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

December 2, 2020

KENNETH J JOHNSON TRUST Attn: KENNETH J JOHNSON 2206 NOBLE RD CONCORDIA, KS 66901

Re:

Water Right, File No. 43,695

Dear Mr. Johnson:

Enclosed is the order executed by Earl Lewis, 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 <u>December 31, 2021</u>. 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: <a href="http://kdheks.gov/waterwell">http://kdheks.gov/waterwell</a>

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.

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 2<sup>nd</sup> day of December, 2020, I hereby certify that the attached <u>SUMMARY ORDER</u> <u>APPROVING APPLICATION FOR CHANGE in POINT OF DIVERSON</u> for water right, File No. 43,695, dated on the 2<sup>nd</sup> day of December, 2020, was mailed postage prepaid, first class, U.S. mail, to the following:

KENNETH J JOHNSON TRUST Attn: KENNETH J JOHNSON 2206 NOBLE RD CONCORDIA, KS 66901

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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

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. 43,695 DEC 01 2020 3:05 PM 1. Application is hereby made for approval of the Chief Engineer to change the (check one or both): Stockton Field Office ☐ Place of Use Point of Diversion Division of Water Resources under the water right which is the subject of this application in accordance with the conditions described below. ☐ Surface water The source of supply is: 2. Name and address of Applicant: Kenneth J Johnson Trust Attn: Kenneth J Johnson 2206 Noble Rd Concordia, KS 66901 Email address: kjohnson@nckdirect.com Phone Number: (785)243-4767 Name and address of Water Use Correspondent: Kenneth J Johnson Trust Attn: Kenneth J Johnson 2206 Noble Rd Concordia, KS 66901 Phone Number: (785)243-4767 Email address: kjohnson@nckdirect.com The presently authorized place of use is: Owner of Land ---- NAME: Kenneth J Johnson Trust Attn: Kenneth J Johnson ADDRESS: 2206 Noble Rd Concordia, KS 66901 (If there is more than one landowner, attach supplemental sheets as necessary.) NE1/4 SW1/4 TOTAL ACRES NE¼ NW¼ SE1/4 NW1/4 SW1/4 SE1/4 NW1/4 SW1/4 SE1/4 NW1/4 SW1/4 SE1/4 SW1/4 NE1/4 NE1/4 NE1/4 Twp. Range 23.41 29.8 32.78 32.79 118.78 22 6 2 W 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.) NE1/4 NW1/4 SW1/4 SE1/4 **TOTAL** ACRES SE1/4 NW1/4 SW1/4 NW1/4 SW1/4 NW¼ SW1/4 SE1/4 NE1/4 NE1/4 NW1/4 SW1/4 NE1/4 NE1/4 Sec. Twp. Range For Office Use Only: Code \_\_\_\_\_ Fee \$\_\_\_ TR #\_\_\_\_ Receipt Date Check #

