

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: June 28, 2016

FROM: Brent A. Turney

RE: Water Right
File Nos. 4,840 and 7,238

Applications to change the place of use and point of diversion were received in the office of the Chief Engineer on December 3, 2014, under the above referenced water rights, authorized groundwater for irrigation use. The referenced file numbers have an incomplete overlap in the points of diversion and place of use. Water Right, File No. 3,171 also incompletely overlaps the above referenced water rights, however, no changes have been filed under that right. One of the water right owners proposes to relocate one of the wells and to create a complete overlap in the place of use between the referenced files. There would still remain an incomplete overlap with Water Right, File No. 3,171.

It appears that a fairly large portion of the place of use has been subdivided and is within the City of Rossville. It also appears that there are now numerous owners of the referenced water rights. However, the applications only contained the signatures of the principal owners, Wm Scott and Anne B. Hesse. However, all landowners are required to sign an application to change a water right, as per K.A.R. 5-5-5.

In a letter dated November 9, 2015, the water right owner was advised that the Applications to Change the Authorized Place of Use and Points of Diversion for File Nos. 4,840 and 7,238, will be recommended for denial due to the failure of the applications to meet KAR 5-5-5. The water right owner was also advised that if no information was received, the applications would be submitted to the Chief Engineer for final decision.

That on November 19, 2015, the water right owner requested a 90 day extension of time to supply the Chief Engineer with additional information. That further action on the applications was delayed until February 24, 2016, to allow the water right owner to submit additional information.

Since no additional information was received by that date, and no request for a further extension of time has been received, the applications for File Nos. 4,840 and 7,238 should be dismissed and their priority forfeited for failure to meet the requirements of KAR 5-5-5, signatures on an application to change an existing water right.

Brent A. Turney, L.G.
Change Application Unit Supervisor



KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

**FINDINGS AND ORDER
IN THE MATTER THE DISMISSAL
OF APPLICATION TO CHANGE
THE AUTHORIZED POINT OF DIVERSION
AND PLACE OF USE,
UNDER
WATER RIGHT, FILE NO. 7,238**

After due consideration, the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture (hereinafter referred to as the "Chief Engineer"), makes the following findings and order:

FINDINGS

1. That on October 27, 1961, the Chief Engineer, in accordance with K.S.A. 82a-714, issued a certificate of appropriation pursuant to Appropriation of Water, File No. 7,238, for permit to appropriate water for irrigation use.
2. That on December 3, 2014, an Application for Approval to Change the Authorized Point of Diversion and Place of Use was received in the office of the Chief Engineer under File No. 7,238.
3. That it has been determined the currently authorized place of use is owned by numerous owners, and that the application only contains only the signatures of Wm. Scott and Anne B. Hesse.
4. That K.A.R. 5-5-5 of the Rules and Regulations of the Kansas Water Appropriation Act states in part:

"If more than one person is the owner of a water right, and an application is filed for a change in the place of use, point of diversion, use made of the water, or any combination thereof, only the signature(s) of the landowner(s) whose portion of the water right(s) is (are) involved in the change shall be required on the application. If the extent of each owners interest in the water right has not been legally determined, then all landowners holding an undetermined portion of the water right must sign the change application . . . "

5. That in a letter dated November 9, 2015, the water right owner was informed that the Application for Approval to Change the Authorized Point of Diversion and Place of Use under Water Right, File No. 7,238, would be denied and dismissed because it does not comply with K.A.R. 5-5-5. The applicant was advised they had a period of 15 days from the date of the letter (until November 24, 2015) to either submit additional information to the office of the Chief Engineer or to request additional time beyond the 15 days to submit additional information. The applicant was further informed that if they did not request more time within the 15 day period, or if their request was not granted, the application would be submitted to the Chief Engineer with a recommendation to deny the application.
6. That on November 19, 2015, a request for a 90 day extension of time until February 24, 2016, was received in the office of the Chief Engineer. That on November 23, 2015, the Chief Engineer granted an extension until February 24, 2016, to submit additional information, before final action will be taken on the application.
6. Since no additional information has been received to show that the proposed change in point of diversion and place of use will comply with K.A.R. 5-5-5, nor was a request for additional time received, the Application for Approval to Change the Authorized Point of Diversion and Place of Use, Water Right, File No. 7,238, should be dismissed for failure to meet the requirements of K.A.R. 5-5-5 of the Rules and Regulations of the Kansas Water Appropriation Act.

ORDER

NOW, THEREFORE, It is the decision and order of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, that effective the date of this order, the Application for Approval to Change the Authorized Point of Diversion and Place of Use received on December 3, 2014, under Water Right, File No. 7,238, shall be denied and dismissed.

In all other respects, the Certificate of Appropriation for Beneficial Use of Water, issued pursuant to File No. 7,238, dated October 27, 1961, remains as authorized as modified and amended by the orders dated September 7, 1979 and September 1, 1998.

This Order shall become a final agency action, as defined by K.S.A. 77-607(b), without further notice to the parties, if a request for hearing or a petition for administrative review is not filed as set forth below.

Request for Hearing. According to K.A.R. 5-14-3(c), any party who desires a hearing must submit a request within 15 days after the date shown on the Certificate of Service attached to this Order. Filing a request for a hearing will give you the opportunity to submit additional facts for consideration, contest any findings made by the Chief Engineer or present any other information you believe should be considered in this matter. A timely-filed request for hearing will stay the deadline for requesting administrative review of this Order pending the outcome of the hearing.

Petition for Review. Any person aggrieved by this Summary Order may petition for administrative review, pursuant to K.S.A. 82a-708b(a) and K.S.A. 82a-1901(a). The petition must be filed within 30 days after the date shown on the Certificate of Service attached to this Order and must set forth the basis for the review, unless stayed by the timely filing of a request for hearing.

Any request for hearing or petition for administrative review shall be in writing and shall be submitted to the attention of: Chief Legal Counsel, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, Fax: (785) 564 - 6777.

Ordered this 1st day of July, 2016, in Topeka, Shawnee County, Kansas.

Lane P. Letourneau
Lane P. Letourneau, P. G.,
Program Manager
Water Appropriation Program
Kansas Department of Agriculture

State of Kansas)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this 1st day of July, 2016, by Lane P. Letourneau P.G., Program Manager, Water Appropriations Program, Kansas Department of Agriculture.



Karen Hunter
Notary Public

CERTIFICATE OF SERVICE

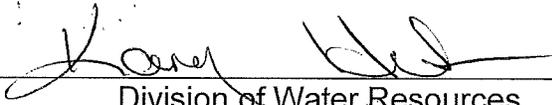
On this 1st day of July, 2016, I hereby certify that the attached Dismissal of Application to Change the Authorized Point of Diversion and Place of Use File No. 7,238, dated July 1, 2016 was mailed postage prepaid, first class, US mail to the following:

SCOTT HESSE
8038 SW HUNTOON
TOPEKA KS 66615

With photocopies to:

Topeka Field Office

Howard F & Rhonda S Parr
P.O. Box 416
Rossville Ks 66533-0416



Division of Water Resources

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

Document Signature LPL

1. File Number: 7,238	2. Status Change Date:	3. Change Num: 1	4. Field Office: 01	5. GMD:
6. Status: <input type="checkbox"/> Approved <input checked="" type="checkbox"/> Denied by DWR/GMD <input type="checkbox"/> Dismiss by Request/Failure to Return				7. Filing Date of Change: 12/3/14
8a. Applicant(s) New to system <input type="checkbox"/> SCOTT HESSE 8038 SW HUNTOON TOPEKA KS 66615		Person ID 64207 Add Seq# _____	8c. pc New to system <input type="checkbox"/> HOWARD F & RHONDA S PARR P.O. BOX 416 ROSSVILLE KS 66533-0416	
8b. Landowner(s) New to system <input type="checkbox"/>		Person ID _____ Add Seq# _____	8d. WUC New to system <input type="checkbox"/>	
9. Documents and Enclosure(s): <input type="checkbox"/> DWR Meter(s) Date to Comply: _____ <input type="checkbox"/> N & P Date to Comply: _____ <input type="checkbox"/> Check Valve <input type="checkbox"/> N & P Form <input type="checkbox"/> Water Tube <input type="checkbox"/> Driller Copy <input type="checkbox"/> H & E Letter <input type="checkbox"/> Conservation Plan Date Required: _____ Date Approved: _____ Date to Comply: _____				
10. Use Made of Water From: _____ To: _____				
			Date Prepared: 6/28/16	By: BAT
			Date Entered:	By:

Brent

Brent A. Turney, P.G.
Kansas Department of Agriculture
Division of Water Resources
1320 Research Park Drive
Manhattan Kansas 66502
(785) 564-6645
Brent.Turney@kda.ks.gov
www.agriculture.ks.gov

-----Original Message-----

From: Large, Robert
Sent: Thursday, July 23, 2015 3:19 PM
To: Turney, Brent
Cc: Ireland, Leslie
Subject: RE: Emailing: Change Place of Use File No. 4,840

Thanks Brent - I'm still not quite sure what to do with this but am researching. Thanks for checking in.

