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**



Filing Fee Must Accompany the Application

(Please refer to Fee Schedule on signature page of application form.)

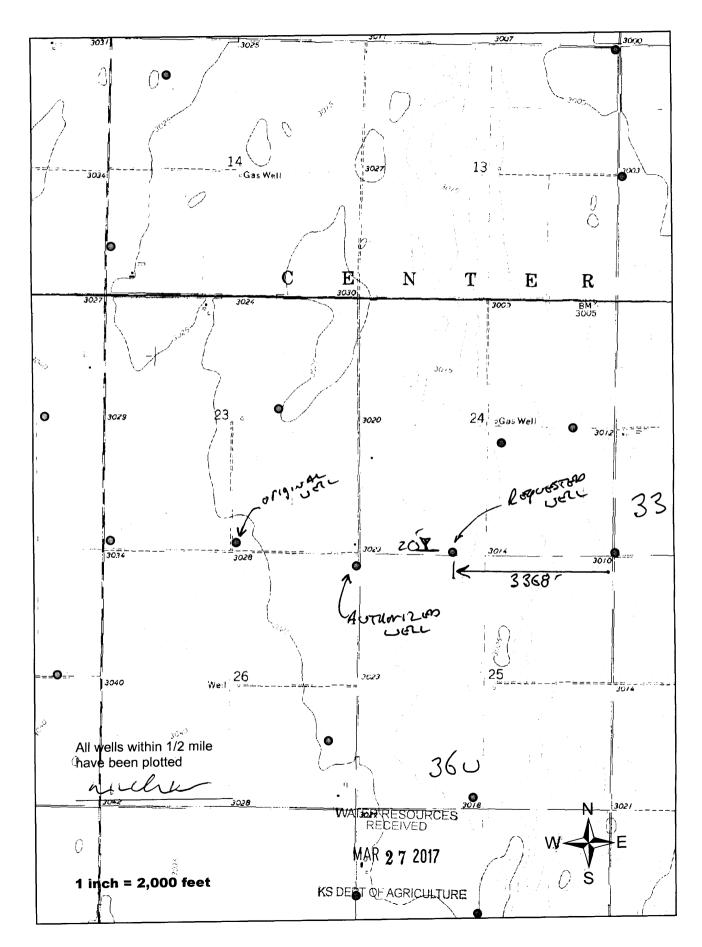
Paragraph Nos. 1, 2, 3, 4 & 8 must be completed. Complete all other applicable portions. A topographic map or detailed plat showing the authorized and proposed points(s) of diversion and /or place of use must accompany this application.

				14/47
1.	Application is hereby ma	nade for approval of the C	Chief Engineer to change the	WATER RESOURCES RECEIVED
		☐ Place of Use		MAR 2 7 2017
	(Check one or more)	☑ Point of Diversion		1:51
		☐ Use Made of Wate	er	KS DEPT OF AGRICULTURE
		File 1	No. 4699	
2.	Name of applicant: Milie	e Heger		
	Address: 1236 Road 21	1		
	City, State and Zip: <u>Huc</u>	goton KS 67951		
	Phone Number: <u>(620)5</u> 4	44-6892	E-mail address:	
	What is your relationship	ip to the water right; ⊠ o	wner tenant agent other?	? If other, please explain
	Name of water use corre	respondent: no change		
	Address:			
	City, State and Zip:			
	Phone Number: ()	E-mail address:	
3.	The change(s) proposed	ed herein are desired for t	he following reasons (please be specif	fic):
	to move this priority to a	another point of diversion		
	The change(s) (was) (w	vill be) completed by 201	7 (Date)	
		, .	(Date)	
Fo	or Office Use Only:			51/ - AND 24 3/11/17
F.C Co). <u>4</u> GMD <u>3</u> Meets de <u>(GT</u>	s K.A.R. 5-5-1 (YES / NU) Fee \$ <u>(</u>	Use <u>vrr</u> Source (G) S County _ TR # Receipt Date _	5V By A3W Date 3/24/17 3/27/17 Check # 382

DWR 1-120 (Revised 06/16/2014)

