

Submit completed application to:  
 Kansas Department of Agriculture  
 Division of Water Resources  
 Field Office for your area.

Call for address:  
 Topeka -- (785) 296-5733  
 Stafford -- (620) 234-5311  
 Stockton -- (785) 425-6787  
 Garden City -- (620) 276-2901  
<http://agriculture.ks.gov/dwr>

## DWR FIELD OFFICE APPLICATION FOR APPROVAL TO CHANGE THE PLACE OF USE AND/OR THE POINT OF DIVERSION WATER METER REQUIRED



STATE OF KANSAS

**Filing Fee Must Accompany the Application, K.S.A. 82a-708b(b), as amended.**  
 Fee Schedule is on the third page of this application form.

**Paragraph Nos. 1, 2, 3 & 5 must be completed. Complete all other applicable portions.** If change in point of diversion is greater than 100 feet, or if place of use will be changed, include a topographic map or detailed plat showing the authorized and proposed point(s) of diversion and/or place of use.

File No. 49078

**RECEIVED**  
 10:19am  
 NOV 01 2021

Stafford Field Office  
 Division of Water Resources

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

Place of Use                       Point of Diversion

under the water right which is the subject of this application in accordance with the conditions described below.

The source of supply is:                       Groundwater                       Surface water

2. Name and address of Applicant: Max H Tjaden & Anne M Tjaden

16415 W 103 St St, Clearwater KS 67026

Phone Number: (620)545-5533                      Email address: jden7@sktc.net

Name and address of Water Use Correspondent: Max H Tjaden & Anne M Tjaden

16415 W 103 St St, Clearwater KS 67026

Phone Number: (620)545-5533                      Email address: jden7@sktc.net

3. The presently authorized place of use is:

Owner of Land ---- NAME: \*Van B & Renee J Tjaden                      // \*\*Max H & Anne M Tjaden // Tjaden Brothers Trust  
 ADDRESS: 16725 W 103rd St S, Clearwater KS 67026-8032 // 16415 W 103rd St S, Clearwater KS 67026

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

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
*27	29S	2W						4.4											4.4
**27	29S	2W					18	34.6	38	30	7	13							140.6
**28	29S	2W	22			3													25

4. If this application is for a change in place of use, it is proposed that the place of use be changed to:

Owner of Land ---- NAME: \*Van B & Renee J Tjaden                      // \*\*Max H & Anne M Tjaden // Tjaden Brothers Trust  
 ADDRESS: 16725 W 103rd St S, Clearwater KS 67026-8032 // 16415 W 103rd St S, Clearwater KS 67026

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

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
*27	29S	2W						4.4											4.4
**27	29S	2W					22	34.6	38	36	7	13							150.6
**28	29S	2W	22			3													25

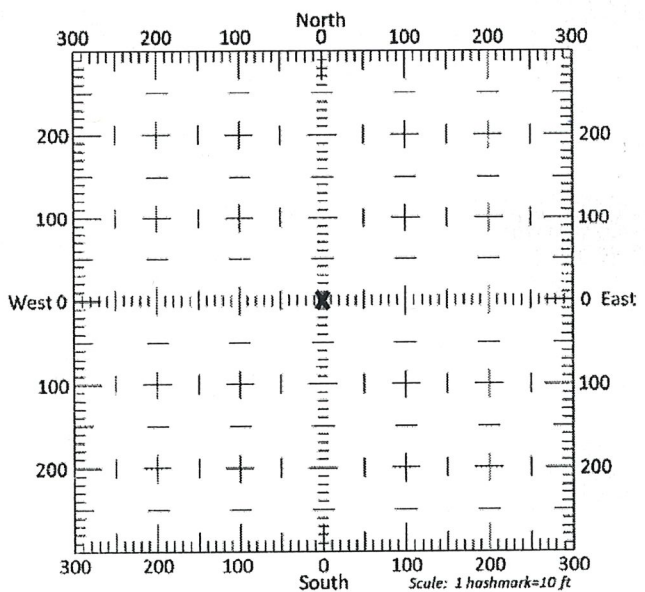
\* Per Tjaden Brothers Trust Agreement provided 11/19/2021. -EAT/DWR 1/21/2022

