

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.

**Water Resources
Received
FEB 20 2018
1:40
KS Dept Of Agriculture**

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

File No. 45295

2. Name of applicant: HIGH PLAINS PONDEROSA DAIRY LLC

Address: 2042 V RD

City, State and Zip: PLAINS KS 67869

Phone Number: () _____ E-mail address: _____

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

Name of water use correspondent: PARITY INVESTMENTS INC

Address: 303 MAIN

City, State and Zip: KISMET KS 67859

Phone Number: (650)563- 7264 E-mail address: rock@swac.co

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

Relocation of existing pivot to accommodate stockwatering expansion.

The change(s) (was) (will be) completed by 2018

(Date)

For Office Use Only:

F.O. 4 GMD 3 Meets K.A.R. 5-5-1 (YES) Use IRF Source G S County SW By AMW Date 2/20/18
Code CPU Fee \$ 200 TR # _____ Receipt Date 2/20/18 Check # 44186

2/28/2018 UM

4. The presently authorized place of use is:

Owner of Land — NAME: PARITY INVESTMENTS INC

ADDRESS: 303 MAIN, KISMET KS 67859

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	
31	33	30W					30.75	Lot 1 30.75	Lot 2 30.75	30.75	30.75								123.0
23	33	31W										32.50	32.50	32.50	32.50	32.50	32.50	32.50	260.0
24	33	31W					30.75	30.75	30.75	30.75									123.0
25	33	31W										30.75	30.75	30.75	30.75				123.0
34	33	31W					27.50	27.50	27.50	27.50									110.0
35	33	31W	30.75	30.75	30.75	30.75	30.75	30.75	30.75	30.75									246.0
36	33	31W	30.75	30.75	30.75	30.75													123.0

List any other water rights that cover this place of use. 22306 26247 40445 41192 41578 41579 41580 41581 42084 42110 42708 43082 43105 43220 43333 43635 43880 44248 44945 44946

Owner of Land — NAME: SOUTHWEST AGRI-CENTER INC.

ADDRESS: 303 MAIN, KISMET KS 67859

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		
27	33	31W	31.50	31.50	31.50	31.50						31.25	31.25	31.25	31.25	31.25	31.25	31.25	376.0	
28	33	31W														24.0	24.0	35.0	35.0	118.0
33	33	31W	33.0	33.0	30.5	30.5													127.0	

List any other water rights that cover this place of use. 22306 26247 40445 41192 41578 41579 41580 41581 42084 42110 42708 43082 43105 43220 43333 43635 43880 44248 44945 44946

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

Owner of Land — NAME: PARITY INVESTMENTS INC

ADDRESS: 303 MAIN, KISMET KS 67859

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	
31	33	30W					30.75	Lot 1 30.75	Lot 2 30.75	30.75									123.0
23	33	31W										32.50	32.50	32.50	32.50	32.50	32.50	32.50	260.0
24	33	31W					30.75	30.75	30.75	30.75									123.0
25	33	31W										30.75	30.75	30.75	30.75				123.0
34	33	31W					27.50	27.50	27.50	27.50									110.0
35	33	31W	30.75	30.75	30.75	30.75	30.75	30.75	30.75	30.75									246.0
36	33	31W	30.75	30.75	30.75	30.75													123.0

List any other water rights that cover this place of use. 22306 26247 40445 41192 41578 41579 41580 41581 42084 42110 42708 43082 43105 43220 43333 43635 43880 44248 44945 44946

SEE ADDITIONAL LISTINGS ON SUPPLEMENTAL SHEET

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- 6. The presently authorized point(s) of diversion (is) (are) AS AUTHORIZED, NO CHANGE
(Provide description and number of points)
- 7. The proposed point(s) of diversion (is) (are) _____
(Provide description and number of points)

List all presently authorized point(s) of diversion:

8. **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 _____

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

12. The presently authorized use of water is for NO CHANGE purposes.
 It is proposed that the use be changed to _____ purposes.
13. If changing the place of use and/or use made of water, describe how the consumptive use will not be increased.
RIGHTS HAVE DEVELOPED 3315 BASE ACRES AT THE TIME OF FILLING. THE REQUESTED APPLICATIONS
TO CHANGE THE PLACE OF USE WILL AUTHORIZED 3300 ACRES, SO THE REQUESTED CHANGES COMPLY WITH
KAR 5-5-11, APPLICATIONS FOR CHANGE IN PLACE OF USE FOR IRRIGATION PURPOSES.
-
-

(Please show any calculations here.)

