

Kansas Department of Agriculture / Division of Water Resources  
Stockton Field Office

TO: HEADQUARTERS

RE  Vested Right;  Water Right;  Appropriation of Water;  Application

File No(s). 25,377 County GH

Enclosed are the following checked items:

A \_\_\_\_\_ FIR  Full  Partial Inspection  Return to Field Office

Proposed Certificate to deliver to Certificate Unit

Meter Order:  GMD#4

Lower Smoky

Other \_\_\_\_\_

A Compliance Check Inspection on \_\_\_\_\_

Meter Install  New App  Chg App  Other \_\_\_\_\_

In Compliance  Not in Compliance, why \_\_\_\_\_

Modify Point of Diversion  No  Yes, document attached

Indicate all overlapping p/d files \_\_\_\_\_

An application and judgment sheet with recommendation.

A memorandum dated \_\_\_\_\_

A request for an extension of time to perfect or complete.

A verified report.

A closure request.

A field investigation report.

Notice of Non-Compliance \_\_\_\_\_

Violation

Date

An ownership change (name(s) and address(es) below).

A water use report for \_\_\_\_\_

A letter dated \_\_\_\_\_

A copy of an Approval to Change the  place of use and/or  point of diversion,

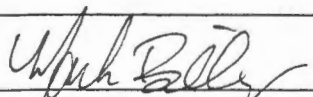
Filing Fee attached. \$2866

\$100.00

An Advanced copy of a change application and the filing fee, to be processed at the field office.

An original field office change application and the filing fee needing headquarters office review and further processing.

Other: \_\_\_\_\_

  
Assistant Water Commissioner

11-7-16  
Date

# CHECK SHEET Short Change

File No. 25,377

Field Office No. 3

GMD No. \_\_\_\_\_

1. **Plugging agreement obtained for GMD?** Yes  No  Non Applicable

2. **Is Landowner correct as currently shown in WRIS?** Yes  No  **Address Change?** YES  
If applicable, list Place of Use Overlap File Nos. \_\_\_\_\_

3. **Is Water Use Correspondent correct as currently shown in WRIS?** Yes  No  **Address Change?** YES  
Name of Former WUC Mary Benoit ET AL Name of New WUC Bryan Simoneau  
\_\_\_\_\_ 1910 2 RD Damar, KS 67632

4. a. **Point of diversion computer ID No(s).** 1 **for point(s) being changed.**

b. **Show feet distances from the** SE **corner of the section for the new point(s) of diversion:**

Action	PDIV ID	Geo Ctr?	Sec	Twp	Rng	'N	'W	County	Qualifiers
DEL	11200	N/A	11	8S	21W	3550	70	Graham	NE SE NE
ENT	new	N/A	11	8S	21W	3575	18	Graham	NE SE NE
MOD	54231	N/A	11	8S	21W	2735	27	Graham	SE SE NE

c. **If multiple points of diversion exist and rates and quantities are individually assigned, show:**

Old PDIV ID	Authorized Rate	Additional Rate	Authorized Quantity	Additional Quantity
<u>11200</u>	<u>350</u> gpm	<u>350</u> gpm	<u>95</u> af	<u>95</u> af
<u>54231</u>	<u>555</u> gpm	<u>555</u> gpm	<u>122</u> af	<u>122</u> af
_____	_____ gpm/cfs	_____ gpm/cfs	_____ af/mgy	_____ af/mgy

d. **Name of Drainage Basin** S F Solomon River **Is this correctly shown in WRIS?**  Yes  No

e. **Formation Name & No.** Mainstem Alluvium / 113 **Special Use Area** none

5. **Distances from the original p/d:** 75 ' N 0 ' W

**6. WATER RIGHT ACTION TRAIL COMMENTS**

11/07/2016 Change Application Received (date accepted for priority)  
11/07/2016 Change Approved  
 Notice and Proof by 12/31/2017  
 \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_ Completion Requirement Removed (Change No. C \_\_\_\_\_)

**7. METER ACTION TRAIL COMMENTS**

11/07/2016 DWR Meter Required by 12/31/2017

8. Base Acres \_\_\_\_\_ Year \_\_\_\_\_ Minimum Reasonable Quantity \_\_\_\_\_

Date Created 11/7/16 by Billinger  
 Date Entered \_\_\_\_\_ by \_\_\_\_\_

**CHECK SHEET ATTACHMENT**

9. Changes to the place of use will be:

File Number 25377

Action	Owner Person ID	Place Use ID #	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	
NO CHG	new	18536	11	08S	21W	Acres Authorized	40	40	40	40	40	40	40	40									320
						New Acres	40	40	40	40	40	40	40	40									320
						Acres Authorized																	
						New Acres																	
						Acres Authorized																	
						New Acres																	
						Acres Authorized																	
						New Acres																	