5.	Presently authorized point of diversion: Geo-Center				
	One in the Quarter of the	Southwest	Quarter of the	Northeast	Quarter
	of Section, Township	6	South, Range	2	W,
	in Cloud County, Kansas, 3,728	feet North _	2,486 feet West of	Southeast corner	of section.
	Authorized Rate 690 gpm Authorized Quantity	150 AF	Depth of well	(feet)	
	(DWR use only: Computer ID No. 3 GF	's	feet North	feet Wes	t)
	☐This point will not be changed ☐This point will be change	ed as follows: [	No change, point better	described with GPS	as follows:
	Proposed point of diversion: (Complete only if change				
	One in the Northwest Quarter of the	Southwest	Quarter of the	Northeast	Quarter
	of Section, Township	6	South, Range	2	W,
ĺ	in Cloud County, Kansas, 3,809	feet North _	2,387 feet West of	Southeast corner	of section.
	Proposed Rate 690 gpm Proposed Quantity	150 AF	Proposed well depth	(feet)	·
]	This point is: ☐ Additional Well ☐ Geo Center List of				
L					
-6[	Presently authorized point of diversion: Batt. 1 of 2	wells			
٠. ا	One in the Northwest Quarter of the		Quarter of the	Northeast	Quarter
	of Section 22 , Township	6	South. Range	2	W.
	in Cloud County, Kansas, 3,950	feet North	2,410 feet West of	Southeast corner	of section.
l	Authorized Rate Authorized Quantity				
	(DWR use only: Computer ID No. <u>5</u> GF	PS 4.007	feet North 2.4	89 feet Wes	t)
	This point will not be changed This point will be change				
	Proposed point of diversion: (Complete only if change				
	One in theSouthwest Quarter of the				
	of Section 22, Township	6	South Range	2	Quarter
	in Cloud County, Kansas, 4,007	feet North	2 489 feet West of	Southeast corner	of section
	Proposed Rate Proposed Quantity _	_ 1001 1401111	Proposed well depth	(feet)	01 0000011.
	This point is: Additional Well Geo Center List of				
L	This point is. Traditional veil Geo center List e	tilor water rigi	tto that will doo the point	110110	•
7.	The changes herein are desired for the following reason	is?			
• •	(please be specific) South well of battery has gone bad.		North		
		300	) 200 100 0 11111111111111111111111111111		300 ПТЧ
		Ē	_ ' _ ' _ ' _ ' _ '	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	
8.	If a well, is the test hole log attached?   Yes   No		-		]
٠,		200	-   +   +   =	+   +	200
9.	The change(s) (was)(will be) completed by?	E		National Southern	=
	asap	100 E	-+++=	1 + 1 + 1	100
		F			=
10.	If the point of diversion is a well:	Ē			3
	(a) What are you going to do with the old well?	West 0	#dm/m/m/m/m/m/m <b>/\$</b> )		□ East
					=
	plug or cap it	100		1 + 1 + 1	100
	(b) When will this be done? <u>upon completion of new well</u>	100	'   '   '   =		100
				<del></del>	=
11.	Groundwater Management District recommendation attache	d? 200 🗏	-1 + 1 + 1 =	1 + 1 + 1	<u>_</u> 200
	☐ Yes     No	E	<u> </u>	-	3
	A LA LA DIMOTECTO	H.	<u></u>		III =
12.	Assisted by <u>DLM-STKFO</u>	300	200 100 0	100 200	300
13a	. If the proposed point of diversion will be relocated more than	300	South	Scale: 1 hashmark	=10 ft
	feet but within 2,640 feet of the existing point of diversion, at	tach 13b.lfthe	proposed point of diversio	n will be relocated y	within 300 feet
	a topographic map or aerial photograph. For groundw sources, show all wells (including domestic) within one-half	ater of the mile diagr	e existing point of divers am shown above in re	ion, indicate its lo lation to the exis	cation on the
	of the proposed point of diversion and the names and ma	iling diver	sion. (PLEASE NOTE:	The "X" in cente	r of diagram
	addresses of the owners. For surface water sources, show names and addresses of the landowner(s) one-half	the abov	re represents the pre rsion.)	esently authorize	ed point of
	downstream and one-half mile upstream from your prop	erty	Sion.j		

