

Kansas Department of Agriculture
 Division of Water Resources
CHANGE: P/U WORKSHEET

Document Signature LPL

1. File Number: 48126	2. Status Change Date: 10/24/2016	3. Change Num: C1	4. Field Office: 02	5. GMD: 0
6. Status: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied by DWR/GMD <input type="checkbox"/> Dismiss by Request/Failure to Return				7. Filing Date of Change: 12/17/15
8a. Applicant(s) New to system <input type="checkbox"/> MAX E WELLS WELLS M & M DAIRY 7069 S 375TH ST W CHENEY KS 67025		Person ID 53124 Add Seq# _____	8c. Landowner(s) New to system <input type="checkbox"/> Person ID _____ Add Seq# _____	
8b. Landowner(s) New to system <input type="checkbox"/> 8A		Person ID 53124 Add Seq# _____	8d. WUC New to system <input type="checkbox"/> 8A	
9. Documents and Enclosure(s): <input checked="" type="checkbox"/> DWR Meter(s) Date to Comply: 12/31/17 <input type="checkbox"/> N & P Date to Comply: _____				
<input checked="" type="checkbox"/> Check Valve <input type="checkbox"/> N & P Form <input type="checkbox"/> Water Tube <input type="checkbox"/> Driller Copy <input type="checkbox"/> H & E Letter <input type="checkbox"/> Conservation Plan Date Required: _____ Date Approved: _____ Date to Comply: _____				
10. Use Made of Water From: _____ To: _____				
Date Prepared: 2/8/16 By: LI Date Entered: 10/24/2016 By: LM				

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

MEMORANDUM

TO: File

DATE: February 8, 2016

FROM: Leslie Ireland

RE: Appropriation of Water, File No. 48,126

Max E. Wells on behalf of Wells M & M Dairy, owner of the referenced file submitted an application on December 17, 2015, to change the irrigated place of use. The application is being processed with the new application under File No. 49,450.

The appropriation appears to be in compliance with K.S.A. 82a-732 and the application complies with K.A.R. 5-5-2a.

The referenced file is authorized 800 gallons per minute for the diversion of 139.1 acre-feet (AF) of groundwater from a battery of four wells for the irrigation of 107 acres in Section 10, Township 28, Range 4 West, Sedgwick County. The right is permitted with a perfection date of 2017. The appropriation has no additional limitations and is not indicated to be in a special use area.

The change is to modify the 107 acres under a partial pivot to 125 acres under a full circle pivot. The pivot located in the Southwest Quarter (SW $\frac{1}{4}$) of Section 10, Township 28 South, Range 4 West, Sedgwick County. As defined by regulation the base acres are 107 acres under the referenced file. A complete and identical overlap is proposed to be made with a new appropriation under File No. 49,450. The new appropriation has been reviewed and will be permitted for the full requested quantity of 162.5 acre-feet, providing 23.4 additional water for the added acres. The referenced file will be processed by K.A.R. 5-5-11(b)(6), *Applications to change the place of use for irrigation purposes*, in that a determination and issuance of the new appropriation will assure consumptive use under File No. 48,126 will not result.

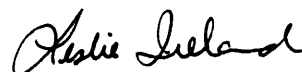
The approval of the new appropriation should assure there will not be a substantial increase in net consumptive use under the referenced file. It appears the proposed change complies with K.A.R. 5-5-3, Consumptive use.

Per K.A.R. 5-3-24, *Reasonable quantity for irrigation use*, Sedgwick County could reasonably utilize 1.3 acre-foot per acre for the full irrigation of corn. This regulation would allow the proposed 125 acres to justify 162.5 acre-feet. The 162.5 AF requested by the new appropriation will be limited with File No. 48,126. Together the combined quantity provides the 1.3 acre-foot per acre allowed.

A water conservation plan meeting the guidelines of the Kansas Water Office will not be required as there appears to be sufficient quantity authorized for irrigation use. Water flowmeter will be required by the approval pursuant to K.A.R. 5-5-11. Check valves will be required if chemigating.

The proposed change was submitted to Jeff Lantermann, Water Commissioner, of the Stafford Field Office for a recommendation. In a February 5, 2016, E-mail he indicated that he had no objection to the approval of the change in place of use with the approval of the new appropriation, File No. 49,450.