For Office Use Only: Code <u>CPU</u>	Fee \$ <u>200<sup>00</sup></u>	TR # _____	Receipt Date _____	Check # <u>7850</u>
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5. **Presently authorized point of diversion: Geographic Center of Battery of Four (4) Wells**  
 One in the SE Quarter of the NE Quarter of the NE Quarter of Section 28, Township 29 South, Range 2 W, in Sedgwick County, Kansas, 4,092 feet North 305 feet West of Southeast corner of section. Authorized Rate 800 gpm Authorized Quantity 166 AF Depth of well N/A (feet)  
**(DWR use only: Computer ID No. 01 GPS 3,888 feet North 187 feet West)**  
 This point will not be changed  This point will be changed as follows:  No change, point better described with GPS as follows:  
**Proposed point of diversion: (Complete only if change is requested or if existing point is better described by GPS)**  
**Geographic Center of Battery of Four (4) Wells**  
 One in the NE Quarter of the SE Quarter of the NE Quarter of Section 28, Township 29 South, Range 2 W, in Sedgwick County, Kansas, 3,888 feet North 187 feet West of Southeast corner of section. Proposed Rate No Change Proposed Quantity No Change Proposed well depth (feet) N/A.  
 This point is:  Additional Well  Geo Center List other water rights that will use this point None

6. **Presently authorized point of diversion:**  
 One in the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of Section \_\_\_\_\_, Township \_\_\_\_\_ South, Range \_\_\_\_\_ (E/W), in \_\_\_\_\_ County, Kansas, \_\_\_\_\_ feet North \_\_\_\_\_ feet West of Southeast corner of section. Authorized Rate \_\_\_\_\_ Authorized Quantity \_\_\_\_\_ Depth of well \_\_\_\_\_ (feet)  
**(DWR use only: Computer ID No. \_\_\_\_\_ GPS \_\_\_\_\_ feet North \_\_\_\_\_ feet West)**  
 This point will not be changed  This point will be changed as follows:  No change, point better described with GPS as follows:  
**Proposed point of diversion: (Complete only if change is requested or if existing point is better described by GPS)**  
 One in the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of Section \_\_\_\_\_, Township \_\_\_\_\_ South, Range \_\_\_\_\_ (E/W), in \_\_\_\_\_ County, Kansas, \_\_\_\_\_ feet North \_\_\_\_\_ feet West of Southeast corner of section. Proposed Rate \_\_\_\_\_ Proposed Quantity \_\_\_\_\_ Proposed well depth (feet) \_\_\_\_\_.  
 This point is:  Additional Well  Geo Center List other water rights that will use this point \_\_\_\_\_

7. The changes herein are desired for the following reasons?  
 (please be specific) Modify authorized acres to cover unpermitted acres being irrigated.
8. If a well, is the test hole log attached?  Yes  No
9. The change(s) (was)(will be) completed by?  
Upon approval of change
10. If the point of diversion is a well:  
 (a) What are you going to do with the old well?  
N/A  
 (b) When will this be done? N/A
11. Groundwater Management District recommendation attached?  
 Yes  No
12. Assisted by EKF/SFFO



13a. If the proposed point of diversion will be relocated more than 300 feet but within 2,640 feet of the existing point of diversion, attach a topographic map or aerial photograph. For groundwater sources, show all wells (including domestic) within one-half mile of the proposed point of diversion and the names and mailing addresses of the owners. For surface water sources, show the names and addresses of the landowner(s) one-half mile downstream and one-half mile upstream from your property lines

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

14. If the proposed groundwater point of diversion is 300 or fewer feet from the existing point of diversion, complete the following:
- (a) Does the undersigned represent all owners of the currently authorized place(s) of use identified in this application?  
 Yes     No    (If no, all owners must sign this application.)
  - (b) Will the ownership interest of any owner of the currently authorized place(s) of use identified in this application be adversely affected if this application is approved as requested?  
 Yes     No    (If yes, all owners must sign this application.)
  - (c) If this application is not approved expeditiously, will there be substantial damage to property, public health or safety?  
 Yes     No    (If no, all owners must sign this application.)

