

# NOTICE

This scan only represents the application as filed. The information contained herein meets the requirements of K.A.R. 5-3-1 or K.A.R. 5-5-1, and has been found acceptable for filing in the office of the Chief Engineer. The application should not be considered to be a complete application as per K.A.R. 5-3-1b or K.A.R. 5-5-2a.

Submit To: CHIEF ENGINEER  
Division of Water Resources  
Kansas Department of Agriculture  
1320 Research Park Drive  
Manhattan, Kansas 66502  
http://agriculture.ks.gov/dwr

**APPLICATION FOR APPROVAL TO  
CHANGE THE PLACE OF USE, THE  
POINT OF DIVERSION OR THE USE  
MADE OF THE WATER UNDER AN  
EXISTING WATER RIGHT**



State of Kansas

*Filing Fee Must Accompany the Application  
(Please refer to Fee Schedule on signature page of application form.)*

Paragraph Nos. 1, 2, 3, 4 & 8 must be completed. Complete all other applicable portions. A topographic map or detailed plat showing the authorized and proposed points(s) of diversion and /or place of use must accompany this application.

1. Application is hereby made for approval of the Chief Engineer to change the

- Place of Use
- (Check one or more)  Point of Diversion
- Use Made of Water

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12:12

**KS DEPT OF AGRICULTURE**

File No. 28492

2. Name of applicant: DAIRY VENTURES

Address: 1187 ROAD B,

City, State and Zip: TRIBUNE KS 67879

Phone Number: ( 620 ) 629 5911 E-mail address: ron@jklcon.net

What is your relationship to the water right;  owner  tenant  agent  other? If other, please explain. \_\_\_\_\_

Name of water use correspondent: SAME

Address: \_\_\_\_\_

City, State and Zip: \_\_\_\_\_

Phone Number: ( \_\_\_\_\_ ) \_\_\_\_\_ E-mail address: \_\_\_\_\_

3. The change(s) proposed herein are desired for the following reasons (please be specific): \_\_\_\_\_

TO CHANGE THE PLACE OF USE AND USE MADE OF WATER TO STOCKWATER AND TO DAIRY FACILITY

The change(s) (was) (will be) completed by 2017

(Date)

For Office Use Only:															
F.O.	<u>Y</u>	GMD	<u>1</u>	Meets K.A.R. 5-5-1	(YES/NO)	Use	<u>IPP</u>	Source	<u>G/S</u>	County	<u>GL</u>	By	<u>ADW</u>	Date	<u>11/13/17</u>
Code	<u>C-2</u>	Fee \$	<u>500</u>	TR #		Receipt Date	<u>11/13/17</u>	Check #	<u>18063</u>						

11/15/17 ADW

4. The presently authorized place of use is:

Owner of Land — NAME: Ray Smith

ADDRESS: \_\_\_\_\_

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	
11	16	41W							34	10	35	40	40	40	5	27	40	34	305
14	16	41W									40	40							80

List any other water rights that cover this place of use. \_\_\_\_\_

Owner of Land — NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

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	

List any other water rights that cover this place of use. \_\_\_\_\_

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(If there are more than two landowners, attach additional sheets as necessary.)

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5. It is proposed that the place of use be changed to:

Owner of Land — NAME: DAIRY VENTURES

**KS DEPT OF AGRICULTURE**

ADDRESS: \_\_\_\_\_

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	
10	16	41W	STK	STK	STK	STK													

List any other water rights that cover this place of use. \_\_\_\_\_

Owner of Land — NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

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	

List any other water rights that cover this place of use. \_\_\_\_\_

**IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY**

6. The presently authorized point(s) of diversion (is) (are) ONE WELL  
(Provide description and number of points)

7. The proposed point(s) of diversion (is) (are) NO CHANGE  
(Provide description and number of points)

List all presently authorized point(s) of diversion:

8. **Presently authorized point of diversion:**  
 One in the NW Quarter of the SW Quarter of the SW Quarter of Section 11, Township 1.6 South, Range 41 W, in GL County, Kansas, 869 feet North 5240 feet West of Southeast corner of section.  
 Authorized Rate 1100 GPM Authorized Quantity 171 AF  
 (DWR use only: Computer ID No. 01 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 \_\_\_\_\_, in \_\_\_\_\_ County, Kansas, \_\_\_\_\_ feet North \_\_\_\_\_ feet West of Southeast corner of section.  
 Proposed Rate \_\_\_\_\_ Proposed Quantity \_\_\_\_\_  
 This point is:  Additional Well     Geo Center    List other water rights that will use this point \_\_\_\_\_

