4104
Phone

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 20 day of March, 2019.


My Commission Expires 2/16/21

[Signature]
Notary Public



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APR 17 2019
Stafford Field Office
Division of Water Resources

WATER RESOURCES
RECEIVED
MAR 25 2019
KS DEPT OF AGRICULTURE
SCANNED

NOTARY PUBLIC - State of Kansas
MATT SUCHY
My Appl Expires 

GREAT BIRTHDAY

MAY 12 2019

Saryerwinnie, Tyler [KDA]

From: Conant, Cameron [KDA]
Sent: Tuesday, April 02, 2019 8:13 AM
To: Saryerwinnie, Tyler [KDA]
Subject: FW: File 21303 Permission to Proceed
Attachments: 21303 2019-04-01 Corr.pdf

Follow Up Flag: Follow up
Flag Status: Completed

Thought you were copied on this, sorry I didn't get it to you yesterday!

Cameron

From: Orrin Feril <oferil@gmd5.org>
Sent: Monday, April 1, 2019 4:00 PM
To: Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>
Cc: Conant, Cameron [KDA] <Cameron.Conant@ks.gov>
Subject: RE: File 21303 Permission to Proceed

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.

Jeff,
See attached.

--
Orrin Feril
Manager
Big Bend GMD#5

From: Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>
Sent: Wednesday, March 27, 2019 12:38 PM
To: Orrin Feril <oferil@gmd5.org>
Cc: Conant, Cameron [KDA] <Cameron.Conant@ks.gov>
Subject: FW: File 21303 Permission to Proceed

Orrin;

Can you give me a recommendation or your thoughts on this request?

1. If approval is given there will be strict orders not to install pumps or any equipment in the wells or any power units. Therefore we don't think 82a-728 will be broken.
2. Im not processing these so the actual changes will be subject to board review and waivers of spacing to the school wells. Therefore I will not guarantee when or if the changes can be approved. I will caution him that any investments in an unapproved irrigation project or wells could potentially be lost.
3. Any abandoned wells not kept for domestic use we will reference kdhe Article 30. Wells will be required to be constructed properly with Measurement tubes and to the proper proposed depths. And in the correct location.

Let me know what you think.

Jeff

From: Carmen Schmitt <carmen@schmittinc.net>

Sent: Wednesday, March 27, 2019 11:57 AM

To: Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>

Cc: Carmen Schmitt <carmen@schmittinc.net>; Alan Crane <Alanuspx@yahoo.com>; 'Rachel Crane' <cranex7@yahoo.com>

Subject: File 21303 Permission to Proceed

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.

Hi Jeff-

Per our conversation on March 26th, this is my formal request for permission to start drilling the wells, laying the pipe, and getting permits to go under the road for irrigation on 6-22-14 (N 1/2) and 31-21-14 (S 1/2). We understand that it make take months for the permits to be approved; however, by that time the window will have closed for us to be able to get everything in working condition to harvest a double crop bean crop. We're requesting this early permission so that we can get everything set and ready so that we can get prepared to grow beans to meet our contracts.

I understand that you can't guarantee anything and that everything is based off of the wells at the Radium school. If it comes down to it, we could talk to the Greys and help them plug the wells.

We just need formal permission in writing to get started.

Thanks,
Alan and Carmen