

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). 17,650 + 23,311 County TH + SH

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 _____

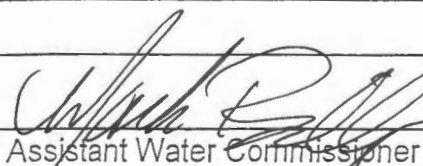
A letter dated _____

A copy of an Approval to Change the place of use and/or point of diversion,
 Filing Fee attached. (Fee sent 12-20-16)

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

1-6-17
Date

CHECK SHEET Short Change

File No. 17650

Field Office No. 3

GMD No. 4

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. 23311

3. **Is Water Use Correspondent correct as currently shown in WRIS?** Yes No **Address Change?** NO
Name of Former WUC _____ Name of New WUC _____

4. a. **Point of diversion computer ID No(s).** N/A 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
NO CHG									

- 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 |
|-------------|-----------------|-----------------|---------------------|---------------------|
| _____ | _____ gpm/cfs | _____ gpm/cfs | _____ af/mgy | _____ af/mgy |
| _____ | _____ gpm/cfs | _____ gpm/cfs | _____ af/mgy | _____ af/mgy |
| _____ | _____ gpm/cfs | _____ gpm/cfs | _____ af/mgy | _____ af/mgy |

- d. **Name of Drainage Basin** _____ **Is this correctly shown in WRIS?** Yes No
- e. **Formation Name & No.** _____ **Special Use Area** _____

5. **Distances from the previous/original p/d:** _____ ' N / S _____ ' E / W

6. WATER RIGHT ACTION TRAIL COMMENTS

<u>12/19/2016</u>	Change Application Received (date accepted for priority)
<u>01/05/2017</u>	Change Approved
_____/_____/_____	Notice and Proof by ____/____/_____
	Completion Requirement Removed (Change No. C____)

7. METER ACTION TRAIL COMMENTS

_____/_____/_____ DWR Meter Required by ____/____/_____

8. **Base Acres** _____ **Year** _____ **Minimum Reasonable Quantity** _____

Date Created 1/5/17 by BILLINGER
Date Entered _____ by _____

CHECK SHEET ATTACHMENT

Changes to the place of use will be:

File Number 17650

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	
MOD	NEW1	20267	36	08S	31W	Acres Authorized	6	20	40	9									9	40	40	9	173
						New Acres	6	20	40	9												9	40
ENT	NEW2	25510	30	08S	30W	Acres Authorized								30	30	30	30					120	
						New Acres								30	30	30	30						
						Acres Authorized																	
						New Acres																	
						Acres Authorized																	
						New Acres																	

Names and Address:

1. Person ID # <u>NEW1</u> <u>VICTOR L SCHWARZ REV TRUST S 36</u> <u>1326 COUNTY ROAD 37</u> <u>MENLO, KS 67753</u>	2. Person ID # <u>NEW2</u> <u>AUDREY M SCHWARZ REVOCABLE TRUST</u> <u>2007 S 30</u> <u>PO BOX 163</u> <u>HOXIE, KS 67740</u>	3. Person ID # _____ _____ _____ _____ _____
--	--	--

GENERAL INSTRUCTIONS

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

ADDITIONAL PHOTOCOPIES

CONDITIONS

1. Insert notice and proof date.



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
Sam Brownback, Governor

January 5, 2017

VICTOR L SCHWARZ
1326 COUNTY ROAD 37
MENLO KS 67753-9426

Re: Water Rights, File Nos. 17,650 & 23,311

Dear Mr. Schwarz:

Enclosed are two (2) orders executed by David W. Barfield, Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the applications for change under the above referenced file numbers.

Your attention is directed to the terms, conditions, and limitations specified in these approvals for change.

Since these orders modify the original certificates, they should be recorded with the Register of Deeds as other instruments affecting real estate.

These documents are summary orders by this agency regarding these matters. These orders shall become final if requests for hearings are not filed with the Chief Engineer within 15 days of the date of service of these orders.

If 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 that reads "Mark Billinger".

