

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

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

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



STATE OF KANSAS

**WATER METER REQUIRED**

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

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

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 MAY 02 2023  
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 DIVISION OF WATER RESOURCES  
 STATE OF KANSAS

File No. 30636

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: Carmen Schmitt

PO Box 47, Great Bend KS 67530-0047

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

Name and address of Water Use Correspondent: Carmen Schmitt

PO Box 47, Great Bend KS 67530-0047

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

3. The presently authorized place of use is:

Owner of Land ---- NAME: Carmen Schmitt

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

(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 |             |       |      |     |       |
| 31   | 21S  | 14W   |               |               |      |      |               |              |     |      | 29  |     |     |     | 29  |       |     |     | 3.5         | 35.5  | 35.5 | 3.5 | 136   |
| 6    | 22S  | 14W   | Lot 1<br>15.7 | Lot 2<br>37.6 | 38.9 | 16.5 | Lot 3<br>34.6 | Lot 4<br>1.2 | 1.3 | 35.6 |     |     |     |     |     |       |     |     |             |       |      |     | 181.4 |
|      |      |       |               |               |      |      |               |              |     |      |     |     |     |     |     | Total |     |     |             | 317.4 |      |     |       |

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: Carmen Schmitt

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

(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 |             |        |    |    |                             |
| 31   | 21S  | 14W   |               |                |     |     |             |     |     |     | 27.5 |     |     |     | 27.5 |       |     |     | 3           | 37     | 37 | 3  | 135                         |
| 6    | 22S  | 14W   | Lot 1<br>21.5 | Lot 2<br>40.45 | 40  | 25  | Lot 3<br>26 |     |     | 28  |      |     |     |     |      |       |     |     | 36.5        | 39     | 37 | 34 | 327.45<br><del>327.47</del> |
|      |      |       |               |                |     |     |             |     |     |     |      |     |     |     |      | Total |     |     |             | 462.45 |    |    |                             |

For Office Use Only: Code CPU Fee \$ 200 TR # \_\_\_\_\_ Receipt Date \_\_\_\_\_ Check # 1335

5. **Presently authorized point of diversion:**  
 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, 1,135 feet North 57 feet West of Southeast corner of section. Authorized Rate 1,465 gpm Authorized Quantity 180 AF Depth of well 118 214\* (feet)  
**(DWR use only: Computer ID No. 7 GPS 1,139 feet North 61 feet West)**  
 This point will not be changed  This point will be changed as follows:  No change, point better described with GPS as follows:  
**Proposed point of diversion: (Complete only if change is requested or if existing point is better described by GPS)**  
 One in the NE Quarter of the SE Quarter of the SE Quarter of Section 31, Township 21 South, Range 14 W, in Stafford County, Kansas, 1,139 feet North 61 feet West of Southeast corner of section. Proposed Rate no change Proposed Quantity no change Proposed well depth (feet) no change.  
 This point is:  Additional Well  Geo Center List other water rights that will use this point N/A

\*TMA 5/3/23 - well log

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 \_\_\_\_\_

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7. The changes herein are desired for the following reasons?  
 (please be specific) Correct unauthorized place of use and create complete place of use overlap between File No. 13554, 21303 & 30636

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

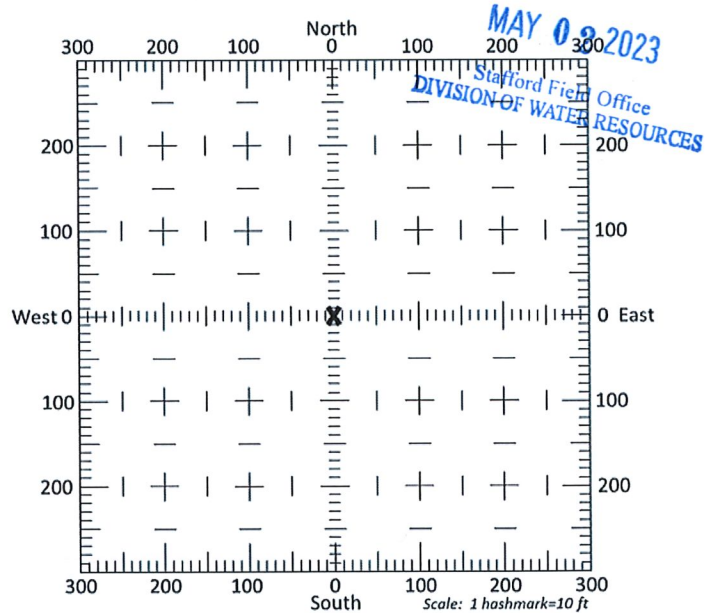
9. The change(s) (was)(will be) completed by?  
Upon completion of change

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 Stafford, Kansas, this 2nd day of May, 20 23.

|                       |                |
|-----------------------|----------------|
| <u>Carmen Schmitt</u> |                |
| (Owner)               | (Spouse)       |
| <u>Carmen Schmitt</u> |                |
| (Please Print)        | (Please Print) |
|                       |                |
| (Owner)               | (Spouse)       |
|                       |                |
| (Please Print)        | (Please Print) |
|                       |                |
| (Owner)               | (Spouse)       |
|                       |                |
| (Please Print)        | (Please Print) |

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 2nd day of May, 20 23.

My Commission Expires  Chelsi Snodgrass  
 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.