9. **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 \_\_\_\_\_  
 (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 \_\_\_\_\_  
 This point is:  Additional Well     Geo Center    List other water rights that will use this point \_\_\_\_\_

10. **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 \_\_\_\_\_  
 (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 \_\_\_\_\_  
 This point is:  Additional Well     Geo Center    List other water rights that will use this point \_\_\_\_\_

11. Describe the current condition of and future plans for any point(s) of diversion which will no longer be used.

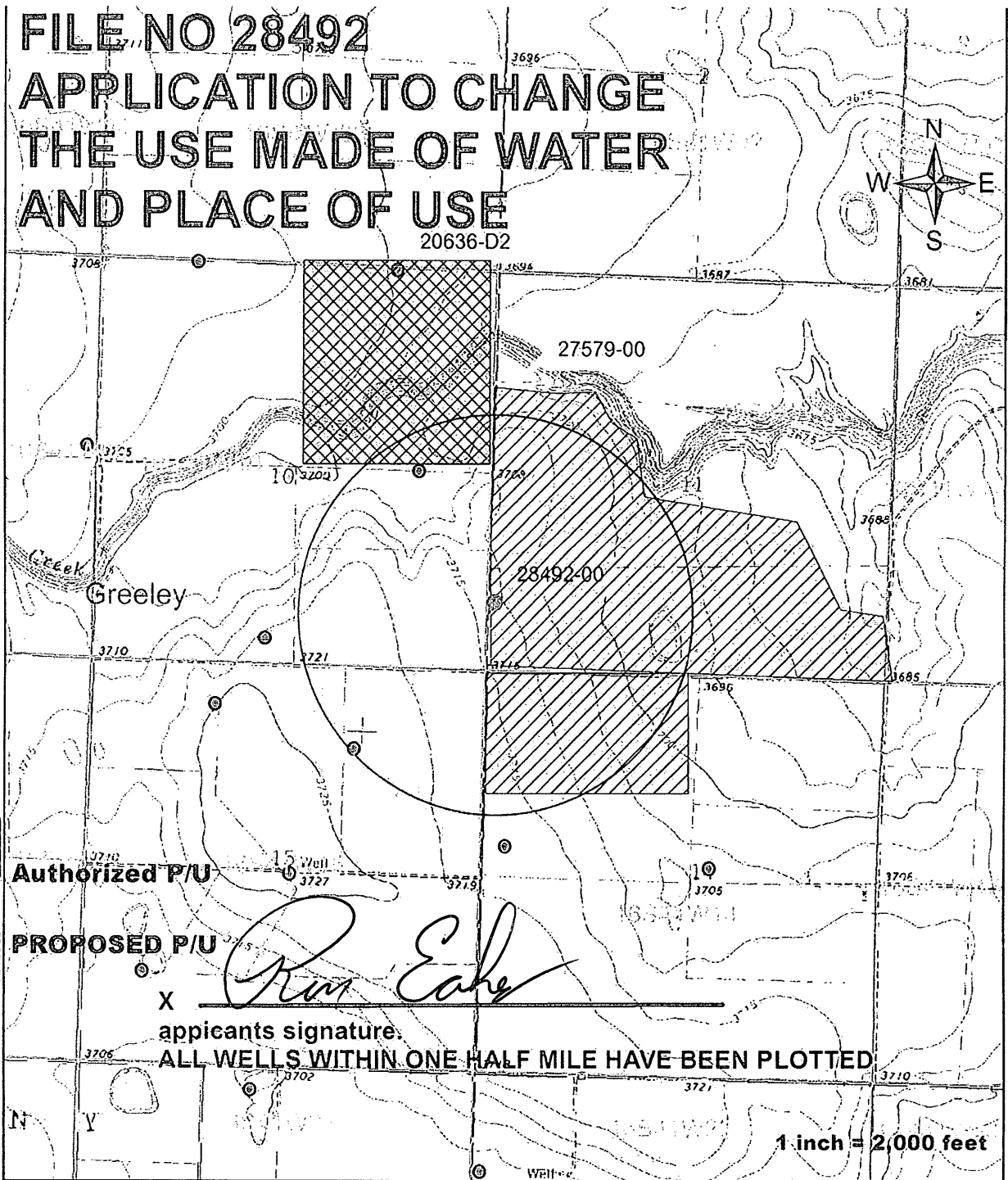
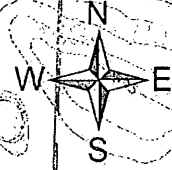
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IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

