

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

Document Signature \_\_\_\_\_

1. File Number: <b>22,700</b>	2. Status Change Date: <b>5-11-2018</b>	3. Change Num: <b>C1</b>	4. Field Office: <b>01</b>	5. GMD:
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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: <b>2/16/18</b>
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8a. Applicant(s) New to system <input type="checkbox"/>  <b>PEGGY MILLER</b> <b>19280 RIVER BEND RD</b> <b>WAMEGO KS 66547</b>	Person ID <b>63862</b> Add Seq# <b>1</b>	8c. Landowner(s) New to system <input type="checkbox"/>  	Person ID _____ Add Seq# _____
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8b. Landowner(s) New to system <input type="checkbox"/>  <b>8A.</b>	Person ID <b>63862</b> Add Seq# <b>1</b>	8d. WUC New to system <input type="checkbox"/>  <b>MARSHAL MILLER</b> <b>3545 DUTCH MILL RD</b> <b>WAMEGO KS 66547</b>	Person ID <b>62018</b> Add Seq# <b>1</b>
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9. Documents and Enclosure(s):  DWR Meter(s) Date to Comply: **12/31/18**     N & P Date to Comply: \_\_\_\_\_

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: **5/8/18**    By: **LHH/TFO**  
 Date Entered: \_\_\_\_\_    By: \_\_\_\_\_

File No. **22700** 11. County: **PT** Basin: **Kansas River** Stream: \_\_\_\_\_ Formation Code: \_\_\_\_\_ Special Use: \_\_\_\_\_

12. Points of Diversion

MOD DEL ENT	T	R	ID	'N	'W	Comment	Rate and Quantity			Additional			
							Authorized	Rate	Quantity				
ENT	PUSE	S	T	R	ID	'N	'W	Comment	Rate gpm/cfs	Quantity af/mgy	Rate gpm/cfs	Quantity af/mgy	Overlap PD Files
<b>MOD 27786</b>	<b>35 10S 12E 1</b>	<b>2599</b>	<b>482</b>	<b>No Change to R or Q</b>									<b>None</b>

\*Note: P/D is not being moved, only updating qualifiers and feet distances based on GPS data.

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

MOD DEL ENT	T	R	ID	NE 1/4			NW 1/4			SW 1/4			SE 1/4			Total	Owner	Chg?	Overlap Files
				NE 1/4	SW 1/4	SE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	SW 1/4	SE 1/4	NW 1/4	SW 1/4	SE 1/4				
<b>MOD 27786</b>	<b>35 10S12E 2</b>	<b>0.05</b>	<b>8.5</b>	<b>L1</b> <b>39.95</b>	<b>L8</b> <b>26.31</b>	<b>7</b>	<b>L9</b> <b>24.5</b>	<b>15.55</b>	<b>8a.</b>	<b>NO</b>	<b>46122</b>								
<b>MOD 27786</b>	<b>35 10S12E 2</b>							<b>90.76</b>	<b>8a.</b>	<b>NO</b>	<b>46122</b>								

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

May 14, 2018

PEGGY MILLER  
19280 RIVER BEND RD  
WAMEGO KS 66547

Re: Water Right, File Nos. 22,700 & 46,122

Dear Madam:

Enclosed are the 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. A condition of these orders requires the installation of a 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>

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 these orders modify the original certificates issued under your water right files, they should be recorded with the Register of Deeds as other instruments affecting real estate.

**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 these orders.

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:llh  
Enclosures

#1

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. 22700

RECEIVED  
2:30 PM  
FEB 16 2018

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: PEGGY MILLER  
19280 RIVER BEND RD WAMEGO KS 66547

Phone Number: (    )      Email address: \_\_\_\_\_

Name and address of Water Use Correspondent: MARSHAL MILLER  
3545 DUTCH MILL RD WAMEGO KS 66547

Phone Number: (    )      Email address: \_\_\_\_\_

3. The presently authorized place of use is:  
Owner of Land ---- NAME: PEGGY MILLER  
ADDRESS: 19280 RIVER BEND RD WAMEGO KS 66547

(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		
35	10	12E																	9	9
35	10	12E																	L-9 33.24	33.24

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: PEGGY MILLER  
ADDRESS: 19280 RIVER BEND RD WAMEGO KS 66547

(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		
35	10	12E	.05			8.5													7	15.55
35	10	12E	L-1 39.95			L-8 26.31													L-9 24.5	90.76
																TOTAL =	106.31			

