

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 26, 2020

WILLARD H & DONNA ZWEYGARDT TRUSTS
Attn: KIP R WIESE
715 RD M
SAINT FRANCIS, KS 67756

Re: Water Right, File No. 28,513

Dear Water User:

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, 2020**. 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)

SCANNED

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
pc: G.M.D.4
John Mosbarger

CERTIFICATE OF SERVICE

On this 26th day of February, 2020, I hereby certify that the attached **SUMMARY ORDER APPROVING APPLICATION FOR CHANGE in POINT OF DIVERSION** for water right, File No. 28,513, dated on the 26th day of February, 2020, was mailed postage prepaid, first class, U.S. mail, to the following:

WILLARD H & DONNA ZWEYGARDT TRUSTS
Attn: KIP R WIESE
715 RD M
SAINT FRANCIS, KS 67756


Staff

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

GROUNDWATER MANAGEMENT DISTRICT NO. 4
P.O. BOX 905
COLBY, KS 67701

JOHN MOSBARGER
601 E HWY 24
GOODLAND, KS 67735-8910

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
 2/26/2020
 Reviewer: AB

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

FEB 24 2020
 4:13 PM
 Stockton Field Office
 Division of Water Resources

File No. 28,513

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: John Masbarger

Phone Number: (785) 821-0458 Email address: masbarger.john@gmail.com

Name and address of Water Use Correspondent: John Masbarger

Phone Number: (785) 821-0458 Email address: masbarger.john@gmail.com

3. The presently authorized place of use is:

Owner of Land ---- NAME: Donna Zweygardt
 ADDRESS: 715 Rd A

(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	

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: _____
 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 SW Quarter of the NE Quarter of the NE Quarter of Section 34, Township 5 South, Range 41 W, in Cheyenne County, Kansas, 4090 feet North 925 feet West of Southeast corner of section.

Authorized Rate 1000 gpm Authorized Quantity 368 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: 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 SW Quarter of the NE Quarter of the NE Quarter of Section 34, Township 5 South, Range 41 W, in Cheyenne County, Kansas, 4090 feet North 925 feet West of Southeast corner of section.

Proposed Rate 625 gpm Proposed Quantity 210 AF 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 34, Township 5 South, Range 41 (E/W), in Cheyenne 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 NW Quarter of the NW Quarter of the SE Quarter of Section 34, Township 5 South, Range 41 W, in Cheyenne County, Kansas, 2330 feet North 2650 feet West of Southeast corner of section.

Proposed Rate 375 gpm Proposed Quantity 158 AF 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) This water right originally had two wells. Applicant wants to go back to the original 2 wells.

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

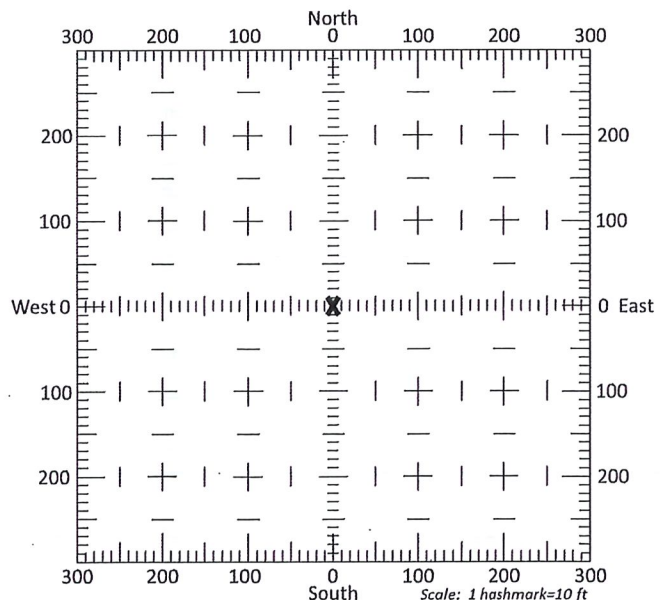
9. The change(s) (was)(will be) completed by?
Upon Approval

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

11. Groundwater Management District recommendation attached? Yes No

12. Assisted by Shannon Kenyon, GMD 4

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.)