SCANNED

Assisted by: ______



					Fi	ile No. <u>4699</u>	
6	The presently authorize	zed naint(s) of div	version (is) (are)	one well			
0.	The presently authoriz	zea point(s) or an	reision (is) (are)	One wen	(Provide description and numb	er of points)	··
7.	The proposed point(s) of diversion (is)	(are) <u>one well</u>				
	Link all managedles and		- 		(Provide description and numb	er of points)	
	List all presently aut						
8.	Presently authorized	d point of diversi	<u>ion:</u>				
					Quarter of the		
	of Section		Township	33	South, Range	36	(E/W),
		•			48 feet West of S	outheast corne	r of section.
	Authorized Rate	Aut	horized Quantit	у			
	(DWR use only: Cor	nputer ID No		PS	feet North	feet We	st)
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	Proposed point of di	iversion: (Compl	lete only if cha	nge is requeste	d)		
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					3368 feet West of S		
	Proposed Rate						
					 ts that wi∥ use this point _		
				<u> </u>			·
9.	Presently authorized	l point of diversi	on:				
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	Authorized Rate						
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List any other water rights that cover this place of use.

				File No. <u>4699</u>
12.	Th	e pr	esently authorized use of water is for <u>irrigation</u>	purposes.
	lt i	s pro	posed that the use be changed to <u>na</u>	purposes.
13.			ging the place of use and/or use made of water, describe how the cons ease in consumptive use	
	_			
	(Ple	ease	show any calculations here.)	
14.	lt is	s rec	uested that the maximum annual quantity of water be reduced to na	(acre-feet or million gallons)
15.	It is	s rec	uested that the maximum rate of diversion of water be reduced to	gallons per minute (c.f.s.)
16.	1:2 Ka Dis	24,00 nsas stano ould	plication must include either a topographic map or detailed plat. A U.3 0, is available through the Kansas Geological Survey, 1930 Constate 66047-3726 (www.usgs.gov). The map should show the location of the section must be shown and West of the Southeast corner of the section must be shalso be shown. Identify the center of the section, the section lines and township, and range numbers on the map. In addition the following in the section is the section of the section of the section in the following in the section.	int Avenue, University of Kansas, Lawrence, the presently authorized point(s) of diversion nown. The presently authorized place of use the section corners and show the appropriate
	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 armust be shown. Please be certain that the information shown on the Paragraph Nos. 9, 10 and 11 of the application.	nd West of the Southeast corner of the section ne map agrees with the information shown in
		2)	If the source of supply is groundwater, please show the location of domestic wells, within $\frac{1}{2}$ mile of the proposed well or wells. Identify mailing address of the property owner or owners. If there are no wells	each well as to its use and furnish name and
		3)	If the source of supply is surface water, the names and mailing address and $\frac{1}{2}$ mile upstream from your property lines must be shown.	esses of all landowner(s) ½ mile downstream
	b.	If a	change in the place of use is desired, show the proposed place of utain that the information shown on the map agrees with the information	se by crosshatching on the map. Please be shown in Paragraph No. 5 of the application.
17.	loca wel	al so Il log	documentation to show the change(s) proposed herein will not impair urce of supply as to which the water right relates. This information may test hole logs, and other information as necessary information to shelow.	ay include statements, plats, geology reports,
	<u>wel</u>	l wit	nin 1 mile of the original and 1.2 mile from the last authorized	
	ider requ	ntify uest	oposed change(s) does not meet all applicable rules and regulations of the rules and regulations for which you request a waiver. State the is should be granted. Attach documentation showing that granting the reporejudicially and unreasonably affect the public interest.	reason why a waiver is needed and why the
	<u>na</u>		WATER REI	SOURCES
			MAR 2	7 ZU1/

File No.	4699	

Any use of water that is not as authorized by the water right or permit to authorize water <u>before</u> 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.

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Dated at		, Kansas, thi	s day of		, 20
(Own	ner)			(Spouse)	
(Please	Print)			(Please Print)	
(Own	er)			(Spouse)	
(Please	Print)			(Please Print)	
(Own	er)			(Spouse)	
(Please	Print)			(Please Print)	
State of Kansas County of) } SS				
I hereby certify that the fore, 20	going application wa	as signed in my	presence and sworn t	to before me this	day of
My Commission Expires		·		Notary Public	

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 N	lo. 4699	
	10. <u>1000</u>	

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.