Based on the above discussion, that the change is reasonable, the historical consumptive use will not substantially be increased due to the approval of the new appropriation, impairment to existing water rights is unlikely, and that no change in the local source of supply will occur, it is recommended that the referenced application be approved.



Leslie Ireland
Environmental Scientist
Water Appropriation Program

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

MAX E WELLS
WELLS M & M DAIRY
7069 S 375TH ST W
CHENEY KS 67025

October 24, 2016

FILE COPY

RE: Appropriation of Water, File No. 48,126

Dear Mr. Wells:

Enclosed is the order executed by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the application for change under the above referenced file.

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in the approval for change. A condition of the approvals is that a water flowmeter meeting 5-1-4 through 5-1-12 must be installed on the diversion works.

Since this order modifies the original document referred to above, it should be recorded with the Register of Deeds as other instruments affecting real estate.

Please be reminded that reports of water usage must be submitted to this office annually. Records indicating the amount of water used should be furnished to the Chief Engineer by March 1 following the end of the previous calendar year so that the continued use of water becomes a matter of record in this office. The owner, or his or her legally designated agent, is held responsible for submitting annual water use reports. Failure to file an accurate water use report is a violation of law which makes you subject to civil penalties.

If you have any questions, regarding the enclosed approval documents please contact Leslie Ireland, Environmental Scientist, at (785) 564-6633. Should you have questions regarding the meter requirements please contact the Stafford Field Office at (620) 234-5311. 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 black ink, appearing to read "Brent A. Turney".

Brent A. Turney, L.G.
Change Applications Unit Supervisor

BAT:LI:li
Enclosures
pc: Stafford Field Office

THE STATE



OF KANSAS

KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

**APPROVAL OF APPLICATION
FOR
CHANGE IN PLACE OF USE
APPROPRIATION OF WATER, FILE NO. 48,126**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Max E. Wells, on behalf of Wells M & M Dairy, 7069 S. 375th Street W Cheney, KS 67025, received in this office on December 17, 2015, for approval of change in the location of the place of use under the Approval of Application, File No. 48,126, for permit to appropriate water for beneficial use, finds that the change is reasonable and will not impair existing rights, and that the application should be and is hereby approved.

The effective date of the change shall be the date this order is executed by the Chief Engineer, after which the authorized location of the place of use shall be:

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
10	28S	4W								30.0	35.0	31.0	29.0					125	

a total of 125 acres in Section 10, Township 28 South, Range 4 West,
Sedgwick County, Kansas,

all located substantially as shown on the topographic map accompanying the application to change the place of use.

All diversion works into which any type of chemical or other foreign substance will be injected into the water pumped from the diversion works shall be equipped with an in-line, automatic, quick-closing check valve capable of preventing pollution of the source of the water supply. The type of valve installed shall meet specifications adopted by the Chief Engineer and shall be maintained in an operating condition satisfactory to the Chief Engineer.

The water right owner shall properly install an acceptable water meter on the diversion works authorized under this water right, prior to the use of water, in strict accordance with the Kansas Administrative Regulations 5-1-4 through 5-1-12 adopted by the Chief Engineer. The water right owner shall notify the Chief Engineer when installation of the water meter has been completed. The water right owner shall maintain the water meter in an operating condition satisfactory to the Chief Engineer, at all times during diversion of water and shall maintain records from which the total quantity of water diverted may be determined. The water right owner shall also report the reading of said water meter and the total quantity of water diverted annually to the Chief Engineer. Such records shall be furnished to the Chief Engineer by March 1 following the end of each calendar year.

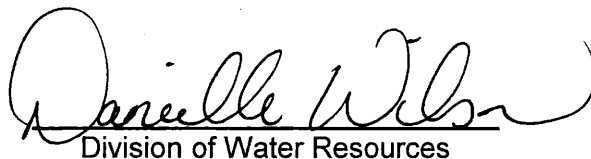
CERTIFICATE OF SERVICE

On this 24 day of October, 2016, I hereby certify that the foregoing Approval of Application for Change In Place of Use, Appropriation of Water, File No. 48,126; dated October 24 2016, was mailed postage prepaid, first class, US mail to the following:

Max E. Wells
Wells M & M Dairy
7069 S. 375th Street W
Cheney, KS 67025

With photocopies sent to:

Stafford Field Office


Division of Water Resources

Submit To: CHIEF ENGINEER
Division of Water Resources
Kansas Department of Agriculture
109 SW 9th Street, 2nd Floor
Topeka, KS 66612-1283
www.ksda.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
 Point of Diversion
 Use Made of Water

(Check one or more)

**WATER RESOURCES
RECEIVED**

DEC 17 2015

1:10
KS DEPT OF AGRICULTURE

File No. 48,126

2. Name of applicant: MAX E WELLS

Address: 7069 S 375TH ST W

City, State and Zip: CHENEY, KS 67025

Phone Number: (316)393-1780 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 applicant

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): Filing new water right application and change is required to form a complete overlap.