Robert Large, Chief Legal Counsel
Kansas Department of Agriculture
1320 Research Park Drive
Manhattan, Kansas 66502
tel.: (785) 564-6716 (direct) | fax: (785) 564-6777 robert.large@kda.ks.gov www.agriculture.ks.gov

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-----Original Message-----

From: Turney, Brent
Sent: Tuesday, July 21, 2015 1:49 PM
To: Large, Robert
Cc: Ireland, Leslie
Subject: Emailing: Change Place of Use File No. 4,840

Robert,

I few weeks ago I gave you a copy of a file that we have pending. The application has some major problems that keep the application from being approved. One of which is a portion of the authorized place of use has been sold and subdivided into a housing addition to the City of Rossville. The water right now has multiple owners of the place of use, none of which have signed the application. The water right owner has submitted a supplement to the application. I have attached a copy of the supplement and the application. Can you please review the information and advise how we should proceed.

Thanks,
Brent

Turney, Brent

From: Large, Robert
Sent: Thursday, October 29, 2015 12:13 PM
To: Turney, Brent
Cc: Grady, Wendee
Subject: RE: Emailing: Change Place of Use File No. 4,840

That sounds good. We can review the draft. To clarify what I said earlier, and as Wendee pointed out, his request for hearing is not necessarily premature, but DWR is not required to grant a hearing request at this stage. I think the best course of action is to have him respond to our request for additional information first.

Robert Large, Chief Legal Counsel
Kansas Department of Agriculture
Legal Section
1320 Research Park Drive
Manhattan, Kansas 66502
tel.: (785) 564-6716 (direct) | fax: (785) 564-6777 robert.large@kda.ks.gov www.agriculture.ks.gov

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-----Original Message-----

From: Turney, Brent
Sent: Thursday, October 29, 2015 10:40 AM
To: Large, Robert <Robert.Large@KDA.KS.GOV>
Cc: Grady, Wendee <Wendee.Grady@KDA.KS.GOV>
Subject: RE: Emailing: Change Place of Use File No. 4,840

Robert, thanks for getting back to me, also consider this a heads up warning, I have something else I will be pestering you with soon!

Our normal process on an application such as this would be to send a 15 day letter informing the applicant that we will dismiss the application for failure to comply with KAR 5-5-5, signatures on an application for change. If the applicant does not provide signatures in response to the letter, we would dismiss the change.

If you feel that is the course of action we should take on these change applications, I can draft our standard letter and send it to you for review and modification if needed. Please let me know and I will get the letter down to you soon.

As far as domestic use from the existing irrigation well, there is nothing in the Act or Rules that would prevent anyone from a domestic use of water.

Thanks
Brent

Brent A. Turney, P.G.
Kansas Department of Agriculture
Division of Water Resources

1320 Research Park Drive
Manhattan Kansas 66502
(785) 564-6645
Brent.Turney@kda.ks.gov
www.agriculture.ks.gov

-----Original Message-----

From: Large, Robert
Sent: Thursday, October 29, 2015 9:23 AM
To: Turney, Brent
Cc: Grady, Wendee
Subject: RE: Emailing: Change Place of Use File No. 4,840

Brent,

You're certainly not a pest. I have been looking at this but seem to get stalled out because what he submitted complicates the application due to its inclusion of a request for hearing. So sorry for my delay. I think the bottom line is that we have to make a decision as to whether the application can be approved with the additional information he has provided in the supplemental materials, and then proceed to grant or deny the application. If he then wants a hearing, then he would be entitled to one in accordance with K.A.R. 5-14-3. Our regs do not require the chief engineer to grant a request for hearing prior to issuing an order on the application, so his request for a hearing is premature. See K.A.R. 5-14-3(d). I think whatever we issue denying the application needs to address the hearing issue and dispose of that request. I would be happy to help with wording there. I regret we were not able to provide him a response sooner.

Is the main issue the fact that the other property owners have not signed the application? If part of the ownership of the irrigation right was conveyed to neighbors, then it would seem we are still required to get their approval, or they should quitclaim their interest in the irrigation right in order for us to proceed. But it sounds like he still wants some of the neighbors to pump water from the irrigation right for domestic use. Would we allow that? It would help me to have your analysis of why it should not be approved. I am not sure I have all the facts based on how he has outlined it.

Robert Large, Chief Legal Counsel
Kansas Department of Agriculture
Legal Section
1320 Research Park Drive
Manhattan, Kansas 66502
tel.: (785) 564-6716 (direct) | fax: (785) 564-6777 robert.large@kda.ks.gov www.agriculture.ks.gov

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-----Original Message-----

From: Turney, Brent
Sent: Thursday, October 22, 2015 4:11 PM
To: Large, Robert <Robert.Large@KDA.KS.GOV>
Subject: RE: Emailing: Change Place of Use File No. 4,840

Robert,
I hate to be a pest, but just checking in on this. Any news?
Thanks,

Wm. Scott Hesse
8038 SW Huntoon
Topeka, KS 66615
785 554 5440 Cell
wm_scott_hesse@cox.net

BEFORE THE KANSAS DEPARTMENT OF AGRICULTURE

In the Matter of the Application }
Of Wm. Scott Hesse to Change the Place }
Of Use of Water under Existing Appropriation }
Right Numbers 3171, 4840 and 7238 }
_____ }

MOTION FOR ADDITIONAL TIME
TO PRESENT INFORMATION TO THE CHIEF
ENGINEER AND HEARING

COMES NOW, the petitioner, Wm. Scott Hesse, to request an additional 90 days, until February 24, 2016, to present information to the chief engineer supporting the petition. In support of his Motion for Additional Time, the petitioner states as follows:

1. The petitioner is consulting a driller to drill a well on the subject property to replace the dry well which services the farm.
2. The petitioner is consulting an expert witness to supplement his application.
3. The petition has requested additional information on the purported ownership of the Appropriation Right Numbers 3171, 4840 and 7328.

WHEREUPON, the petitioner requests an additional 90 days from November 24, 2015 (February 24, 2016) to present information to the Chief Engineer.

DATED: November 18, 2015.

Respectfully submitted,



Wm. Scott Hesse

WATER RESOURCES
RECEIVED

NOV 19 2015

SCANNED

KS DEPT OF AGRICULTURE

1320 Research Park Drive
Manhattan, Kansas 66502
Jackie McClaskey, Secretary



Phone: (785) 564-6700
Fax: (785) 564-6777
Email: ksag@kda.ks.gov
www.agriculture.ks.gov
Sam Brownback, Governor

November 9, 2015

SCOTT HESSE
8038 SW HUNTOON
TOPEKA KS 66615

RE: Water Right
File Nos. 3,171; 4,840
and 7,238

Dear Mr. Hesse:

Reference is made to your applications for approval of the Chief Engineer to change the point of diversion and place of use under the referenced file numbers which were received in this office on December 3, 2014. We also recognize that Water Right, File No. 3,171 is authorized to irrigate a portion of the place of use authorized by File Nos. 4,840 and 7,238, however, no change in place of use was filed under this file to create a complete overlap with these water rights. Upon review of the applications, it is found that the applications to change the point of diversion and place of use cannot be approved as proposed.

Please note that K.A.R. 5-5-5 states in part:

"If more than one person is the owner of a water right, and an application is filed for a change in the place of use, point of diversion, use made of the water, or any combination thereof, only the signature(s) of the landowner(s) whose portion of the water right(s) is (are) involved in the change shall be required on the application. If the extent of each owners interest in the water right has not been legally determined, then all landowners holding an undetermined portion of the water right must sign the change application . . ."

