

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) 3588

County MP

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.

- An Advanced copy of a change application and the filing fee, to be processed at the field office. ~~\$3224~~
\$200.00
- An original field office change application and the filing fee needing headquarters office review and further processing.

Other: _____

Brian Wagner for Mark Billinger
Assistant Water Commissioner

9-19-18
Date

STATE OF KANSAS

DEPARTMENT OF AGRICULTURE
DIVISION OF WATER RESOURCES
STOCKTON FIELD OFFICE
820 S. WALNUT
STOCKTON, KS 67669-0192



PHONE: (785) 425-6787
FAX: (785) 425-6842
www.agriculture.ks.gov

GOVERNOR JEFF COLYER, M.D.
JACKIE McCLASKEY, SECRETARY OF AGRICULTURE

September 18, 2018

LARRY E & EDITH DAHLSTEN FAMILY TRUST
922 SHAWNEE RD
LINDSBORG, KS 67456

RE: Appropriation of Water, File No.3,588

Dear Sir or Madam:

This is to advise you that Duane Johnson has filed an application for approval of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, to change the point of diversion under the above referenced file number.

The application proposes the following change in the location of the point of diversion.

from: one (1) surface water diversion located in the Northeast Quarter of the Southeast Quarter of the Southeast Quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 34, more particularly described as being near a point 835 feet North and 49 feet West of the Southeast corner of said section, in Township 17 South, Range 4 West, McPherson County, Kansas.

to: one (1) surface water diversion located in the Southeast Quarter of the Northwest Quarter of the Southeast Quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 35, more particularly described as being near a point 1405 feet North and 1640 feet West of the Southeast corner of said section, in Township 17 South, Range 4 West, McPherson County, Kansas.

You are being notified of this proposed change in the point of diversion so that you may furnish this office such comments or other information you may desire to submit. Such comments or other information must be received in this office by **October 4, 2018**.

If you have any questions, please feel free to contact me at this office.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Billinger".

Mark Billinger
Assistant Water Commissioner

MB:rfh
Enclosure(s)

Nearby Land owners:

PATRICK FAMILY REV TRUST
920 E STATE ST
LINDSBORG, KS 67456

TOLL FARMS INC
2453 10TH AVE
LINDSBORG, KS 67456

IONE & MARLIN TOLL REV TRUST
116 W GREEN ST
LINDSBORG, KS 67456

CHRISTIAN N HOFFMAN III TRUST
PO BOX 288
LINDSBORG, KS 67456

LARRY E & EDITH DAHLSTEN FAMILY TRUST
922 SHAWNEE RD
LINDSBORG, KS 67456

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

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. 3,588

SEP 17 2018
 1:00 PM
 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: DUANE JOHNSON
1078 SHAWNEE RD LINDSBORG, KS 67456

Phone Number: (785)227-2519 Email address: _____

Name and address of Water Use Correspondent: SAME AS ABOVE

Phone Number: () _____ Email address: _____

3. The presently authorized place of use is:

Owner of Land ---- NAME: DUANE R JOHNSON REVOCABLE TRUST

ADDRESS: 1078 SHAWNEE RD LINDSBORG, KS 67456

(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	
35	17S	4W									28		18	21	32	32	37	19	187

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 SE Quarter of Section 34, Township 17 South, Range 4 WEST, in MCPHERSON County, Kansas, _____ feet North _____ feet West of Southeast corner of section. Authorized Rate 750 GPM Authorized Quantity 88 AF Depth of well _____ (feet)
(DWR use only: Computer ID No. 11 GPS 835 feet North 49 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 SE Quarter of the NW Quarter of the SE Quarter of Section 35, Township 17 South, Range 4 WEST, in MCPHERSON County, Kansas, 1405 feet North 1640 feet West of Southeast corner of section. Proposed Rate 750 GPM Proposed Quantity 88 AF Proposed well depth (feet) _____
 This point is: Additional Well Geo Center List other water rights that will use this point MP11, 9605

6. **Presently authorized point of diversion:**
 One in the NE Quarter of the SW Quarter of the SW Quarter of Section 35, Township 17 South, Range 4 WEST, in MCPHERSON County, Kansas, _____ feet North _____ feet West of Southeast corner of section. Authorized Rate 750 GPM Authorized Quantity 88 AF Depth of well _____ (feet)
(DWR use only: Computer ID No. 5 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 _____ (EW), 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) CANNOT ACCESS RIVER FROM SITE. WILL GO FROM 3 SITES TO 1 SITE THAT IS ALSO USED BY MP11 AND 9605