RECEIVED

FEB 24 2020

Stockton Field Office
Division of Water Resources

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 Sawtoe Springs, Kansas, this 14th day of February, 2020.

Dean G. Wise POA
(Owner)

(Spouse)

Dean G. Wise POA
(Please Print)

(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

State of Kansas }
County of Cherokee } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 14th day of February, 2020.



JANET S. JENSEN
NOTARY PUBLIC
STATE OF KANSAS

My Commission Expires August 24, 2020

[Signature]
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

FEB 24 2020

Stockton Field Office
Division of Water Resources

SCANNED

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. 28,513.

1. A change application was received on 2-24-2020 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, 2020**, 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, 2020**, or within any authorized extension of time. By March 1, 2021 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

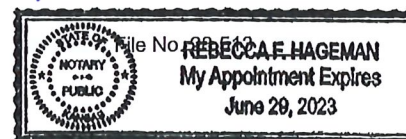
(Print Name): Mark Billinger
Division of Water Resources - Kansas Department of Agriculture

Date of Issuance: 2-26-2020

State of Kansas)
County of ooks) SS

Acknowledged before me on 2-26-2020
by Mark Billinger

Signature: Rebecca F Hagaman
6-29-23 RECEIVED Notary Public



My commission expires: _____
(Notary Seal)