The change(s) will be completed by after approval of new application (Date)

For Office Use Only:

F.O. 2 GMD 0 Meets K.A.R. 5-5-1 (YES/NO) Use IRR Source G/S County SG By AW Date 12/17/15
Code CPU Fee \$ 200 TR # 10020671 Receipt Date 12/17/15 Check # 8810

APPLICATION COMPLETE
10/13/14
Reviewed: LI

Assisted by: MJM/SFFO

SCANNED
12/31/2015 UM

4. The presently authorized place of use is:

Owner of Land — NAME: WELLS M & M DAIRY (MAX E WELLS)

ADDRESS: 7069 S 375TH ST W CHENEY, KS 67025

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	28S	4W									7	36	40	24					107

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 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: WELLS M & M DAIRY (MAX E WELLS)

ADDRESS: 7069 S 375TH ST W CHENEY, KS 67025

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	28S	4W									30	35	31	29					125

List any other water rights that cover this place of use. (in process of buying entire PU, verify ownership when processing) W/49,450

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 are 4 wells
(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 SE Quarter of the SW Quarter of Section 10, Township 28 South, Range 4 W, in Sedgwick County, Kansas, 811 feet North 3480 feet West of Southeast corner of section.
 Authorized Rate 800GPM (Combined) Authorized Quantity 139.1AF(combined)
 (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 _____ (EW), 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 SW Quarter of the SE Quarter of the SW Quarter of Section 10, Township 28 South, Range 4 W, in SG County, Kansas, 570 feet North 3303 feet West of Southeast corner of section.
 Authorized Rate 800GPM (Combined) Authorized Quantity 139.1AF(combined)
 (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 _____ (EW), 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 NW Quarter of the SE Quarter of the SW Quarter of Section 10, Township 28 South, Range 4 W, in SG County, Kansas, 662 feet North 3687 feet West of Southeast corner of section.
 Authorized Rate 800GPM (Combined) Authorized Quantity 139.1AF(combined)
 (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 _____ (EW), 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. PD's not being changed.

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

SCANNED

WATER RESOURCES RECEIVED DEC 17 2015

KS DEPT OF AGRICULTURE

12. The presently authorized use of water is for Irrigation purposes.
It is proposed that the use be changed to Not Changing purposes.
13. If changing the place of use and/or use made of water, describe how the consumptive use will not be increased.

Filed new application

(Please show any calculations here.)

14. It is requested that the maximum annual quantity of water be reduced to N.A. (acre-feet or million gallons).
15. It is requested that the maximum rate of diversion of water be reduced to N.A. 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.

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.

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.

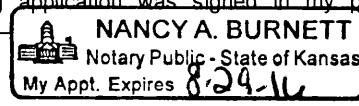
I declare that I am an owner of the currently authorized place of use as identified herein, or that I represent all such owners and am authorized to make this application on their behalf, and declare further that the statements contained herein are true, correct, and complete. By filing this application 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 12-01-15, Kansas, this 1st day of December, 20 15.

<u>Max E. Wells</u> (Owner)	
<u>Max E. Wells</u> (Please Print)	
<u>(WELLS M & M DAIRY)</u> (Owner)	<u>Wife</u> (Spouse)

State of Kansas }
County of Sedgewick } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 2nd day of December, 20 15



Nancy A. Burnett
Notary Public

My Commission Expires 8-29-16

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 |

**WATER RESOURCES
RECEIVED**

Make check payable to Kansas Department of Agriculture.

DEC 17 2015

KS DEPT OF AGRICULTURE

SCANNED

Ireland, Leslie

From: Lanterman, Jeff
Sent: Friday, February 05, 2016 9:55 AM
To: Ireland, Leslie
Cc: Conant, Cameron; Whitesell, Alex
Subject: FW: Recommendation for Change in PU File No. 48126_ with new app_ Max Wells
Attachments: 48126_PU_irr_with_new app_2_0_.doc

Leslie;

Approve this one as well!