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I declare that I am an owner of the currently authorized place of use a authorized to make this application on their behalf, and declare furth complete. By filing this application I authorize the chief engineer to be as specified in sections 14 and 15 of this application.	ner that the statements contained herein are true, correct, and
Dated at, Kansas, this	28 day of February, 20/7.
Jacquely Lewis	Mean & Sewis Jr.
Josephin D Lewis	DEAN E LEWIS JR.
(Please Print)	(Please Print)
Melie Hegel	
(Owner)	(Spouse)
Milie Heges Please Print)	(Please Print)
Qi lease i iiii)	(Fiedse Fifth)
(Owner)	(Spouse)
(Please Print)	(Ptpase Print)
State of Kansas County of State of Kansas State of Kansas	NUTARY PUBLIC - State of Kansàs KERI CLARIFUSIO My Comm. Expires
I bereby certify that the foregoing application was signed in my	presence and sworn to before me this 27 day of
- Flature 20 17 -	Levi Cearlo
My Commission Expires 128 19	Notary Public
FEE SCHEDU	<u>JLE</u>
Each application to change the place of use, the point of diversion or the use application fee set forth in the schedule below:	e made of the water under this section shall be accompanied by the
(1) Application to change a point of diversion 300 feet or less (2) Application to change a point of diversion more than 300 feet	\$200 \$200

			pate
File	No.	4699	

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attorney, or an executor, executrix	, conservator), it will be nec	essary to attach pro	per documents	snewng	such suthority.
I declare that I am an owner of authorized to make this applic complete. By filing this applica as specified in sections 14 and	lation on their behalf, and ation i authorize the chief (place of use as id declare further ti engineer to perma	entified herein, hat the statementity reduce t	or the enterso the que	I represent all such owners and am italined herein are true, correct, and titly of water and/or rate of diversion
Dated at McRhers	i	, Kansas, this	day of		March , 20 17.
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X CO EURIST 1 COW	her)	×	James	41	(Spouse)
·Kapolun Te	meuer	x	DANI		TEMEY ER
) (Please	Print)			(F	ease Print)
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(Ow	ner)				(Spouse)
	•				or the second
(Please	Print)			(F	ease Print)
State of Kansas	,				
County of McPherson	SS				
I hereby certify that the for	going application was sk	gned in my prese	nce and ewor	n 10 be	fore me this day of
, 20	300	PUBLIC-State of Kansas STIN HAWKINSON	1.10		
My Commission Expires		xp.02/20/2014	MAG Y	100	tary Public
		FEE SCHEDULE			
Each application to change the plant application fee set forth in the sch	ace of use, the point of diven edule below:	sion or the use med	le of the water u	nder th	section shall be accompanied by the
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		KS DE	EPT OF AGRIC	IIII ULTUR'	 aona

No.	4699		
	No.	No. 4699	No. 4699

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authorized to make this application on their behalf, and d	ace of use as identified herein, or that represent all such owners and am declare further that the statements contained herein are true, correct, and agineer to permanently reduce the quantity of water and/or rate of diversion
Dated at Salem	Minoris 28 day of February 2017.
J. D.	raisas, iriis tuay oi to tay oi to t
Tharon Torney	analy Formey
(Owner)	(Shouse)
(Please Print)	(Please Print)
(Owner)	(Spouse)
(Please Print)	(Please Print)
(Owner)	(Spouse)
(Please Print)	(Please Print)
TILIWOIS State of Kansas County of MARION SS	
I hereby certify that the foregoing application was sign	ned in my presence and swom to before me this $\frac{28t}{L}$ day of
<i>f</i>	Erma J. Bumgarker
My Commission Expires 3 - 10 - 18	Ndtary Public <i>∂</i>
E	FEE SCHEDULE
Each application to change the place of use, the point of diversic application fee set forth in the schedule below:	on or the use made of the water under this section shall be accompanied by the
(2) Application to change a point of diversion more than	or less
Make check payable to Kansas Department of Agriculture.	
	WATER RESOURCES RECEIVED

MAR 2 7 2017

KS DEPT OF AGRICULTURE

OFFICIAL SEAL
ERMA L. BUMGARNER
Notary Public, State of Illinois
My Commission Expires 03-10-2018