If the application proposes a surface water change in point of diversion, a groundwater change in point of diversion greater than 300 feet, or a change in place of use, the application must be signed by all owners of the currently authorized place of use, or their duly authorized agent (attach notarized statement authorizing representation).

I hereby verify, being first duly sworn upon my oath or affirmation and under penalty of perjury, that I am of lawful age and the owner, the spouse of the owner, or a duly authorized agent of the owner(s) to make this application on their behalf, in regards to the water right(s) to which this application pertains. I further verify that the statements contained in this application are true, correct and complete.

Dated at CLEARWATER, Kansas, this 29<sup>th</sup> day of OCTOBER, 2021.

[Signature]  
 \_\_\_\_\_  
 (Owner)

MAX H. TJADEN  
 \_\_\_\_\_  
 (Please Print)

[Signature]  
 \_\_\_\_\_  
 (Owner)

VAN B. TJADEN  
 \_\_\_\_\_  
 (Please Print)

\_\_\_\_\_  
 (Owner)

\_\_\_\_\_  
 (Please Print)

Anne Tjaden  
 \_\_\_\_\_  
 (Spouse)

Anne Tjaden  
 \_\_\_\_\_  
 (Please Print)

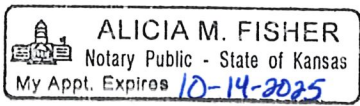
[Signature]  
 \_\_\_\_\_  
 (Spouse)

RENÉE J. TJADEN  
 \_\_\_\_\_  
 (Please Print)

\_\_\_\_\_  
 (Spouse)

\_\_\_\_\_  
 (Please Print)

State of Kansas }  
 County of Sedgwick } SS



I hereby certify that the foregoing application was signed in my presence and sworn to before me this 29<sup>th</sup> day of October, 2021.

[Signature]  
 \_\_\_\_\_  
 Notary Public

My Commission Expires 10-14-2025.

**ONLY COMPLETE APPLICATIONS WILL BE PROCESSED.** To be complete, all of the applicable portions of the application form must be completed with accurate information; maps, if necessary, must be included; signatures of all the appropriate owners' must be affixed to the application and notarized; and the appropriate fee must be paid.

**FEE SCHEDULE**

Each application to change the place of use or the point of diversion under this section shall be accompanied by the application fee set forth in the schedule below: Make checks payable to: **Kansas Department of Agriculture**

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

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NOV 01 2021

File No. 49078

14. If the proposed groundwater point of diversion is 300 or fewer feet from the existing point of diversion, complete the following:
- (a) Does the undersigned represent all owners of the currently authorized place(s) of use identified in this application?  
 Yes     No    (If no, all owners must sign this application.)
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 Yes     No    (If yes, all owners must sign this application.)
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 Yes     No    (If no, all owners must sign this application.)

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I hereby verify, being first duly sworn upon my oath or affirmation and under penalty of perjury, that I am of lawful age and the owner, the spouse of the owner, or a duly authorized agent of the owner(s) to make this application on their behalf, in regards to the water right(s) to which this application pertains. I further verify that the statements contained in this application are true, correct and complete.

Dated at SHAWNEE, Kansas, this 27<sup>th</sup> day of December, 2021.

<u>TOWNSEN BROTHERS TRUST</u>	
(Owner)	(Spouse)
<u>By [Signature]</u>	
(Please Print)	(Please Print)
<u>EARL D. TOWNSEN, TRUSTEE</u>	
(Owner)	(Spouse)
(Please Print)	(Please Print)
(Owner)	(Spouse)
(Please Print)	(Please Print)

State of Kansas }  
 County of Johnson } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 27 day of December, 2021.

