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 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.

WATER RESOURCES
RECEIVED

2: 30pm MAR 0 1 2021 File No. 42.025 Application is hereby made for approval of the Chief Engineer to change the (check one or both): RICULTURGarden City Field Office Division of Water Resources Point of Diversion Place of Use 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 Name and address of Applicant: Kevin Viestenz, Viestenz Family Farms LLC,_ 8903 W 149th St. Overland Park. KS 66221-9365 Email address: kvhpd@earthlink.net Phone Number: (316) 655-5331 Name and address of Water Use Correspondent: Same as applicant Phone Number: (____) Email address: The presently authorized place of use is: Owner of Land --- NAME: Viestenz Family Farms LLC ADDRESS: 8903 W 149th St. Overland Park. KS 66221-9365 (If there is more than one landowner, attach supplemental sheets as necessary.) SW1/4 SE1/4 NE1/4 NW1/4 TOTAL ACRES NW SW SW NW SW Rang NE1/4 SE1/4 NE1/4 SE1/4 NE1/4 SE1/4 NF1/4 SF1/ Sec. Twp. 22.5 30 30 30 224 35s 39w 30 30 21.5 30 11 106 15 26.5 26.5 26.5 26.5 35s 39w 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: Viestenz Family Farms LLC ADDRESS: 8903 W 149th St. Overland Park, KS 66221-9365 PU update by owner via M. Meyer email (If there is more than one landowner, attach supplemental sheets as necessary.) 3/1/2021 to meet KAR 5-5-11 li/dwr SW1/4 SE1/4 NE1/4 NW1/4 TOTAL Rang NW SW SW NE1/4 SE1/4 NF1/ NE1/4 SE1/4 Twp. NE1/4 SF1/4 SF1/4 1/4 120 114 28 <u>5</u> 30 30 28.5 28,5 305 2 35s 39w 11 35 39w 30 30 30 30 120 26.5 26.5 26.5 106 15 26.5 35s 39w 3/4/2021

DVVK 1-121 (Revised 09/11/2019)

Page

F.O. 4, GMD 3, Groundwater, Use: IRR, County: SV, By: BMM, 3/1/21

For Office Use Only: Code CPU Fee \$ 200.00 TR #_

FIIE NO. 42,023

LMoody

Receipt Date 2-25-21 Check # 2793

5.	Presently authorize	zed point of diversion:				
3.				Quarter of the		Quarter
		Quarter of the				
		, Township				
		County, Kansas,				section.
		Authorized Quantity				
		computer ID No G				
		changed This point will be changed as				
		diversion: (Complete only if chan				
		Quarter of the				
		, Township				
		County, Kansas,				
		Proposed Quantity				
_	This point is: Addit	tional Well Geo Center List other	water rights th	at will use this point		
6.	Presently authorized point of diversion:					
0.		Quarter of the		Quarter of the		Quarter
		, Township				
		County, Kansas,				
						Section.
		Authorized Quantity				- 40
	This point will not be changed This point will be changed as follows: No change, point better described with GPS as follows: Proposed point of diversion: (Complete only if change is requested or if existing point is better described by GPS)					
		Quarter of the				
		, Township				
		County, Kansas,				
		Proposed Quantity				
	This point is: Addit	tional Well Geo Center List other	water rights th	at will use this point		
7.		n are desired for the following reaso				
	(please be specific).		300	0 200 100 Nor		300
	ERIES -					
						=
8.	If a well, is the test h	ole log attached? Yes No	200			200
9.	The change(s) (was)(will be) completed by?	200		1 + 1 + 1	3200
Э.	The change(s) (was	(Will be) completed by !		-/ =	\	=
			100	1+++=	1 + 1 + 1	100
10.	If the point of diversi	on is a well:				1
		oing to do with the old well?				1
	(a) What are you go	oning to do with the old well!	West 0	ndun milim 🗷)	于 0 East
				=		1
	(h) When will this h	e done?	100	1 1 1 1 1 =		A
	(b) When will this b	e done :	100	1 + 1 + 1 =	- 1 + 1 + 17	100
11	Groundwater Mai	nagement District recommendat	ion	-\ =	/-	=
11.	attached? Yes	No	200	-141+1=	- 1 + 1 +/1-	200
						3
12.	Assisted by Mark Ru	ide, GMD3				1
10-	15.46	4 - 5 dii ill be 1 4 4		200 100 0	100 200	년 300
13a	. If the proposed point	t of diversion will be relocated <u>more to</u> n 2,640 feet of the existing point	Iall	Sou		
	diversion, attach a	topographic map or aerial photogra	ph. SOURCES	numanand maint of dive	araian will be releasted	م منطقتین ا
	For groundwater sou	urces, show all wells (including domes	tic) 130.11 the	e proposed point of divention of fivential properties of the existing of the e	ng point of diversion in	dicate its
	names and mailing	of the proposed point of diversion and addresses of the owners. For such	and locat	ion on the diagram sh	hown above in relation	on to the
	water sources, sho	ow the names and addresses of	the Localist	ing point of diversion. be located within the	ricle shown above	(PI FASE
	landowner(s) one-haupstream from your	alf mile downstream and one-half r	NOT	E: The "X" in center	of diagram above re	presents
	apstream nom your	KS DEPT O	FAGRICUITHE	resently authorized po	oint of diversion.)	