lines

14. If the proposed groundwater point of diversion is 300 c	or fewer feet fro	m the exis	sting point	of diversion, complete	the following:
(a) Does the undersigned represent all owners of the ⊠ Yes □ No (If no, all owners must			ce(s) of use	e identified in this appli	ication?
<ul> <li>(b) Will the ownership interest of any owner of the caffected if this application is approved as requested</li></ul>	ed?		e(s) of use	identified in this appli	cation be adversely
(c) If this application is not approved expeditiously, w ☐ Yes ☐ No (If no, all owners must			mage to p	roperty, public health o	or safety?
If the application proposes a surface water change in point or a change in place of use, the application must be signed agent (attach notarized statement authorizing representation)	d by all owners				
I hereby verify, being first duly sworn upon my o	ath or affirm	ation and	d under i	penalty of periury.	that I am of lawful
age and the owner, the spouse of the owner, or a their behalf, in regards to the water right(s) to w contained in this application are true, correct and	duly author	ized agei	nt of the	owner(s) to make t	his application on
Dated at / Cancordia	Kaneae thie	25#	day of	Aloren bee	. 20 20
Dated at	_, Nansas, ins	23	_ uay oi _	Modern Pa	
La MA - Tate					
(Owner)		-		(Spouse)	- No.
		42			
(Please Print)	<u> </u>	-		(Please Print)	RECEIVED
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(Owner)	T. One Parts	1.59 ,81 + 1		(Spouse)	DEC 0 1 2020
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(Please Print)				(Please Print)	Stockton Field Office Division of Water Resour
(Owner)				(Spouse)	1 (5) (1) (2) (3) (3) (4) (4) (4) (4) (4) (4) (4) (4) (4) (4
(Please Print)			A series	(Please Print)	
State of Kansas )				05×10% f.s.e	
County of Claud SS					
I hereby certify that the foregoing application was of November, 20,20.	s signed in r	my presei	nce and	sworn to before me	e this <u>254h</u> day
MACH ENGLANDER.		CA	402E	Demartett	and the second section
My Commission Expires 12-1- 2024		0		Notary Public	mestrakonn 200 Liber with the 200
ONLY COMPLETE APPLICATIONS WILL BE PROCESSED. To accurate information; maps, if necessary, must be included; signat the appropriate fee must be paid.	be complete, all tures of all the ap	of the applic opropriate o	cable portion wners' mus	ns of the application form t be affixed to the applica	must be completed with tion and notarized; and
	FEE SCHEDU	II E			
Each application to change the place of use or the point of		-	ion shall b	e accompanied by the	application fee set
forth in the schedule below: Make checks payable to: Kar	nsas Departme	ent of Agr	iculture		• •
<ul><li>(1) Application to change a point of diversion 300</li><li>(2) Application to change a point of diversion more</li></ul>	e than 300 feet				\$200
(3) Application to change the place of use					\$200
PERSONAL PARAMETERS		•		로 Wy Appt Exp. JR크리	méa I
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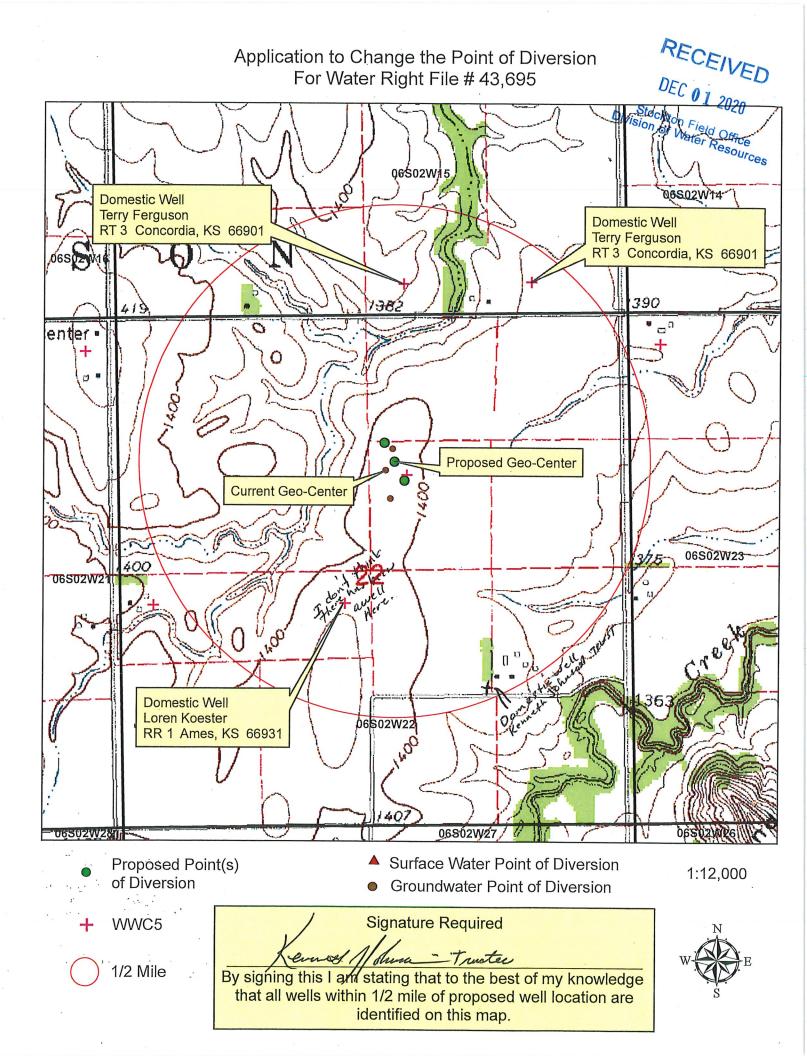
## SUMMARY ORDER APPROVING APPLICATION FOR CHANGE AND IMPOSING CONDITIONS