My Commission Expires 08/10/2024 
**BROOKE A. COOPER**  
 Notary Public - State of Kansas  
 My Appt. Expires 10/12/24
 [Signature]  
 Notary Public

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(3) Application to change the place of use .....	\$200

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JAN 14 2022

14. If the proposed groundwater point of diversion is 300 or fewer feet from the existing point of diversion, complete the following:
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 Yes     No    (If no, all owners must sign this application.)
  - (b) Will the ownership interest of any owner of the currently authorized place(s) of use identified in this application be adversely affected if this application is approved as requested?  
 Yes     No    (If yes, all owners must sign this application.)
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Dated at Salina, Kansas, this 12<sup>th</sup> day of January, 20 22

TOADSN BROTHERS TRUST  
 (Owner) \_\_\_\_\_ (Spouse) \_\_\_\_\_  
 By: Rex L. Toadsn  
 (Please Print) Rex L. TOADSN, TRUSTEE (Please Print) \_\_\_\_\_  
 \_\_\_\_\_ (Owner) \_\_\_\_\_ (Spouse) \_\_\_\_\_  
 \_\_\_\_\_ (Please Print) \_\_\_\_\_ (Please Print) \_\_\_\_\_  
 \_\_\_\_\_ (Owner) \_\_\_\_\_ (Spouse) \_\_\_\_\_  
 \_\_\_\_\_ (Please Print) \_\_\_\_\_ (Please Print) \_\_\_\_\_

State of Kansas }  
 County of SALINE } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 12<sup>th</sup> day of January, 20 22.

My Commission Expires 06-28-25  
  
Stephanie R. Hork  
 Notary Public

**ONLY COMPLETE APPLICATIONS WILL BE PROCESSED.** To be complete, all of the applicable portions of the application form must be completed with accurate information; maps, if necessary, must be included; signatures of all the appropriate owners' must be affixed to the application and notarized; and the appropriate fee must be paid.

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- (3) Application to change the place of use ..... \$200

**RECEIVED**  
**JAN 14 2022**

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

This Summary Order is issued under authority of K.S.A. 82a-708b, as amended, and K.A.R. 5-5-1, *et seq.* and other applicable provisions of the *Kansas Water Appropriation Law, K.S.A. 82a-701 et seq.*, and rules and regulations promulgated thereunder, With the exception of those conditions expressly contained herein, this Summary Order does not change the terms, conditions and limitations of File No. 49078.