**Names and Address:**

1. Person ID # <u>new</u> Bryan and Dana Simoneau 1910 2 RD Damar, KS 67632	2. Person ID # _____ _____ _____ _____	3. Person ID # _____ _____ _____ _____
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**GENERAL INSTRUCTIONS**

- |  |  |   |
|--|--|---|
| 1. Give to Applicant:<br>a. <u>Original</u> application/approval<br>b. Original receipt (one for <u>each</u> application)<br>c. Information packet containing:<br><ul style="list-style-type: none"> <li>• Notice and Proof form</li> <li>• Water Meter Specifications</li> <li>• Acceptable Meter list</li> <li>• Water level measurement tube specifications</li> <li>• Check Valve specifications</li> <li>• Pink Sheet - K.S.A. 82a-728 letter</li> <li>• Form stating to record in Register of Deeds Office (OPTIONAL AS NEEDED)</li> </ul> | 2. Send to headquarters:<br>a. Good, <u>microfilmable</u> copy of application and/or approval and this check sheet<br>b. Original check and copy of receipt<br>c. Test hole log<br>d. GMD recommendation, if any<br>e. Map or aerial photograph, if any<br>3. Send to KDHE: Letter (KDHE.LT) advising of location of abandoned well. <input checked="" type="checkbox"/> | 4. Date stamp received and approved.<br>5. Complete ownership and WUC change information. |
|--|--|---|

CONDITIONS

ADDITIONAL PHOTOCOPIES

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1. Insert notice and proof date.
2. Type or print applicant's/owner's name on line.
3. Complete notary statement.



Stockton Field Office  
820 S. Walnut  
Stockton, Kansas 67669-0192  
Jackie McClaskey, Secretary  
David W. Barfield, Chief Engineer  
Kelly Stewart, Water Commissioner

Phone: (785) 425-6787  
Fax: (785) 425-6842  
[www.agriculture.ks.gov](http://www.agriculture.ks.gov)  
Sam Brownback, Governor

November 7, 2016

Bryan & Dana Simoneau  
1910 2 RD  
Damar, KS 67632

Re: Water Right, File No. 25,377

Dear Mr. & Mrs. Simoneau:

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

Your attention is directed to the terms, conditions, and limitations specified in this approval for change. Also, the approval of the order requires the installation of a water flow meter(s) on the point(s) of diversion authorized under the above referenced file number by **December 31, 2017**. Please complete and return the enclosed Notice of Completion of Diversion Works when a water flow meter has been installed. A copy of the Chief Engineer's specifications for the water flow meters are found in K.A.R. 5-1-4 through K.A.R. 5-1-12 along with a partial list of those flow meters found to be acceptable for installation in Kansas can be found on our website at the following web address:

<http://agriculture.ks.gov/meters>

Please note that all meters must be installed and maintained in accordance with the specifications for water flow meters referenced above.

The abandoned water 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 (KDHE). If the well is to be retained by the landowner for other purposes, a copy of the legal transfer of responsibility for maintenance of the well must be forwarded to KDHE Geology Section, 1000 SW Jackson, Suite 420, Topeka, Kansas 66612, telephone number (785) 296-5524. More information is available online at: <http://kdheks.gov/waterwell>

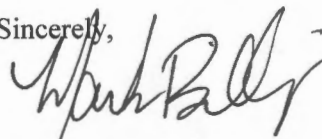
Since this order modifies the original certificate, it should be recorded with the Register of Deeds just as other legal documents affecting real estate. Such records are maintained at the Register of Deeds Office in the county wherein the place of use is located.

**This document is a summary order by this agency regarding this matter.** This order shall become final if a request for a hearing is not filed with the Chief Engineer within 15 days of the date of service of this order.

(over)

If you have any questions, please feel free to contact this office at (785) 425-6787. 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 "Mark Billinger". The signature is fluid and cursive, with the first name "Mark" being more prominent than the last name "Billinger".