=:	1	Δ	4699
Г١		INO.	4033

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Dated at Hugoton	, Kansas, this	20 th day o	1 March	, 20
Marlin Heger MARIN Heger (Please Print)	<i>!</i>			
(Owner) U			(Spouse)	
(Please Print)	ek;		(Please Print)	
(Owner)			(Spouse)	
(Please Print)			(Please Print)	
(Owner)			(Spouse)	
(Please Print)			(Please Print)	
State of Kansas County of Stevens	To Amaria	YVONNE R. JACKSON My Appointment Expire June 11, 2018	s	20.14
Hereby certify that the foregoing application of the control of th	on was signed in my	presence and swo	orn to before me this 🚄	day of
My Commission Expires June 11, 20	18	Yvona	Motary Public	γ
	FEE SCHED	<u>JLE</u>		
Each application to change the place of use, the p application fee set forth in the schedule below:	oint of diversion or the use	e made of the water	under this section shall be	accompanied by the
 (1) Application to change a point of diversity (2) Application to change a point of diversity (3) Application to change the place of use (4) Application to change the use made of 	sion more than 300 feet e			\$200 \$200
Make check payable to Kansas Department of Ag		REC	CEIVED	

File No. 46	6	9	ć
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Dated at, Kansas, t	this 20 day of March , 20 17
_ Shew	Que Hear
(Owner)	(Spouse)
Kuk Heger	Elise Heger
(Owner) Kirk Hae (Please Print)	(Please Print)
(Owner)	(Spouse)
(Please Print)	(Please Print)
(Owner)	(Spouse)
(Please Print)	(Please Print)
State of Kansas County of Stevens I hereby certify that the foregoing application was signed in tree.	YVONNE R. JACKSON My Appointment Expires June 11, 2018 The presence of the pr
My Commission Expires June 11,2018	Motary Public
My Continussion Expires VATE 117201	
FEE SCH	<u>EDULE</u>
Each application to change the place of use, the point of diversion or the application fee set forth in the schedule below:	use made of the water under this section shall be accompanied by the
 (1) Application to change a point of diversion 300 feet or less. (2) Application to change a point of diversion more than 300 fee (3) Application to change the place of use (4) Application to change the use made of the water 	\$200 \$200 \$300
Make check payable to Kansas Department of Agriculture.	W ATER RESOUR CES RECEIVED

File No. 4699	
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Detect of Machine 12 and 13 of this application.	22nd day of Fbruary, 2017
Dated at NICITION, Kansas, this (Owner)	x Daniel Temeyer (Spouse)
Kurolya Temeyer	Maniel Temeyer
(Please Print)	(Please Print)
(Owner)	(Spouse)
(Please Print)	(Please Prir
(Owner)	(Spouse)
(Please Print)	(Please Pri
State of Kansas County of	
bereby certify that the foregoing application was signed in my	presence and sworn to before me this 22md day of
My Commission Expires 7.11. 2018 LAURA L. WILLEMS	Jaura J. Willem
Es anticomposition of the Control of	N-MF
FEE SCHED	NULE

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	٠.,٩	200
(3)	Application to change the place of use	٠.,٩	200
(4)	Application to change the use made of the water	7	SUL

Make check payable to Kansas Department of Agriculture.

WATER RESOURCES RECEIVED

Crop Quest 620 353 3002

WAIVER OF SPACING REGULATION CONSENT TO CHANGE OF POINT OF DIVERSION

In the Matter of the Application to Change the Authorized Point of Diversion of Appropriation Water Right File No. 4,699

Sharon Forney and her husband, Don Forney, Jacquelyn Lewis and her husband, Dean Lewis, Karolyn Temeyer and her husband, Daniel Temeyer, and Millie Heger, an unmarried individual, are collectively referred to as the "J & T Heirs." J & T Heirs are the owners of water right file no. 20,164. The authorized point of diversion of water right file no. 20,164 is a well located approximately 20 feet north and 3,368 feet west of the southeast corner of Section 24-33S-36W in Stevens County, Kansas ("J & T Heirs' Well"). Water right file no. 20,164 is authorized to divert 576 acre-feet per calendar year for irrigation from J & T Heirs' Well.

J & T Heirs also have an interest in water right file no. 4,699, currently authorized to divert 365 acre-feet per calendar year from a well located in the SW¼ SW½ SE½ of Section 23-33S-36W in Stevens County, Kansas. J & T Heirs have filed an application to change the location of the authorized point of diversion of water right file no. 4,699 to a well currently authorized under water right file no's. 10,189 and 15,570, referred to as the "Proposed Well." The Proposed Well is located in the NE¼ NE¼ NE¼ of Section 26-33S-36W in Stevens County, Kansas, 5,040 feet north and 48 feet west of the southeast corner of Section 26.