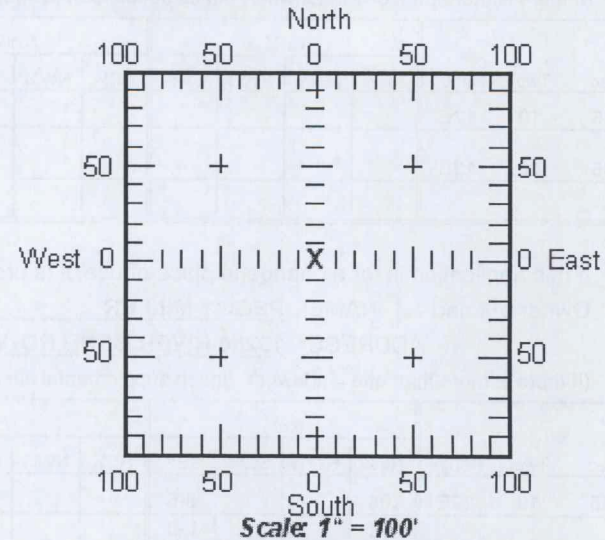
For Office Use Only: Code \_\_\_\_\_ Fee \$ \_\_\_\_\_ TR # \_\_\_\_\_ Receipt Date \_\_\_\_\_ Check # \_\_\_\_\_

5. **Presently authorized point of diversion:**  
 One in LOT 9 Quarter of the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter  
 of Section 35, Township 10 South, Range 12E (E/W),  
 in POTTAWATOMIE County, Kansas, 2540 feet North 460 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 LOT 9 Quarter of the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter  
 of Section 35, Township 10 South, Range 12E (E/W),  
 in POTTAWATOMIE County, Kansas, 2599 feet North 482 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:**  
 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) TO ACCOMMODATE THE  
INSTALLATION OF A NEW CENTER PIVOT

13a. If the proposed point of diversion will be relocated within 100 feet of the existing point of diversion, indicate its location on the diagram below in relation to the existing point of diversion. (PLEASE NOTE: The "X" in center of diagram below represents presently authorized point of diversion.)



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

9. The change(s) (was)(will be) completed by?  
N/A

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 BRETT BUNGER 1-11-18

13b. If the proposed point of diversion will be relocated more than 100 feet but within 1320 feet from 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.

14. If the proposed groundwater point of diversion is 300 or fewer feet from 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 Wamego, Kansas, this 13<sup>th</sup> day of February, 2018.

<u>[Signature]</u> (Owner)	
<u>[Signature]</u> (Please Print)	

State of Kansas  
County of Pottawatomie } SS

LISA D. THOMPSON  
NOTARY PUBLIC-STATE OF KANSAS  
MY APPT. EXP 09/22/2019

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 13<sup>th</sup> day of February, 2018.

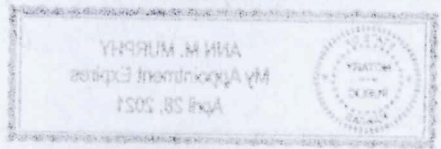
My Commission Expires 09/22/2019.  
[Signature]  
Notary Public

**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



**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. 22,700.

1. A change application was received on February 16, 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 aerial photo 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 \_\_\_\_\_ foot radius of the authorized point(s) of diversion.  Applicable  Not Applicable
4. 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
5. 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
6. **The owner of the authorized place(s) of use shall properly install an acceptable water flow meter on or before December 31, 2018**, 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
7. **Installation of the works for diversion of water shall be completed on or before December 31, 20\_\_\_\_**, or within any authorized extension of time. By March 1, 20\_\_\_\_ 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
8. **The completed well log shall be submitted with the required notice.**  Applicable  Not Applicable
9. 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
10. Additional Conditions are attached.  Yes  No
11. 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*

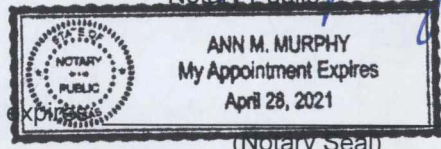
FOR OFFICE USE ONLY  
**APPLICATION APPROVED AND  
SUMMARY ORDER ISSUED**

By: Katherine A. Tietzout  
Duly Authorized Designee of the Chief Engineer  
(Print Name): Katherine A. Tietzout  
Division of Water Resources - Kansas Department of Agriculture

Date of Issuance: May 11, 2018

State of Kansas )  
County of Shawnee ) SS

Acknowledged before me on May 11, 2018  
by Ann M. Murphy  
Signature: Ann M. Murphy  
Notary Public



