

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

Document Signature LPL

1. File Number: 28,971	2. Status Change Date: 2/9/2017	3. Change Num: C1	4. Field Office: 2	5. GMD:
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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: 9/29/2016
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8a. Applicant(s) New to system <input type="checkbox"/> Person ID 7209 Add Seq# _____ ROBERT D HAY TRUST 9171 S WEST ST HAYSVILLE KS 67060	8c. Landowner(s) New to system <input type="checkbox"/> Person ID _____ Add Seq# _____
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8b. Landowner(s) New to system <input type="checkbox"/> Person ID _____ Add Seq# _____ <i>8a * AM</i>	8d. WUC New to system <input type="checkbox"/> Person ID _____ Add Seq# _____ <i>8c * AM</i>
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9. Documents and Enclosure(s): DWR Meter(s) Date to Comply: **12/31/2018** N & P Date to Comply: _____

Anti-Reverse Meter Meter Seal Check Valve N & P Form Water Tube Driller Copy H & E Letter
 Conservation Plan Date Required: _____ Date Approved: _____ Date to Comply: _____

10. Use Made of Water From: _____ To: _____

<i>update ownership</i>	Date Prepared: 1/17/2017 By: AM
	Date Entered: 2/13/2017 By: UM

File No. **28,971** 11. County: **SG** Basin: **Ninnescah River** Stream: Formation Code: Special Use:

12. Points of Diversion Rate and Quantity
 T Authorized Additional
 MOD Rate Quantity Rate Quantity
 DEL PDIV Qualifier S T R ID 'N 'W Comment gpm/cfs af/mgy gpm/cfs af/mgy Overlap PD Files
 ENT

NO CHANGE

13. Storage: Rate _____ NF Quantity _____ ac/ft Additional Rate _____ NF Additional Quantity _____ ac/ft

14. Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) _____
 Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) _____

15. 5YR Allocation: Allocation Type _____ Start Year _____ 5 YR Amount _____ Amount Unit _____ Base Acres _____ Comment _____

16. Place of Use T MOD DEL ENT	NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg?	Overlap Files
	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼				
DEL PUSE S T R ID																				
MOD 40458 19 29S 1E 1									31	37	1	7	38				114	7a		48,026
DEL 19099																				

Comments: **Complete overlap in PU with File No. 48,026**

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files **DATE:** January 17, 2017
FROM: Austin McColloch **RE:** Change Application, File No. 28,971

Robert D. Hay has filed the referenced change application to create a place of use change to form a complete overlap with a new application (File No. 48,026) which covers currently illegal irrigated acres and removes a housing development from the place of use. There is no proposed change in the rate or quantity for File No. 28,971.

The file does not appear to be abandoned as per K.A.R. 82a-718.

The new application was worked by Matthew Meier, Environmental Scientist, Stafford Field Office, and on January 11, 2017, Jeff Lanterman, Water Commissioner, Stafford Field Office recommended approval.

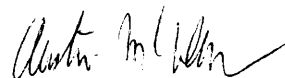
The change in place of use for File No. 28,971 will remove 40 currently authorized acres in Section 30, Township 29 S, Range 1 East and add 39 acres to Section 19, Township 29 South, Range 1 East, all in Sedgwick County. This will create a complete overlap in place of use with New Application File No. 48,026. The proposed place of use is owned by Robert D. Hay and all signatures required to change the place of use have been received.

The requested quantity of water for the new application, 87.1 acre-feet, is to irrigate the proposed 114 acres identified in both applications. When combining the new application with Water Right, File No. 28,971 the combined quantity authorized on the proposed place of use is 119.1 acre-feet. This comes out to be 1.05 acre-feet per acre, which less than the maximum allowable of 1.3 acre-feet per acre for Sedgwick County, Kansas but equals the minimum reasonable acre-feet per acre of 1.05.

Nearby notifications were completed with the new application. The applicant identified 7 domestic wells and 1 non-domestic well (which the applicant owns) within ½ mile of the proposed point of diversion for the new application. Nearby notification letters were sent out on October 12, 2016. Phone calls were received from James Bise and Ronal Boyer to obtain more information on the proposed application. Letters were received from Alan & Tamara Schlereth, Ronal Guest, & Jaqueline Faelber.

In a January 17, 2017 e-mail, Jeff Lanterman, Water Commissioner, Stafford Field Office, recommended approval of the application.

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.

A handwritten signature in black ink, appearing to read "Austin McColloch". The signature is fluid and cursive, with a long horizontal stroke at the end.

Austin McColloch
Environmental Scientist

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

February 13, 2017

FILE COPY

ROBERT D HAY TRUST
9171 S WEST ST
HAYSVILLE KS 67060

RE: Water Right, File No. 28,971

Dear Mr. Hay:

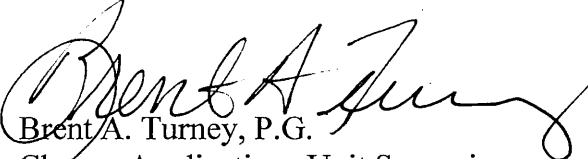
Enclosed is the order executed by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the application for change under the referenced file. Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in the approval for change.

