

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

1. File Number: 10,278	2. Status Change Date: 12-21-2018	3. Change Num: C2	4. Field Office: 01	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: 12/04/18
--	--

8a. Applicant New to system <input type="checkbox"/> MARSHAL MILLER 3545 DUTCH MILL RD WAMEGO KS 66547 Person ID 62018 Add Seq# 1	8d. Landowner(s) New to system <input type="checkbox"/> LEROY MILLER TRUST MARSHAL MILLER 3545 DUTCH MILL RD WAMEGO KS 66547 Person ID 52829 Add Seq# 1 8e. Landowner(s) New to system <input type="checkbox"/> 8a. Person ID 62018 Add Seq# 1
--	---

8b. Landowner(s) New to system <input type="checkbox"/> MILLER FEEDLOT 19280 RIVER BEND RD WAMEGO KS 66547 Person ID 39587 Add Seq# 1	8f. WUC New to system <input type="checkbox"/> 8a. Person ID 62018 Add Seq# 1
8c. Landowner(s) New to system <input type="checkbox"/> PEGGY MILLER 19280 RIVER BEND RD WAMEGO KS 66547 Person ID 63862 Add Seq# 1	

9. Documents and Enclosure(s): DWR Meter(s) Date to Comply: **12/31/19** N & P Date to Comply: **12/31/19**

Anti-Reverse Meter Meter Seal Check Valve N & P Form Water Tube Driller Copy H & E Letter

Conservation Plan Date Required: _____ Date Approved: _____ Date to Comply: _____

10. Use Made of Water From: _____ To: _____

Date Prepared: **12/21/18** By: **LHH/TFO**
 Date Entered: _____ By: _____

File No. **10,278** 11. County: **POTTAWATOMIE** Basin: **Kansas** Stream: _____ Formation Code: **113** Special Use: _____

12. Points of Diversion										Rate and Quantity				
CHK MOD DEL ENT	PDIV	Qualifier	S	T	R	ID	'N	'W	Comment (AKA Line)	Authorized		Additional		Overlap PD Files
										Rate gpm/cfs	Quantity af/mgy	Rate gpm/cfs	Quantity af/mgy	
DEL	49520	CW E2 NE	11	10S	10E	3	3900	1300	West Well					None
ENT		SW SE NE	11	10S	10E		3240	1300	West Well			No Change to R or Q		None
MOD	25262	Lot 3	12	10S	10E	2	3291	3396	East Well			No change to R or Q - Better describe w/ GPS only		None

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 _____

CHK MOD DEL ENT	PUSE	S	T	R	ID	NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg?	Overlap Files	
						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	24912																									
CHK	36086																									
CHK	31626																									
CHK	37763																									
CHK	31395																									

Base Acres: _____ Year: _____ Minimum Reasonable Quantity: _____
 Comments: _____

STATE OF KANSAS

DEPARTMENT OF AGRICULTURE
DIVISION OF WATER RESOURCES
TOPEKA FIELD OFFICE
6531 SE FORBES AVE., SUITE B
TOPEKA, KS 66619



PHONE: (785) 296-5733
FAX: (785) 296-8298
www.agriculture.ks.gov

GOVERNOR JEFF COLYER, M.D.
JACKIE McCLASKEY, SECRETARY OF AGRICULTURE

December 21, 2018

MARSHAL MILLER
3545 DUTCH MILL RD
WAMEGO KS 66547

Re: Water Right, File No. 10,278

Dear Sir:

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. A condition of this order requires the installation of water flow meter(s) before the first use of water in accordance with the Chief Engineer's specifications found in K.A.R. 5-1-4 through K.A.R. 5-1-12. A copy of these specifications and a list of acceptable meters can be obtained from our website at the following web address:

<http://agriculture.ks.gov/meters>

This order also requires that the diversion works should be completed, including installation of the flow meter(s), by December 31, 2019 and reported to the Division of Water Resources using the enclosed Notice of Completion of Diversion Works form. The form is also available on our website at: <http://agriculture.ks.gov/wa-forms>. If you do not have access to the internet, please contact this office and we will send you a paper copy of the referenced information.

Because this order modifies the original certificate issued under your water right file, it should be recorded with the Register of Deeds as other instruments affecting real estate.

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. If you wish to refer to a specific file, please reference it when you contact us.

Sincerely,


Katherine A. Tietsort
Water Commissioner

KAT:lh
Enclosures
PC: Peggy Miller

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.

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.

