

# 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

**WATER METER REQUIRED**

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

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1:43PM  
SEP 20 2023

Stafford Field Office  
Division of Water Resources

File No. 28799

2. Name of applicant: John W Mundhenke

Address: 1937 N Rd

City, State and Zip: Lewis, KS 67552-5229

Phone Number: (620)324-5632 E-mail address: jmundhenke@gbta.net

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

Name of water use correspondent: John W & Gina L Mundhenke

Address: 1937 N Rd

City, State and Zip: Lewis, KS 67552-5229

Phone Number: (620)324-5632 E-mail address: jmundhenke@gbta.net

3. The change(s) proposed herein are desired for the following reasons (please be specific): To swap the rates and quantities between the two wells on this file #. The change will authorize more quantity on the well that is actually used more between the two wells.

The change(s) (was) completed by Nothing to complete - paper change / quantity swap only  
(Date)

For Office Use Only:	
F.O. <u>2</u> <u>GMD</u> <u>5</u> Meets K.A.R. 5-5-1 (YES/NO) Use <u>IRR</u> Source <u>G</u> S County <u>ED</u> By <u>ALB</u> Date <u>10/11/23</u>	
Code <u>CGT</u> Fee \$ <u>700</u> TR # _____ Receipt Date _____ Check # <u>6529</u>	

10/24/2023  
LMoody



4. The presently authorized place of use is:

Owner of Land — NAME: GARY L MUNDHENKE LVNG TR, GARY L MUNDHENKE TRUSTEE

ADDRESS: 121 PRAIRIE DUNES DR, HUTCHINSON, KS 67502

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		
6	25S	17W			40	40										40	40	40	40	240

List any other water rights that cover this place of use. None

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: NO CHANGE

ADDRESS: NO CHANGE

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. \_\_\_\_\_

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. \_\_\_\_\_

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*John Mundhenke*



6. The presently authorized point(s) of diversion are two wells and diversion works  
(Provide description and number of points)
7. The proposed point(s) of diversion are two wells and diversion works  
(Provide description and number of points)

**List all presently authorized point(s) of diversion:**

8. **Presently authorized point of diversion: SOUTHEAST WELL**

One in the SW Quarter of the SE Quarter of the SE Quarter of Section 6, Township 25 South, Range 17 W, in Edwards County, Kansas, 111 feet North 822 feet West of Southeast corner of section.  
 Authorized Rate 545 GPM Authorized Quantity 117 AF  
 (DWR use only: Computer ID No. 7 GPS 123 feet North 826 feet West)  
 This point will not be changed  This point will be changed as follows: **swap authorized rate and quantity**

**Proposed point of diversion: (Complete only if change is requested)**

One in the SW Quarter of the SE Quarter of the SE Quarter of Section 6, Township 25 South, Range 17 W, in Edwards County, Kansas, no change feet North no change feet West of Southeast corner of section.  
 Proposed Rate 640 GPM Proposed Quantity 138 AF  
 This point is:  Additional Well  Geo Center List other water rights that will use this point \_\_\_\_\_

9. **Presently authorized point of diversion: NORTHWEST WELL**

One in the NW Quarter of the SW Quarter of the NE Quarter of Section 6, Township 25 South, Range 17 W, in Edwards County, Kansas, 3,335 feet North 2,116 feet West of Southeast corner of section.  
 Authorized Rate 640 GPM Authorized Quantity 138 AF  
 (DWR use only: Computer ID No. 6 GPS 3,335 feet North 2,116 feet West)  
 This point will not be changed  This point will be changed as follows: **swap authorized rate and quantity**

**Proposed point of diversion: (Complete only if change is requested)**

One in the NW Quarter of the SW Quarter of the NE Quarter of Section 6, Township 25 South, Range 17 W, in Edwards County, Kansas, no change feet North no change feet West of Southeast corner of section.  
 Proposed Rate 545 GPM Proposed Quantity 117 AF  
 This point is:  Additional Well  Geo Center List other water rights that will use this point None

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)**

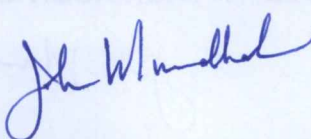
One in the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of Section \_\_\_\_\_, Township \_\_\_\_\_ South, Range \_\_\_\_\_ (E/W), in \_\_\_\_\_ County, Kansas, \_\_\_\_\_ feet North \_\_\_\_\_ feet West of Southeast corner of section.  
 Proposed Rate \_\_\_\_\_ Proposed Quantity \_\_\_\_\_  
 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. All points of diversion will continue to be used.