CONSENT TO PROPOSED CHANGE UNDER WATER RIGHT FILE NO. 4,699:

The Proposed Well is located approximately 1,977 feet away from J & T Heirs' Well. J & T Heirs understand the required spacing from the Proposed Well under File No. 4,699 to any other well is 2,300 feet. J & T Heirs consent to the proposed change of the location of the point of diversion under File No. 4,699 to the Proposed Well and waive any claim for impairment between water right file no. 20,164 and water right file no. 4.699 that may occur as a result of an approved change in the location of the authorized point of diversion under water right file no. 4,699.

SIGNED:

Willie Heger

Macquellyn I ewis

Helen & Junio

WATER RESOURCES RECEIVED

MAR 2 7 2017

KS DEPT OF AGRICULTURE

Joel Heppell Crop Quest 620 353 3002

Page 2 of 4
Waiver of Spacing Regulation
Consent to Change of Point of Diversion

STATE OF KANSAS, STEVENS COUNTY, ss:

acknowledged before me on the unmarried individual.	day of March, 2017, by Millie Heger, an
NOTARY PUBLIC	
My Appointment Expires:	NOTARY PUBLIC - State of Kansas KERI CLARK/2/01/9 My Comm. Expires
STATE OF KANSAS, STEVENS	S COUNTY, ss:
The foregoing Waiver of Spacing acknowledged before me on the _husband. Dean Lewis.	Regulation and Consent to Change of Point of Diversion was day of, 2017, by Jacquelyn Lewis and her

NOTARY PUBLIC

My Appointment Expires:

NOTARY PUBLIC - State of Kansas

KERI CLARK
My Comm. Expires

WATER RESOURCES RECEIVED

MAR 2 7 2017

KS DEPT OF AGRICULTURE

Page 3 of 4
Waiver of Spacing Regulation
Consent to Change of Point of Diversion

Sharon Forney

Don Forney

STATE OF ILLINOIS, MARION COUNTY, ss:

NOTARY PUBLIC

My Appointment Expires: 3-10-2018

OFFICIAL SEAL
ERMA L. BUMGARNER
Notary Public, State of Illinois
My Commission Expires 03-10-2018

WATER RESOURCES RECEIVED

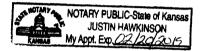
Karolin	Temeyer	Doniel	Lunger
Karolyn Temeyer		Daniel Temeyer	S

STATE OF KANSAS, MCPHERSON COUNTY, ss:

The foregoing Waiver of Spacing Regulation and Consent to Change of Point of Diversion was acknowledged before me on the husband, Daniel Temeyer.

NOTARY PUBLIC

My Appointment Expires: 02/20/2014



WATER RESOURCES RECEIVED

MAR 2 7 2017

KS DEPT OF AGRICULTURE

Kansas Department of Agriculture / Division of Water Resources <u>Garden City</u> Field Office

TO: HEADQUARTERS - BONT TURNEY
RE
File No(s). 4699 County SV
Enclosed are the following checked items:
A FIR
☐ A Compliance Check Inspection on ☐ Meter Install ☐ New App ☐ Chg App ☐ Other ☐ In Compliance ☐ Not in Compliance, why ☐ Modify Point of Diversion ☐ No ☐ Yes, document attached ☐ Indicate all overlapping p/d files
An application and judgment sheet with recommendation. WATER RESOURCE
A memorandum dated
☐ A memorandum dated
☐ A closure request.
A field investigation report.
☐ Notice of Non-Compliance☐ An ownership change (name(s) and address(es) below).
A water use report for
A letter dated
A copy of an <u>Approval</u> to Change the _ place of use and/or _ point of diversion, _ Filing Fee attached.
An Advanced copy of a change application and the filing fee, to be processed at the field office.
An original field office change <u>application</u> and the filing fee needing headquarters office review and further processing.
Other: CZ CHANGE
SIGNATURE FOR CI CHANGE
L'AWER CONSONT AGREEMONT
TPM 3/21/17
Water Commissioner Date

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

March 30, 2017

FILE COPY

MILIE HEGER 1236 ROAD 21 HUGOTON, KS 67951

RE: File No. 4699

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 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: dlw

pc: GARDEN CITY Field Office GMD 3