My commission expires \_\_\_\_\_

## CERTIFICATE OF SERVICE

On this 14<sup>th</sup> day of May, 2018, I hereby certify that the attached **APPROVAL OF APPLICATION FOR CHANGE IN PLACE OF USE**, Water Right, File No. 22,700, dated May 11, 2018 was mailed postage prepaid, first class, US mail to the following:

PEGGY MILLER  
19280 RIVER BEND RD  
WAMEGO KS 66547

  
\_\_\_\_\_  
Staff



ADDITIONAL CONDITION TO  
SUMMARY ORDER APPROVING APPLICATION FOR CHANGE  
AND IMPOSING CONDITIONS

The effective date of the change shall be the date this order is executed by the Chief Engineer, after which the authorized location of the point of diversion currently described as:

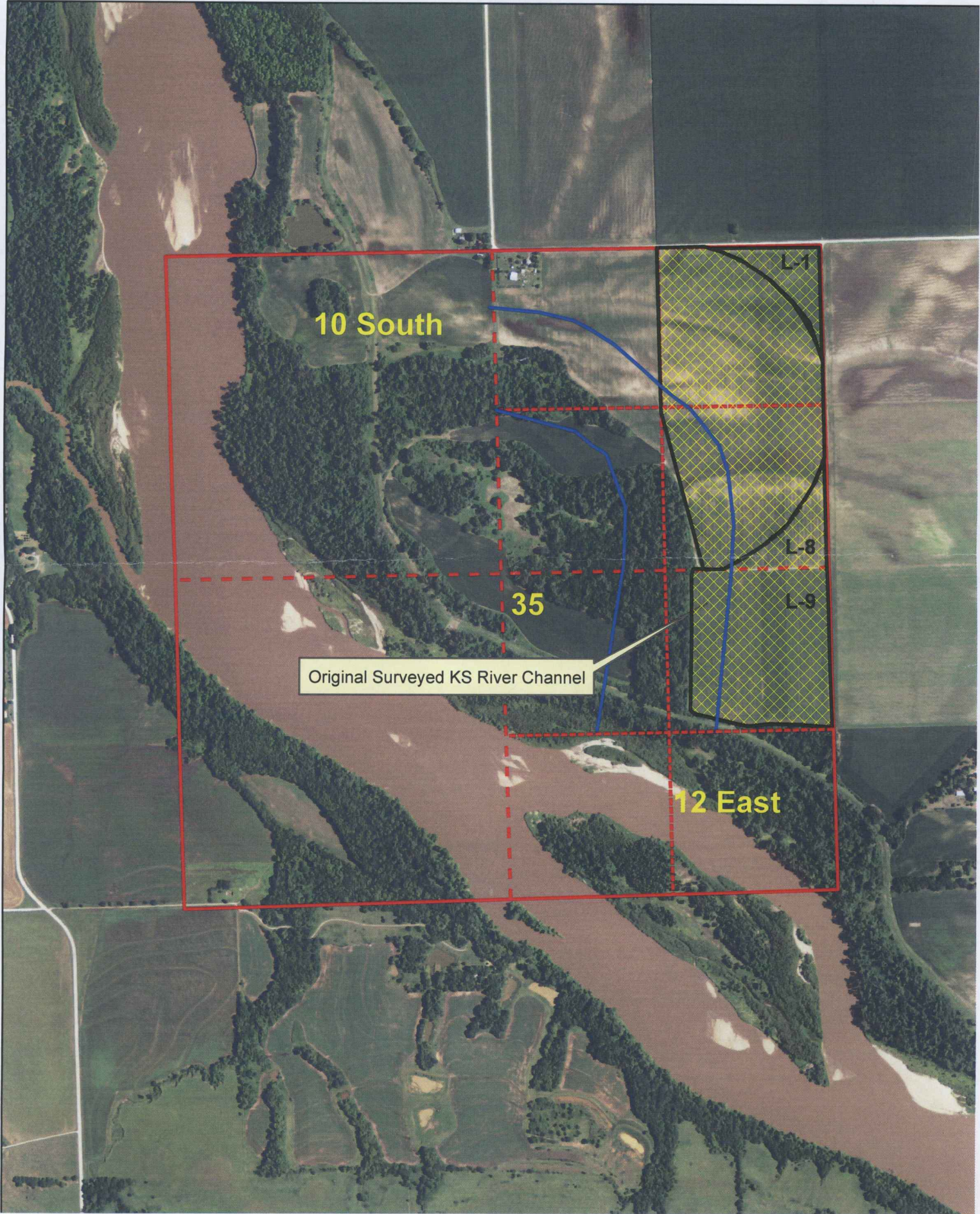
one (1) well located near the center of the North side of Lot 9 of Section 35, more particularly described as being near a point 2,540 feet North and 460 feet West of the Southeast Corner of said section, Township 10 South, Range 12 EAST, Pottawatomie County, Kansas.

has been found to be more accurately located and will be hereafter described as:

one (1) well located in Lot 9 of Section 35, more particularly described as being near a point 2,599 feet North and 482 feet West of the Southeast Corner of said section, Township 10 South, Range 12 EAST, Pottawatomie County, Kansas.