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

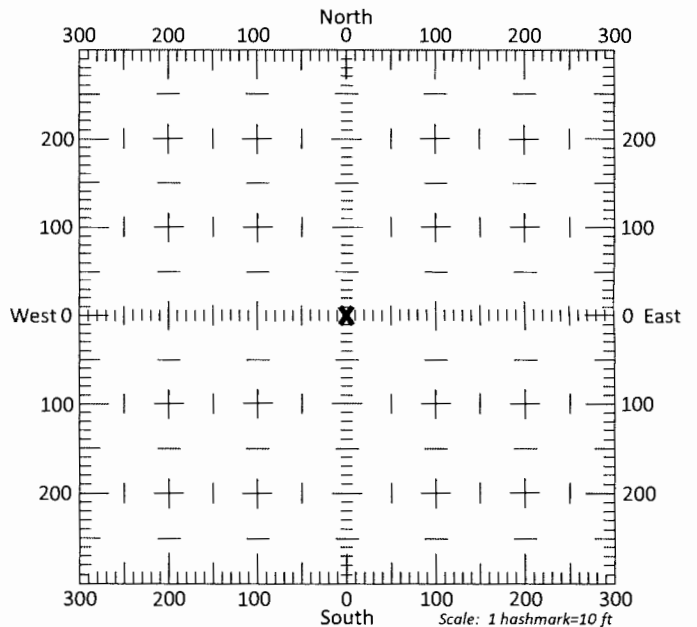
9. The change(s) (was)(will be) completed by?
UPON APPROVAL

10. If the point of diversion is a well:
 (a) What are you going to do with the old well?
PUMPSITE TO BE REMOVED
 (b) When will this be done? UPON APPROVAL

11. Groundwater Management District recommendation attached?
 Yes No

12. Assisted by MARK BILLINGER

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.)

APPLICATION FOR APPROVAL TO CHANGE
THE PLACE OF USE AND/OR POINT OF DIVERSION
SUPPLEMENTAL SHEET
FILE NO. 3,588

RECEIVED

SEP 17 2018

Stockton Field Office
Division of Water Resources

Presently authorized point of diversion:
One in the SW Quarter of the NE Quarter of the SW Quarter
of Section 35, Township 17 South, Range 4 WEST,
in MCPHERSON County, Kansas, _____ feet North _____ feet West of Southeast corner of section.
Authorized Rate 750 GPM Authorized Quantity 88 AF Depth of well _____ (feet)
(DWR use only: Computer ID No. 4 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 _____

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 _____

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 _____

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 _____

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 Lindsborg, K, Kansas, this 11 day of September 20 18.

Deane R. Spahr
(Owner)

Diana M. Spahr
(Spouse)

(Please Print)

(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

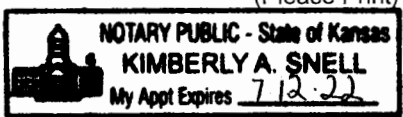
(Owner)

(Spouse)

(Please Print)

(Please Print)

State of Kansas }
County of McPherson } SS



I hereby certify that the foregoing application was signed in my presence and sworn to before me this 11 day of September, 20 18.