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12. The presently authorized use of water is for irrigation purposes.  
It is proposed that the use be changed to NO CHANGE - irrigation purposes.

13. If changing the place of use and/or use made of water, describe how the consumptive use will not be increased.  
The place of use and use made of water are not changing. The quantity and rate on the two authorized wells will simply be swapped so that they match the way they are being utilized currently. Consumptive use will not be increased because the operation of the two wells will not change. This is simply to give the water user more water on the well they already use more.

(Please show any calculations here.)

14. It is requested that the maximum annual quantity of water be reduced to No reduction (acre-feet or million gallons).

15. It is requested that the maximum rate of diversion of water be reduced to No reduction 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.

The changes will not impair existing water rights because nothing will change operationally with these two wells. The water user wants to ensure that the well they do pump more out of has the higher rate and quantity allotment. See items 3 and 13.

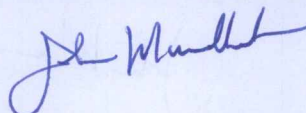
18. If the proposed change(s) does not meet all applicable rules and regulations of the Kansas Water Appropriation Act, please identify the rules and regulations for which you request a waiver. State the reason why a waiver is needed and why the request should be granted. Attach documentation showing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

A waiver of 1/2 mile change in point of diversion is requested to move rate and quantity of two wells of the same file #. As mentioned before, there is no physical moving or redrilling of any wells > 1/2 mile.

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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 Sept. Hutchinson, Kansas, this 5th day of Sept., 2023.

*☆* Gary L. Mundhenke Living Trust  
(Owner)

Sherry Mundhenke - Trustee  
(Spouse) *☆*

GARY L. MUNDHENKE LIVING TRUST  
(Please Print)

SHERRY MUNDHENKE TRUSTEE  
(Please Print)

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

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

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

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

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

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

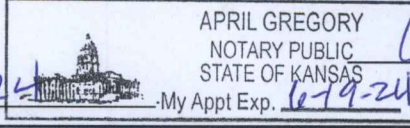
\_\_\_\_\_  
(Please Print)

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

State of Kansas }  
County of Reno } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 5th day of Sept., 2023.