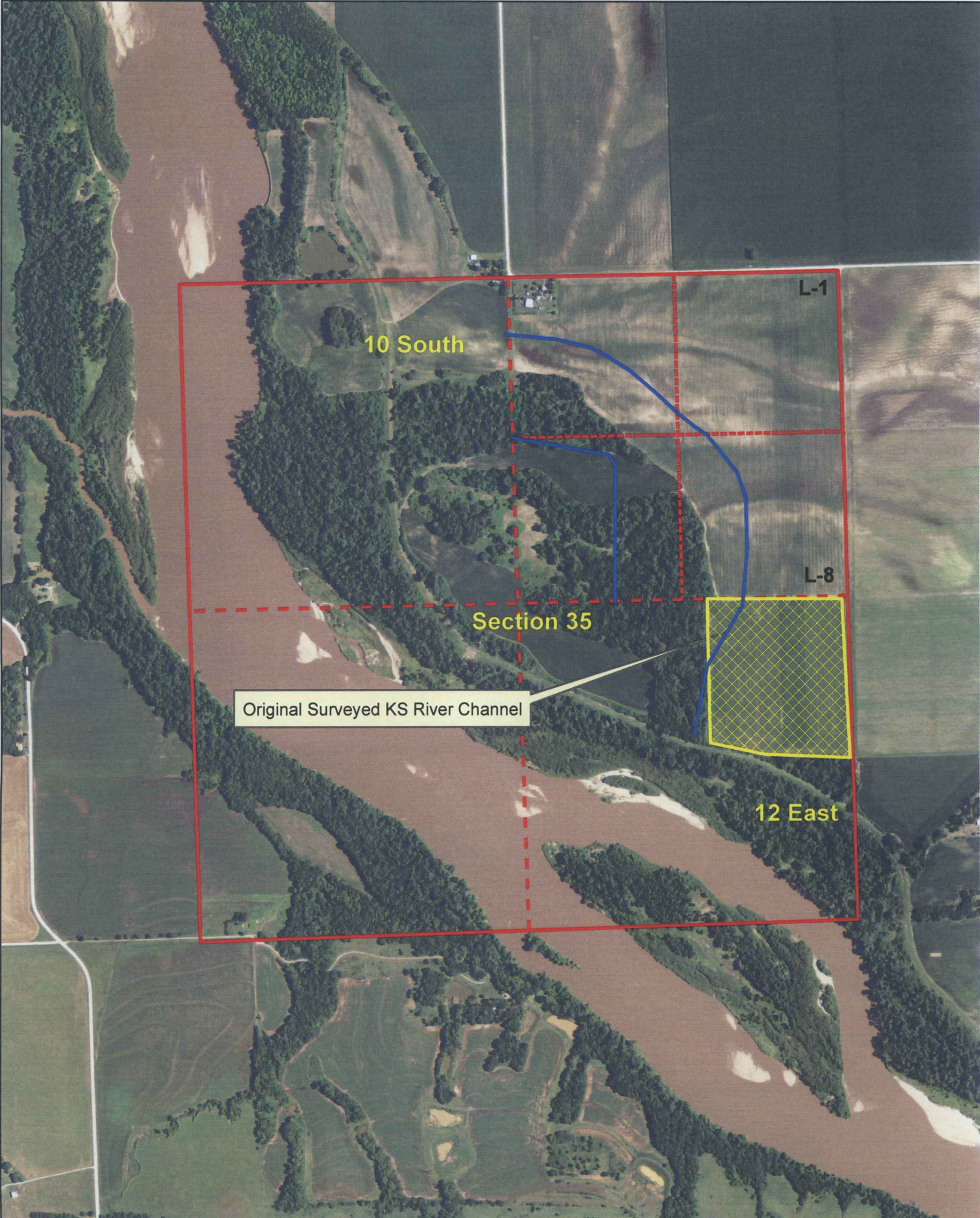
1:12,000

# PROPOSED PLACE OF USE FILE NO. 22700



1:12,000

Authorized Place of Use  
File No. 22700



10 South

L-1

L-8

Section 35

Original Surveyed KS River Channel

12 East