Records in this office and records available through Shawnee County, indicate that the there are numerous owners associated with the currently authorized place of use. Because the applications contain only your signatures, the applications cannot be approved as filed.

For the reason given above, it will be recommended to the Chief Engineer that the Applications for Approval to Change the Authorized Point of Diversion and place of use under Water Right, File Nos. 4,840 and 7,238, be denied and dismissed for failure to comply with K.A.R. 5-5-5.

WATER RESOURCES
RECEIVED

NOV 19 2015

SCANNED

KS DEPT OF AGRICULTURE

SCOTT HESSE
8038 SW HUNTOON
TOPEKA KS 66615

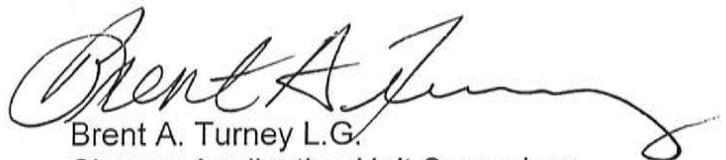
We are advising you of this recommendation in order to allow you to submit additional information to show why the evaluation should be reconsidered. You have a period of **15 days (until November 24, 2015)** to either (1) submit additional information to our office or (2) to request additional time beyond the 15 days to submit additional information. If you wish to request additional time, you must do so in writing, before the 15 day period expires. Such a request should state what steps are being taken to obtain the information and the amount of time you will need to supply the information to our office.

If you do not request more time within the 15 day period, or if your request is not granted, the above-referenced applications will be submitted to the Chief Engineer for final decision based on the recommendation stated above. If you do submit additional information within the 15 day period (or any authorized extension), that information will be given due consideration prior to final action on the applications.

In addition, you submitted a document that included a request for hearing. DWR regulation K.A.R. 5-14-3 provides that a hearing may be available before an order is issued by the chief engineer; however, a hearing is not required to be provided before the order is issued. At this time, the request for hearing is denied, but a hearing will be available upon a final determination on your applications.

If you have any questions, please contact me at (785) 296-4617. If you wish to discuss a specific file, please have the file number ready so that I may help you more efficiently.

Sincerely,



Brent A. Turney L.G.
Change Application Unit Supervisor
Water Rights Section

BAT
Enclosures
pc: Topeka Field Office

SCANNED

WATER RESOURCES
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NOV 19 2015

KS DEPT OF AGRICULTURE

Ownership Map File Nos. 3,171, 4,840, 7,328

Shawnee County Public GIS

DISCLAIMER: This map is for informational purposes and has not been prepared for, nor is it suitable for legal, surveying, or engineering purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information. Shawnee County makes no warranty or ascertain the usability of the information. Shawnee County makes no warranty or guarantee as to the content, accuracy, timeliness, or completeness of any of the data provided, and assumes no legal responsibility for the information contained herein.



STATE OF KANSAS
DIVISION OF WATER RESOURCES
STATE BOARD OF AGRICULTURE

DUPLICATE COPY

CERTIFICATE OF APPROPRIATION
FOR BENEFICIAL USE OF WATER

APPLICATION No. 3171

CERTIFICATE No. 848

WHEREAS, It has been made to appear to the satisfaction of the undersigned, that in conformity with the conditions of approval of the above numbered application and the laws of the State of Kansas, the appropriation of water for beneficial use has been perfected.

NOW, THEREFORE, Be It Known that I, R. V. SMRHA, the duly appointed, qualified and acting Chief Engineer of the Division of Water Resources of the Kansas State Board of Agriculture by authority of the laws of the State of Kansas, do hereby certify that W. L. Hesse, Rossville, Kansas,

and Ruth Hesse, Rossville, Kansas,

is entitled and is hereby authorized, subject to vested rights and prior appropriations, to make beneficial use for

irrigation

purposes of the available unappropriated water from

groundwater in the drainage basin of the Kansas River

said water to be diverted and withdrawn

by means of a well located in the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 34, Township 10 South,

Range 13 East, in Shawnee County, Kansas, in an

allotted amount of not to exceed 108 acre feet per year and to be diverted and withdrawn

at a rate not in excess of 1000 gallons per minute and limited to the amount actually used for

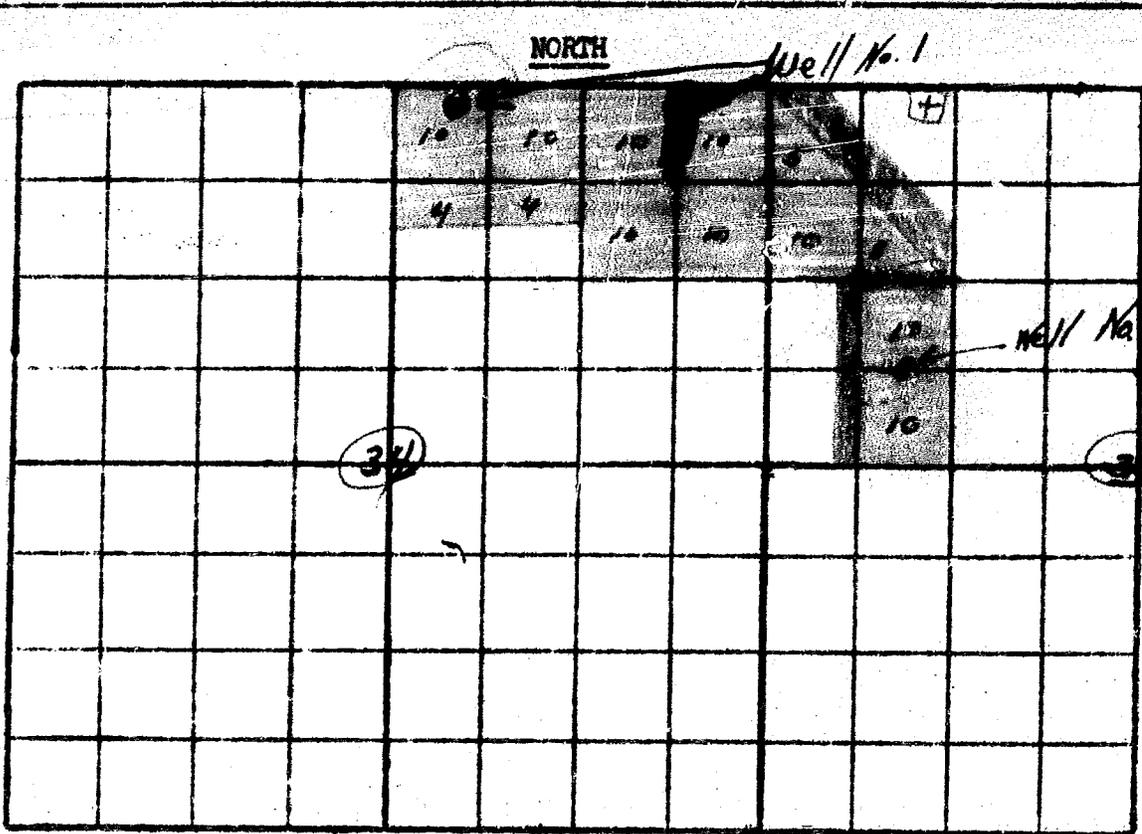
the aforesated beneficial purposes.

The priority date of the water appropriation herein authorized and allotted for the aforesated beneficial purpose is December 6, 1954.

The allotted water appropriation was established and is authorized to be used for irrigation

purposes at or upon the following described property:

28 acres in the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$, and the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 34; and 20 acres in the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$, and 20 acres in the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$, of Section 35, all in Township 10 South, Range 13 East, in Shawnee County, Kansas, a total of 108 acres.



Well No. 2 - App. No. 4840

Township 10 S
 Range 13 E
 County Shawnee

- Covered by App. No. 3.
 - Covered by App. No. 4.

