

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

File No. 13858

2. Name of applicant: SOUTHWESTERN HEIGHTS CONSOLIDATED SCHOOL

Address: 17222 MUSTANG RD

City, State and Zip: KISMET KS 67859-5995

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: SAME AS ABOVE

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): _____

CREATE AN ADDITIONAL WELL BY AUTHORIZING THE STANDBY WELL INTO AN ADDITIONAL PRIMARY WELL
PROPOSED WELL WILL BE REQUESTED TO BE IRRIGATION USE AND MUNICIPAL USE (23 AF IRR, 2,799MGY
MUNI AND 120 GPM). THE RESULT IS AN OVERALL ADDITIONAL 10 AF IRRIGATION USE AND 120 GPM.

The change(s) (was) (will be) completed by UPON APPROVAL

(Date)

For Office Use Only:

F.O. 4 GMD 3 Meets K.A.R. 5-5-1 (YES/NO) Use IRR Source G/S County SW By ALB Date 3/16/23
Code CLT Fee \$ 200.00 TR # _____ Receipt Date 3-9-23 Check # 3576435859

RECEIVED

MAR 09 2023

Garden City Field Office
Division of Water Resources

Assisted by: MAM / GCFO

3/20/2023
LMoody

4. The presently authorized place of use is:

Owner of Land — NAME: SOUTHWESTERN HEIGHTS CONSOLIDATED SCHOOL

ADDRESS: 17222 MUSTANG RD KISMET KS 67859-5995

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	
25	32S	31W										4	23					27	
25	32S	31W	MUNI	USE	IN	S½	OF	THE	SW¼										

List any other water rights that cover this place of use. 30054

Owner of Land — NAME: EVANS FRANCIS FARMS LLC - SHANNON FRANCIS MANAGER

ADDRESS: 1501 TUCKER CT LIBERAL KS 67901

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	
36	32S	31W	40	40	40	40	40	36	40	40								316	

List any other water rights that cover this place of use. NONE

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

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

Owner of Land — NAME: NO CHANGE

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. _____

Owner of Land — NAME: NO CHANGE

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

3/14/2023

Water Resources
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- 6. The presently authorized point(s) of diversion (is) (are) THREE WELL; PUMPS; MOTORS (2 PRIMARY, 1 STANDBY)
(Provide description and number of points)
- 7. The proposed point(s) of diversion (is) (are) THREE WELL; PUMPS; MOTORS, ALL PRIMARY WELLS
(Provide description and number of points)

List all presently authorized point(s) of diversion:

8. **Presently authorized point of diversion: PRIMARY WELL – ADDITIONAL WELL**

One in the SW Quarter of the SE Quarter of the SW Quarter of Section 25, Township 32 South, Range 31 (W), in SEWARD County, Kansas, 120 feet North 3390 feet West of Southeast corner of section. Authorized Rate 120 GPM Authorized Quantity 10 AF (IRR) / 1.629 MGY (MUNI)
(DWR use only: Computer ID No. 02 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) ADDITIONAL WELL – MUNICIPAL USE

One in the _____ Quarter of the _____ Quarter of the _____ Quarter of Section _____, Township _____ South, Range _____ (W), in SEWARD 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 30054

9. **Presently authorized point of diversion: STANDBY WELL**

One in the SE Quarter of the SE Quarter of the SW Quarter of Section 25, Township 32 South, Range 31 (W), in SEWARD County, Kansas, 148 feet North 3094 feet West of Southeast corner of section. Authorized Rate STANDBY Authorized Quantity STANDBY
(DWR use only: Computer ID No. 03 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) PRIMARY WELL – ADDITIONAL WELL - IRR

One in the SE Quarter of the SE Quarter of the SW Quarter of Section 25, Township 32 South, Range 31 (W), in SEWARD County, Kansas, 148 feet North 3094 feet West of Southeast corner of section. Proposed Rate 120 GPM (ADD) Proposed Quantity 23 AF (IRR) / 2.799 MGY (MUNI) (ADD 10 AF TOTAL(IRR))
This point is: Additional Well Geo Center List other water rights that will use this point 30054

10. **Presently authorized point of diversion:**

One in the NW Quarter of the NW Quarter of the NW Quarter of Section 36, Township 32 South, Range 31 (W), in SEWARD County, Kansas, 4907 feet North 5060 feet West of Southeast corner of section. Authorized Rate 943 GPM Authorized Quantity 604 AF
(DWR use only: Computer ID No. 04 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 NW Quarter of the NW Quarter of the NW Quarter of Section 36, Township 32 South, Range 31 W, in SEWARD County, Kansas, 4907 feet North 5060 feet West of Southeast corner of section. Proposed Rate _____ Proposed Quantity 587 AF
This point is: Additional Well Geo Center List other water rights that will use this point NONE

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

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

3/14/2023

Water Resources
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12. The presently authorized use of water is for IRRIGATION / MUNICIPAL purposes.