My Commission Expires 6-19-24



April Gregory  
Notary Public

**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.**

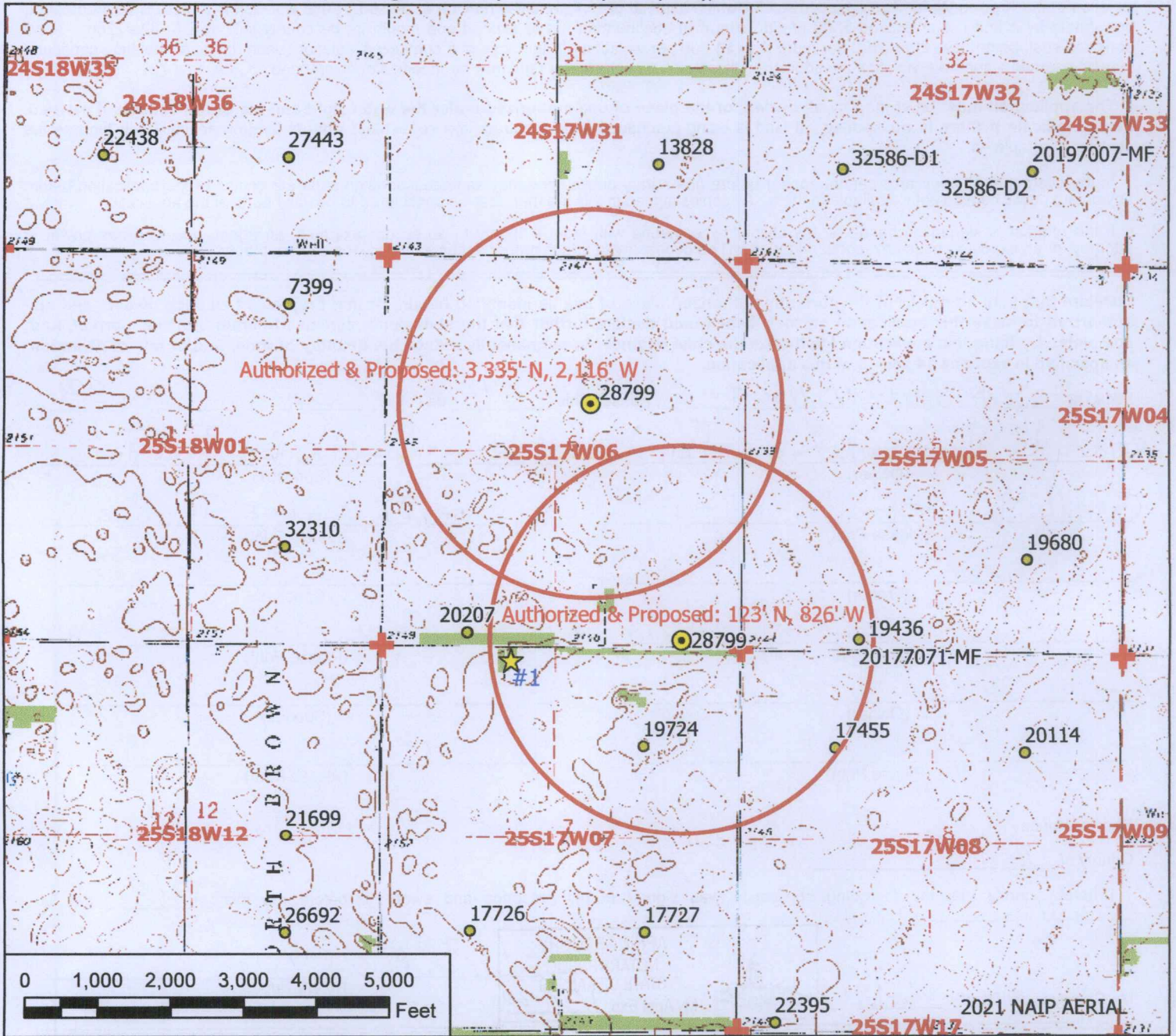
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*John W. ...*



Note: This P/d change is to swap rate and quantity only, so no wells are relocated.



**Legend**

- Water Appropriation
- ⊗ Proposed Point of Diversion
- ⦿ Authorized Point of Diversion
- ★ Domestic Well
- ⊕ Section Corner
- ▭ Section Line
- Half Mile Circle

## Water Right, File No. 28799

### Change in Point of Diversion Map 6-25-17W // Edwards County

To the best of my knowledge, all points of diversion within one-half mile of the proposed point of diversion have been shown.