LEGEND

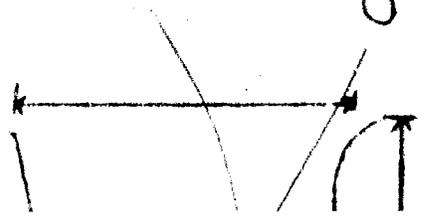
- Land to be Irrigated - - - - -
- Well Location - - - - -
- Pump Sites - - - - -

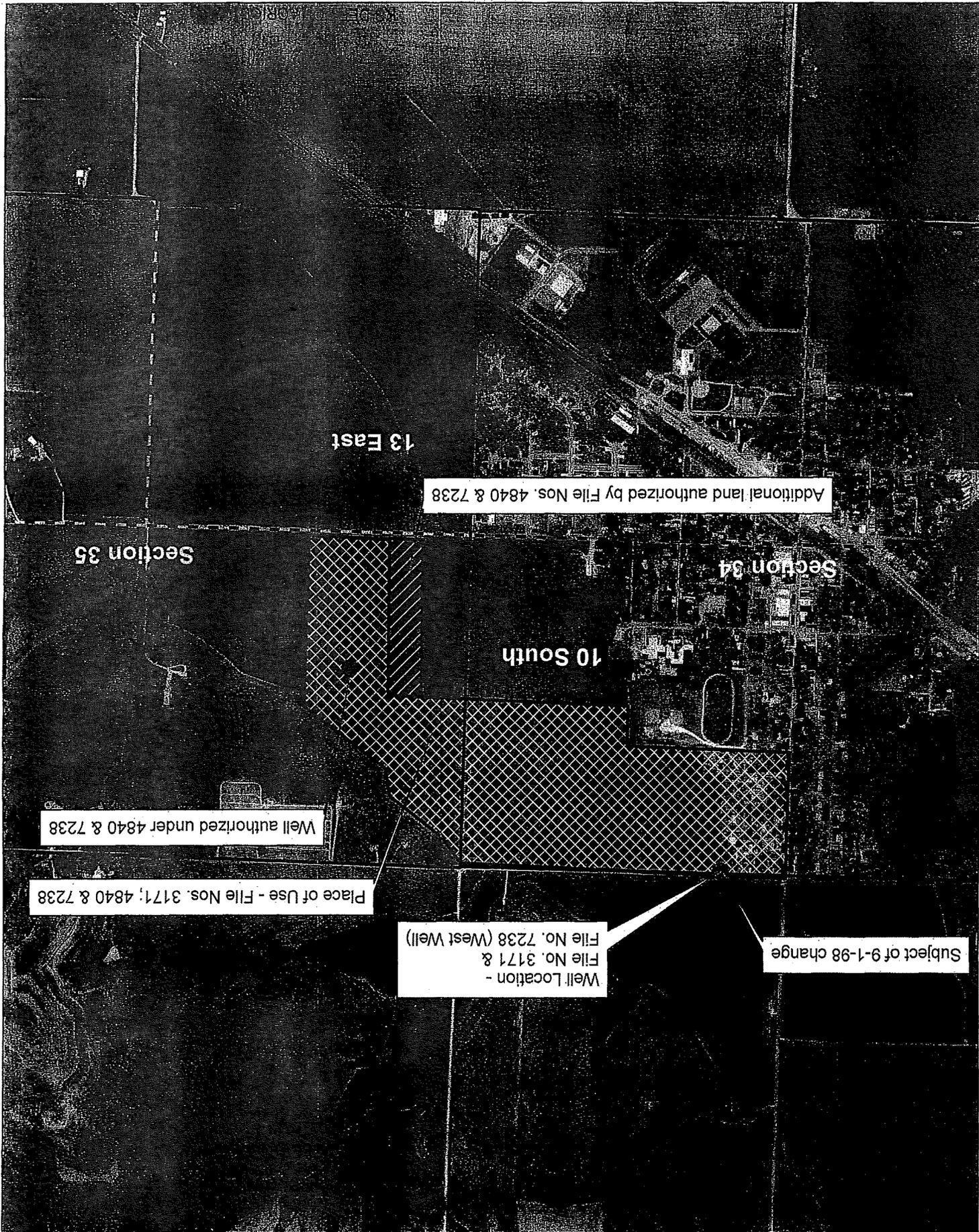
Well Information

Depth to Water 23'
 Depth of Well 50'
 Diameter of Well 18"
 Estimated Yield 2000 gal. per minute

Pumping Plant Information

Size and Type of Pump 6" Turbine
 Size and Type of Power Unit 75 H.P. ind.
 Estimated Capacity 1200 gal. Min





Additional land authorized by File Nos. 4840 & 7238

Section 35

Section 34

10 South

13 East

Well authorized under 4840 & 7238

Place of Use - File Nos. 3171; 4840 & 7238

Well Location -
File No. 3171 &
File No. 7238 (West Well)

Subject of 9-1-98 change

CERTIFICATE OF APPROPRIATION FOR BENEFICIAL USE OF WATER

APPLICATION No. 4840

WHEREAS, It has been made to appear to the satisfaction of the undersigned, that in conformity with the conditions of approval of the above numbered application and the laws of the State of Kansas, the appropriation of water for beneficial use has been perfected.

NOW, THEREFORE, Be It Known that I, R. V. SMRHA, the duly appointed, qualified and acting Chief Engineer of the Division of Water Resources of the Kansas State Board of Agriculture by authority of the laws of the State of Kansas, do hereby certify that W. L. Hesse and Ruth S. Hesse

Resville, Kansas

are entitled and authorized, subject to vested rights and prior appropriations, to make beneficial use for Irrigation purposes of the available unappropriated water from ground water in the Drainage Basin of the Kansas River

by means of a well located in the Southwest Quarter (SW $\frac{1}{4}$) of the Northwest Quarter (NW $\frac{1}{4}$) of Section 35, Township 10 South, Range 13 East

in Shawnee County, Kansas, in an

allotted amount of not to exceed 119 Acre Feet

per year and to be diverted and withdrawn at a rate not in excess of 900 Gallons Per Minute

(2.00 c.f.s.) and limited to the amount actually used for the aforesated beneficial purposes.

The priority date of the water appropriation herein authorized and allotted for the aforesated beneficial purpose is December 5, 1955

The allotted water appropriation was established and is authorized to be used for

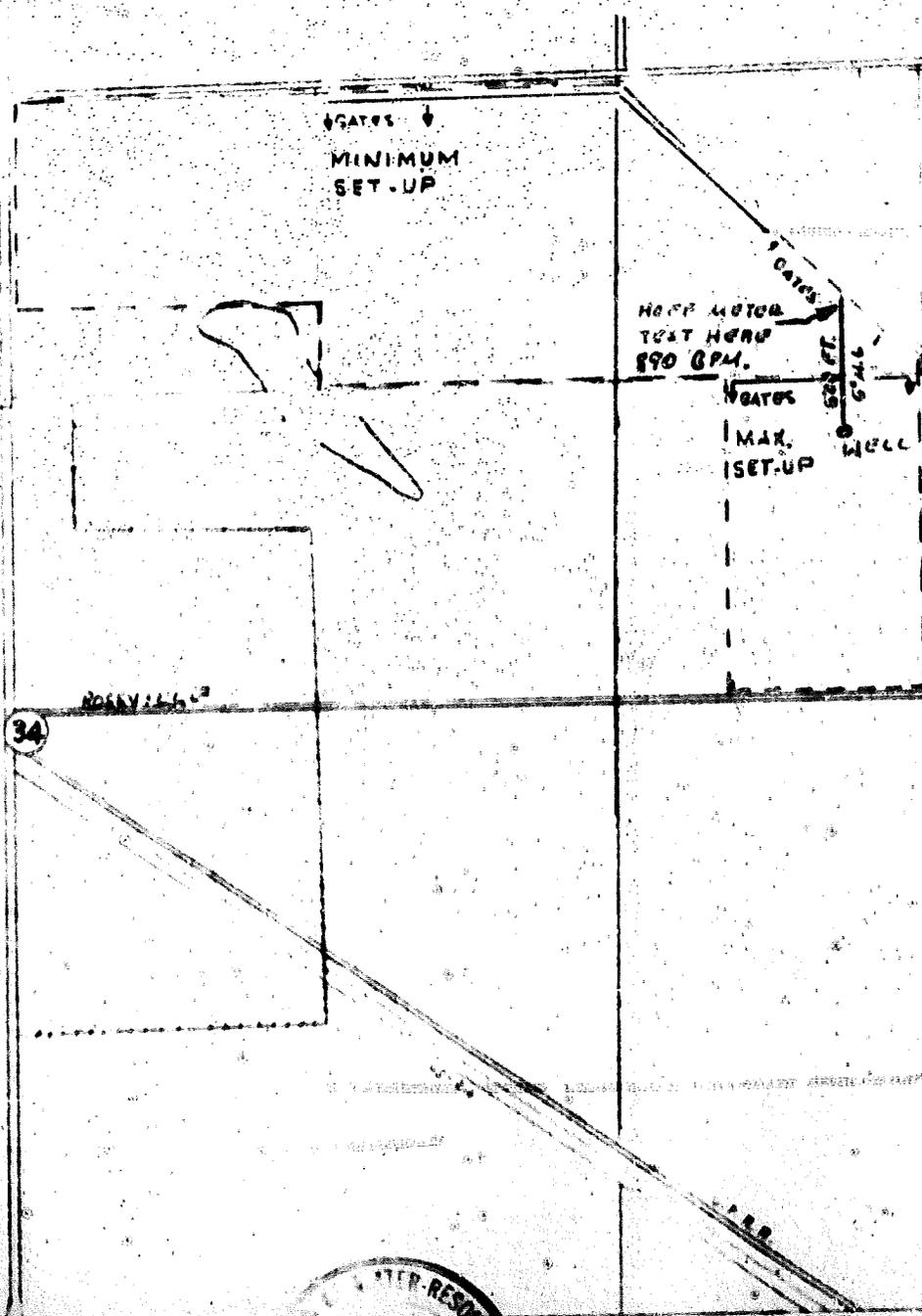
Irrigation purposes at or upon the following described property:

40 acres in the Northeast Quarter (NE $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$),
28 acres in the Northwest Quarter (NW $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$),
of Section 34, and,

25 acres in the Northwest Quarter (NW $\frac{1}{4}$) of the Northwest Quarter (NW $\frac{1}{4}$),
26 acres in the Southwest Quarter (SW $\frac{1}{4}$) of the Northwest Quarter (NW $\frac{1}{4}$),
of Section 35; all,

in Township 10 South, Range 13 East, Shawnee County, Kansas, a total of
119 acres.

R-13-E



SCALE 1:1000



W.L. HESSE
 APPLICATION NO. 4949
 BASEVILLE, KANSAS

STATE OF KANSAS
DIVISION OF WATER RESOURCES
STATE BOARD OF AGRICULTURE

CERTIFICATE OF APPROPRIATION
FOR BENEFICIAL USE OF WATER

APPLICATION No. 7238

WHEREAS, It has been made to appear to the satisfaction of the undersigned, that in conformity with the conditions of approval of the above numbered application and the laws of the State of Kansas, the appropriation of water for beneficial use has been perfected.

Now, THEREFORE, Be It Known that I, R. V. SMRHA, the duly appointed, qualified and acting Chief Engineer of the Division of Water Resources of the Kansas State Board of Agriculture by authority of the laws of the State of Kansas, do hereby certify that W. L. Hesse and Ruth S. Hesse

Rossville, Kansas

are entitled and authorized, subject to vested rights and prior appropriations, to make beneficial use for irrigation purposes of the available unappropriated water from ground water in the Drainage Basin of the Kansas River

and well water to be diverted and withdrawn by means of one (1) well located in the Northwest Quarter (NW $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) of Section 34, and one (1) well located in the Southwest Quarter (SW $\frac{1}{4}$) of the Northwest Quarter (NW $\frac{1}{4}$) of Section 35, all in Township 10 South, Range 13 East

in Shawnee County, Kansas, in an allotted amount of not to exceed 178 Acre Feet

per year and to be diverted and withdrawn at a rate not in excess of 1795 Gallons Per Minute (4.00 c.f.s.) and limited to the amount actually used for the aforesated beneficial purposes.

The priority date of the water appropriation herein authorized and allotted for the aforesated beneficial purpose is April 3, 1957

The allotted water appropriation was established and is authorized to be used for

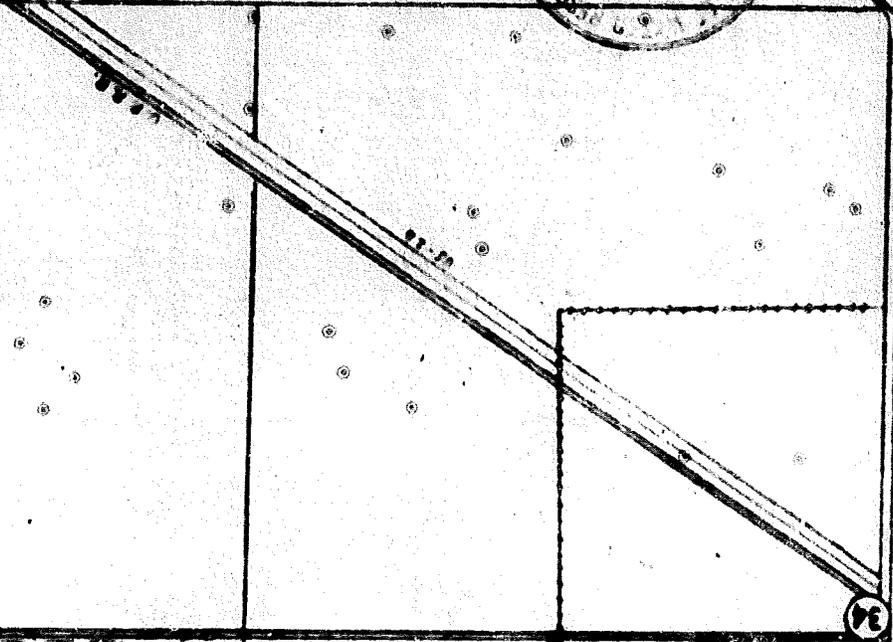
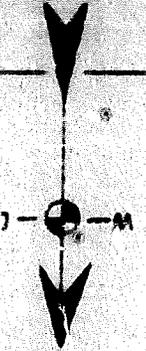
irrigation purposes at or upon the following described property:

- 40 acres in the Northeast Quarter (NE $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$),
- 28 acres in the Northwest Quarter (NW $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$),
- of Section 34, and,
- 25 acres in the Northwest Quarter (NW $\frac{1}{4}$) of the Northwest Quarter (NW $\frac{1}{4}$),
- 26 acres in the Southwest Quarter (SW $\frac{1}{4}$) of the Northwest Quarter (NW $\frac{1}{4}$),
- of Section 35, all,
- in Township 10 South, Range 13 East, Shawnee County, Kansas, a total of 119 acres.

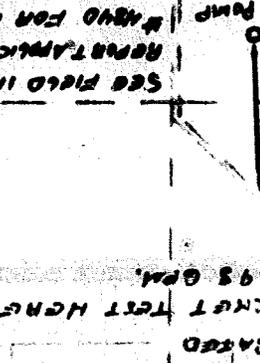
MOSSVILLE KANSAS
APPLICATION NO 7258
W.L. HESSE



HEAD PILE



SEE FIELD INSTRUCTION
REPORT APPLICATION
PUMP INFO FOR INFO
ON THIS WELL



2660 FT.
C.M.L.

JOFF METER
TEST HOLE
1013 GPM.

PUMP

400'

T-10 S

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. 7238

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: SCOTT HESSE

8038 SW HUNTOON TOPEKA KS 66615

Phone Number: () _____

Email address: _____

Name and address of Water Use Correspondent: HOWARD F & RHONDA S PARR

13630 NW CARTER RD ROSSVILLE KS 66533

Phone Number: (785)845-9092

Email address: _____

3. The presently authorized place of use is:

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														

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: Scott Hesse

ADDRESS: 8038 SW Huntoon, Topeka, KS 66615

(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															

For Office Use Only: Code 000 Fee \$ 400 TR # 15017338 Receipt Date 12/3/14 Check # 1055

FO 1 No GMD IRR 5N.00

12/11/2014 LM

UNACCEPTABLE FOR PRIORITY
 WATER RESOURCES RECEIVED
 NOV 21 2014
 KS DEPT OF AGRICULTURE
 RECEIVED
 DEC 03 2014
 4:17 PM
 TOPEKA FIELD OFFICE
 DIVISION OF WATER RESOURCES

5. **Presently authorized point of diversion:**
 One in the NE Quarter of the SW Quarter of the NW Quarter of Section 35, Township 10 South, Range 13E (E/W), in SHAWNEE County, Kansas, 3730 feet North 4160 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:
Proposed point of diversion: (Complete only if change is requested)
 One in the NE Quarter of the SW Quarter of the NW Quarter of Section 35, Township 10 South, Range 13E (E/W), in SHAWNEE County, Kansas, 3730 feet North 4595 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 7238