- 14. If the proposed groundwater point of diversion is 300 or fewer feet from the 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).

authorized agent (attach notarized statement authorizing representation	1).
I hereby verify, being first duly sworn upon my oath or affir age and the owner, the spouse of the owner, or a duly auth on their behalf, in regards to the water right(s) to which statements contained in this application are true, correct an	norized agent of the owner(s) to make this application this application pertains. I further verify that the
Dated at OVERLAND TARK, Kansas, th	is 19th day of FEBRUARY 2021
Kenn Vietters KENIN VIESTENZ	Jami Vilstens Tami Vilstens
(Please Print)	(Please Print)
(Owner)	(Spouse)
(Please Print)	(Please Print)
(Owner)	(Spouse)
□ Notar	AH M. MCENERNEY y Public - State of Kansas . Expires 3/9/24
I hereby certify that the foregoing application was signed in my p	Laval 1.
My Commission Expires 3/9/2024	Notary Public
ONLY COMPLETE APPLICATIONS WILL BE PROCESSED. To be complete, a with accurate information; maps, if necessary, must be included; signatures of all notarized; and the appropriate fee must be paid.	
Each application to change the place of use or the point of diversion unforth in the schedule below: Make checks payable to: Kansas Depart (1) Application to change a point of diversion 300 feet or less. (2) Application to change a point of diversion more than 300 feet (3) Application to change the place of use	der this section shall be accompanied by the application fee set ment of Agriculture