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. 43,695 change application was received on <u>12/1/2,∞20</u> requesting that the place of using diversion authorized under the above-referenced file number be changed as described in the application. A change application was received on requesting that the place of use and / or point of On and after the effective date of this summary order, the authorized place(s) of use shall be located substantially as shown on ☐ Applicable the topographic map accompanying the application to change the place of use. 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 \_\_\_\_\_\_\_\_ additional 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 I Not Applicable The point(s) of diversion authorized herein shall not actually be located more than authorized point(s) of diversion. 

Applicable 
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 21, 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. ☐ Not Applicable ✓ Applicable Installation of the works for diversion of water shall be completed on or before December 31, 20\_2/\_, or within any authorized extension of time. By March 1, 20\_22\_ 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 Not Applicable Applicable The completed well log shall be submitted with the required notice. 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 \square Not Applicable 11. Additional Conditions are attached. □ Yes 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. water or appropriation right or any other enforcement actions authorized by law. FOR OFFICE USE ONLY Administrative Appeal and Effective Date of Order 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 By: filed within 15 days of service of this Order and a request for 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 SILLINGER (Print Name): review must state a basis for review pursuant to K.S.A. 77-527. Division of Water Resources - Kansas Department of Agriculture File any request with Kansas Department of Agriculture, Legal Division, 1320 Research Park Drive, Manhattan, KS Date of Issuance: 66502. Failure to timely request a hearing or review may State of Kansas preclude review under the Kansas Judicial Review Act. SS For Use by Register of Deeds County of Acknowledged before me on 12 Notary Public Signature: SINTE OF REBECCA F. HAGEMAN My commission expires: NOTARY Notify Appointment Expires 10-29-23 PUBLIC & June 29, 2023