It is proposed that the use be changed to IRRIGATION / MUNICIPAL purposes.

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

HISTORICALLY FOR THIS FILE A COSUMPTIVE USE WAS TAKEN FROM 628 AF AUTHORIZED TO
A CURRENT TOTAL AUTHROIZED QUANTITY OF 619 AF.
CURRENT PROPOSAL IS PROVIDING AN AN ADDITIONAL IRRIGATION AUTHORITY OF ADDITIONAL 10 AF
OVERALL TO THE SW HEIGHTS SCHOOL DISTRIBUTION SYSTEM
REQUEST THAT SAME CONSUMPTIVE USE FACTOR WILL APPLY THEREFORE, 587 AF WILL REMAIN FOR WELL
IN SECTION 36
(Please show any calculations here.)

14. It is requested that the maximum annual quantity of water be reduced to NO CHANGE (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.

CHANGE RELATES TO THE SAME LOCAL SOURCE OF SUPPLY AND SOURCE OF SUPPLY

33 AF total for irrigation combined. No additional quantity for municipal – (2.799MGY TOTAL).

Additional 120 GPM for the new primary well.

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 K.A.R. 5-3-23 (waivers provided in past requests).

this waiver is for well spacing to existing wells (all owned by applicant)

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

3/14/2023

Water Resources
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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 Kismet, Kansas, this 13 day of February, 20 23.

X Stan Reiss, USD483 President
(Owner)

(Spouse)

Stan Reiss, USD483 President
(Please Print)

(Please Print)

[Signature]
(Owner)

(Spouse)

EVANS FRANCIS FARMS, LLC

(Please Print)

(Please Print)

BY: Shannon Francis, Manager

(Owner)

(Spouse)

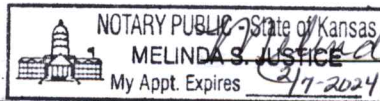
(Please Print)

(Please Print)

State of Kansas }
County of Seward } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 13 day of February, 20 23.

My Commission Expires 2/7-2024



[Signature]
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:

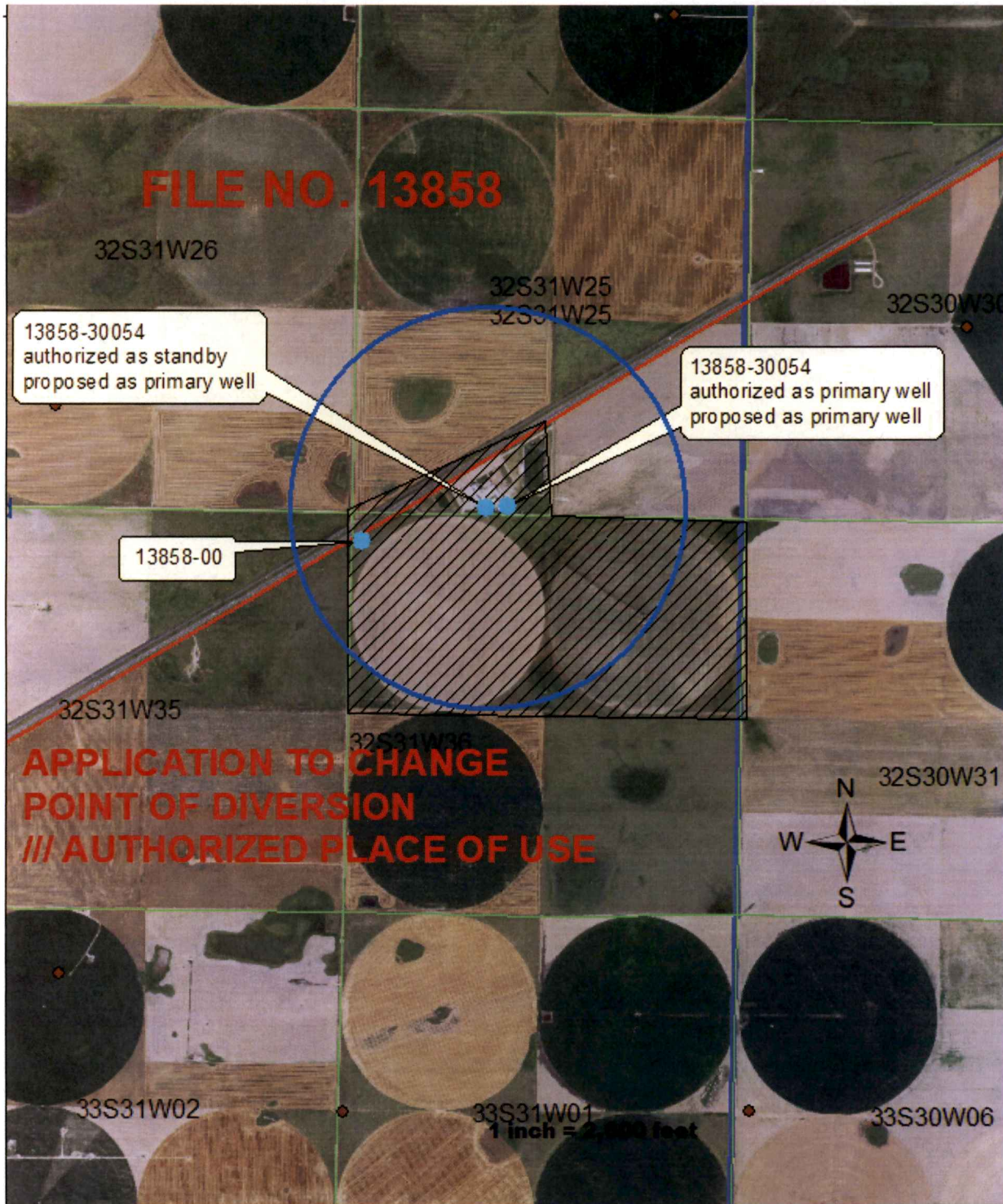
- (1) Application to change a point of diversion 300 feet or less \$100
- (2) Application to change a point of diversion more than 300 feet \$200
- (3) Application to change the place of use \$200
- (4) Application to change the use made of the water \$300