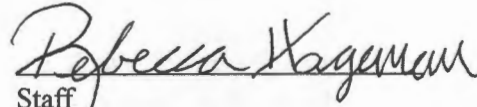
Mark Billinger
Assistant Water Commissioner

MB:rh
Enclosures
pc: G.M.D. No. 4

CERTIFICATE OF SERVICE

On this 5th day of January, 2017, I hereby certify that the attached **SUMMARY ORDERS APPROVING APPLICATIONS FOR CHANGE in PLACE OF USE** for water rights, File Nos. 17,650 & 23,311, dated on the 5th day of January, 2017, were mailed postage prepaid, first class, U.S. mail, to the following:

VICTOR L SCHWARZ
1326 COUNTY ROAD 37
MENLO KS 67753-9426


Staff

Copies of these Change Approvals were sent to the following:

Groundwater Management District No. 4
P.O. Box 905
Colby, KS 67701

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

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



STATE OF KANSAS

APPLICATION NO. 1517
 Reviewer [Signature]

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.

RECEIVED

File No. 17650

DEC 19 2016
 4:27 P.M.
 Stockton 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: VICTOR L SCHWARZ

1326 COUNTY ROAD 37 MENLO, KS 67753

Phone Number: (785)687-8157 Email address: _____

Name and address of Water Use Correspondent: SAME

Phone Number: (_____) _____ Email address: _____

3. The presently authorized place of use is:

Owner of Land --- NAME: VICTOR L SCHWARZ REV TRUST

ADDRESS: 1326 COUNTY ROAD 37 MENLO, KS 67753

(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	
36	8	31	1	2	40	9													150

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: VICTOR L SCHWARZ REV TRUST S 36 AUDREY M SCHWARZ REVOCABLE TRUST 2007 S 30

ADDRESS: 1326 COUNTY ROAD 37 MENLO, KS 67753 PO BOX 163 HOXIE, KS 67740

(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	
36	8	31	6	20	40	9													173
30	8	30								30	30	30	30						120

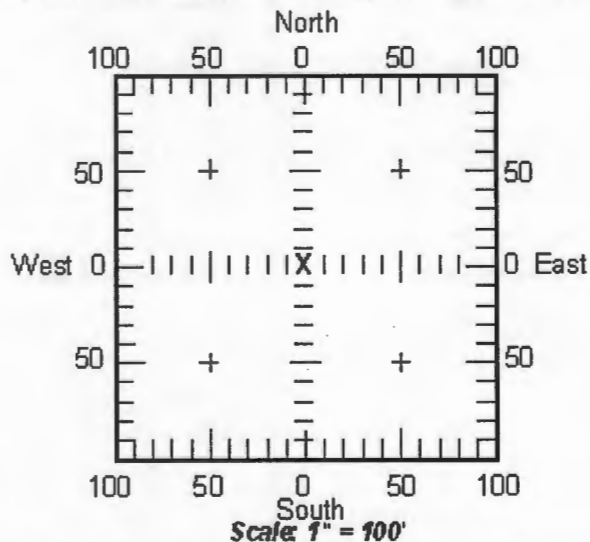
For Office Use Only: Code _____ Fee \$ _____ TR # _____ Receipt Date _____ Check # _____

5. **Presently authorized point of diversion:**
 One in the SW Quarter of the SW Quarter of the SE Quarter of Section 36, Township 8 South, Range 31 W, in THOMAS County, Kansas, 53 feet North 2596 feet West of Southeast corner of section.
 Authorized Rate 775 GPM Authorized Quantity 300 AF 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:
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 _____ 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 _____ 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:
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 _____ 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? NA

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?
NA

10. If the point of diversion is a well:
 (a) What are you going to do with the old well?
NA

(b) When will this be done? NA

11. Groundwater Management District recommendation attached?
 Yes No

12. Assisted by RL GMD #4 _____

13b. If the proposed point of diversion will be relocated more than 100 feet but within 1320 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 Menlo, Kansas, this 12th day of December, 20 16.