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# FILE NO 28492 APPLICATION TO CHANGE THE USE MADE OF WATER AND PLACE OF USE

20636-D2



Authorized P/U

PROPOSED P/U

X

applicant's signature

ALL WELLS WITHIN ONE HALF MILE HAVE BEEN PLOTTED

1 inch = 2,000 feet

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**STOCKWATER USE  
SUPPLEMENTAL SHEET**

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File No. \_\_\_\_\_

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Name of Applicant (Please Print): Dairy Ventures

1. Please indicate type of livestock (cattle, hogs, etc.): Dairy Cattle

2. Please complete the following table showing past and present water requirements:

**PAST NUMBER OF HEAD AND WATER DIVERTED, IF APPLICABLE**

LAST 5 YEARS	NUMBER OF HEAD	WATER DIVERTED (GALLONS)	GALLONS PER HEAD PER DAY
5 years ago	1449	25,265,000	47.7
Last year	2415	41,000,000	46.5
Present Year	2650	43,500,000	45.0

3. Please complete the following table showing estimated future water requirements:

**ESTIMATED FUTURE NUMBER OF HEAD AND WATER DIVERTED**

NEXT 5 YEARS	NUMBER OF HEAD	WATER TO BE DIVERTED (GALLONS)	GALLONS PER HEAD PER DAY
Year 1	3,500	53,000,000	41.5
Year 2	4,500	56,000,000	34
Year 3	6,000	61,000,000	27.8
Year 4	6,000	61,000,000	27.8
Year 5	6,000	61,000,000	27.8

Please attach any additional information, tables, or curves showing past, present and estimated future water requirements to substantiate the amount of water requested.

4. Please designate the legal description of the location where the water is to be used. Show in the space provided below the Section (S), Township (T), and Range (R), and the number of acres in each forty acre tract or fractional portion thereof.

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10	16	41	X	X	X	X													
			40	40	40	40													

5. Show quantities of water used and all associated water uses at the feedlot such as water used in feed mills, cooling of animals, washing, flushing of wastes, etc.:

**DRINKING**

3000 head of Milk Cows x 35 gallons/head (avg.) x 365 days = 33 Million gallons  
3000 head of Heifers x 10 gallons/head (avg.) x 365 days = 11 Million gallons  
 \_\_\_\_\_ head of \_\_\_\_\_ x \_\_\_\_\_ gallons/head (avg.) x \_\_\_\_\_ days = \_\_\_\_\_ gallons

**COOLING**

\_\_\_\_\_ gallons/hour x \_\_\_\_\_ hour/day x \_\_\_\_\_ days = \_\_\_\_\_ gallons