6. **Presently authorized point of diversion:**
 One in the NW Quarter of the NW Quarter of the NE Quarter of Section 34, Township 10 South, Range 13E (E/W), in SHAWNEE County, Kansas, 5200 feet North 2043 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:
Proposed point of diversion: (Complete only if change is requested)
 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. Why do you need a new point of diversion? _____

CASING HAS FAILED AND THE WELL IS PUMPING SAND

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

9. When do you propose to complete the new point of diversion?
UPON APPROVAL OF THE APPLICATION

10. If the point of diversion is a well:

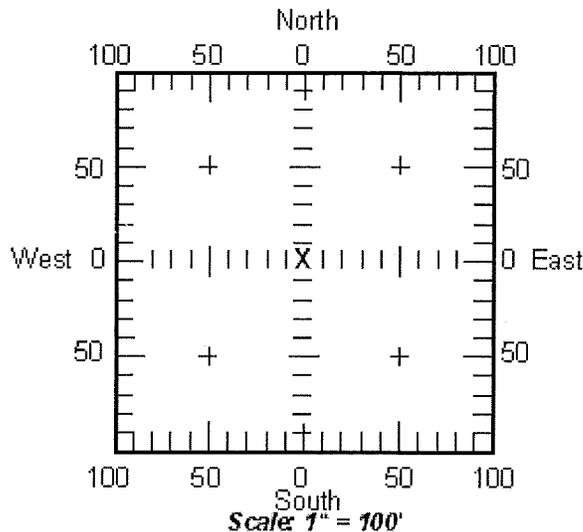
(a) What are you going to do with the old well?
PLUG IT

(b) When will this be done? UPON COMPLETION OF THE NEW WELL

11. Groundwater Management District recommendation attached? Yes No

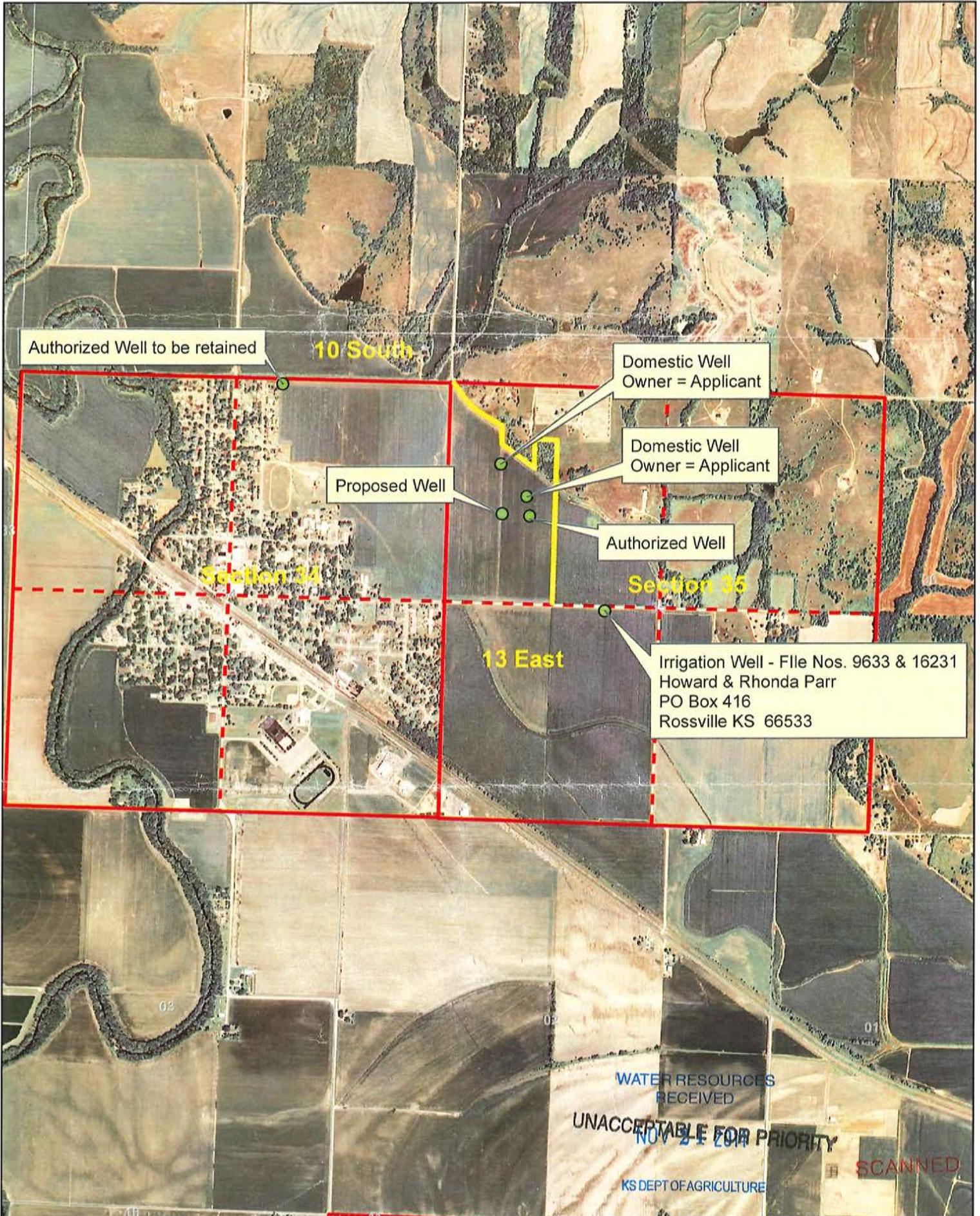
12. Assisted by BLB/TFO 10-24-14

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.)



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.

1:18,000 Application to Change the Point of Diversion File No. 7238



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 regard 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.

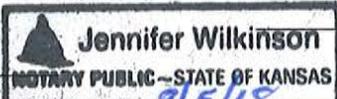
Dated at Topeka, Kansas, this 18 day of November, 2014.

<p><u>Wm. Scott Hesse</u> (Owner) <u>Wm. Scott Hesse</u> (Please Print)</p> <p>_____ (Owner)</p> <p>_____ (Please Print)</p> <p>_____ (Owner)</p> <p>_____ (Please Print)</p>	<p><u>Anne B. Hesse</u> (Spouse) <u>Anne B. Hesse</u> (Please Print)</p> <p>_____ (Spouse)</p> <p>_____ (Please Print)</p> <p>_____ (Spouse)</p> <p>_____ (Please Print)</p>
---	--

State of Kansas }
 County of Shawnee } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 4 day of November, 2014.

My Commission Expires 9/5/18



Jennifer Wilkinson
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

WATER RESOURCES RECEIVED
 UNACCEPTABLE FOR PRIORITY
 NOV 21 2014
 SCANNED
 KS DEPT OF AGRICULTURE

Block D, Hesse Subdivision No. 1; thence North 89 degrees 07 minutes 43 seconds East 149.66 feet; thence South 0 degrees 52 minutes 17 seconds East 60.00 feet; thence South 89 degrees 07 minutes 43 seconds West, 150.00 feet to the point of beginning.

TRACT 3: The West half of the Northwest Quarter of Section 35, Township 10 South, Range 13 East of the 6th P.M., Shawnee County, Kansas;

EXCEPT:

A tract of land described as follows: Beginning at the Northeast corner of the West half of said Northwest Quarter; thence South coincident with the East line of the West half of said Quarter Section, 330 feet; thence West 264.00 feet; thence North 330.00 feet to the North line of said Quarter Section; thence East coincident with the North line of said Quarter Section 264 feet to the point of beginning;

AND ALSO EXCEPT:

A tract of land described as follows: Commencing at the Northeast corner of the West half of said Northwest Quarter; thence south coincident with the East line of the West half of said Quarter Section, 330 feet to the point of beginning, said point being the Northeast corner of Stanley Addition to Rossville Cemetary; thence continuing South coincident with last said course 330 feet; thence West coincident with the South line of Stanley Addition, 264 feet; thence North coincident with the West line of Stanley Addition, 330 feet; thence East coincident with the North line of Stanley Addition, 264 feet to the point of beginning;

AND ALSO EXCEPT:

A tract of land described as follows: Commencing at the Northwest corner of the Northwest Quarter of Section 35, Township 10 South, Range 13 East of the 6th P.M. Shawnee County, Kansas; thence on Az 90 degrees 00 minutes 00 seconds, 846.27 feet along the North line of the Northwest Quarter of said Section 35 to the point of beginning; thence continuing on Az 90 degrees 00 minutes 00 seconds, 210.00 feet along said North line; thence on Az 180 degrees 00 minutes 00 seconds, 874.00 feet; thence on Az 299 degrees 19 minutes 55 seconds, 240.88 feet; thence on Az 360 degrees 00 minutes 00 seconds, 756.00 feet to the point of beginning;

AND EXCEPT:

A tract of land described as follows: Commencing at the Northwest corner of the Northwest Quarter of Section 35, Township 10 South, Range 13 East of the 6th P.M., Shawnee County, Kansas; thence on Az 90 degrees 00 minutes 00 seconds, 590.23 feet along the North line of the Northwest Quarter of said Section 35 to the point of beginning; thence continuing on Az 90 degrees 00 minutes 00 seconds, 256.04 feet along said North line; thence on Az 180 degrees 00 minutes 00 seconds, 756.00 feet; thence on Az 299 degrees 19 minutes 55 seconds, 169.00 feet; thence on Az 347 degrees 55 minutes 01 seconds, 199.24 feet; thence on Az 300 degrees 36 minutes 37 seconds, 77.85 feet; thence on Az 360 degrees 00 minutes 00 seconds, 438.75 feet to the point of beginning, more or less, including road right of way;

AND ALSO EXCEPT:

A Tract of land described as follows: Commencing at the Northwest corner of the Northwest Quarter of said Section 35; thence East coincident with the North line of said Northwest Quarter Section, 100 feet to the point of beginning; thence continuing on North 90 degrees 00 minutes 00 seconds East coincident with the North line of said Northwest Quarter, 490.23 feet; thence South 00 degrees 00 minutes 00 seconds East, 438.75 feet; thence North 62 degrees 05 minutes 07 seconds West, 180.43 feet; thence North 53 degrees 56 minutes 09 seconds West 193.43 feet; thence North 35 degrees 57 minutes 35 seconds West, 296.97 feet to the point of beginning.

TRACT 4: The East half of the Northeast Quarter of Section 34, Township 10 South, Range 13 East of 6th P.M., in Shawnee County, Kansas,

EXCEPT:

A tract of land described as follows: Beginning at the Southwest corner of the East half of said Northeast Quarter; thence North coincident with the West line of the East half of said Quarter, 264 feet; thence East 165 feet; thence South 264 feet to the South line of said Quarter Section; thence West coincident with the South line of said Quarter, 165 feet to the point of beginning;

AND EXCEPT:

A tract of land described as follows: Commencing at the Southwest corner of the East half of said Quarter; thence North coincident with the West line of the East half of said Quarter, 264 feet to the point of beginning; thence continuing North coincident with last said course, 396.00 feet; thence East 165 feet; thence South 396 feet; thence West 165 feet to the point of beginning;
AND EXCEPT:

A tract of land described as follows: Commencing at the Southwest corner of the East half of said Quarter; thence North coincident with the West line of the East half of said Quarter, 660 feet to the point of beginning; thence continuing North coincident with last said course, 264 feet; thence East 165 feet; thence South 264 feet; thence West 165 feet to the point of beginning;
AND ALSO EXCEPT:

A tract of land described as follows: Commencing at the Southwest corner of the East half of said Quarter; thence East coincident with the South line of said Quarter, 165 feet to the point of beginning; thence North 264 feet parallel to the West line of said East half; thence East 12 feet; thence South 85 feet; thence East 120 feet; thence South 179 feet to the South line of said Quarter; thence West coincident with the South line of said Quarter 132 feet to the point of beginning;

AND ALSO EXCEPT:

A Tract of land described as follows: Commencing at the Southwest corner of said East half; thence East coincident with the South line of said Quarter, 297 feet to the point of beginning; thence North parallel to the West line of said East half, 179 feet; thence West parallel to the South line of said Quarter, 120 feet; thence North 85 feet; thence West 12 feet; thence North 46 feet; thence East 240 feet; thence South 310 feet; to the South line of said Quarter; thence West 108 feet coincident with the South line of said Quarter to the point of beginning;

AND ALSO EXCEPT:

A tract of land described as follows: Commencing at the Southwest corner of said East half; thence East coincident with the South line of said Quarter, 405 feet to the point of beginning; thence North parallel to the West line of said East half, 310 feet; thence East parallel to the South line of said Quarter, 140.00 feet; thence South 310 feet to the South line of said Quarter; thence West coincident with the South line of said Quarter, 140 feet to the point of beginning.

SCANNED

SCHEDULE A

First American Title Insurance Company

Name and Address of Title Insurance Company:
First American Title Insurance Company
1 First American Way
Santa Ana, CA 92707

File No.: **1286743**

Policy No.: **OP 1286743**

Address Reference: N/A, N/A

Amount of Insurance: \$762,600.00

Date of Policy: November 16, 2012 at 11:49:44 A.M.

1. Name of Insured:

Wm. Scott Hesse

2. The estate or interest in the Land that is insured by this policy is:

Fee Simple

3. Title is vested in:

Wm. Scott Hesse

4. The Land referred to in this policy is described as follows:

TRACT 1: Lot 3, less the South 66 feet thereof, Block B, Hesse Subdivision No. 1 in the City of Rossville, Shawnee County, Kansas;

TRACT 2: A tract of land located in the West half of the Northeast Quarter of Section 34, Township 10 South, Range 13 East of the 6th P.M., in Shawnee County, Kansas, more particularly described as follows: Commencing at the Northwest corner of the Northeast Quarter of said Section 34; thence East coincident with the North line of said Quarter Section, 517.90 feet to the Northeast corner of Hesse Subdivision No. 1, City of Rossville, Kansas; said point being the point of beginning; thence continuing East coincident with the North line of said Quarter Section to the East line of the West half of said Northeast Quarter Section; thence South coincident with the said East line to the South line of the North half of the South half of the Northwest Quarter of said Northeast Quarter; thence West coincident with last said South line to the Southeast corner of Hesse Subdivision No. 1; thence North coincident with the East line of said Subdivision to the point of beginning;

Less the following:

Part of the Northwest Quarter of the Northeast Quarter of Section 34, Township 10 South, Range 13 East of the 6th P.M., Shawnee County, Kansas, described as follows: Beginning at the Southeast corner of said Lot 2, Block E, Hesse Subdivision No. 1 as platted in said Northeast Quarter; thence North 0 degrees 52 minutes 17 seconds West 125.12 feet along the East line of said Lot 2 to the Northeast corner thereof; thence North 89 degrees 07 minutes 43 seconds East 150.00 feet; thence South 0 degrees 52 minutes 17 seconds East 125.12 feet; thence South 89 degrees 07 minutes 43 seconds West, 150.00 feet to the point of beginning,

And Less:

Part of the Northwest Quarter of the Northeast Quarter of Section 34, Township 10 South, Range 13 East of the 6th P.M., Shawnee County, Kansas, described as follows: Beginning at the Northeast corner of Lot 2, Block E, Hesse Subdivision No. 1 as platted in said Northeast Quarter; thence North 0 degree 32 minutes 35 seconds West, 60.00 feet to the Southeast corner of Lot 1,

A tract of land described as follows: Commencing at the Southwest corner of the East half of said Quarter; thence North coincident with the West line of the East half of said Quarter, 264 feet to the point of beginning; thence continuing North coincident with last said course, 396.00 feet; thence East 165 feet; thence South 396 feet; thence West 165 feet to the point of beginning;
AND EXCEPT:

A tract of land described as follows: Commencing at the Southwest corner of the East half of said Quarter; thence North coincident with the West line of the East half of said Quarter, 660 feet to the point of beginning; thence continuing North coincident with last said course, 264 feet; thence East 165 feet; thence South 264 feet; thence West 165 feet to the point of beginning;
AND ALSO EXCEPT:

A tract of land described as follows: Commencing at the Southwest corner of the East half of said Quarter; thence East coincident with the South line of said Quarter, 165 feet to the point of beginning; thence North 264 feet parallel to the West line of said East half; thence East 12 feet; thence South 85 feet; thence East 120 feet; thence South 179 feet to the South line of said Quarter; thence West coincident with the South line of said Quarter 132 feet to the point of beginning;

AND ALSO EXCEPT:

A Tract of land described as follows: Commencing at the Southwest corner of said East half; thence East coincident with the South line of said Quarter, 297 feet to the point of beginning; thence North parallel to the West line of said East half, 179 feet; thence West parallel to the South line of said Quarter, 120 feet; thence North 85 feet; thence West 12 feet; thence North 46 feet; thence East 240 feet; thence South 310 feet; to the South line of said Quarter; thence West 108 feet coincident with the South line of said Quarter to the point of beginning;

AND ALSO EXCEPT:

A tract of land described as follows: Commencing at the Southwest corner of said East half; thence East coincident with the South line of said Quarter, 405 feet to the point of beginning; thence North parallel to the West line of said East half, 310 feet; thence East parallel to the South line of said Quarter, 140.00 feet; thence South 310 feet to the South line of said Quarter; thence West coincident with the South line of said Quarter, 140 feet to the point of beginning.