1. A change application was received on November 1, 2021 requesting that the place of use and / or point of diversion authorized under the above-referenced file number be changed as described in the application.
2. On and after the effective date of this summary order, the authorized place(s) of use shall be located substantially as shown on the topographic map accompanying the application to change the place of use.  Applicable  Not Applicable
3. The change in point of diversion shall not impair existing rights and shall be limited to the same source or sources of water as previously authorized. The point of diversion authorized by this summary order shall be located within a \_\_\_\_\_ foot radius of the authorized point(s) of diversion.  Applicable  Not Applicable
4. The point(s) of diversion described herein is administratively corrected to be more accurately described using the Global Positioning System (GPS), as described in the application.  Applicable  Not Applicable
5. The point(s) of diversion authorized herein shall not actually be located more than \_\_\_\_\_ feet from the previously authorized point(s) of diversion.  Applicable  Not Applicable
6. As required by K.A.R. 5-3-5d, if the works for diversion is a well with a diversion rate of 100 gallons per minute or more, a tube or other device suitable for making water level measurements shall be installed, operated and maintained in accordance with K.A.R. 5-6-13.  Applicable  Not Applicable
7. **The owner of the authorized place(s) of use shall properly install an acceptable water flow meter on or before December 31, 2022**, or before the first use of water, whichever occurs first. The water flow meter shall be installed, operated and maintained in accordance with K.A.R. 5-1-4 through 5-1-12. As required by K.S.A. 82a-732, as amended, and K.A.R. 5-3-5e, the owner shall maintain records and report the reading of the water flow meter and the total quantity of water diverted annually to the Chief Engineer by March 1 following the end of each calendar year.  Applicable  Not Applicable
8. **Installation of the works for diversion of water shall be completed on or before December 31, 20\_\_\_\_**, or within any authorized extension of time. By March 1, 20\_\_\_\_ the applicant shall notify the Chief Engineer that construction of the works for diversion has been completed, on the form provided by the Chief Engineer, as required by K.A.R. 5-8-4e.  Applicable  Not Applicable
9. **The completed well log shall be submitted with the required notice.**  Applicable  Not Applicable
10. All diversion works into which any type of chemical or other foreign substance will be injected into the water shall be equipped with an in-line, automatic, quick-closing check valve capable of preventing pollution of the source of the water supply. The check valve(s) shall be installed, operated and maintained in accordance with K.A.R. 5-3-5c.  Applicable  Not Applicable
11. Additional Conditions are attached.  Yes  No
12. In accordance with K.S.A. 82a-708a, as amended, and K.A.R. 5-5-14, all of the owners of the authorized place(s) of use of water appropriated under the above-referenced file number are responsible for compliance with its terms, conditions and limitations, as amended and/or supplemented by this Summary Order, and with applicable provisions of the *Kansas Water Appropriation Law* and the *Rules and Regulations* promulgated thereunder. Failure to comply with these provisions may result in civil penalties pursuant to K.S.A. 82a-737, as amended, and/or the suspension or revocation and dismissal of the water or appropriation right or any other enforcement actions authorized by law.

**Administrative Appeal and Effective Date of Order**

If you are aggrieved by this order, pursuant to K.S.A. 82a-1901, you may request an evidentiary hearing before the Chief Engineer or request administrative review by the Secretary of Agriculture. A request for hearing by the Chief Engineer must be filed within **15 days** of service of this Order and a request for administrative review by the Secretary must be filed within **30 days** pursuant to K.S.A. 77-531. Any request for administrative review must state a basis for review pursuant to K.S.A. 77-527. File any request with **Kansas Department of Agriculture, Legal Division, 1320 Research Park Drive, Manhattan, KS 66502**. Failure to timely request a hearing or review may preclude review under the Kansas Judicial Review Act.

*For Use by Register of Deeds*

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

By: Cameron R. Conant  
Duly Authorized Designee of the Chief Engineer

(Print Name): Cameron R. Conant  
Division of Water Resources - Kansas Department of Agriculture

Date of Issuance: January 28, 2022

State of Kansas )

