

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). 31,753 County _____

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 _____

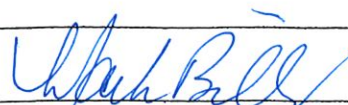
A copy of an Approval to Change the place of use and/or point of diversion,

Filing Fee attached. *Fee sent via advanced copy 3-27-19*

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

4-15-19

Date

Kansas Department of Agriculture
 Division of Water Resources
CHANGE: P/D WORKSHEET

1. File Number: 31,753	2. Status Change Date:	3. Change Num: C1	4. Field Office: 03	5. GMD:
6. Status: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied by DWR/GMD <input type="checkbox"/> Dismiss by Request/Failure to Return				7. Filing Date of Change: 3/26/19
8a. Applicant(s) New to system <input type="checkbox"/> STEVEN BROWN 110 MARBLE RD COURTLAND, KS 66939		Person ID <u>61725</u> Add Seq# _____	8c. Landowner(s) New to system <input type="checkbox"/> DONALD MIKESELL 1104 W 32ND AVE HUTCHINSON, KS 67502	
8b. Landowner(s) New to system <input type="checkbox"/> DONALD E. MIKESELL TRUST* 1104 W 32ND AVE HUTCHINSON, KS 67502		Person ID <u>11872</u> Add Seq# _____	8d. WUC New to system <input type="checkbox"/> Person ID _____ Add Seq# _____	
9. Documents and Enclosure(s): <input checked="" type="checkbox"/> DWR Meter(s) Date to Comply: <u>12/31/19</u> <input checked="" type="checkbox"/> N & P Date to Comply: <u>3/1/20</u>				
<input type="checkbox"/> Anti-Reverse Meter <input type="checkbox"/> Meter Seal <input type="checkbox"/> Check Valve <input type="checkbox"/> N & P Form <input type="checkbox"/> Water Tube <input type="checkbox"/> Driller Copy <input type="checkbox"/> H & E Letter <input type="checkbox"/> Conservation Plan Date Required: _____ Date Approved: _____ Date to Comply: _____				
10. Use Made of Water From: _____ To: _____				
			Date Prepared: 4/15/19 By: BILLINGER	
			Date Entered: _____ By: _____	

File No. **31,753** 11. County: RP Basin: REPUBLICAN RIVER Stream: MUD CREEK (REPUBLICAN) Formation Code: Special Use:

12. Points of Diversion										Rate and Quantity							
CHK	MOD	DEL	ENT	PDIV	Qualifier	S	T	R	ID	'N	'W	Comment (AKA Line)	Rate gpm	Quantity af	Rate gpm	Quantity af	Overlap PD Files
DEL	12685	SE SE SE				34	2S	5W	1	130	290		960	70.5	960	70.5	
ENT	NEW	SW NE SE				34	2S	5W	NEW	1825	925		960	70.5	960	70.5	

13. Storage: Rate _____ NF Quantity _____ ac/ft Additional Rate _____ NF Additional Quantity _____ ac/ft

14. Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) _____
 Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) _____

15. 5YR Allocation: Allocation Type _____ Start Year _____ 5 YR Amount _____ Amount Unit _____ Base Acres _____ Comment _____

16. Place of Use					NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg?	Overlap Files				
CHK	MOD	DEL	ENT	PUSE	S	T	R	ID	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼				
CHK	14462	34	2S	5W	1								40				10	32	37	30	149	8b.	Y	32683				

Base Acres: Year: Minimum Reasonable Quantity:
 Comments:

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



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

Mike Beam, Secretary

Laura Kelly, Governor

April 15, 2019

DONALD MIKESELL
1104 W 32ND AVE
HUTCHINSON KS 67502

Re: Water Right, File No. 31,753

Dear Mr. Mikesell:

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, 2019**. 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,



Mark Billinger
Assistant Water Commissioner

MB:rfh
Enclosures

CERTIFICATE OF SERVICE

On this 15th day of April, 2019, I hereby certify that the attached **SUMMARY ORDER APPROVING APPLICATION FOR CHANGE in POINT OF DIVERSION** for water right, File No. 31,753, dated on the 15th day of April, 2019, was mailed postage prepaid, first class, U.S. mail, to the following:

DONALD MIKESELL
1104 W 32ND AVE
HUTCHINSON KS 67502



Staff

A copy of the Change Approval was sent to the following:

STEVEN BROWN
110 MARBLE RD
COURTLAND, KS 66939

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



WATER METER REQUIRED

STATE OF KANSAS
 APPLICATION COMPLETE
 4/15/19
 Reviewer MB

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. 31,753

MAR 26 2019
 3:36 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: Steven Brown

110 Marble Rd Courtland, KS 66939

Phone Number: (785)527-0323 Email address: _____

Name and address of Water Use Correspondent: Donald Mikesell

1104 W 32nd Ave. Hutchinson, KS 67502

Phone Number: (620)665-3923 Email address: _____

3. The presently authorized place of use is:

Owner of Land ----- NAME: Donald E. Mikesell Trust

ADDRESS: 1104 W 32nd Ave. Hutchinson, KS 67502

(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	
34	2	5 W									40				10	32	37	30	149

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 requested.