MAR 0 1 2021

KS DEPT OF AGRICULTURE

SUMMARY ORDER APPROVING APPLICATION FOR CHANGE AND IMPOSING CONDITIONS

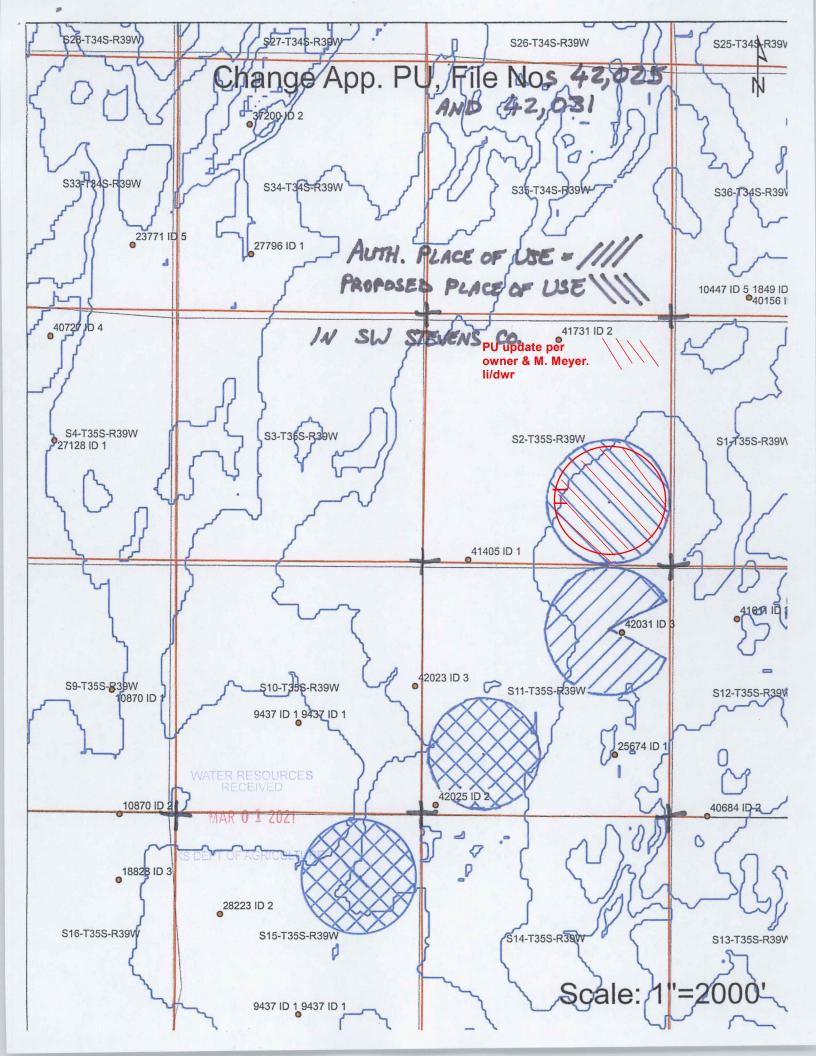
provisions of the Kansas Water Appropriation Law, K.S.A. 82a-	701 et. seq., and rules and regulations promulgated thereunder, rein, this Summary Order does not change the terms, conditions				
A change application was received on requesting that the place of use and / or point of diversion authorized under the above-referenced file number be changed as described in the application.					
On and after the effective date of this summary order, the a on the topographic map accompanying the application to	On and after the effective date of this summary order, the authorized place(s) of use shall be located substantially as shown on the topographic map accompanying the application to change the place of use. Applicable Not Applicable				
The change in point of diversion shall not impair existing rights and shall be limited to the same source or sources of water as previously authorized. The point of diversion authorized by this summary order shall be located within a foot radius of the authorized point(s) of diversion. Applicable Not Applicable					
 The point(s) of diversion described herein is administrative Positioning System (GPS), as described in the application 	ely corrected to be more accurately described using the Global n. Applicable Not Applicable				
The point(s) of diversion authorized herein shall not actually previously authorized point(s) of diversion.	be located more than feet from the Applicable Not Applicable				
tube or other device suitable for making water level accordance with K.A.R. 5-6-13. Applicable No.	a well with a diversion rate of 100 gallons per minute or more, a measurements shall be installed, operated and maintained in tApplicable				
The owner of the authorized place(s) of use shall properly install an acceptable water flow meter on or before December 31, 20, or before the first use of water, whichever occurs first. The water flow meter shall be installed, operated and maintained in accordance with K.A.R. 5-1-4 through 5-1-12. As required by K.S.A. 82a-732, as amended, and K.A.R. 5-3-5e, the owner shall maintain records and report the reading of the water flow meter and the total quantity of water diverted annually to the Chief Engineer by March 1 following the end of each calendar year. Applicable Not Applicable					
Installation of the works for diversion of water shall be completed on or before December 31, 20, or within any authorized extension of time. By March 1, 20 the applicant shall notify the Chief Engineer that construction of the works for diversion has been completed, on the form provided by the Chief Engineer, as required by K.A.R. 5-8-4e. Applicable Not Applicable					
9. The completed well log shall be submitted with the requ	uired notice. Applicable Not Applicable				
O. All diversion works into which any type of chemical or other foreign substance will be injected into the water shall be equipped with an in-line, automatic, quick-closing check valve capable of preventing pollution of the source of the water supply. The check valve(s) shall be installed, operated and maintained in accordance with K.A.R. 5-3-5c. Applicable Not Applicable					
11. Additional Conditions are attached. Yes No					
12. In accordance with K.S.A. 82a-708a, as amended, and K.A.R. 5-5-14, all of the owners of the authorized place(s) of use of water appropriated under the above-referenced file number are responsible for compliance with its terms, conditions and limitations, as amended and/or supplemented by this Summary Order, and with applicable provisions of the Kansas Water Appropriation Law and the Rules and Regulations promulgated thereunder. Failure to comply with these provisions may result in civil penalties pursuant to K.S.A. 82a-737, as amended, and/or the suspension or revocation and dismissal of the water or appropriation right or any other enforcement actions authorized by law.					
Administrative Appeal and Effective Date of Order	FOR OFFICE USE ONLY				
If you are aggrieved by this order, pursuant to K.S.A. 82a-1901, you may request an evidentiary hearing before the Chief Engineer or request administrative review by the Secretary of Agriculture. A request for hearing by the Chief Engineer must be filed within 15 days of service of this Order and a request for	By: Duly Authorized Designee of the Chief Engineer				
administrative review by the Secretary must be filed within 30 days pursuant to K.S.A. 77-531. Any request for administrative review must state a basis for review pursuant to K.S.A. 77-527. File any request with Kansas Department of Agriculture, Legal Division, 1320 Research Park Drive, Manhattan, KS	(Print Name): Division of Water Resources - Kansas Department of Agriculture Date of Issuance:				
66502. Failure to timely request a hearing or review may preclude review under the Kansas Judicial Review Act.	State of Kansas)				
For Use by Register of Deeds) SS County of)				
WATER RESOURCES RECEIVED	Acknowledged before me on				
MAR 0 1 2021	by				
KS DEPT OF AGRICULTURE	Signature:Notary Public				
	My commission expires:				

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(Notary Seal)

File No. 42,025



1320 Research Park Drive Manhattan, KS 66502 785-564-6700 www. agriculture.ks.gov



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

Mike Beam, Secretary

Laura Kelly, Governor

March 3, 2021

KEVIN VIESTENZ, VIESTENZ FAMILY FARMS, LLC 8903 W 149TH ST OVERLAND PARK KS 66221

RE:

File No(s). 42025

Dear Sir or Madam:

The Division of Water Resources (Division) has received your application(s) to change the place of use, point of diversion or use made of water for the file number(s) referenced above. Please be aware that the Division may have a large number of pending applications on hand at times and makes every attempt to process them in the order in which they are received. You will be contacted if additional information is required.

Please note, this letter only acknowledges receipt of your application(s) and does not guarantee approval. In accordance with the provisions of the Kansas Water Appropriation(s) Act, the use of water as proposed prior to approval of the application(s) is unlawful.

Additional information about the process may be found on our website at <u>agriculture.ks.gov/divisions-programs/dwr</u>. If you have any other questions, please contact our office at 785-564-6640 or your local Garden City Field Office at 620-276-2901. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

Kristen Baum

New Applications and Changes Supervisor

Water Appropriation Program

Krister a Baum