Kimberly A. Snell
Notary Public

My Commission Expires 7.12.22

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

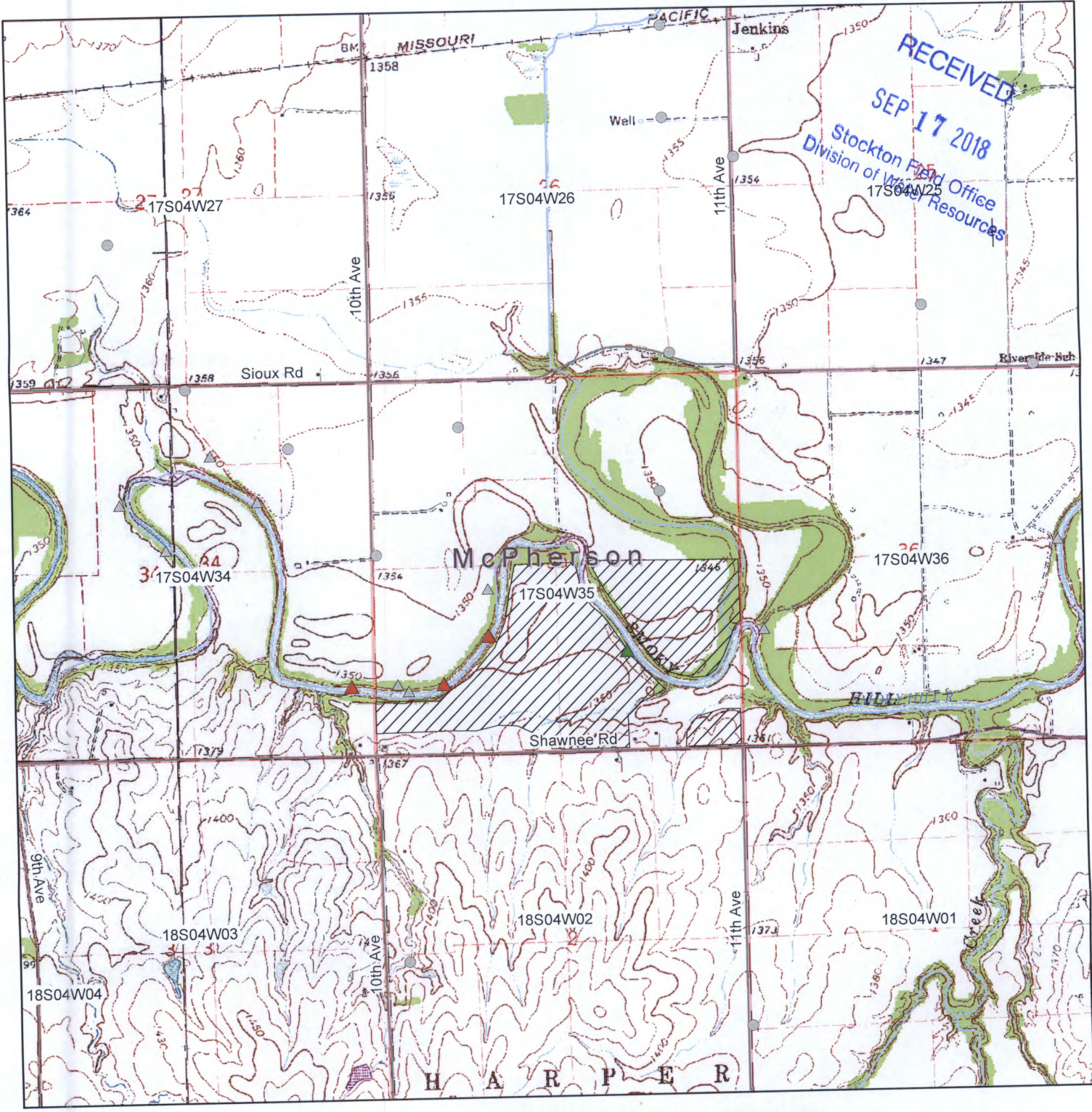
Each application to change the place of use or the point of diversion under this section shall be accompanied by the application fee set forth in the schedule below: Make checks payable to: **Kansas Department of Agriculture**

- (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

SEP 17 2018

Application to Change the Point of Diversion For Water Right File # 3588



Authorized Place of Use

- ▲ Authorized Point of Diversion
- ▲ Proposed Point of Diversion

1:24,000

Signature Required

By signing this I am stating that to the best of my knowledge that all landowners within 1/2 mile upstream and downstream of the place of use are identified on this map (or listed in attachment).



LANDOWNERS WITHIN ½ MILE UPSTREAM AND DOWNSTREAM OF PLACE OF USE IN REGARD TO CHANGE OF POINT OF DIVERSION FOR FILE 3,588.

LARRY E & EDITH DAHLSTEN FAMILY TRUST

922 SHAWNEE RD

LINDSBORG, KS 67456

CHRISTIAN N HOFFMAN III TRUST

PO BOX 288

LINDSBORG, KS 67456

IONE & MARLIN TOLL REV TRUST

116 W GREEN ST

LINDSBORG, KS 67456

TOLL FARMS INC

2453 10TH AVE

LINDSBORG, KS 67456

JON W & SUZANNE THOLE TRUSTS

2005 SUNRISE ST

MARION, KS 66861

PATRICK FAMILY REV TRUST

920 E STATE ST

LINDSBORG, KS 67456

RECEIVED
SEP 17 2018
Stockton Field Office
Division of Water Resources