**SANITATION**

18.5 g.p.m. x 60 min/hr x 154 hr/wk x 52 wks/yr = 9,723,600 gallons

**OTHER USE** (Explain) \_\_\_\_\_ = \_\_\_\_\_ gallons

**TOTAL** ..... 54,000,000 gallons

6. Show location of present and future location of confinement pens on your attached maps or photographs.

7. Total feed bunk space for cattle or livestock is 11,575 linear feet.

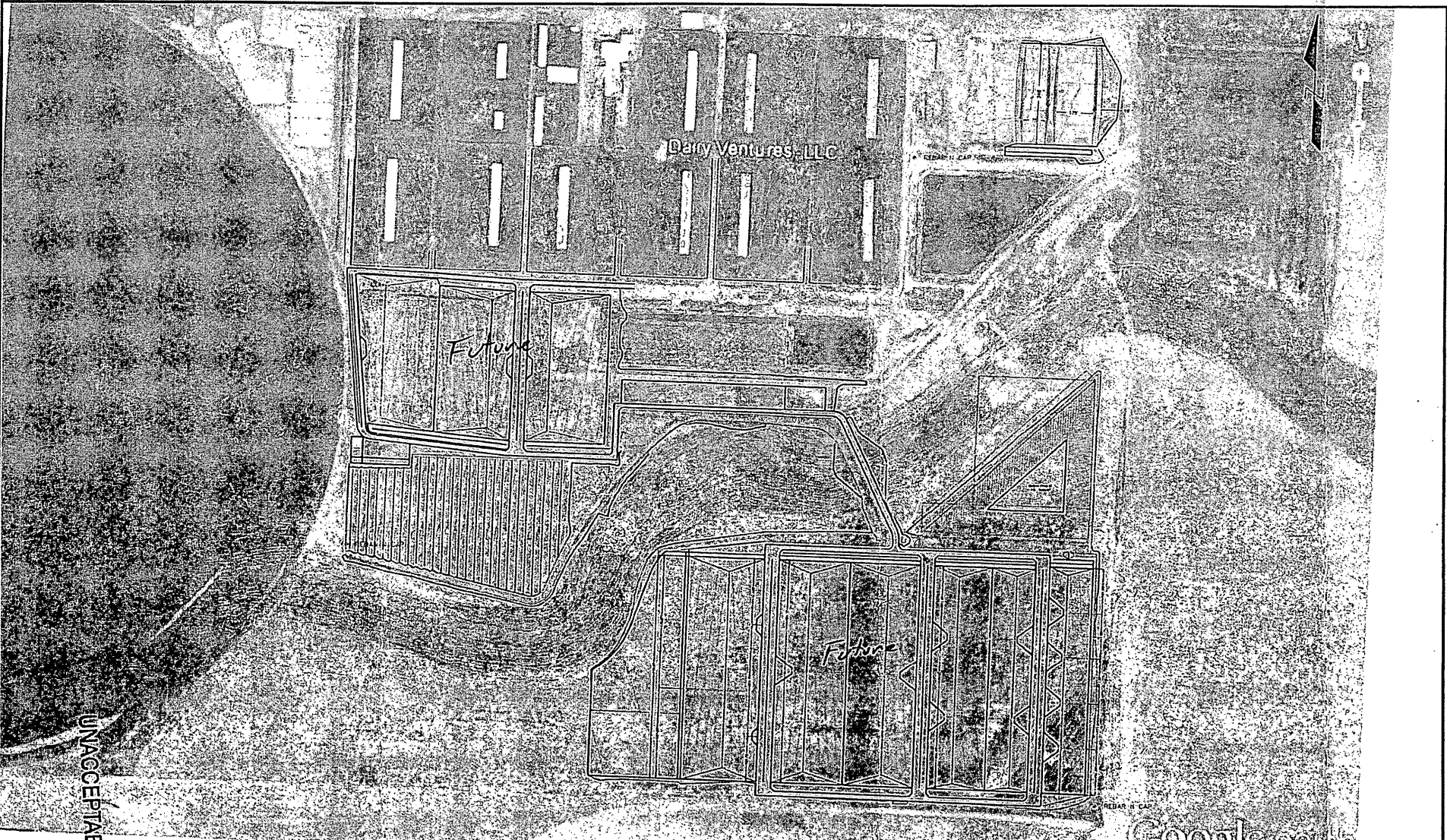
8. Total size of stock pens for confinement area of cattle, hogs, etc. is 2,417,500 square feet.

You may attach any additional information you believe will assist in informing the Division of Water Resources of the need for your request.

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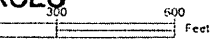
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Google earth

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REVISIONS		
#	DESCRIPTION	DATE
9	Decline, Holding Pond, Milk Cow Feed Line	09-29-16
10	Plan sheet revisions	09-29-16
11	Milk Cow West Feed line, Manure Storage, Compost bin	09-13-16

**WYNNE CONTRACTING**  
 EARTHWORK DESIGN SERVICES  
 GARRETT WYNNE  
 810 1ST AVENUE  
 BAYARD, NE 68334  
 WWW.WYNNECONTRACTING.COM

DRAWN BY	GLW
REVISION	11
SCALE	1" = 150'

SHEET TITLE	Overall Grading Plan	DATE	09-15-16
PROJECT & LOCATION	Dairy Ventures Rd B Troun, KS 67879	SHEET	02
OWNER INFORMATION	Dairy Ventures, LLC	OF	11

UNACCEPTABLE FOR PRIORITY

09-19-2017

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12. The presently authorized use of water is for IRR purposes.

It is proposed that the use be changed to 40 Acre FT for Stock Water purposes.

13. If changing the place of use and/or use made of water, describe how the consumptive use will not be increased.

KAR 5-5-9 AS APPROVED AND REVISED ON SEPTEMBER 22 2017

(Please show any calculations here.)

