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

TO: <u>HEADQUARTERS</u>
RE
Enclosed are the following checked items:
AFIR
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 <u>Approval</u> 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 fiel office. #9323 \$200 and the filing fee needing headquarters office review and further processing.
Other:
Water Commissioner 3-27-19  Date

Stockton Field Office 820 S. Walnut Stockton, KS 67669-0192



Phone: 785-425-6787 Fax: 785-425-6842 www.agriculture.ks.gov

Laura Kelly, Governor

Mike Beam, Interim Secretary

March 27, 2019

Don H. Peterson Trust No. 1 325 Seitz Dr. Salina, KS 67401-1618

Re:

Water Right, File No. 31,753

Dear Sir or Madam:

This is to advise you that the Donald E. Mikesell Trust 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 application.

You are notified on this proposed change in place of use so that you may furnish this office with any comments or other information you may want to submit. Such comments or other information must be received in this office within 15 days from the date of this letter.

You can find the complete application posted by water right file number as referenced above at <a href="www.agriculture.ks.gov/divisions-programs/dwr/water-appropriation/notices">www.agriculture.ks.gov/divisions-programs/dwr/water-appropriation/notices</a> Should you have any questions, please feel free to call this office. If you would prefer, an appointment could be arranged for additional assistance. Please refer to the file number when you contact us if you wish to discuss a specific file.

Sincerely,

Kelly C. Stewart Water Commissioner

KCS:rfh
PC: Don H. Peterson Trust No. 1
Darlyne Standley Farm Trust
Steven Brown
Larry E. Brown Trust

Don H. Peterson Trust No. 1 325 Seitz Dr. Salina, KS 67401-1618

Darlyne Standley Farm Trust 1475 50 RD Courtland, KS 66939-7913

Steven Brown 110 Marble RD Courtland, KS 66939

Larry E. Brown Trust 1725 50 RD Courtland, KS 66939-8009 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.

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		d addre					Brown												
	110 Marble Rd_Courtland, KS_66939  Phone Number: (785)527-0323																		
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	Proposed point	Proposed point of diversion: (Complete only if change is requested or if existing point is better described by GPS)										
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	of Section		, Township		South Range		Quarter					
	111	County	Kansas.	feet North	feet Mes	t of Southeast cor	nor of cootion					
	Proposed Rate		Proposed Quantity		Proposed well de	anth (feet)						
	This point is:	Additional Well	Geo Center List ot	her water righ	ts that will use this n	oint	·					
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7.	The changes here	in are desired for	the following reasons	?								
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8.	If a well, is the test	hole log attached?	☐ Yes ☐ No	200	<u> </u>	=	_					
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11.	Groundwater Manag	gement Dietrict roog	mmendation attached?	, <u></u> E	1 1 1 1 1		Ī. Ţ					
	Ye	es 🛛 No	momentiation attached?	′ 200 ⊨	-		-   = 200					
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13 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 lines

14. If the proposed groundwater point of diversion is 300 or fewer feet f	rom the existing point of diversion, complete the following:
(a) Does the undersigned represent all owners of the currently aut ☐ Yes ☐ No (If no, all owners must sign this app	horized place(s) of use identified in this application?
<ul> <li>(b) Will the ownership interest of any owner of the currently auth affected if this application is approved as requested?</li> <li>☐ Yes</li> <li>☐ No</li> <li>(If yes, all owners must sign this approved as requested)</li> </ul>	plication.)
(c) If this application is not approved expeditiously, will there be su ☐ Yes ☐ No (If no, all owners must sign this app	ubstantial damage to property, public health or safety? vlication.)
If the application proposes a surface water change in point of diversion, or a change in place of use, the application must be signed by all owne agent (attach notarized statement authorizing representation).	a groundwater change in point of diversion greater than 300 feet, rs of the currently authorized place of use, or their duly authorized
I hereby verify, being first duly sworn upon my oath or affir age and the owner, the spouse of the owner, or a duly author their behalf, in regards to the water right(s) to which this a contained in this application are true, correct and complete.	pplication pertains. I further verify that the statements
Dated at, Kansas, th	is 22 day of <u>Masch</u> , 20 17.
Donald & Mebasel	Phyllis A. Mikasell
(Owner)	Phyllip A Mikasell
(Please Print)	(Please Print)
(Owner)	(Spouse)
(Please Print)	(Please Print)
(Owner)	(Spouse)
(Please Print)	(Please Print)
State of Kansas } SS	
County of Kehe	22hd
I hereby certify that the foregoing application was signed in of, 20	n my presence and sworn to before me this day
1 (=\C_1\mu_1)	EY CLIFFORD (Johly Cifford)
My Commission Expires 8-14-19 My Appt. Expires	blic - State of Kansas Notary Public 7)
ONLY COMPLETE APPLICATIONS WILL BE PROCESSED. To be complete, accurate information; maps, if necessary, must be included; signatures of all the appropriate fee must be paid.	all of the applicable portions of the application form must be completed witre appropriate owners' must be affixed to the application and notarized; and
FEE SCHE	
Each application to change the place of use or the point of diversion u forth in the schedule below: Make checks payable to: Kansas Depar (1) Application to change a point of diversion 300 feet or less (2) Application to change a point of diversion more than 300 (3) Application to change the place of use	feet