1320 Research Park Drive
Manhattan, Kansas 66502
Jackie McClaskey, Secretary

Phone: (785) 564-6700
Fax: (785) 564-6777
Email: ksag@kda.ks.gov
www.agriculture.ks.gov
Sam Brownback, Governor

December 11, 2014

SCOTT HESSE
8038 SW HUNTOON
TOPEKA KS 66615

RE: File No. 7238

Dear Sir or Madam:

An application for approval of the Chief Engineer to change the following condition or conditions of the file number referred to above has been received:

- place of use PU/PD
- point of diversion
- use made of water

As a matter of record, the Division of Water Resources has on hand a large number of applications awaiting processing. Therefore to be fair to all concerned, and so that we can process those applications on hand in the order they were received, we intend to concentrate on the backlog of applications until the issue is resolved. You will be contacted regarding this application as soon as it has been examined.

In accordance with the provisions of the Kansas Water Appropriation Act, a portion of which is included below, the use of water prior to approval of the application is unlawful. You should not proceed and divert water as indicated by your plans in your application for a change for this file until you receive approval for this change from the Chief Engineer. Once approved, compliance with the terms, conditions and limitations of the permit is necessary. Conservation of the water resources of Kansas is required.

Section 82a-728 of the Kansas Water Appropriation Act, provides (a) except for the appropriation of water for the purpose of domestic use, . . . it shall be unlawful for any person to appropriate or threaten to appropriate water from any source without first applying for and obtaining a permit to appropriate water in accordance with the provisions of the Water Appropriation Act or for any person to violate any condition of a vested right, appropriation right or an approved application for a permit to appropriate water for beneficial use.

(b) (1) The violation of any provision of this section by any person is a class C misdemeanor...

A class C misdemeanor is punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. Each day that the violation occurs constitutes a separate offense.

If you have any questions, please contact me at (785) 564-6645. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

Brent A Turney, L.G.
Change Applications Unit Supervisor
Water Appropriation Program

BAT: al
pc: Topeka Field Office

SCANNED

File No. _____

Any use of water that is not as authorized by the water right or permit to authorize water before the chief engineer approves this application is a violation of the Kansas Water Appropriation Act for which criminal or civil penalties may be assessed. Such violation is a class C misdemeanor, punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. K.S.A. 82a-728(b). Civil penalties shall be not less than \$100 nor more than \$1,000 per violation. In the case of a continuing violation, each day such violation continues may be deemed a separate violation. In addition to these penalties the water right may be modified or suspended. K.S.A. 82a-737, as amended.

The application must be signed by all owners of the place of use authorized under the water right and his or her spouse, if married. Please indicate if there is no spouse. If land is being purchased under contract, the seller must sign as landowner until such time as the contract is completed.

In the event that all applicants cannot appear before one notary public, they may as necessary sign separate copies of the application before any notary public conveniently available to them. All copies signed in this manner shall be considered to be valid parts of the application.

If the request is signed on behalf of any Owner by someone with legal authority to do so (for example, an agent, one who has power of attorney, or an executor, executrix, conservator), it will be necessary to attach proper documents showing such authority.

I declare that I am an owner of the currently authorized place of use as identified herein, or that I represent all such owners and am authorized to make this application on their behalf, and declare further that the statements contained herein are true, correct, and complete. By filing this application I authorize the chief engineer to permanently reduce the quantity of water and/or rate of diversion as specified in sections 14 and 15 of this application.

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

(Owner)

(Spouse)

(Please Print)

(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

State of Kansas)
County of _____) SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this _____ day of _____, 20_____.

Notary Public

My Commission Expires _____.

FEE SCHEDULE

Each application to change the place of use, the point of diversion or the use made of the water under this section shall be accompanied by the application fee set forth in the schedule below:

- (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
- (4) Application to change the use made of the water \$300

Make check payable to Kansas Department of Agriculture.

File No. _____

Any use of water that is not as authorized by the water right or permit to authorize water **before** the chief engineer approves this application is a violation of the Kansas Water Appropriation Act for which criminal or civil penalties may be assessed. Such violation is a class C misdemeanor, punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. K.S.A. 82a-728(b). Civil penalties shall be not less than \$100 nor more than \$1,000 per violation. In the case of a continuing violation, each day such violation continues may be deemed a separate violation. In addition to these penalties the water right may be modified or suspended. K.S.A. 82a-737, as amended.

The application must be signed by all owners of the place of use authorized under the water right and his or her spouse, if married. Please indicate if there is no spouse. If land is being purchased under contract, the seller must sign as landowner until such time as the contract is completed.

In the event that all applicants cannot appear before one notary public, they may as necessary sign separate copies of the application before any notary public conveniently available to them. All copies signed in this manner shall be considered to be valid parts of the application.

If the request is signed on behalf of any Owner by someone with legal authority to do so (for example, an agent, one who has power of attorney, or an executor, executrix, conservator), it will be necessary to attach proper documents showing such authority.

I declare that I am an owner of the currently authorized place of use as identified herein, or that I represent all such owners and am authorized to make this application on their behalf, and declare further that the statements contained herein are true, correct, and complete. By filing this application I authorize the chief engineer to permanently reduce the quantity of water and/or rate of diversion as specified in sections 14 and 15 of this application.

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

(Owner)

(Spouse)

(Please Print)

(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

State of Kansas)
County of _____) SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this _____ day of _____, 20_____.

Notary Public

My Commission Expires _____.

FEE SCHEDULE

Each application to change the place of use, the point of diversion or the use made of the water under this section shall be accompanied by the application fee set forth in the schedule below:

- (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
- (4) Application to change the use made of the water \$300

Make check payable to Kansas Department of Agriculture.

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

FILE NO. _____

MAKE ADDITIONAL COPIES AS NECESSARY

3. *Continued:* The presently authorized place of use is:

Owner of Land ---- NAME: _____
ADDRESS: _____

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES		
			NE¼	NW¼	SW¼	SE¼															

Owner of Land ---- NAME: _____
ADDRESS: _____

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES			
			NE¼	NW¼	SW¼	SE¼																

Owner of Land ---- NAME: _____
ADDRESS: _____

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES				
			NE¼	NW¼	SW¼	SE¼																	

4. *Continued:* 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: _____

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES					
			NE¼	NW¼	SW¼	SE¼																		

Owner of Land ---- NAME: _____
ADDRESS: _____

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES						
			NE¼	NW¼	SW¼	SE¼																			

Owner of Land ---- NAME: _____
ADDRESS: _____

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES							
			NE¼	NW¼	SW¼	SE¼																				

APPLICATION FOR APPROVAL TO CHANGE
THE PLACE OF USE AND/OR POINT OF DIVERSION
SUPPLEMENTAL SHEET
FILE NO. _____
MAKE ADDITIONAL COPIES AS NECESSARY

3. *Continued:* The presently authorized place of use is:

Owner of Land ---- NAME: _____
ADDRESS: _____

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES		
			NE¼	NW¼	SW¼	SE¼															

Owner of Land ---- NAME: _____
ADDRESS: _____

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES			
			NE¼	NW¼	SW¼	SE¼																

Owner of Land ---- NAME: _____
ADDRESS: _____

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES				
			NE¼	NW¼	SW¼	SE¼																	

4. *Continued:* 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: _____

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES					
			NE¼	NW¼	SW¼	SE¼																		

Owner of Land ---- NAME: _____
ADDRESS: _____

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES						
			NE¼	NW¼	SW¼	SE¼																			

Owner of Land ---- NAME: _____
ADDRESS: _____

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES							
			NE¼	NW¼	SW¼	SE¼																				