**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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MAY 02 2023

**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. 30636.

1. A change application was received on May 2, 2023 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.

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**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** MAY 02 2023  
**SUMMARY ORDER ISSUED**

Stafford Field Office  
 DIVISION OF WATER RESOURCES

By: Jeff Lenterman  
 (Print Name): Jeff Lenterman  
 Division of Water Resources - Kansas Department of Agriculture

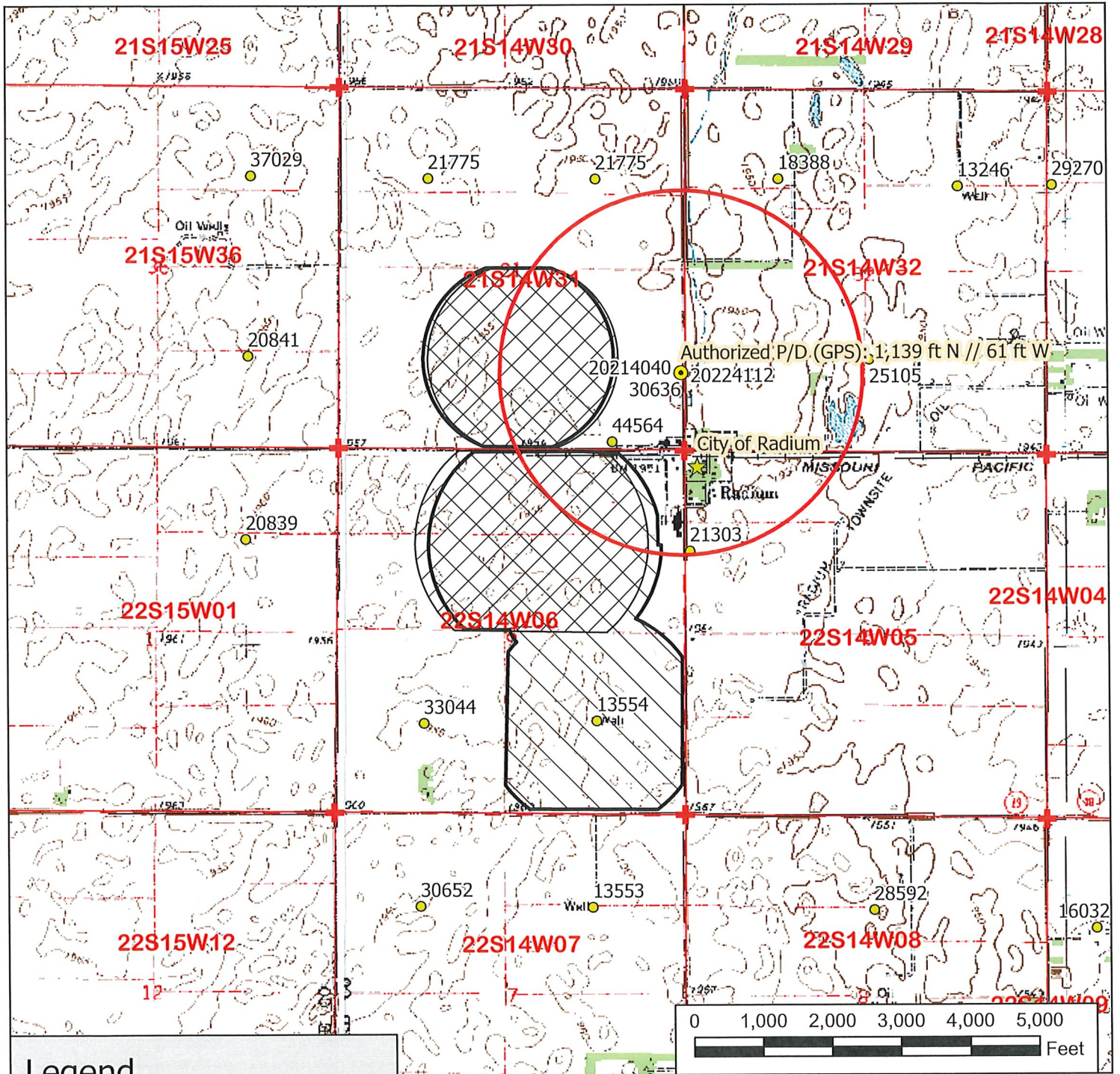
Date of Issuance: 5/5/2023

State of Kansas )  
 ) SS  
 County of Stafford )

Acknowledged before me on 5/5/2023  
 by Faith Curtis  
 Signature: Faith Curtis  
 Notary Public

My commission expires: \_\_\_\_\_





**Legend**

- Water Appropriation
- Authorized Point of Diversion
- ★ Domestic Well
- ⊕ Section Corner
- ▭ Half Mile Circle
- ▭ Section Line
- ▨ Authorized Place of Use
- ▨ Proposed Place of Use

**Water Right, File No. 30636**

Change in Place of Use Application Map  
 31-21-14W & 6-22S-14W // Stafford County

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Aug 02 2023

Stafford Field Office  
 DIVISION OF WATER RESOURCES

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

*Compton* 8-2-23



Signature / Date

8/23/2022 EKF/SFFO 1:24,000 scale

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



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

Mike Beam, Secretary

Laura Kelly, Governor

May 5<sup>th</sup>, 2023

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

Re: Water Right, File No(s). 13554, 21303 & 30636

Dear Water Right Owner:

Enclosed is an order executed by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the application for change under the 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 <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.

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

## CERTIFICATE OF SERVICE

On this **5th** day of **May, 2023**, I hereby certify that the attached Change in Place of Use for Water Right, File No. **30636, 21303 & 13554**, dated **May 5th, 2023** was mailed via First Class U.S. mail to the following:

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

A copy of the letter was sent via electronic mail to the following:

GMD 5

*Faith Curtis*

-----  
Staff