Dietrich J. Schwarz Trustee
(Owner)

Audrey M. Schwarz Trustee
(Spouse)

Victor L. Schwarz
(Please Print)

Audrey M. Schwarz
(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

State of Kansas

County of Thomas } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 12th day of December, 20 16.



Rosalie M. Capo
Notary Public

My Commission Expires Feb. 22, 2017.

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

RECEIVED

DEC 19 2016

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. 17650.

1. A change application was received on 12-19-16 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 _____ 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, 20____, 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, 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
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 9th 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 15th 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: Mark Billinger
Duly Authorized Designee of the Chief Engineer

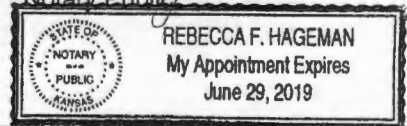
(Print Name): Mark Billinger
Division of Water Resources - Kansas Department of Agriculture

Date of Issuance: 01-05-17

State of Kansas)
County of Books) SS

Acknowledged before me on 01-05-17
by Mark Billinger

Signature: Rebecca Hageman
Notary Public



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

APPLICATION FOR APPROVAL TO CHANGE
 THE PLACE OF USE AND/OR POINT OF DIVERSION
 SUPPLEMENTAL SHEET
 FILE NO. 17650

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.

Dated at Menlo (city), Kansas, this 12th (day) day of December (month), 2016 (year).

<u>Victor L. Schwarz</u> (Owner) <i>Trustee</i>	<u>Audrey M. Schwarz</u> (Spouse) <i>Trustee</i>
_____ (Owner)	_____ (Spouse)
_____ (Owner)	_____ (Spouse)
_____ (Owner)	_____ (Spouse)
_____ (Owner)	_____ (Spouse)

State of Kansas)
 County of Thomas) SS

I hereby certify that Victor L. Schwarz and Audrey M. Schwarz (Please Print) appeared before me and signed this foregoing application in my presence this 12th day of December, 2016.