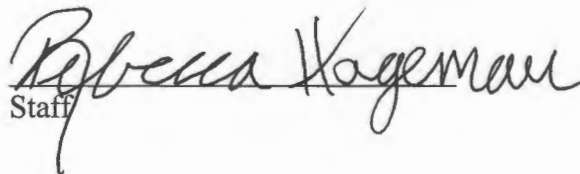
Mark Billinger  
Assistant Water Commissioner

MB:rfh  
Enclosures

**CERTIFICATE OF SERVICE**

On this 7<sup>th</sup> day of November, 2016, I hereby certify that the attached **SUMMARY ORDER APPROVING APPLICATION FOR CHANGE in POINT OF DIVERSION** for water right, File No. 25,377, dated on the 7<sup>th</sup> day of November, 2016, was mailed postage prepaid, first class, U.S. mail, to the following:

Bryan & Dana Simoneau  
1910 2 RD  
Damar, KS 67632

  
Staff

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

Call for address:

Topeka -- (785) 862-6300  
 Stafford -- (620) 234-5311  
 Stockton -- (785) 425-6787  
 Garden City -- (620) 276-2901  
[www.ksda.gov/dwr](http://www.ksda.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.

APPLICATION COMPLETE  
11/7/16  
 Reviewer MB

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. 25,377

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: Bryan Simoneau

1910 2 RD, Damar, KS 67632

Phone Number: (785)839-8020

Email address: \_\_\_\_\_

Name and address of Water Use Correspondent: Bryan Simoneau

1910 2 RD, Damar, KS 67632

Phone Number: ( ) \_\_\_\_\_

Email address: \_\_\_\_\_

3. The presently authorized place of use is:

Owner of Land ---- NAME: Bryan and Dana Simoneau

ADDRESS: 1910 2 RD, Damar, KS 67632

(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	
11	08S	21W	40	40	40	40	40	40	40	40									320

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: no change

ADDRESS: \_\_\_\_\_

(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	

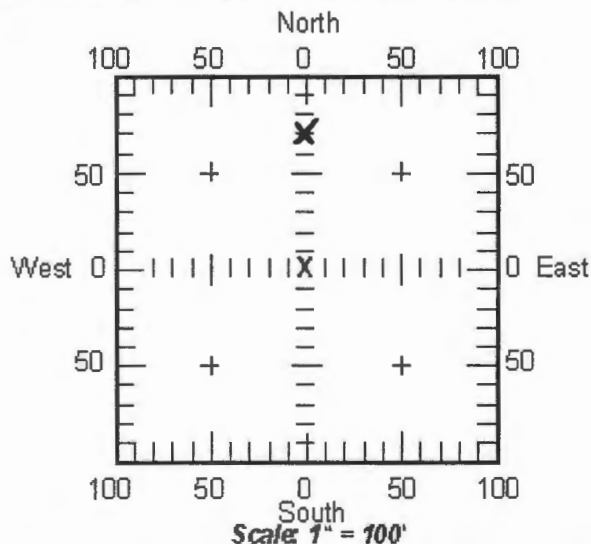
**For Office Use Only: Code \_\_\_\_\_ Fee \$ \_\_\_\_\_ TR # \_\_\_\_\_ Receipt Date \_\_\_\_\_ Check # \_\_\_\_\_**

5. **Presently authorized point of diversion:**  
 One in the NE Quarter of the SE Quarter of the NE Quarter of Section 11, Township 08 South, Range 21 W, in Graham County, Kansas, 3550 feet North 70 feet West of Southeast corner of section.  
 Authorized Rate 350 GPM Authorized Quantity 95 AF Depth of well \_\_\_\_\_ (feet)  
**(DWR use only: Computer ID No. 1 GPS 3500 feet North 18 feet West)**  
 This point will not be changed  This point will be changed as follows:  UPDATE point of diversion better described with GPS as:  
**Proposed point of diversion: (Complete only if change is requested)**  
 One in the NE Quarter of the SE Quarter of the NE Quarter of Section 11, Township 08 South, Range 21 W, in \_\_\_\_\_ County, Kansas, 3575 feet North 18 feet West of Southeast corner of section.  
 Proposed Rate 350 GPM Proposed Quantity 95 AF Proposed well depth (feet) \_\_\_\_\_  
 This point is:  Additional Well  Geo Center List other water rights that will use this point \_\_\_\_\_