MAR **26** 2019

## 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. 31,753 A change application was received on 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. 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 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 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 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 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 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 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 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. 

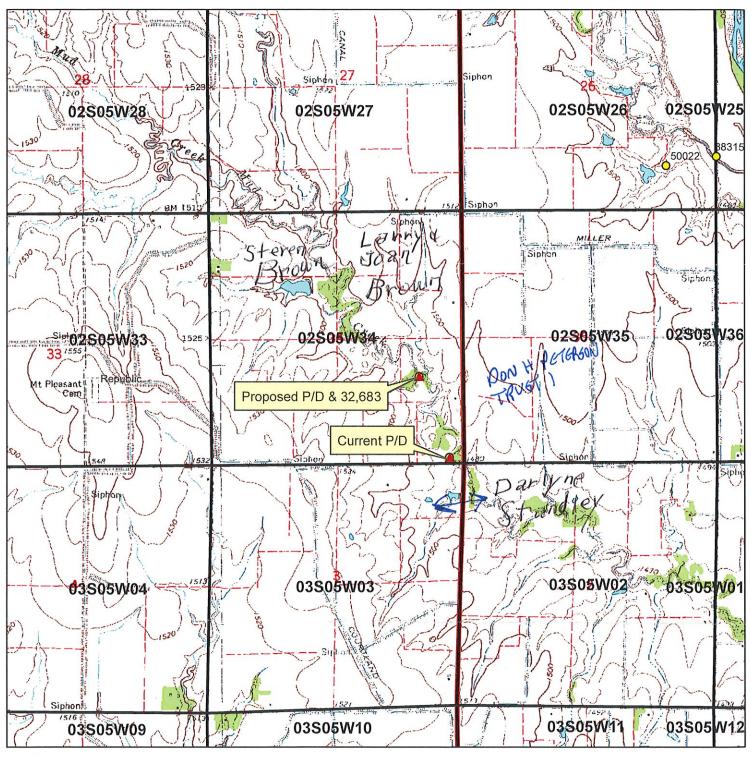
Applicable 11. Additional Conditions are attached. ☐ Yes ☐ No 12. In accordance with K.S.A. 82a-708a, as amended, and K.A.R. 5-5-14, all of the owners of the authorized place(s) of use of water appropriated under the above-referenced file number are responsible for compliance with its terms, conditions 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. Administrative Appeal and Effective Date of Order FOR OFFICE USE ONLY **APPLICATION APPROVED AND** If you are aggrieved by this order, pursuant to K.S.A. 82a-1901, you are aggreed 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 SUMMARY ORDER ISSUED Duly Authorized Designee of the Chief Engineer (Print Name): 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 Division of Water Resources - Kansas Department of Agriculture Date of Issuance: \_\_\_ 66502. Failure to timely request a hearing or review may preclude review under the Kansas Judicial Review Act. State of Kansas For Use by Register of Deeds County of Acknowledged before me on \_\_\_\_\_ by \_\_\_ Signature: \_\_

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

Notary Public

(Notary Seal)

## Application to Change the Point of Diversion For Water Right File # 31,753



Surface Water Point of Diversion

Groundwater Point of Diversion

Signature Required

By signing this I am stating that to the best of my knowledge the names and addresses of the landowner(s) one-half mile downstream and one-half mile upstream from my property lines are correct as shown.

RECEIVED

MAR 26 2019

Stockton Field Office Division of Water Resources 1:24,000