File No. 10278

RECEIVED
DEC 04 2018
2:30 PM
 Topeka 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: MARSHAL MILLER

3545 DUTCH MILL RD WAMEGO KS 66547

Phone Number: () Email address: _____

Name and address of Water Use Correspondent: SAME AS APPLICANT

Phone Number: () Email address: _____

3. The presently authorized place of use is:

Owner of Land ---- NAME: NOT SUBJECT OF APPLICATION

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			

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: NOT SUBJECT OF APPLICATION

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: WEST WELL**
 One NEAR CENTER WEST SIDE of the EAST HALF of the NE Quarter of Section 11, Township 10 South, Range 10E (E/W), in POTTAWATOMIE County, Kansas, 3900 feet North 1300 feet West of Southeast corner of section. Authorized Rate _____ Authorized Quantity _____ Depth of well _____ (feet)
 (DWR use only: Computer ID No. _____ GPS 3880 feet North 1300 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 SE Quarter of the NE Quarter of Section 11, Township 10 South, Range 10E (E/W), in POTTAWATOMIE County, Kansas, 3,240 feet North 1300 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 _____

6. **Presently authorized point of diversion: EAST WELL**
 One in the NW Quarter of the SE Quarter of the NW (LOT 3) Quarter of Section 12, Township 10 South, Range 10E (E/W), in POTTAWATOMIE County, Kansas, 3500 feet North 3450 feet West of Southeast corner of section. Authorized Rate 02 Authorized Quantity _____ Depth of well _____ (feet)
 (DWR use only: Computer ID No. _____ GPS 3291 feet North 3396 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 LOT 3 Quarter of the _____ Quarter of the _____ Quarter of Section 12, Township 10 South, Range 10E (E/W), in POTTAWATOMIE County, Kansas, 3291 feet North 3396 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) THE WEST WELL HAS LOST PRODUCTIVITY AND NEEDS TO BE RE-DRILLED

downstream and one-half mile upstream from your property lines

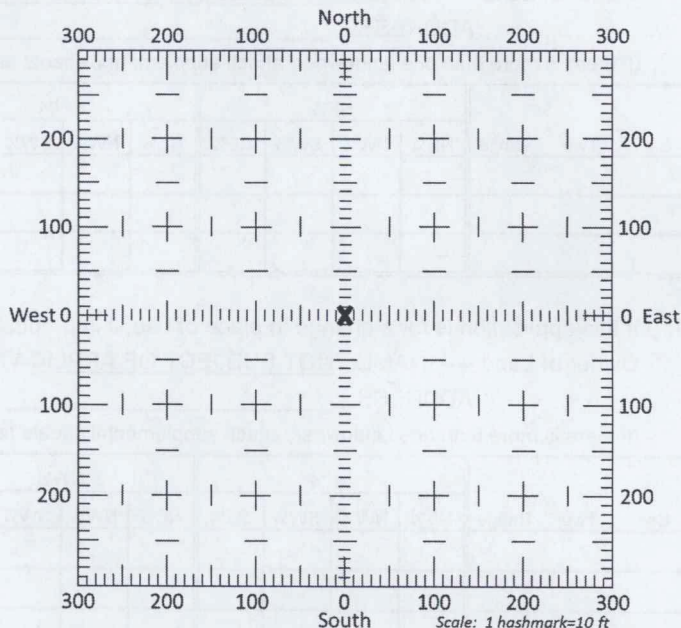
8. If a well, is the test hole log attached? Yes No

9. The change(s) (was)(will be) completed by?
JUNE 2019

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

11. Groundwater Management District recommendation attached?
 Yes No

12. Assisted by BRETT BUNGER 9-21-18; revised 12-4-18 per applicant



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

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 _____, Kansas, this _____ day of _____, 20_____.

Mal Miller
(Owner)

Marsha Miller
(Please Print)

Jami Miller
(Owner)

(Please Print)

(Owner)

(Please Print)

Jami Miller
(Spouse)

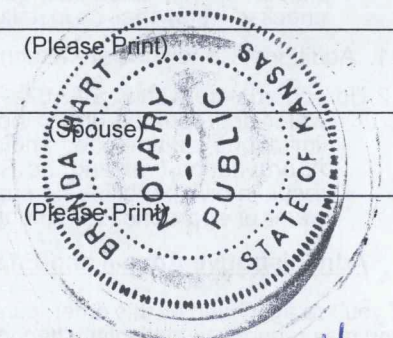
Jami Miller
(Please Print)

(Spouse)

(Please Print)

(Spouse)

(Please Print)



State of Kansas }
County of Pottawatomie } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 11 day of October, 2018.

Brenda Hart
Notary Public

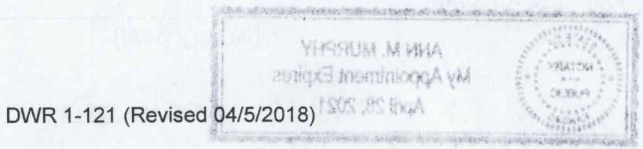
My Commission Expires 7-14-2020

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



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. 10,278

1. A change application was received on December 4, 2018 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 (East Well)
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: Katherine A. Tietsoet
Duly Authorized Designee of the Chief Engineer
(Print Name): Katherine A. Tietsoet
Division of Water Resources - Kansas Department of Agriculture
Date of Issuance: December 21, 2018
State of Kansas)
County of Shawnee) SS
Acknowledged before me on December 21, 2018
by Ann M. Murphy
Signature: [Signature]
Notary Public
My commission expires: _____