6. **Presently authorized point of diversion:**  
 One in the SE Quarter of the SE Quarter of the NE Quarter of Section 11, Township 08 South, Range 21 W, in Graham County, Kansas, 2810 feet North 80 feet West of Southeast corner of section.  
 Authorized Rate 555 gpm Authorized Quantity 122 AF Depth of well \_\_\_\_\_ (feet)  
**(DWR use only: Computer ID No. 6 GPS 2735 feet North 27 feet West)**  
 This point will not be changed  This point will be changed as follows:  UPDATE point of diversion better described with GPS as:  
**Proposed point of diversion: (Complete only if change is requested)**  
 One in the SE Quarter of the SE Quarter of the NE Quarter of Section 11, Township 08 South, Range 21 W, in Graham County, Kansas, 2735 feet North 27 feet West of Southeast corner of section.  
 Proposed Rate 555 GPM Proposed Quantity 122 AF Proposed well depth (feet) \_\_\_\_\_  
 This point is:  Additional Well  Geo Center List other water rights that will use this point \_\_\_\_\_

7. Why do you need a new point of diversion? old well bad

the diagram below in relation to the existing point of diversion. (PLEASE NOTE: The "X" in center of diagram below represents presently authorized point of diversion.)



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

9. When do you propose to complete the new point of diversion?

upon approval

10. If the point of diversion is a well:

(a) What are you going to do with the old well?

plug or cap

(b) When will this be done? upon completion

11. Groundwater Management District recommendation attached?  Yes  No

12. Assisted by M. Billinger

13b. If the proposed point of diversion will be relocated more than 100 feet but within 2640 feet from 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.

13a. If the proposed point of diversion will be relocated within 100 feet of the existing point of diversion, indicate its location on



14. If the proposed groundwater point of diversion is 300 or fewer feet from 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 regard 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 \_\_\_\_\_, Kansas, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

<p><i>[Signature]</i> _____ (Owner)</p> <p><i>Bryan Simanek</i> _____ (Please Print)</p> <p>_____ (Owner)</p> <p>_____ (Please Print)</p> <p>_____ (Owner)</p> <p>_____ (Please Print)</p>	<p>_____ (Spouse)</p> <p>_____ (Please Print)</p> <p>_____ (Spouse)</p> <p>_____ (Please Print)</p> <p>_____ (Spouse)</p> <p>_____ (Please Print)</p>
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State of Kansas }  
County of ROOKS } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 7<sup>th</sup> day of November, 2016



*Rebecca Hageman*  
\_\_\_\_\_  
Notary Public

My Commission Expires 6-29-19

**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

**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. 5-14-3 and other applicable provisions of the *Kansas Water Appropriation Law, K.S.A. 82a-701 et. seq.*, and rules and regulations promulgated thereunder, K.A.R. 5-1-1 *et. seq.* With the exception of those conditions expressly contained herein, this Summary Order does not change the terms, conditions and limitations of File No. 25,377.

1. A change application was received on 11/7/16 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 50 foot radius of the authorized point(s) of diversion.  Applicable  Not Applicable
4. 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
5. 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
6. The owner of the authorized place(s) of use shall properly install an acceptable water flow meter on or before **December 31, 2017**, 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
7. Installation of the works for diversion of water shall be completed on or before **December 31, 2017**, or within any authorized extension of time. By March 1, 2018 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
8. The completed well log shall be submitted with the required notice.  Applicable  Not Applicable
9. 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
10. Additional Conditions are attached.  Yes  No
11. 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**

You have the right to a hearing in accordance with K.A.R. 5-14-3 before this Summary Order becomes final action of the Kansas Department of Agriculture. Any request for a hearing must be filed with the **Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, 109 SW 9<sup>th</sup> Street, Topeka, Kansas 66612**, within 15 days after the date shown on the Certificate of Service attached hereto. If a hearing is not requested in accordance with K.A.R. 5-14-3, this Summary Order will become effective on the 15<sup>th</sup> day after the date shown on the Certificate of Service.

*For Use by Register of Deeds*

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

By: [Signature]  
Duly Authorized Designee of the Chief Engineer

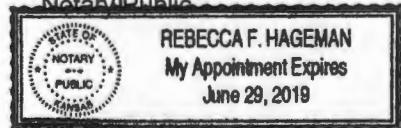
(Print Name): Mark Billinger  
Division of Water Resources - Kansas Department of Agriculture

Date of Issuance: 11-7-16

State of Kansas )  
County of ROOKS ) SS

Acknowledged before me on 11-7-16  
by Mark Billinger

Signature: [Signature]  
Notary Public



My commission expires: 6-29-19 (Notary Seal)