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

February 18, 2020

C. RICHARD ROEMER TRUST PO BOX 129 QUINTER, KS 67752

Re: Water Rights, File Nos. 1,355 & 3,102

Dear Mr. Roemer:

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. Also, the approval of the orders does require the installation of a water flow meter(s) on the point(s) of diversion authorized under the above file numbers by <u>December 31, 2020</u>. Please complete and return the enclosed Notice(s) 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 is 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 these orders modify the original certificates, they 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.

These documents are summary orders by this agency regarding this matter. These orders 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.

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,

While Billy

Mark Billinger

Assistant Water Commissioner

MB:rfh
Enclosures

CERTIFICATE OF SERVICE

On this 18th day of February, 2020, I hereby certify that the attached **SUMMARY ORDERS APPROVING APPLICATIONS FOR CHANGE in POINT OF DIVERSION** for water right, File Nos. 1,355 & 3,102, dated on the 18th day of February, 2020, were mailed postage prepaid, first class, U.S. mail, to the following:

Rebessa Kagunem

C. RICHARD ROEMER TRUST PO BOX 129 QUINTER, KS 67752

Copies of these Change Approvals were sent to the following:

NICK ZERR PO BOX 157 GOVE, KS 67736 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

APPLICATION COMPLETE 2/18/2020

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

Reviewer MB

of di	version a	and/or p	olace o	of use.	iii be c	nange	u, men	ude a t	.opogra	apnic r	nap or	detalle	ea piat	snowi	ng tne			DEI\	osed point(s) /ED
							File No	o. <u>1,35</u>	5	11		8 ¹ 3		_			FEB	142	020
1.	Application is hereby made for approval of the Chief Engineer to change the (check one or both):												DAM						
	☐ Place of Use ☐ Point of Diversion ☐ Division of Water Ro													Office Resources					
	under th	e water	right v	which i	s the s	ubject	of this	applic	cation	in acco	ordanc	e with	the co	nditior					
	The sou						round				Surfa								
			- 1																
		Name and address of Applicant: Nick Zerr																	
	Box 157 Gove, KS 67736 Phone Number: (785)673-6424 Email address:																		
		amound address of Water Lie Correspondent, David David																	
4010 County Road S Grainfield, KS 67737																			
Phone Number: () Email address:																			
3.	The pres	ently a	uthoriz	ed pla	ce of u	ıse is:								15				i i	
(Owner o	f Land -	N	AMEC.	Richa	d K F	loeme	r Trust											
			ADDR																7.4
	(If there is	more th	an one	landov	vner, at	tach su	ppleme	ental sh	eets as	s neces	sary.)								
			NE1/4				NW1/4				SW¼			SE1/4			TOTAL		
Sec.	Twp.	Range	NE1/4 Lot 1	NW1/4 Lot 2	SW1/4	SE1/4	NE1/4 Lot 3		SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	ACRES
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	If there is	more un	an one			tach su	ppieme			neces	sary.)					- ' '			
	_	_			SW1/4 SE1/4				V%				W¼		SE1/4				TOTAL ACRES
Sec.	Twp.	Range	NE¼	NW¼	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1⁄4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	ACKES
															L		,		
				-	•	-							- 34			1			
F	For Office Use Only: Code Fee \$ TR # Receipt Date Check #																		

5.	Presently authorized point of diversion: **Actual location based on GPS is in Sec. 4-13S-29W.								
	One in the Northwest Quarter of the So	outhwest Quarter of the Northwest Quarter							
	of Section, Township	13 South, Range W,							
	in Gove County, Kansas, 3,465 fe	eet North5,181 feet West of Southeast corner of section.							
	Authorized Rate 950 gpm * Authorized Quantity								
	(DWR use only: Computer ID No. 2 GPS _	3,806** feet North 61** feet West)							
- 1	☐This point will not be changed ☐This point will be changed as	s follows: No change, point better described with GPS as follows:							
		s requested or if existing point is better described by GPS)							
		outheast Quarter of the Northeast Quarter							
	of Section, Township	13 South, Range W,							
		eet North73 feet West of Southeast corner of section.							
		240 AF * Proposed well depth (feet)							
	This point is: Additional Well Geo Center List other	water rights that will use this point 3,102							
6.	Presently authorized point of diversion: *Blanket Rate a	nd Quantity.							
	One in the Northwest Quarter of the No	orthwest Quarter of the Southeast Quarter							
		13 South, Range W,							
		eet North 2,598 feet West of Southeast corner of section.							
	Authorized Rate950 gpm* Authorized Quantity	240 AF* Depth of well (feet)							
	(DWR use only: Computer ID No. 6 GPS _	feet North feet West)							
		s follows: 🗌 No change, point better described with GPS as follows:							
	Proposed point of diversion: (Complete only if change is	s requested or if existing point is better described by GPS)							
	One in the Quarter of the	Quarter of the Quarter							
		South, Range (E/W),							
		eet North feet West of Southeast corner of section.							
		Proposed well depth (feet)							
	This point is: Additional Well Geo Center List other								
7.	The changes herein are desired for the following reasons?								
	(please be specific) Old well has been inactive for a long time. Would like to redrill and begin using again.	North 300 200 100 0 100 200 300							
	tille. Vvould like to redilli and begin dsing again.	300 200 100 0 100 200 300 Eminimuminimi							
		F = =							
8.	If a well, is the test hole log attached? Yes No	200 $+ + + + = + + + = 200$							
_	The state of the s								
9.	The change(s) (was)(will be) completed by?								
	12/31/19	100							
10	If the point of diversion is a well:	ૄ ∤ = =							
10.	•	West 0 + 1 0 East							
	(a) What are you going to do with the old well?								
	(b) When will this be done? It the project completion	$ \begin{array}{c ccccccccccccccccccccccccccccccccccc$							
	(h) When will this he done? It ker Africat row Aletion	100							
	(b) When will this be doller								
11	Croundwater Management District recommendation attached?	200							
11.	Groundwater Management District recommendation attached? ☐ Yes ☐ No								
	☐ 163 ⊠ NO								
12.	Assisted by DLM	E							
		South Scale: 1 hashmark=10 ft							
13a	a. If the proposed point of diversion will be relocated <u>more than 300</u> feet but within 2 640 feet of the existing point of diversion, attach	13b. If the proposed point of diversion will be relocated within 300 fee							
	a topographic map or aerial photograph. For groundwater	of the existing point of diversion, indicate its location on the							
	sources, show all wells (including domestic) within one-half mile of the proposed point of diversion and the names and mailing	diagram shown above in relation to the existing point o diversion. (PLEASE NOTE: The "X" in center of diagran							
	addresses of the owners. For surface water sources, show the	above represents the presently authorized point o							
	names and addresses of the landowner(s) one-half mile downstream and one-half mile upstream from your property	diversion.)							
	lines	RECEIVED							

