

# NOTICE

This scan only represents the application as filed. The information contained herein meets the requirements of K.A.R. 5-3-1 or K.A.R. 5-5-1, and has been found acceptable for filing in the office of the Chief Engineer. The application should not be considered to be a complete application as per K.A.R. 5-3-1b or K.A.R. 5-5-2a.

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

**Filing Fee Must Accompany the Application**  
(Please refer to Fee Schedule on signature page of application form.)

**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.

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

- Place of Use  
 Point of Diversion  
 Use Made of Water

(Check one or more)

File No. 30636

Water Resources  
Received  
MAR 22 2019  
11:17  
KS Dept Of Agriculture

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

north to authorize a new well in Section 31 . Also, the application proposes to create a complete place of use

overlap with File No. 21303 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. 21303

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

(Date)

For Office Use Only:

F.O. 2 GMD 3 Meets K.A.R. 5-5-1 (YES/NO) Use IRR Source G S County SF By DAW Date 3/22/19  
Code C-2 Fee \$ 400 TR # \_\_\_\_\_ Receipt Date 3/22/19 Check # 2474

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 3 25	Lot 4 27	40	28									120

List any other water rights that cover this place of use. 21303

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
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. 21303

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	

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MAR 22 2019

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

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**IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY**

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 \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of the CW NW Quarter  
 of Section 5, Township 22 South, Range 14 W,  
 in Stafford County, Kansas, 3860 feet North 5180 feet West of Southeast corner of section.  
 Authorized Rate 1465 GPM Authorized Quantity 180 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 NE Quarter of the SE Quarter of the SE Quarter  
 of Section 31, Township 21 South, Range 14 W,  
 in Stafford County, Kansas, 1093 feet North 118 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. A corresponding application will be filed under File No. 21303 to authorize this existing well for irrigation use.

**IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY**

\* Us - SFFo

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. 21303, 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.)

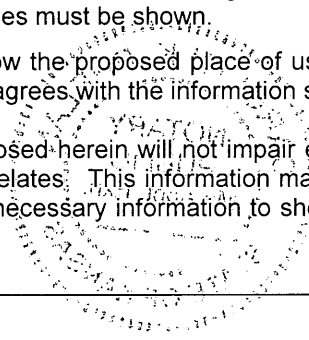
14. It is requested that the maximum annual quantity of water be reduced to N/A (acre-feet or million gallons).

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](http://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 landowner(s) 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.



It is understood that the proposed well location will be located less than 2,640 feet from the currently authorized point of diversion in order to maintain the same source of supply.

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.

No waivers anticipated.

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MAR 22 2019

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**IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY**

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)

Carmen Schmitt  
(Please Print)

(Owner)

(Please Print)

(Owner)

(Please Print)

Debbie S. Schmitt  
(Spouse)

Debbie S. Schmitt  
(Please Print)

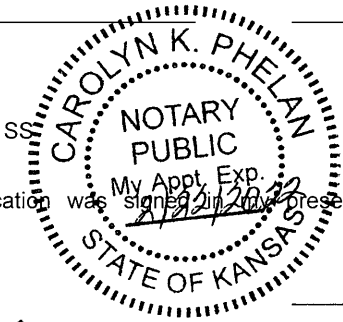
(Spouse)

(Please Print)

(Spouse)

(Please Print)

State of Kansas }  
County of Barton }



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.**

INPUTS	
Target Section Definition	
Section	31
Township	21
Range	14
Range Direction	w
Target Point Coordinates (NAD27 or NAD83)	
Target Longitude	-98.894760
Target Latitude	38.177470

**Load Data and Compute**

- Instructions**
1. Enter values for section, township, range and range direction.
  2. Enter **NAD27** or **NAD83** longitude and latitude of target point.
  3. Click "Load Data and Compute" button.
  4. Use feet distances corresponding to datum of target point.

**File No. 30636 Proposed P/D**

Proposed P/D location provided by applicant via email on 3/7/2019

NAD 27

Loaded Section Data From LEOBASE using NAD83		
Corner	Corner Latitudes	Corner Longitudes
SW	38.17454384	-98.91234375
NW	38.18896373	-98.91232850
NE	38.18893255	-98.89473371
SE	38.17448282	-98.89471896
Degrees Longitude per Foot		3.47875873E-06
Degrees Latitude per Foot		2.74600638E-06
Target Point Distances from Corners using NAD83		
Corner	Feet North(+)/South(-)	Feet East(-)/West(+)
SW	1066	-5055
NW	-4186	-5050
NE	-4174	8
SE	1088	12

Loaded Section Data From LEOBASE using NAD27		
Corner	Corner Latitudes	Corner Longitudes
SW	38.17453000	-98.91197200
NW	38.18895000	-98.91195700
NE	38.18891900	-98.89436300
SE	38.17446900	-98.89434800
Degrees Longitude per Foot		3.47875808E-06
Degrees Latitude per Foot		2.74598553E-06
Target Point Distances from Corners using NAD27		
Corner	Feet North(+)/South(-)	Feet East(-)/West(+)
SW	1071	-4948
NW	-4181	-4943
NE	-4169	114
SE	1093	118

NE SE SE

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**MAR 22 2019**  
KS Dept Of Agriculture