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 Southeast Quarter of the Southeast Quarter of the Southeast Quarter of Section 34 , Township 2 South, Range 5 W, in Republic County, Kansas, 130 feet North 290 feet West of Southeast corner of section. Authorized Rate 960 gpm Authorized Quantity 70.5 AF Depth of well n/a (feet)
(DWR use only: Computer ID No. 1 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 Southwest Quarter of the Northeast Quarter of the Southeast Quarter of Section 34 , Township 2 South, Range 5 W, in Republic County, Kansas, 1,825 feet North 925 feet West of Southeast corner of section. Proposed Rate 960 gpm Proposed Quantity 70.5 AF Proposed well depth (feet) n/a .
 This point is: Additional Well Geo Center List other water rights that will use this point 32,683 .

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: 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 _____.

7. The changes herein are desired for the following reasons?
 (please be specific) Better access to creek and to make irrigation setup easier.

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

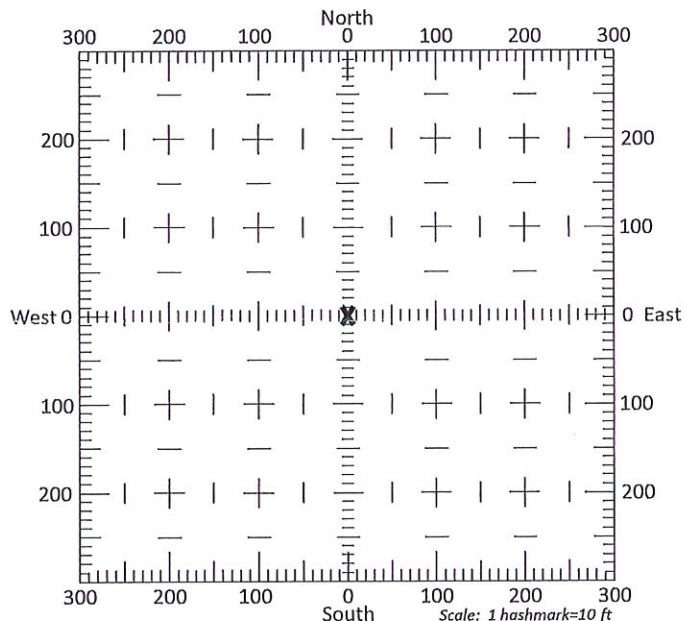
9. The change(s) (was)(will be) completed by?
asap

10. If the point of diversion is a well:
 (a) What are you going to do with the old well?
n/a
 (b) When will this be done? n/a

11. Groundwater Management District recommendation attached?
 Yes No

12. Assisted by DLM

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.)

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 Hutchinson, Kansas, this 22nd day of March, 20 19.

Donald E. Mikesell
(Owner)

Phyllis A. Mikesell
(Spouse)

Donald E. Mikesell
(Please Print)

Phyllis A. Mikesell
(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 22nd day of March, 20 19.

My Commission Expires 8-14-19



Ashley Clifford
Notary Public

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

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.

1. A change application was received on 3/26/19 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 300 foot radius of the authorized point(s) of diversion. Applicable Not Applicable
4. 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
5. 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
6. 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
7. The owner of the authorized place(s) of use shall properly install an acceptable water flow meter on or before December 31, 2019, 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
8. Installation of the works for diversion of water shall be completed on or before December 31, 2019, or within any authorized extension of time. By March 1, 2020 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
9. 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 Not 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

If you are aggrieved 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 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 66502**. Failure to timely request a hearing or review may preclude review under the Kansas Judicial Review Act.