14. It is requested that the maximum annual quantity of water be reduced to _____ (acre-feet or million gallons).
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). 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 WELLS WILL BE MOVING AND THERE WILL BE NO INCREASE IN IRRIGATED ACRES BEYOND THE
CURRENTLY AUTHORIZED.

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

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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 Plains, Kansas, this 5th day of February, 20 18.

<u>David Clawson</u> (Owner)	_____	(Spouse)
<u>David Clawson</u> (Please Print)	_____	(Please Print)
<u>Rock Ormiston</u> (Owner)	_____	(Spouse)
<u>ROCK ORMISTON</u> (Please Print)	_____	(Please Print)
_____	_____	(Spouse)
_____	_____	(Please Print)

State of Kansas }
County of Meads } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 5th day of February, 20 18.

My Commission Expires 5-19-2020  Ryan Reimer
Notary Public

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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KS Dept Of Agriculture**

APPLICATION FOR APPROVAL TO CHANGE
THE PLACE OF USE AND/OR POINT OF DIVERSION
SUPPLEMENTAL SHEET
FILE NO. 45,295
MAKE ADDITIONAL COPIES AS NECESSARY

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

Owner of Land ---- NAME: a) ROCK & STEPHANIE ORMISTON II b) SOUTHWEST AGRI-CENTER INC.
ADDRESS: a) PO BOX 43, KISMET KS 67859 b) 303 MAIN, KISMET KS 67859

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	
24	33	31W	18.00	12.00	31.00	31.00													92.0

List any other water rights that cover this place of use. 22306 26247 40445 41192 41578 41579 41580 41581 42084 42110 42708 43082 43105 43220 43333 43635 43880 44248 44945 44946

Owner of Land ---- NAME: a) ORMISTON TRUST OF 1992 b) ORMISTON DESCENDANTS TRUST
ADDRESS: a) 303 MAIN ST KISMET KS 67859 b) SAME AS a)

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	
13	33	31W					32.50	32.50	32.50	32.50					14.50	34.00	40.00	34.0	252.0

List any other water rights that cover this place of use. 22306 26247 40445 41192 41578 41579 41580 41581 42084 42110 42708 43082 43105 43220 43333 43635 43880 44248 44945 44946

Owner of Land ---- NAME: ROCK & STEPHANIE ORMISTON II
ADDRESS: PO BOX 43, KISMET KS 67859

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	
13	33	31W													34.00	14.50	34.00	40.00	122.5

List any other water rights that cover this place of use. 22306 26247 40445 41192 41578 41579 41580 41581 42084 42110 42708 43082 43105 43220 43333 43635 43880 44248 44945 44946

Owner of Land ---- NAME: a) OLETA A LEPPER ESTATE & ZITA BOND – DPOA b) CARL RAY & ZITA BOND
ADDRESS: a) PO BOX 265, GIRARD KS 66743 b) SAME AS a)

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	
34	33	31W	30.75	30.75	30.75	30.75													123.0

List any other water rights that cover this place of use. 22306 26247 40445 41192 41578 41579 41580 41581 42084 42110 42708 43082 43105 43220 43333 43635 43880 44248 44945 44946

Owner of Land ---- NAME: HIGH PLAINS PONDEROSA DAIRY LLC
ADDRESS: 2042 V RD, PLAINS KS 67869

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	
18	33	30W																	122.0
19	33	30W	14.50	34.00	40.00	34.00	34.00	Lot 1 14.50	Lot 2 34.00	40.00	40.00	34.00	14.50	34.00	34.00	40.00	34.00	14.50	490.0
30	33	30W					30.75	Lot 1 30.75	Lot 2 30.75	30.75									123.0
31	33	30W									30.75	30.75	30.75	30.75					123.0
35	33	31W									30.75	30.75	30.75	30.75					123.0