14. It is requested that the maximum annual quantity of water be reduced to 125 (40,731,375) (acre-feet or million gallons).

40 Acre for Livestock 13,034,040

15. It is requested that the maximum rate of diversion of water be reduced to -- gallons per minute (-- c.f.s.).

16. The application must include either a topographic map or detailed plat. A U.S. Geological Survey Topographic Map, scale 1:24,000, is available through the Kansas Geological Survey, 1930 Constant Avenue, University of Kansas, Lawrence, Kansas 66047-3726 ([www.usgs.gov](http://www.usgs.gov)). The map should show the location of the presently authorized point(s) of diversion. Distances North and West of the Southeast corner of the section must be shown. The presently authorized place of use should also be shown. Identify the center of the section, the section lines and the section corners and show the appropriate section, township, and range numbers on the map. In addition the following information must also be shown on the map.

a. If a change in the location of the point(s) of diversion is proposed, show:

- 1) The location of the proposed point(s) of diversion. Distances North and West of the Southeast corner of the section must be shown. Please be certain that the information shown on the map agrees with the information shown in Paragraph Nos. 9, 10 and 11 of the application.
- 2) If the source of supply is groundwater, please show the location of existing water wells of any kind, including domestic wells, within 1/2 mile of the proposed well or wells. Identify each well as to its use and furnish name and mailing address of the property owner or owners. If there are no wells within 1/2 mile, please indicate so on the map.
- 3) If the source of supply is surface water, the names and mailing addresses of all landowner(s) 1/2 mile downstream and 1/2 mile upstream from your property lines must be shown.

b. If a change in the place of use is desired, show the proposed place of use by crosshatching on the map. Please be certain that the information shown on the map agrees with the information shown in Paragraph No. 5 of the application.

17. Attach documentation to show the change(s) proposed herein will not impair existing water rights and relates to the same local source of supply as to which the water right relates. This information may include statements, plats, geology reports, well logs, test hole logs, and other information as necessary information to show the above. Additional comments may be made below.

no change is local source of supply

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18. If the proposed change(s) does not meet all applicable rules and regulations of the Kansas Water Appropriation Act, please identify the rules and regulations for which you request a waiver. State the reason why a waiver is needed and why the request should be granted. Attach documentation showing that granting the request will not impair existing water rights and will not prejudicially and unreasonably affect the public interest.

REQUEST WAIVER OF KAR 5-21-7 AS PER GMD1 BOARD RESOLUTION ON SEPTEMBER 14, 2017

**IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY**

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.

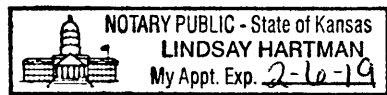
If the request is signed on behalf of any Owner by someone with legal authority to do so (for example, an agent, one who has power of attorney, or an executor, executrix, conservator), it will be necessary to attach proper documents showing such authority.

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\_\_\_\_\_.

<u>Ray Smith</u> (Owner)	_____	(Spouse)
<u>Ray P Smith</u> (Please Print)	_____	(Please Print)
_____	_____	(Spouse)
_____	_____	(Please Print)
_____	_____	(Spouse)
_____	_____	(Please Print)

State of Kansas }  
County of Wallace } SS



I hereby certify that the foregoing application was signed in my presence and sworn to before me this 19 day of October, 2017.

Lindsay Hartman  
Notary Public

My Commission Expires 2-6-19

**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.

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 OCT 24 2017  
 Garden City Field Office  
 KS DEPT OF AGRICULTURE Division of Water Resources

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Dated at Flying V - Sharon Springs, Kansas, this 9<sup>th</sup> day of Nov, 2017.

Ray P. Smith  
(Owner)

Ray Smith

(Please Print)

Kevin Johnson  
(Owner)

Kevin Johnson

(Please Print)

(Owner)

(Please Print)

(Spouse)

(Please Print)

Jessica Johnson  
(Spouse)

Jessica Johnson

(Please Print)

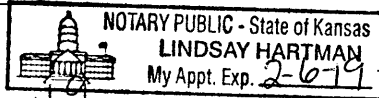
(Spouse)

(Please Print)

State of Kansas

County of Wallace } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 9<sup>th</sup> day of November, 2017



Lindsay Hartman  
Notary Public

My Commission Expires 2-6-19

**FEE SCHEDULE**

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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.

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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 Plains, Kansas, this 27 day of October, 2017.