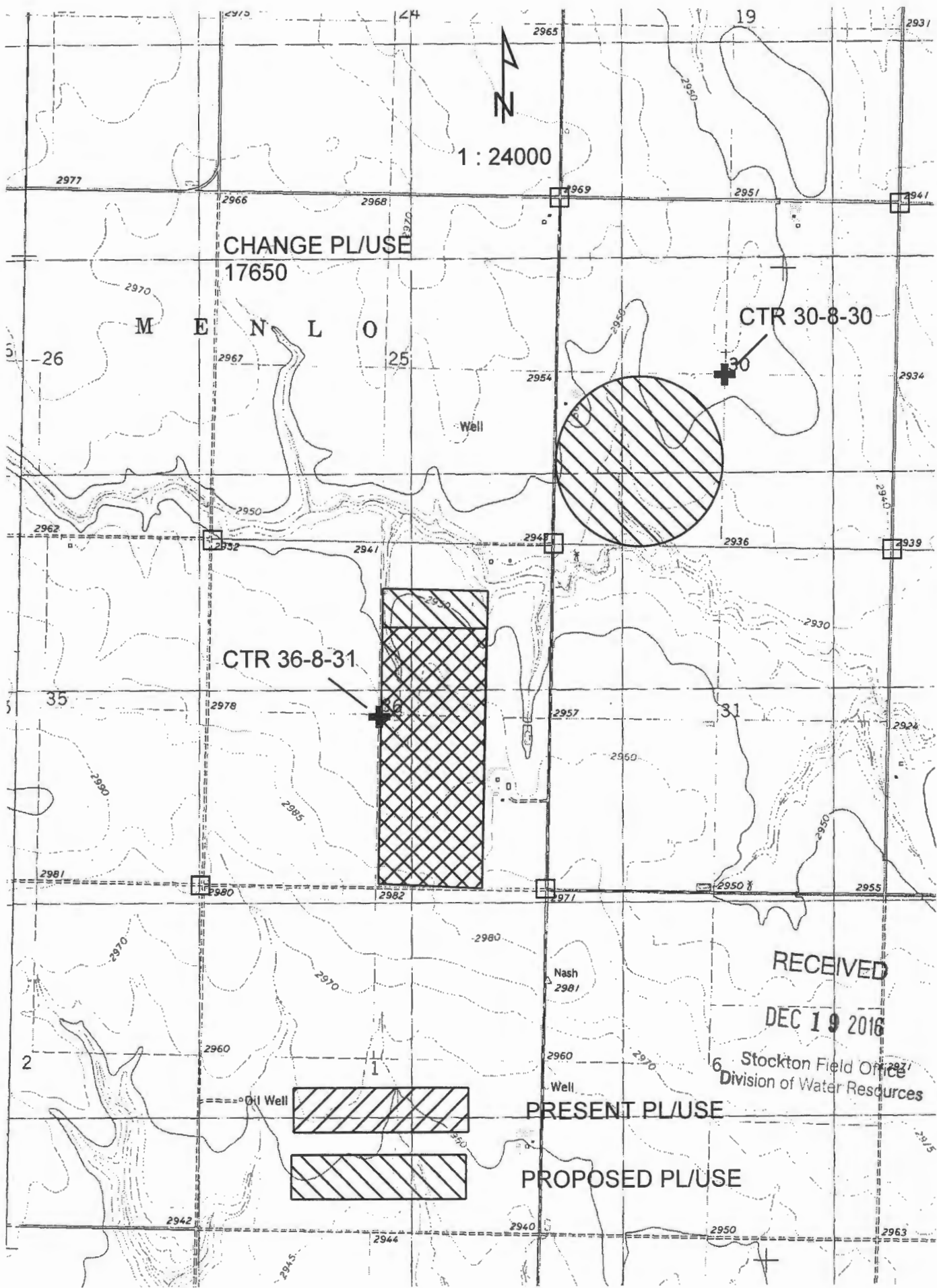


Rosalie M. Capo
 Notary Public

My Commission Expires Feb. 22, 2017

RECEIVED

DEC 19 2016



1 : 24000

CHANGE PL/USE
17650

M E N L O

CTR 30-8-30

CTR 36-8-31

PRESENT PL/USE

PROPOSED PL/USE

RECEIVED

DEC 19 2016

Stockton Field Office
Division of Water Resources

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). 17650 + 23311 County TH & SH

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

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 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.

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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.

An Advanced copy of a change application and the filing fee, to be processed at the field office. \$600.00

#4373

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

Other:

Kellie A. Stewart
Water Commissioner

12-20-16
Date



**NORTHWEST KANSAS
GROUNDWATER MANAGEMENT
DISTRICT NO. 4**

1290 West 4th Street
P.O. Box 905
Colby, Kansas 67701-0905

December 29, 2016

Kelly Stewart
Division of Water Resources
Stockton Field Office
820 South Walnut
Stockton KS 67669

RE: Application: 17,650 and 23,311
Victor Schwarz

Dear Kelly

The Northwest Kansas Groundwater Management District has reviewed the above referenced application and based on our records and the information supplied by the applicant, we have determined that the following recommendations be made to the Chief Engineer:

Approve applications.

If you have any questions, please contact this office.

Sincerely,

Ray Luhman
Manager

RPL: rw

SCANNED



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
Sam Brownback, Governor

December 20, 2016

GROUNDWATER MANAGEMENT DISTRICT NO. 4
PO BOX 905
COLBY KS 67701-0905

Re: Water Rights, File Nos. 17,650 & 23,311

Dear Ladies & Gentlemen:

Reference is made to the applications referred to above which appear to be in proper form.

We are delaying any further action until January 5, 2017 to allow you time to submit your recommendation concerning these applications.

Please submit your recommendation within the allotted time or any authorized extension of time thereof. If you wish to refer to a specific file, please reference it when you contact us.

Sincerely,

A handwritten signature in black ink that reads "Kelly C. Stewart". The signature is written in a cursive style with a long horizontal line extending to the right.

Kelly C. Stewart
Water Commissioner

KCS:rfh
Enclosures

SCANNED