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Signature / Date

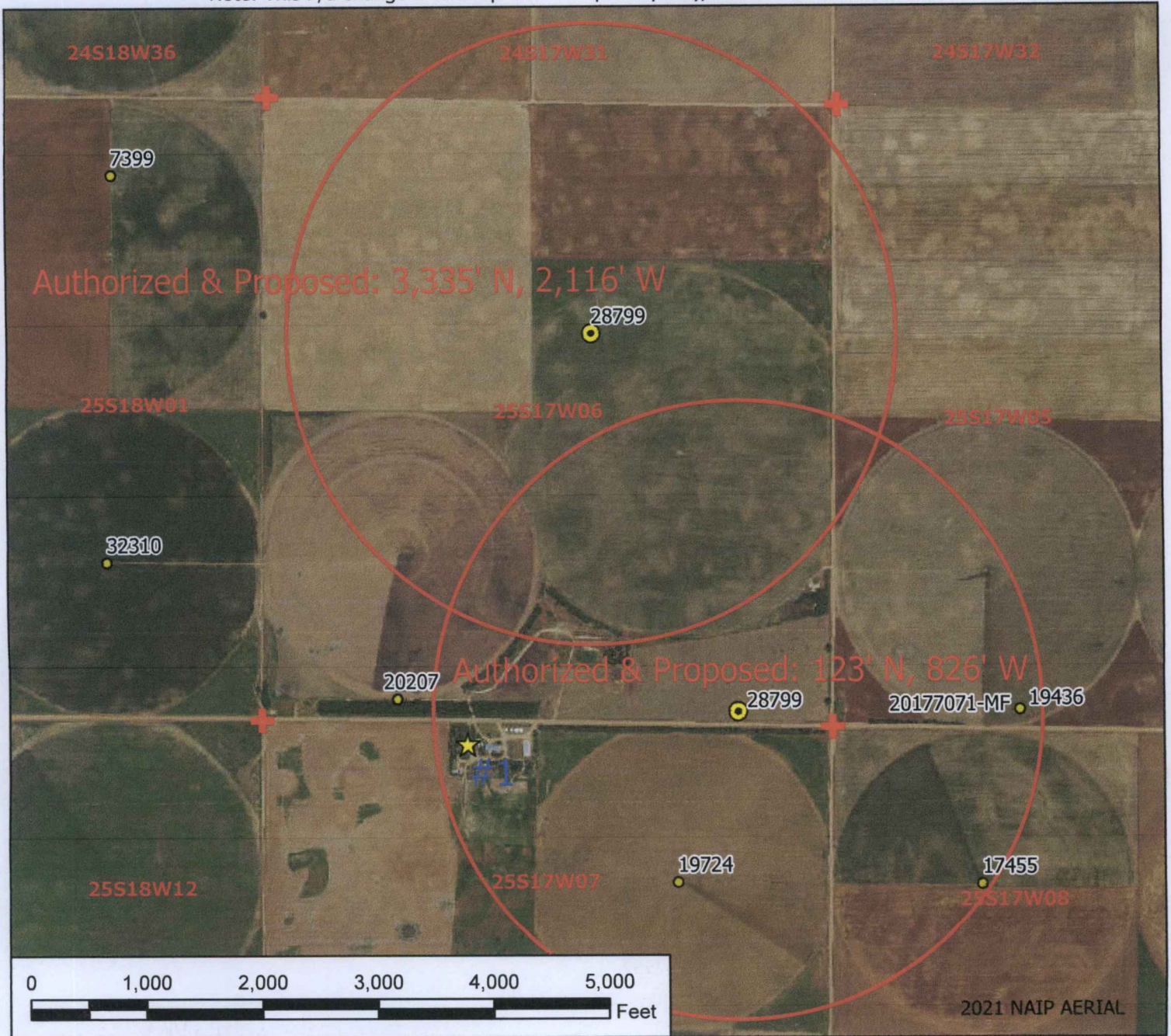
Stafford Field Office  
Division of Water Resources

05/24/2023 TMA/SFFO 1:24,000 scale





Note: This P/d change is to swap rate and quantity only, so no wells are relocated.



**Legend**

- Water Appropriation
- ⊗ Proposed Point of Diversion
- ⊙ Authorized Point of Diversion
- ★ Domestic Well
- ⊕ Section Corner
- ▭ Section Line
- ⊞ Half Mile Circle

**Water Right, File No. 28799**

**Change in Point of Diversion Map  
6-25-17W // Edwards County**

To the best of my knowledge, all points of diversion within one-half mile of the proposed point of diversion have been shown.

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Signature / Date  
Standard Field Office  
Division of Water Resources

05/24/2023 TMA/SFFO 1:15,000 scale



*John M. ...*



**Change in Point of Diversion**

**File No. 28799**

**Nearby Well Owners**

**Domestic wells:**

**#1:** JOHN & GINA MUNDHENKE (Applicant)  
1937 N RD  
LEWIS, KS 67552

**Irrigation and other wells:**

**17455:** DOUGLAS K MCLEAN REV TR  
101 MARSH AVE  
KINSLEY, KS 67547

**19436:** TRIPLE R CORPORATION  
MARY JANE RANDEL  
608 WALNUT ST  
FORD, KS 67842-9440

**19724:** JOHN W & GINA L MUNDHENKE (Applicant)  
1937 N RD  
LEWIS, KS 67552

*Jwm*

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