Jeff

From: Conant, Cameron
Sent: Friday, February 05, 2016 9:30 AM
To: Lanterman, Jeff
Subject: FW: Recommendation for Change in PU File No. 48126_ with new app_ Max Wells

See review for 49450 that was just sent.

This looks ok for approval and was addressed in the previous email.

Cameron

From: Ireland, Leslie
Sent: Wednesday, February 03, 2016 1:44 PM
To: Lanterman, Jeff
Cc: Conant, Cameron
Subject: Recommendation for Change in PU File No. 48126_ with new app_ Max Wells

Jeff & Cameron,

Please let me know if you would recommend the proposed change in place of use with the new application that is being worked by Alex. He is sending you his memo.

As always comments and concerns are welcome.

Leslie Ireland, Environmental Scientist II
Kansas Department of Agriculture
Division of Water Resources - Change Unit
(785) 564-6633
Leslie.Ireland@kda.ks.gov
www.agriculture.ks.gov

Ireland, Leslie

From: Lanterman, Jeff
Sent: Friday, February 05, 2016 9:55 AM
To: Whitesell, Alex; Ireland, Leslie
Cc: Conant, Cameron
Subject: FW: Recommendation File No. 49,450
Attachments: 49450 Memo To File.docx; 48126 log.pdf; 48126 & 49450 map.jpg

Good morning all!

Hey I will follow up the change email also but I think the change and related new app can be approved!

Thanks

And → GO BRONCOS!

From: Conant, Cameron
Sent: Friday, February 05, 2016 9:29 AM
To: Lanterman, Jeff
Subject: FW: Recommendation File No. 49,450

Jeff, they have requested a new application to completely overlap existing file 48126 which is a battery of four wells. The new app is increasing the p/u and the authorized quantity. There is a p/u change on 48126 to completely overlap the new application 49450. The new p/u will be a complete pivot (currently a wipe 107 acres to 125 acres). The Q will be limited on the new app when combined with 48126 and the proposed quantity increase is reasonable.

Spacing to all nearby wells is ok. In fact, I don't think there are any wells of any type of use within ½ mile of here. 2 mile SY evaluation indicates the requested quantity increase is available.

I've attached one of the completed well logs for 48126 which is representative of all 4 wells in the battery. The rate of 800gpm will likely work itself out in during the FIR process.

The change application said to verify new ownership when processing the new app and the change app. I looked at the online SG County appraisers and it shows that Wells M-M Dairy is the owner of the proposed place of use so we should be good to finalize processing.

There is no area water level data to review.

On the map I attached, note 49544 right next to the existing battery is a recently received application. The location is simply a place holder, Matt indicated this application will not be tied in with the current applications. Processing on that application has not started.

I think the new app for increased quantity and p/u can be recommended for approval. I think the change app to overlap the p/u with the existing file 48126 can be recommended for approval.

Please pass this on to Leslie and Alex if you agree.

Cameron

From: Whitesell, Alex
Sent: Tuesday, February 02, 2016 12:14 PM
To: Lanterman, Jeff; Conant, Cameron

Cc: Ireland, Leslie

Subject: Recommendation File No. 49,450

Good afternoon,

Could you please let me know your recommendation here for Max E Wells File No. 49,450. This new application is being processed with a Change in Place of Use by Leslie, File No. 48,126.

Thank you,

Alex Whitesell
Division of Water Resources
Kansas Department of Agriculture
1320 Research Park Drive
Manhattan, KS
(785) 564 - 6631



1320 Research Park Drive
Manhattan, Kansas 66502

Jackie McClaskey, Secretary

Phone: (785) 564-6700
Fax: (785) 564-6777
Email: ksag@kda.ks.gov
www.agriculture.ks.gov
Sam Brownback, Governor

MAX E WELLS
7069 S 375TH ST W
CHEYNEY KS 67025

December 18, 2015

RE: File No. 48126

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.