Ron Eakes  
(Owner)

Widowed  
(Spouse)

Ron Eakes  
(Please Print)

(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

State of Kansas }  
County of MEADE } SS

TRESSA DE LA TORRE  
Notary Public - State of Kansas  
My Comm. Expires 7/7/20

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 27 day of October, 2017.

Tressa De La Torre  
Notary Public

My Commission Expires 7/7/20

**FEES 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:

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

Make check payable to Kansas Department of Agriculture.

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## Ron Eakes

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**From:** Meyer, Mike <Mike.Meyer@ks.gov>  
**Sent:** Friday, September 22, 2017 10:17 AM  
**To:** Ron Eakes  
**Subject:** RE: stock water permit  
**Attachments:** 20170922100755356.pdf

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**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

KS DEPT OF AGRICULTURE

Ron attached is the application, map, supplemental sheet. please review  
Please complete the supplemental sheet to document current and project use/needs to justify the quantity that is being proposed

A total of \$500 is required to process this application. You can make a check out to Kansas Department of Agriculture  
If you agree with the application and all contents please sign the map and indicate also any other water wells within one half mile of the irrigation well.

Then have the current landowner sign the application in the presence of a notary, attach copy of contract/deed. Ray will need to sign if you do not officially own this water right yet.

Send all contents and check to the address located in the top left hand corner of the application.

Let me know if you need anything else

What is your time frame of needing to pipe water?

thanks

Michael A. Meyer, L.G.  
Water Commissioner  
Kansas Department of Agriculture  
Division of Water Resources  
Garden City Field Office  
(620)-276-2901  
My email has changed: [mike.meyer@ks.gov](mailto:mike.meyer@ks.gov)  
<http://agriculture.ks.gov>

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**From:** Ron Eakes [<mailto:ron@jklcon.net>]  
**Sent:** Wednesday, September 20, 2017 5:25 PM  
**To:** Meyer, Mike <Mike.Meyer@ks.gov>  
**Subject:** stock water permit

Good Morning Mike

I have a signed contract on the property near the dairy, 11- 16-41. Water right # 28492

Can you Email the application to apply for stock water from this diversion point.

1320 Research Park Drive  
Manhattan, Kansas 66502  
(785) 564-6700



900 SW Jackson, Room 456  
Topeka, Kansas 66612  
(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

October 19, 2017

WATER RESOURCES  
RECEIVED

NOV 13 2017

KS DEPT OF AGRICULTURE

DAIRY VENTURES  
1187 ROAD B  
TRIBUNE KS 67879

Re: Unacceptable Application

Dear Sir or Madam:

Returned herewith is your Application for Approval to Change the Place of Use, the Point of Diversion or the Use Made of Water Under an Existing Water Right received by the Division of Water Resources on October 19, 2017 with Check No. 539 in the amount of \$300. This application is not acceptable for filing in its present form.

The required fee as stated on the enclosed fee schedule OR as stated on the bottom of the signature page of the application was incorrect. Therefore, we find it necessary to return the application to you. Upon submitting the application to this office with the required fee, it will be further examined and processed. Based on the information received, \$500 is needed for the filing fee.

In order to be acceptable for filing, change applications shall be signed by at least one owner of the water right, or a duly authorized agent of an owner. Prior to approval, change applications shall be signed by all of the water right owners, including their spouses, or a duly authorized agent of the owners of the right. Records in this office indicate that the landowner of the place of use for File No. 28,492 is Ray P Smith. If the property is held by a different party, please provide documentation in the form of a copy of the recorded deed. A blank signature page has been included for your convenience. Please be reminded that all signatures must be notarized, and photocopies or fax signatures are not acceptable.

Upon return of the acceptable application with required original signatures and information, it will be assigned a priority based upon the date and time it is received in the office of the Chief Engineer. If you have any questions, please contact me at (785) 564-6631 or [alex.whitesell@ks.gov](mailto:alex.whitesell@ks.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Alex Whitesell".

Alex Whitesell  
Environmental Scientist  
Water Appropriation Program

enclosure



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Jackie McClaskey, Secretary

Governor Sam Brownback

DAIRY VENTURES 11/15/17  
1187 ROAD B  
TRIBUNE, KS 67879

**FILE COPY**

RE: File No 28492

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/UMW
- 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 Tournay, L.G.  
Change Applications Unit Supervisor  
Water Appropriation Program

BAT: DLW  
pc: GARDEN CITY Field Office GMD1