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: 4-15-19

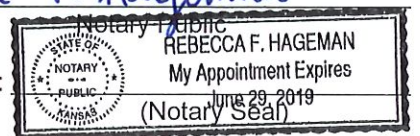
State of Kansas)
County of ROOKS) SS

Acknowledged before me on 4-15-19

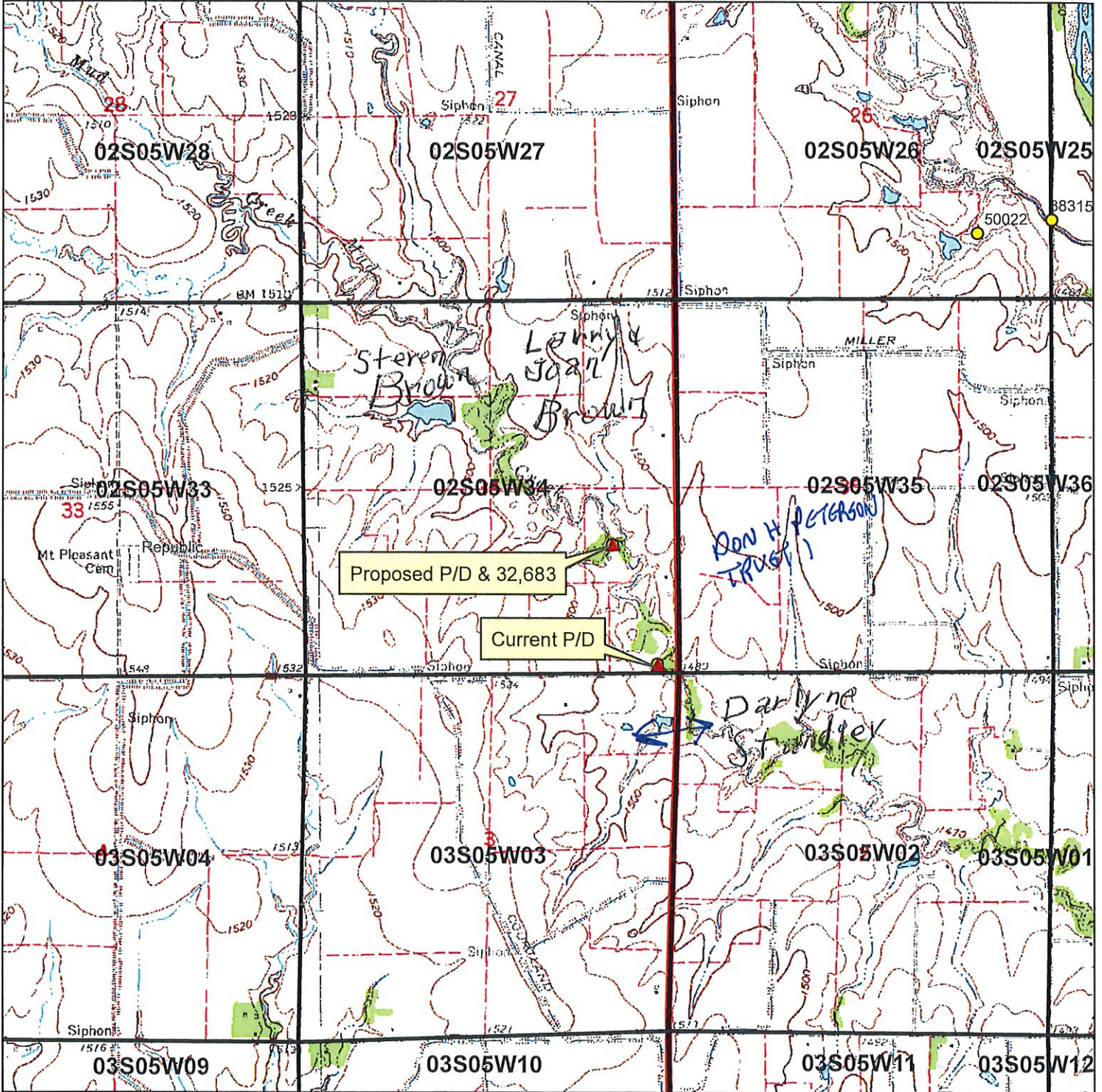
by Mark Billinger

Signature: Rebecca F. Hageman

My commission expires: 6-29-19



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



- ▲ Surface Water Point of Diversion
- Groundwater Point of Diversion

1:24,000



RECEIVED

MAR 26 2019

Stockton Field Office
Division of Water Resources

Signature Required

Donald E. Wessel Trust

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.

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) 31, 753

County LP

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. #9323
\$200-

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

Other: _____


Water Commissioner

3-27-19
Date


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

Mike Beam, Interim Secretary

Laura Kelly, Governor

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 www.agriculture.ks.gov/divisions-programs/dwr/water-appropriation/notices 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