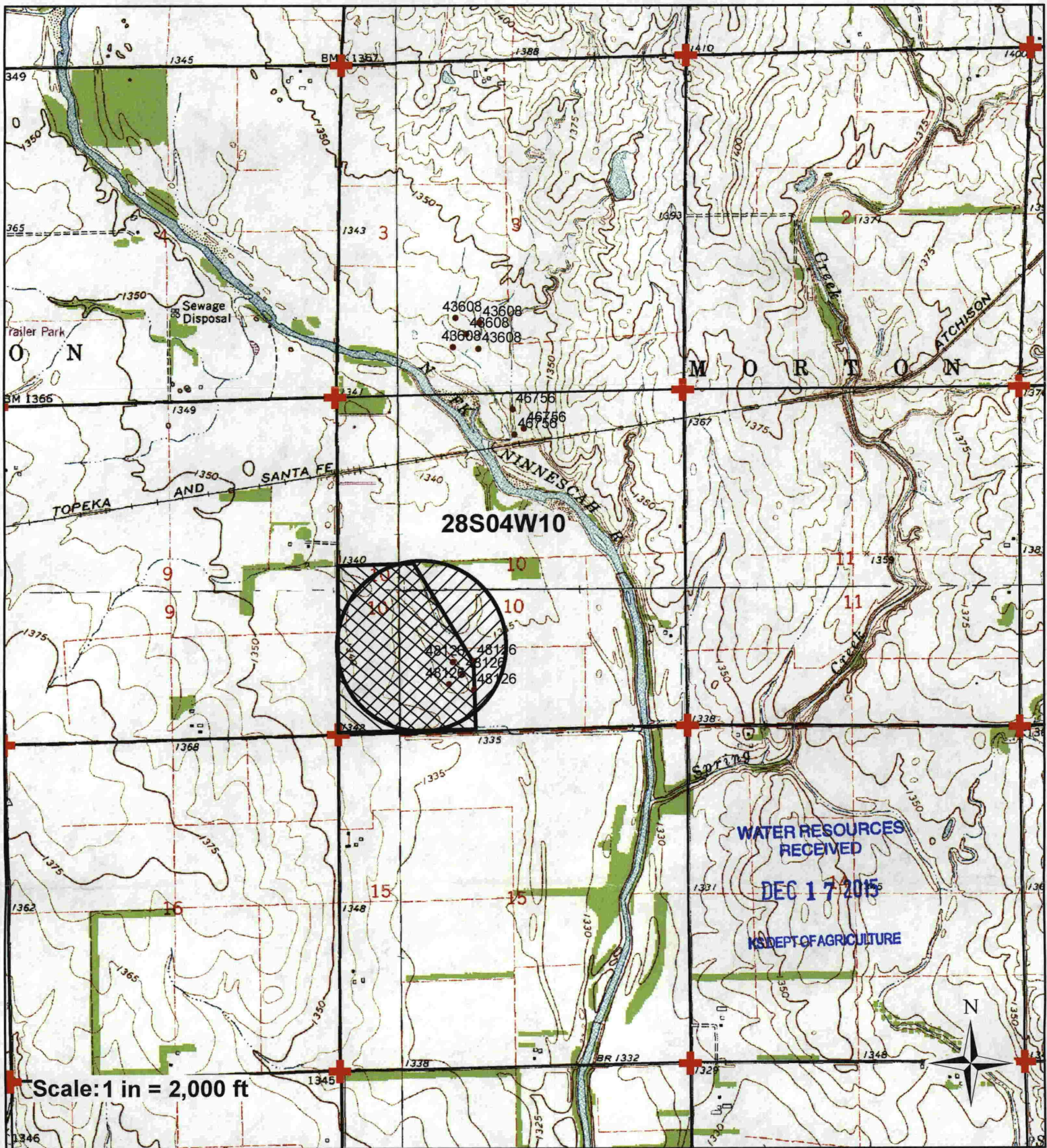
If you have any questions, please contact me at (785) 564-6645. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

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

BAT: DLW
pc: STAFFORD Field Office
GMD 0

SCANNED



- Authorized Point of Diversion
- Proposed Point of Diversion
- Proposed Place of Use
- Authorized Place of Use
- Water Rights
- Domestic Wells
- Section Corner

I declare that all water wells or diversion sites using the same source of supply and within 1/2 mile of the proposed point of diversion have been plotted on the application map.

Signature _____ Date _____
 0 1,550 3,100 6,200 Feet

Created By: Matt Meier
 F.O. 2
 Date: 8/31/15
SCANNED