Make check payable to Kansas Department of Agriculture.

3/14/2023

Water Resources
Received

KS Dept Of Agriculture



3/14/2023

Water Resources
Received

KS Dept Of Agriculture



Yoxall, Antrim & Frymire, LLP

Attorneys at Law

Richard R. Yoxall *
Lane L. Frymire*

101 West 4th Street
Liberal, Kansas 67901
620-624-8444
Fax 620-624-8221

James R. Yoxall (1926-2014)
Auburn G. Light (1910-1966)
Stanley E. Antrim (1935-1999)
G.L. Light (1886-1950)

*Licensed in Kansas and Oklahoma

February 28, 2023

Mr. Mike Meyer
Kansas Department of Agriculture
Division of Water Resources
4532 W. Jones Avenue - Suite B
Garden City, KS 67846

Re: Water Right Nos. 13,858 and 30,054

Dear Mike:

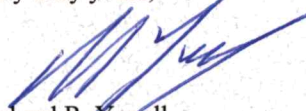
This is a follow-up to our prior conversations with regard to the transfer of a portion of the acre feet and pumping capacity from Water Right No. 13, 858 to Water Right No. 30,054 and the conversion of the "standby well" under Water Right No. 30,054 to a second "primary well" under Water Right No. 13,858. Accordingly, I am enclosing herewith the following documents which have been signed by Evans Francis Farms, LLC and Unified School District No. 483, the current owners of Water Right No. 13,858.

- 1) 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.
- 2) Request to Reduce a Portion of an Existing Water Right.

Also enclosed herewith is Check No. VCRN 35776 in the amount of \$100.00, representing payment of the application fee.

Thank you for all your help on this matter. If you have any questions or if there is anything else you need, please let me know.

Very truly yours,



Richard R. Yoxall

RRY/bjb

Enclosures

CC: Dan Frisby (via email)
Stan Reiss (via email)
Nathan Foreman (via email)

3/14/2023

Water Resources
Received

KS Dept Of Agriculture

RECEIVED

MAR 06 2023

Garden City Field Office
Division of Water Resources

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 23, 2023

SOUTHWESTERN HEIGHTS CONSOLIDATED SCHOOL
17222 MUSTANG RD
KISMET KS 67859

RE: File No(s). **13858**

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 agriculture.ks.gov/divisions-programs/dwr. 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,

A handwritten signature in black ink that reads "Kristen Baum". The signature is written in a cursive style.

Kristen Baum
New Applications and Changes Supervisor
Water Appropriation Program