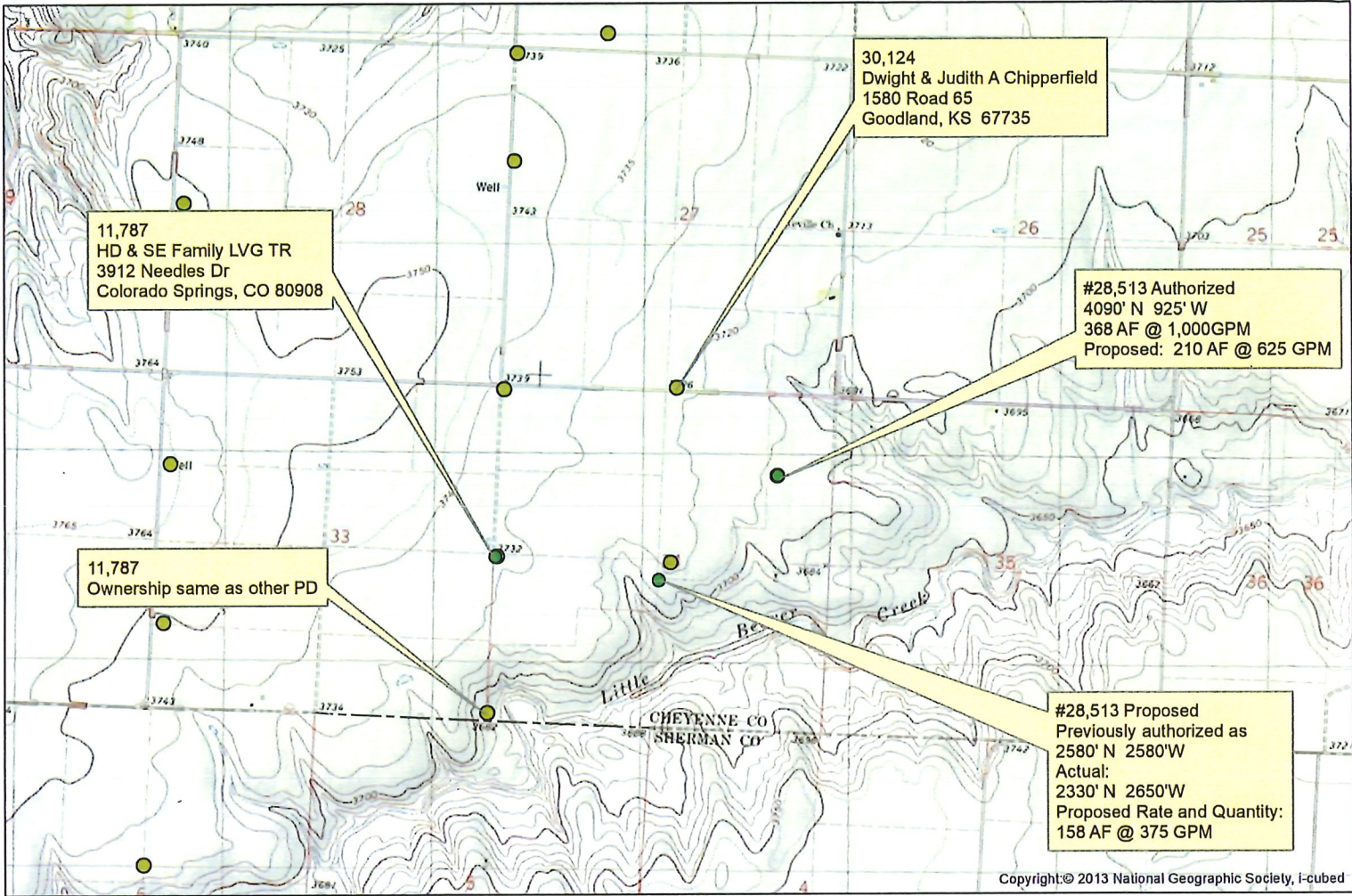
RECEIVED

FEB 24 2020

Stockton Field Office
Division of Water Resources

SCANNED

#28,513 Change PD



Prepared by Shannon Kenyon, GMD 4

All wells within 1/2 mile, including domestic, have been identified. Signed _____ Date _____

RECEIVED

FEB 24 2020

Stockton Field Office
Division of Water Resources

FEB 24 2020

Stockton Field Office
Division of Water Resources

**DURABLE POWER OF ATTORNEY
FOR FINANCIAL DECISIONS
GENERAL STATEMENT OF AUTHORITY GRANTED**

I, Donna E. Zweygardt, of St. Francis, Kansas, hereby make, constitute and appoint Deonn G. Wiese my true and lawful attorney-in-fact. If Deonn G. Wiese shall die, become legally disabled, resign or refuse to act, then I designate and appoint Kip Wiese to act as successor to Deonn G. Wiese, as my attorney-in-fact with all of the power herein granted.

This is intended to be a Durable Power of Attorney under the Kansas Power of Attorney Act and shall not be affected by my subsequent disability or incapacity or in the event of later uncertainty as to whether I am dead or alive. My attorney-in-fact is granted general powers and shall have the power to act on my behalf with respect to all lawful subjects and purposes. Without limiting the grant of general powers, my attorney-in-fact shall be authorized to exercise the following specific powers:

- (a) To receive from or disburse to any source whatever monies through checking or savings or other accounts or otherwise, to endorse, sign and issue checks, withdrawal receipts, or any other instrument, and to open or close any accounts in my name alone or jointly with any other person;
- (b) To buy, sell, lease, alter, maintain, pledge, or in any way deal with real and personal property and sign each instrument necessary or advisable to complete any real or personal property transaction, including but not limited to, deeds, deeds of trust, closing statements, options, notes, and bills of sale;
- (c) To make, sign, and file each income, gift, property, or any other tax return or declaration required by the United States or any state, county, municipality or other legally constituted authority;
- (d) To acquire, maintain, cancel, or in any manner deal with any policy of life, accident, disability, hospitalization, medical or casualty insurance, and to prosecute each claim for benefits due under any policy;
- (e) To provide for my support and protection, including, without limitation, provision for food, lodging, housing, medical services, recreation, and travel;
- (f) To have free and private access to any safe deposit box in my individual name, alone or with others, in any bank, including authority to have it

FEB 24 2020

Stockton Field Office
Division of Water Resources

drilled, with full right to deposit and withdraw therefrom or to give full discharge therefor;