County of Stafford ) SS

Acknowledged before me on January 28<sup>th</sup>, 2022  
by Faith Curtis

Signature: Faith Curtis  
Notary Public

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

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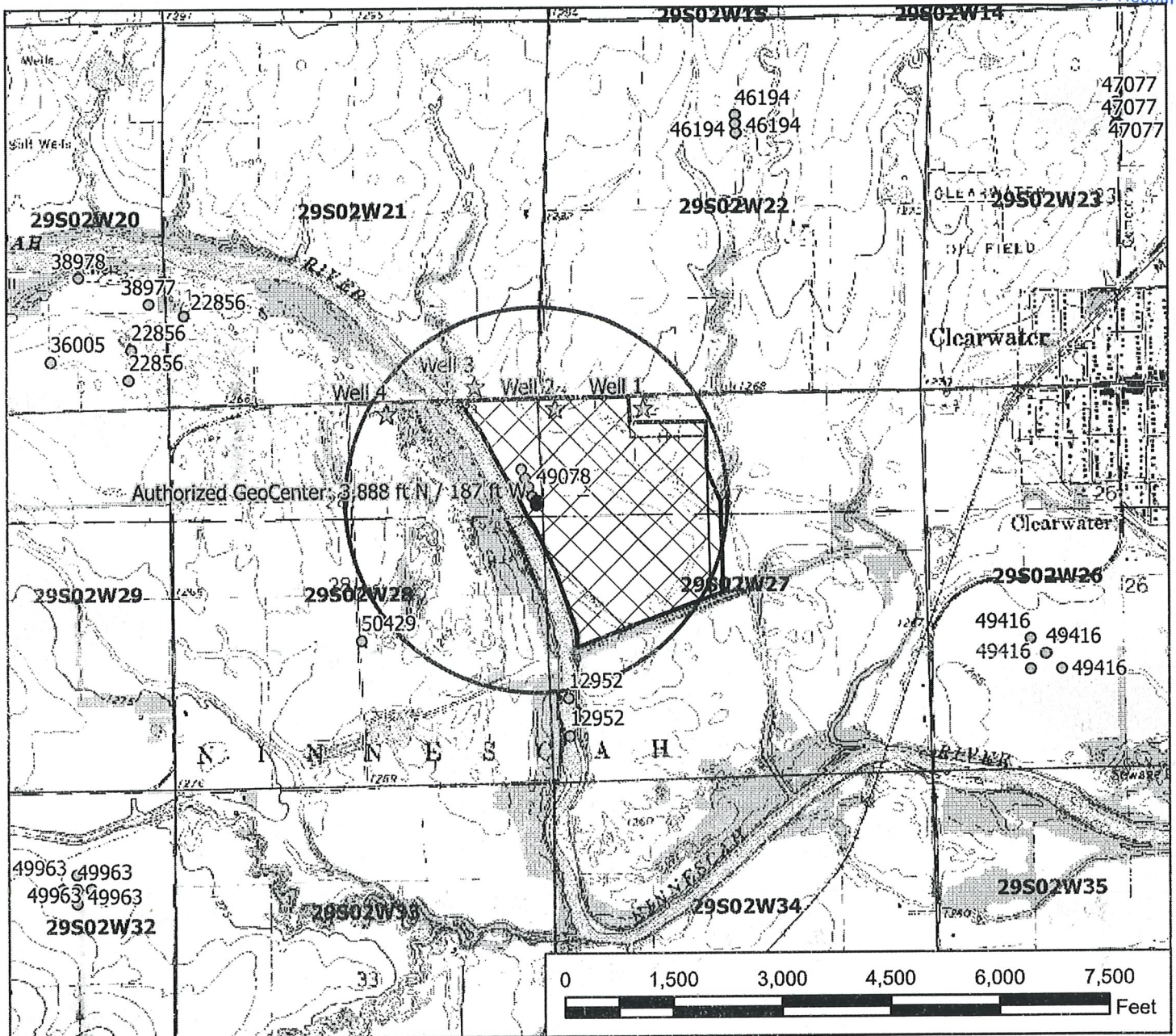
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Stafford Field Office  
Division of Water Resources



**Legend**

- Water Appropriation
- Authorized/Actual Point of Diversion
- ☆ Domestic Well
- Section Line
- Half Mile Circle
- ▨ Authorized Place of Use
- ▨ Proposed Place of Use