CERTIFICATE OF SERVICE

On this 21st day of December, 2018, I hereby certify that the attached **APPROVAL OF APPLICATION FOR CHANGE IN POINT OF DIVERSION**, Water Right, File No. 10,278, dated December 21, 2018 was mailed postage prepaid, first class, US mail to the following:

MARSHAL MILLER
3545 DUTCH MILL RD
WAMEGO KS 66547

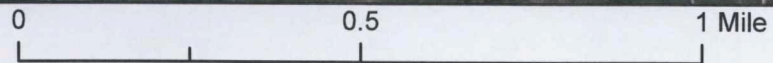
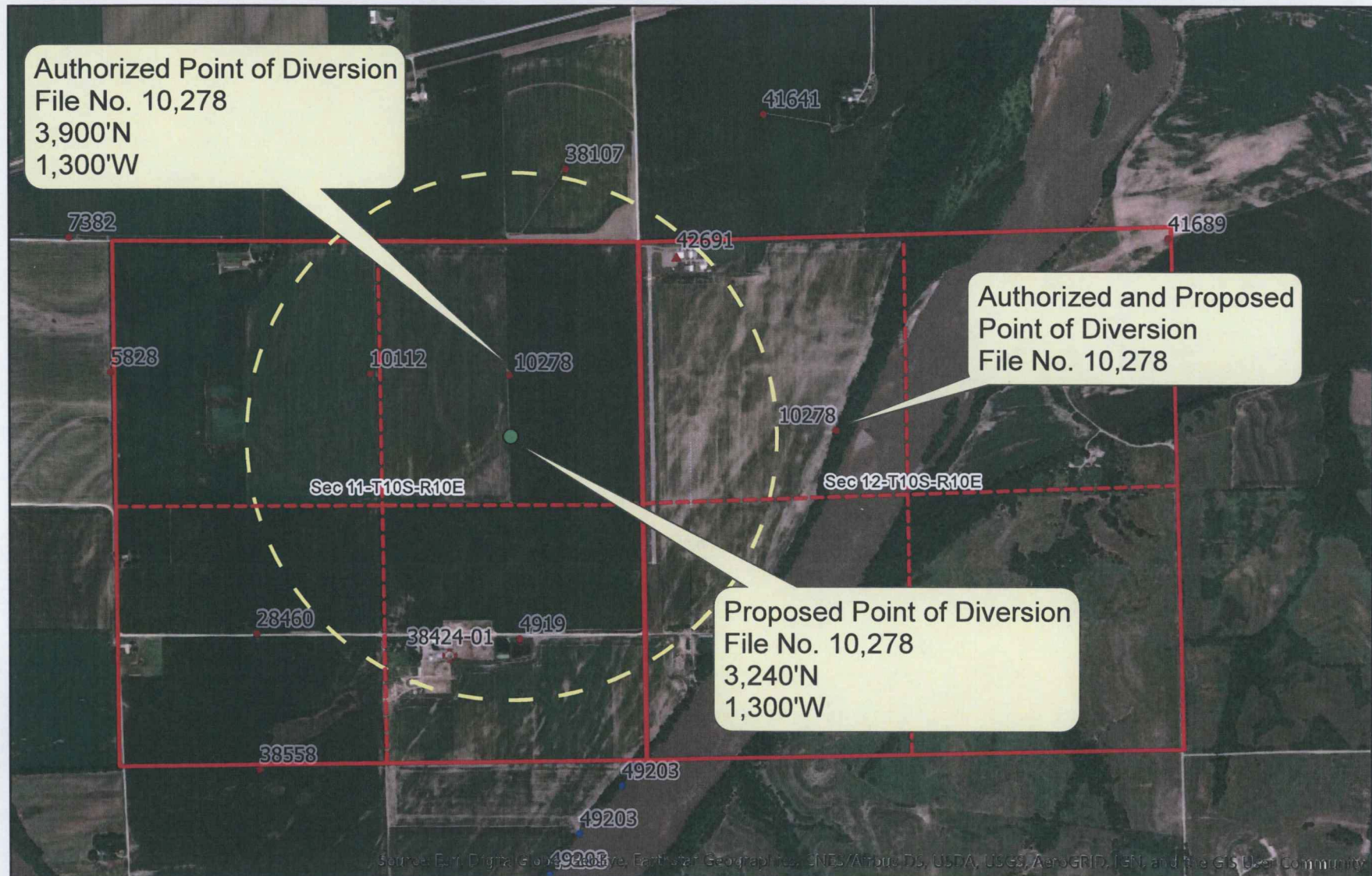
With a photocopy to:

PEGGY MILLER
19280 RIVER BEND RD
WAMEGO KS 66547

Staff



Change in Point of Diversion - File No. 10,278



Map prepared by LHH/TFO 11-20-2018