(g) To receive and give receipt for any money or other obligation due or to become due to me from the United States of America, or any agency or subdivision thereof, and to act as representative payee for any payment to which I may be entitled, and to effect redemption of any bond or other security wherein the United States of America, or any agency or subdivision thereof, is the obligor or payor, and to give full discharge therefor;

(h) To contract for or employ agents, accountants, advisors, attorneys, and others for services in connection with the performance of my attorney-in-fact of any powers herein;

(i) To buy United States Government bonds redeemable at par in payment of any United States estate taxes imposed at my death;

(j) To borrow money for any of the purposes described herein, and to secure such borrowings in such manner as my attorney-in-fact shall deem appropriate, and to use any credit card held in my name for any of the purposes described herein;

(k) To establish, utilize, and terminate checking and savings accounts, money market accounts and agency accounts with financial institutions of all kinds, including securities brokers and corporate fiduciaries;

(l) To invest or reinvest each item of money or other property and to lend money or property upon such terms and conditions and with such security as my attorney-in-fact may deem appropriate, or to renew, extend, or modify loans;

(m) To engage in and transact any and all lawful business of whatever nature or kind for me and in my name, whether as partner, joint venturer, stockholder, or in any other manner or form, and to vote any stock or enter voting trusts;

(n) To pay dues to any club or organization to which I belong, and to make charitable contributions in fulfillment of any charitable pledge made by me;

(o) To transfer any property owned by me to any revocable trust created by me with provisions for my care and support;

FEB 24 2020

Stockton Field Office
Division of Water Resources

(p) To sue, defend, or compromise suits and legal actions, and to employ counsel in connection with the same, including the power to seek a declaratory judgment interpreting this power of attorney, or a mandatory injunction requiring compliance with the instructions of my attorney-in-fact, or actual and punitive damages against any person failing or refusing to follow the instructions of my attorney-in-fact;

(q) To reimburse the attorney-in-fact or others for all reasonable costs and expenses actually incurred and paid by such person on my behalf;

(r) To create, contribute to, borrow from, and otherwise deal with an employee benefit plan or individual retirement account for my benefit; to select any payment option under any employee benefit plan or individual retirement account in which I am a participant or to change options I have selected; to make "roll-overs" of plan benefits into other retirement plans; and to apply for and receive payments and benefits;

(s) To execute other power of attorney forms on my behalf which may be required by the Internal Revenue Service, financial or brokerage institutions, or others, naming my attorney-in-fact on such additional forms;

(t) To request, receive and review any information, verbal or written, regarding my personal affairs or my physical or mental health, including legal, medical, and hospital records; to execute any releases or other documents that may be required in order to obtain such information; and to disclose such information to such persons, organizations, firms or corporations as my attorney-in-fact shall deem appropriate;

(u) To make advance arrangements for my funeral and burial, including the purchase of a burial plot and marker, if I have not already done so, and to pay reasonable expenses incurred for my funeral and burial, or other disposition of my body;

(v) To accept this nomination to serve as the conservator of my estate, or to nominate my attorney-in-fact or a third party as the conservator of my estate, in either event to serve without bond; and

(w) To apply for, obtain, receive and otherwise deal in and with any and all benefits to which I may be entitled from Social Security, Medicare, Medicaid, or other governmental programs or military service; to act as my representative payee for Social Security benefits; and to act on my behalf in connection with any and all

FEB 24 2020

Stockton Field Office
Division of Water Resources

matters pertaining to benefits from Social Security, Medicare, Medicaid, or other governmental programs or military service.

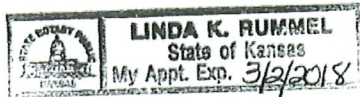
IN WITNESS WHEREOF, I have hereunto set my hand and seal this 29th day of September, 2017.

Donna E. Zwegardt

Donna E. Zwegardt

State of Kansas)
) ss
County of Sherman)

The foregoing instrument was acknowledged before me this 29th day of September, 2017, by Donna E. Zwegardt.



Linda K. Rummel

Notary Public

My Appointment Expires:

3/2/2018