List any other water rights that cover this place of use. 22306 26247 40445 41192 41578 41579 41580 41581 42084 42110 42708 43082 43105 43220 43333 43635 43880 44248 44945 44946

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File No. 45295

5. 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: SOUTHWEST AGRI-CENTER INC
 ADDRESS: 303 MAIN, KISMET KS 67859

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	
27	33	31W	31.50	31.50	31.50	31.50					31.50	31.50	31.50	31.50	31.50	31.50	31.50	31.50	376.0
28	33	31W													24.0	24.0	35.0	35.0	118.0
33	33	31W	33.0	33.0	30.5	30.5													127.0

List any other water rights that cover this place of use. 22306 26247 40445 41192 41578 41579 41580 41581 42084 42110 42708 43082 43105 43220 43333 43635 43880 44248 44945 44946

Owner of Land ----NAME: a) ROCK & STEPHANIE ORMISTON II b) SOUTHWEST AGRI-CENTER INC.
 ADDRESS: a) PO BOX 43, KISMET KS 67859 b) 303 MAIN, KISMET KS 67859

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	
24	33	31W	18.00	12.00	31.00	31.00													92.0

List any other water rights that cover this place of use. 22306 26247 40445 41192 41578 41579 41580 41581 42084 42110 42708 43082 43105 43220 43333 43635 43880 44248 44945 44946

Owner of Land ---- NAME: a) ORMISTON TRUST OF 1992 b) ORMISTON DESCENDANTS TRUST
 ADDRESS: a) 303 MAIN ST KISMET KS 67859 b) SAME AS a)

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	
13	33	31W					32.50	32.50	32.50	32.50					14.50	34.00	40.00	34.0	252.0

List any other water rights that cover this place of use. 22306 26247 40445 41192 41578 41579 41580 41581 42084 42110 42708 43082 43105 43220 43333 43635 43880 44248 44945 44946

Owner of Land ---- NAME: a) ROCK & STEPHANIE ORMISTON II
 ADDRESS: 303 MAIN ST KISMET KS 67859

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	
13	33	31W													34.00	14.50	34.00	40.00	122.5

List any other water rights that cover this place of use. 22306 26247 40445 41192 41578 41579 41580 41581 42084 42110 42708 43082 43105 43220 43333 43635 43880 44248 44945 44946

Owner of Land ---- NAME: a) OLETA A LEPPER ESTATE & ZITA BOND - DPOA b) CARL RAY & ZITA BOND
 ADDRESS: a) PO BOX 265, GIRARD KS 66743 b) SAME AS a)

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	
34	33	31W	30.75	30.75	30.75	30.75													123.0

List any other water rights that cover this place of use. 22306 26247 40445 41192 41578 41579 41580 41581 42084 42110 42708 43082 43105 43220 43333 43635 43880 44248 44945 44946

Owner of Land ---- NAME: HIGH PLAINS PONDEROSA DAIRY LLC
 ADDRESS: 2042 V RD, PLAINS KS 67869



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	
7	33	30W													40.00	38.22	21.38	22.40	122.0
19	33	30W	14.50	34.00	40.00	34.00	34.00	Lot 1 14.50	Lot 2 34.00	40.00	40.00	34.00	14.50	34.00	34.00	40.00	34.00	14.50	490.0
30	33	30W					30.75	Lot 1 30.75	Lot 2 30.75	30.75	30.75								123.0
31	33	30W									30.75	30.75	30.75	30.75					123.0
35	33	31W									30.75	30.75	30.75	30.75					123.0