#### APPLICATION FOR APPROVAL TO CHANGE THE PLACE OF USE AND/OR POINT OF DIVERSION SUPPLEMENTAL SHEET

FILE NO. 43,695

Treesing distinct	izeu point oi	diversion: Batt. 1 c	or z wells			
One in the	Northwest	Quarter of the _	Southwest	Quarter of the	Northeast	Quarter
of Section	22	, Township	6	South, Range	2	\\\/
in Cloud	Co	unty, Kansas, 3.43	33 feet North	2,440 feet West of	Southeast corner	of section
Authorized Rate	_	Authorized Quan	ntity	Depth of well	(feet	1
(DWR use only:	Computer ID	No. 4	GPS	feet North	feet Wes	/ st)
This point will no	t be changed	☐This point will be ch	nanged as follows:	No change, point better	described with GPS	as follows:
Proposed point	of diversion:	Complete only if ch	nange is request	ed or if existing point is	s hetter describe	d by GPSI
One in the	Northwest	Quarter of the	Southwest	Quarter of the	Northeast	Quarter
of Section	22	. Township	6	South, Range	2	Quarter
in Cloud	Col	unty Kansas 3.61	11 feet North	2,285 feet West of	Southoast corner	of section
Proposed Rate		Proposed Quanti	ity	Proposed well depth	(foot)	or section.
This point is:	Additional Well	Tropodod &ddilli L □ Geo Center I	ist other water rig	hts that will use this poin	t None	·
The point io.	taditional vvoi	Oco ochici L	ist other water rig	its that will use this point	I INOTIE	·
Presently author	ized point of	diversion:			· . \	
One in the		Quarter of the		Quarter of the		Quarter
of Section		. Township		South, Range		Quarter
in	· Coi	untv. Kansas	feet North	feet West of	Southeast corner	of section
Authorized Rate		Authorized Quan	tity	Depth of well	(foot)	or section.
(DWR use only:	Computer ID	No	GPS	feet North	foot Wee	.4\
This point will no	t he changed	This point will be ch	anged as follows:	No change, point better o	described with CDC	st)
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of Section	•	Quarter of the _		Quarter of the		Quarter
in	Col	, rownship	foot North	South, Range	0	VV,
Proposed Pate		Drangad Overti	ieet North _	feet West of Proposed well depth nts that will use this point	Southeast corner	of section.
This point is:	dditional Mall	Proposed Quanti	ty	Proposed well depth	(feet)RECEN	/
This point is. $\square$ P	dalilonal vveli	☐ Geo Center Li	ist other water rigi	nts that will use this point		/ED_
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Presently authori	zed point of	diversion:		1	DECOTO	000
Presently authori	zed point of	diversion: Quarter of the		Quarter of the	DEC 01 2	020 Quarter
One in the of Section	zed point of	diversion: Quarter of the _ . Township		Quarter of the	DEC 01 2	Quarter
One in the of Section	ized point of	diversion: Quarter of the, Township unty, Kansas	feet North	Quarter of the South, Range feet West of	Stockton Field (	Quarter Office (E/W),
		ility, Nalisas,	reet North _	reet viest of	Southeast corner	ofice (⊏/vv), esction.
Authorized Rate _		Authorized Quant	tity	leet vvest of Depth of well	Southeast comes (feet)	of agetign.
Authorized Rate _ (DWR use only:	Computer ID	Authorized Quant <b>No.</b>	tity GPS	Depth of well feet North	Southeast confidence  feet Wes	Office (E/VV), essention. t)
Authorized Rate _ (DWR use only: (	Computer ID		tity GPS anged as follows: [	leet vvest of Depth of well feet North No change, point better of	Vision of Water (Southeast corners)  Southeast corners  (feet)  feet Wes  described with GPS	office (E/VV), of specific n.  t) as follows:
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Authorized Rate	Computer ID t be changed if diversion: (  Cou	Authorized Quant No  This point will be cha Complete only if ch Quarter of the, Township anty, Kansas, Proposed Quantit Geo Center Li	tity feet North GPS anged as follows: [ iange is requeste feet North ty st other water right	Depth of well feet North No change, point better of or if existing point is Quarter of the south, Range feet West of Proposed well depth ats that will use this point	Southeast corner (feet)	t) as follows: by GPS) Quarter (E/W), of section.
Authorized Rate (DWR use only: (	Computer ID t be changed if diversion: (  Cou	Authorized Quant No  This point will be che Complete only if ch Quarter of the, Township  Inty, Kansas,  Proposed Quantit  Geo Center Li  diversion: Quarter of the	tity feet North GPS anged as follows: [ lange is requeste feet North ty st other water righ	Depth of well feet North No change, point better of the Quarter of the South, Range feet West of Proposed well depth atts that will use this point Quarter of the Proposed well depth atts that will use this point Quarter of the	Southeast corner (feet)  Southeast corner (feet)	t) as follows: by GPS) Quarter (E/W), of section.
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