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 30636

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.**

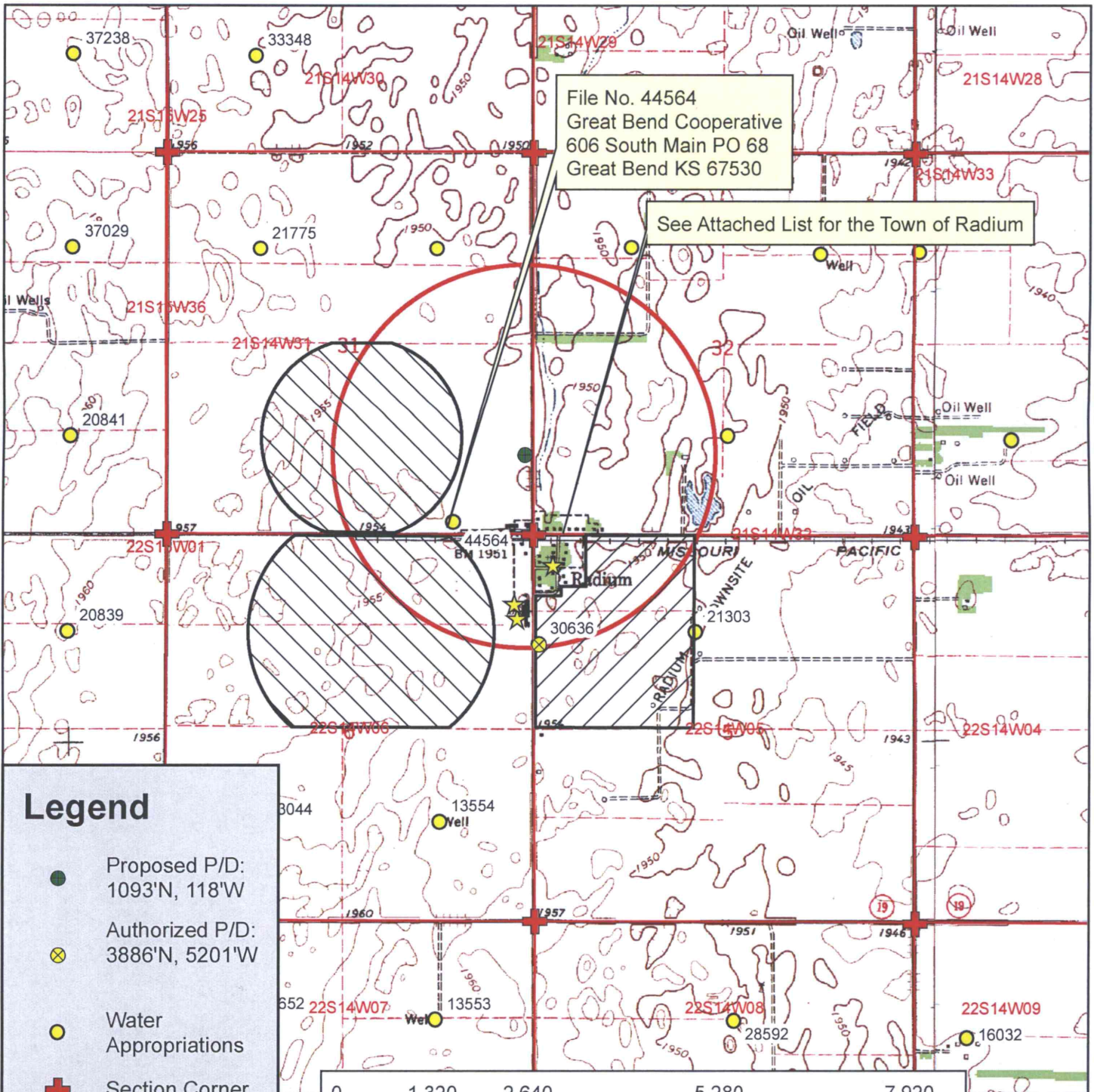
If you have any questions, please contact me at (785) 564-6645. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

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

BAT: DLW5





File No. 44564  
 Great Bend Cooperative  
 606 South Main PO 68  
 Great Bend KS 67530

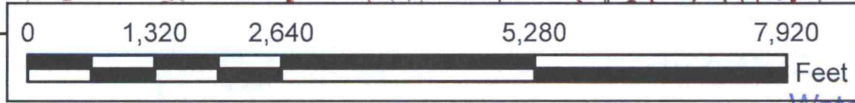
See Attached List for the Town of Radium

**Legend**

- Proposed P/D: 1093'N, 118'W
- ⊗ Authorized P/D: 3886'N, 5201'W
- Water Appropriations
- ⊕ Section Corner
- Section Line
- ★ Domestic Well
- 1/2 Mile Buffer

**Place of Use**

- ▨ Authorized
- ▨ Proposed



## Water Right, File No. 30,636

Change in Point of Diversion/Place of Use  
 Application Map

31-21S-14W, 5/6-22S-14W // Stafford County

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

*Loann S. Stewart*

Signature

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

Water Resources  
 Received  
 MAR 20 2019  
 MS Dept Of Agriculture

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  
DETHEPAGE, 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 SCHARTZ 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

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Received

MAR 22 2019

KS Dept Of Agriculture

3/13/2019 TJS - SFFO