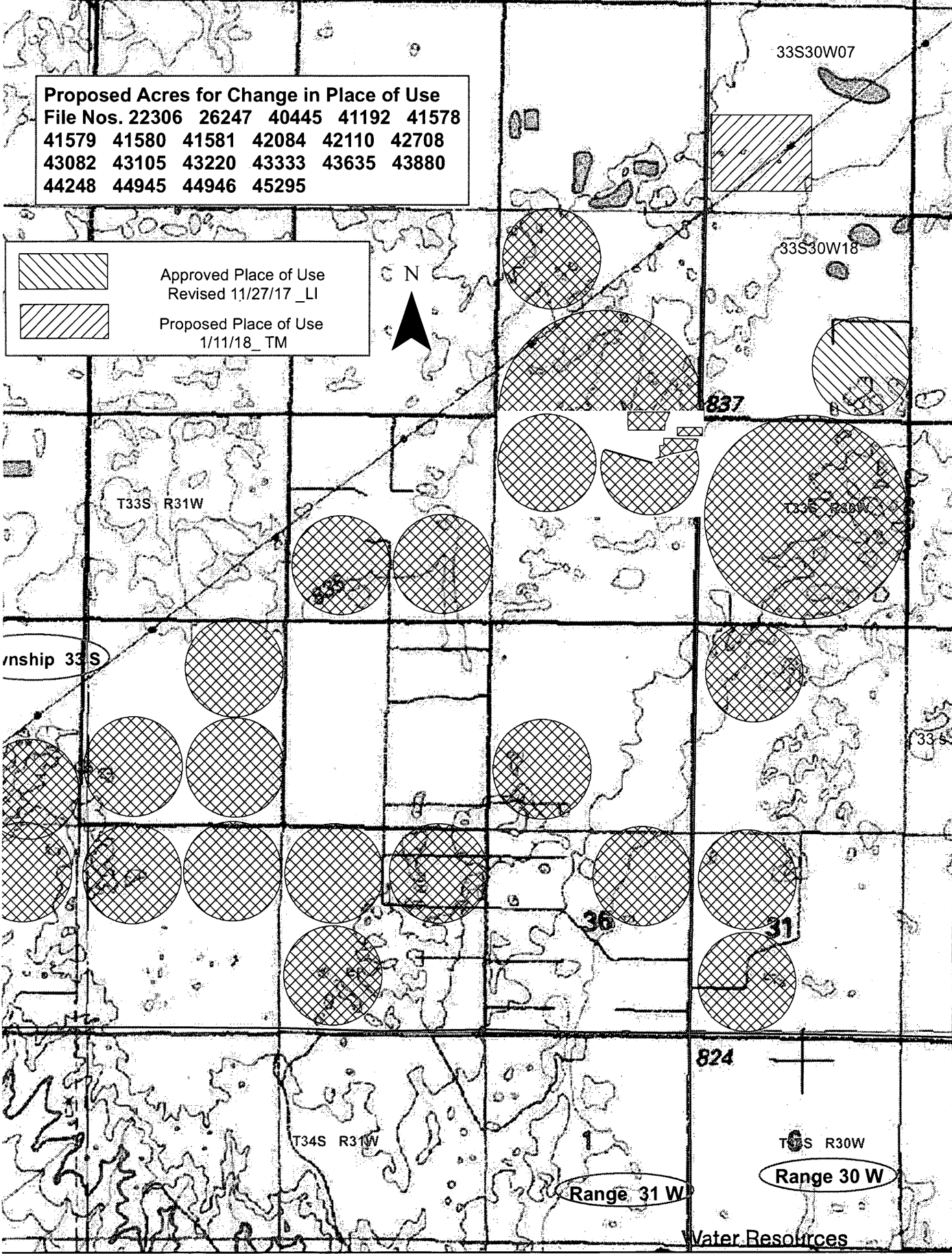
List any other water rights that cover this place of use. 22306 26247 40445 41192 41578 41579 41580 41581 42084 42110 42708 43082 43105 43220 43333 43635 43880 44248 44945 44946

Water Resources
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Proposed Acres for Change in Place of Use
 File Nos. 22306 26247 40445 41192 41578
 41579 41580 41581 42084 42110 42708
 43082 43105 43220 43333 43635 43880
 44248 44945 44946 45295

 Approved Place of Use
 Revised 11/27/17_LI
 Proposed Place of Use
 1/11/18_TM



Water Resources

Received

FEB 20 2018

KS Dept Of Agriculture

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



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

Secretary Jackie McClaskey

Governor Jeff Colyer, M.D.

HIGH PLAINS PONDEROSA DAIRY, LLC
2042 V RD
PLAINS , KS 67869

February 28, 2018

RE: File No 45295

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
- 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,

A handwritten signature in cursive script that reads "Brent A. Tourney".

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

BAT: DLW
pc: GARDEN CITY Field Office GMD3