If the proposed groundwater point of diversion is 3	00 or fewer feet fron	the existing point of diversion, complete	the following:
(a) Does the undersigned represent all owners of Yes ☐ No (If no, all owners n	the currently author nust sign this applica		ication?
(b) Will the ownership interest of any owner of the affected if this application is approved as requ ☐ Yes ☐ No (If yes, all owners)		at îu sekî de la deskulat de de	ication be adversely
(c) If this application is not approved expeditiousl ☐ Yes ☐ No (If no, all owners m	y, will there be subst nust sign this applica		or safety?
If the application proposes a surface water change in p or a change in place of use, the application must be sig agent (attach notarized statement authorizing represen	gned by all owners o		
I hereby verify, being first duly sworn upon mage and the owner, the spouse of the owner, their behalf, in regards to the water right(s) to contained in this application are true, correct	or a duly authoriz o which this appl and complete.	ed agent of the owner(s) to make to cation pertains. I further verify the	his application on
Dated at	, Kansas, this _	28 day of Yn Arcん	, 20 <u>/9</u>
- Richard Roemer Trust			
By fine (Suris (Trus fee)		(Spouse)	
Kichard Roemer mist		(Spouse)	
7 (Please Print)		(Please Print)	
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(Owner)		(Spouse)	<u> </u>
(Please Print)		(Please Print)	
State of Kansas County of SS			
I hereby certify that the foregoing application of 2017	was signed in my	presence and sworn to before me	e this <u>28</u> day
CHERYL	REMINGTON	11 0	
NOTA	RY PULBIC OF KANSAS	Notary Public	シ ニ
ONLY COMPLETE APPLICATIONS WILL BE PROCESSED. accurate information; maps, if necessary, must be included; si the appropriate fee must be paid.	To be complete, all of gnatures of all the app	the applicable portions of the application form opriate owners' must be affixed to the application	must be completed wit ation and notarized; and
	FEE SCHEDUL	E	
Each application to change the place of use or the point forth in the schedule below: Make checks payable to: (1) Application to change a point of diversion (2) Application to change a point of diversion (3) Application to change the place of use	t of diversion under Kansas Departmen 800 feet or less more than 300 feet .	this section shall be accompanied by the definition of Agriculture	
		RECEIVED	
		FEB 1 4 2020	
DWR 1-121 (Revised 04/5/2018)	Page 3	I LD # 7 LOLO	File No. 1.355

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. 1,355 2-14-2020 requesting that the place of use and / or point of A change application was received on 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 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 _ authorized point(s) of diversion.

Applicable V Not Applicable feet from the previously 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_2_, 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 authorized extension of time. By March 1, 20 21 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 Installation of the works for diversion of water shall be completed on or before December 31, 20 20 ☐ Not Applicable Applicable Not Applicable The completed well log shall be submitted with the required notice. ☐ 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 \(\subseteq\) Not Applicable ☐ Yes No 11. Additional Conditions are attached. 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, SUMMARY ORDER ISSUED 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 By: Duly Authorized Designee of the Chief Engineer 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. (Print Name): MAKK BRUNGEN Division of Water Resources - Kansas Department of Agriculture File any request with Kansas Department of Agriculture, 2-28-2020 Date of Issuance: 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. State of Kansas SS For Use by Register of Deeds County of Kooks Acknowledged before me on 2-18-2020 by Mark Signature: Notary Rublic REBECCA F. HAGEMAN My commission expires: Noten Appointment Expires June 29, 2023 File No. 1,355