# Water Appropriation, File No. 49078

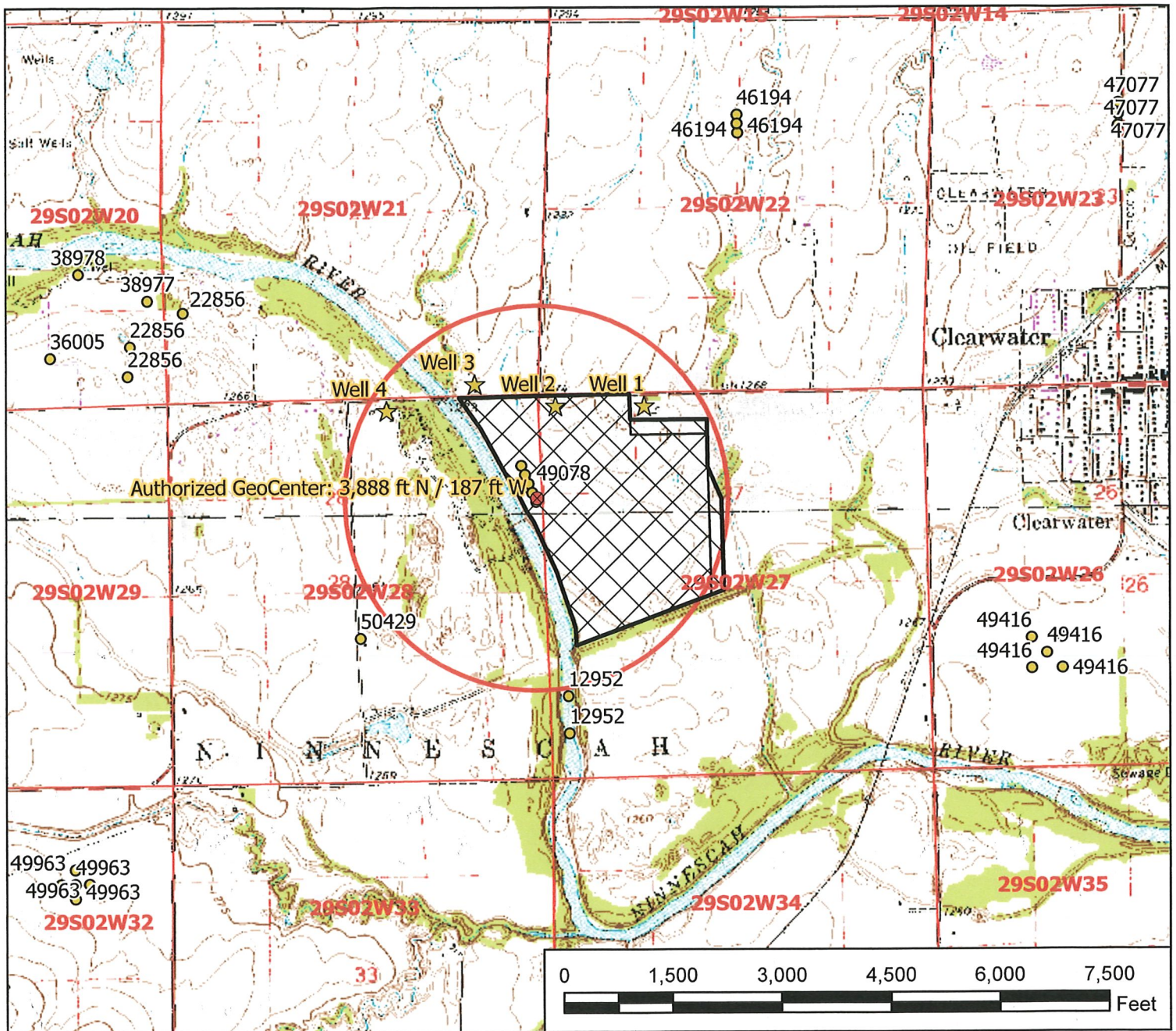
## Change in Place of Use Application Map 27 & 28-29-2W // Sedgwick County

To the best of my knowledge, all wells within one-half mile of the authorized/actual point of diversion have been shown.

N

10/29/21

Signature / Date *[Signature]* 9/29/2021 EKF/SFFO 1:24,000 scale



**Legend**

- Water Appropriation
- ⊙ Authorized/Actual Point of Diversion
- ★ Domestic Well
- Section Line
- Half Mile Circle
- ▨ Authorized Place of Use
- ▩ Proposed Place of Use

# Water Appropriation, File No. 49078

## Change in Place of Use Application Map

### 27 & 28-29-2W // Sedgwick County

To the best of my knowledge, all wells within one-half mile of the authorized/actual point of diversion have been shown.

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Division of Water Resources



Signature / Date

9/29/2021 EKF/SFFO 1:24,000 scale