Since this order modify the original documents referred to above, they 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, please contact me at (785) 564-6640. 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, P.G.
Change Applications Unit Supervisor
Water Appropriation Program

BAT:am

Enclosures

pc: Stafford Field Office



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
 WATER RIGHT, FILE NO. 28,971**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Robert D. Hay, 9171 S West Street, Haysville, Kansas 67060, received in the office of the Chief Engineer on September 29, 2016, for approval of a change in the location of the place of use under the certificate of appropriation issued pursuant to the 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	
19 29S 1E								31.00	37.00	1.00	7.00	38.00					114.00

a total of 114.00 acres in Section 19, Township 29 South, Range 1 East, Sedgwick County, Kansas,

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.

In all other respects, the Certificate of Appropriation issued pursuant to Approval of Application, File No. 28,971, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated November 18, 1986.

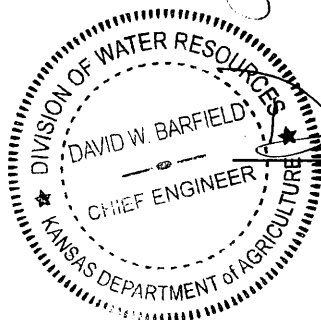
This Order shall become a final agency action, as defined by K.S.A. 77-607(b), without further notice to the parties, if a request for hearing or a petition for administrative review is not filed as set forth below.

Request for Hearing. According to K.A.R. 5-14-3(c), any party who desires a hearing must submit a request within 15 days after the date shown on the Certificate of Service attached to this Order. Filing a request for a hearing will give you the opportunity to submit additional facts for consideration, contest any findings made by the Chief Engineer or present any other information you believe should be considered in this matter. A timely-filed request for hearing will stay the deadline for requesting administrative review of this Order pending the outcome of the hearing.

Petition for Review. Any person aggrieved by this Summary Order may petition for administrative review, pursuant to K.S.A. 82a-708b(a) and K.S.A. 82a-1901(a). The petition must be filed within 30 days after the date shown on the Certificate of Service attached to this Order and must set forth the basis for the review, unless stayed by the timely filing of a request for hearing.

Any request for hearing or petition for administrative review shall be in writing and shall be submitted to the attention of: Chief Legal Counsel, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, Fax: (785) 564 - 6777.

Ordered this 9th day of February, 2017, at Topeka, Shawnee County, Kansas.



David W. Barfield
David W. Barfield, P.E.
Chief Engineer
Water Appropriation Program
Division of Water Resources
Kansas Department of Agriculture

State of Kansas)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this 9th day of February, 2017, by David W. Barfield, P.E., Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.



Karen Hunter
Notary Public

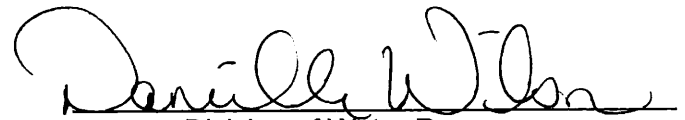
CERTIFICATE OF SERVICE

On this 13th day February, 2017, I hereby certify that the attached Approval of Application for Change in Place of Use, Water Right, File No. 28,971 dated, February 9, 2017 was mailed postage prepaid, first class, US mail to the following:

ROBERT D HAY TRUST
9171 S WEST ST
HAYSVILLE KS 67060

With photocopies sent to:

Stafford Field Office


Division of Water Resources

APPLICATION COMPLETE

1/17/17
Reviewer: AW

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DEC 07 2016

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.

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11:44
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. 28971

2. Name of applicant: Robert D Hay

Address: 2171 S West St

City, State and Zip: Hayesville KS 66600

Phone Number: (785) 754-2277 E-mail address: amanjeff79@gmail.com

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

Name of water use correspondent: Robert D Hay

Address: 2171 S West St

City, State and Zip: Hayesville KS 66600

Phone Number: (785) 754-2277 E-mail address:

3. The change(s) proposed herein are desired for the following reasons (please be specific): to move the authorized place of use from an unutilized to be used

The change(s) (was) (will be) completed by ASAP (Date)

For Office Use Only:

F.O. 2 GMD 0 Meets K.A.R. 5-5-1 (YES) (NO) Use FRP Source GDS County SG By AW Date 10/3/16
Code CPO Fee \$ 200 TR # _____ Receipt Date 9/29/16 Check # 16969

4. The presently authorized place of use is:

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	
19	29S	1E									35			40					75
30	29S	1E					40												40
																115 Total			

List any other water rights that cover this place of use. ~~Overlap~~ Partial Overlap with Pending New Application 48026

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: Robert D Hay Trust

ADDRESS: 91718 West St. Haysville, KS 67060

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		
19	29S	1E									31	37	1	7	38					114

List any other water rights that cover this place of use. Pending New Application 48026

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, WATER RESOURCES RECEIVED ADDITIONAL SHEETS AS NECESSARY WATER RESOURCES RECEIVED

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6. The presently authorized point(s) of diversion (is) (are) _____
(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. _____

IF MORE SPACE IS NEEDED, ATTACHED ADDITIONAL SHEETS AS NECESSARY

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12. The presently authorized use of water is for Irrigation purposes.
It is proposed that the use be changed to N.A. purposes.

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

(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.

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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Current PU Landowners

1. Robert Perdue
2059 W 135th S
Peck, KS 67120
2. Shane Meier
4340 E Whitney
Wichita, KS 67210
3. Mark Frisch
1919 W 135th S
Peck, KS 67120
4. Raymond Kundert
1925 W 135th S
Peck, KS 67120
5. Daryl & Brenda Bilby
1935 W 135th S
Peck, KS 67120
6. Kenny Hufford
1939 W 135th S
Peck, KS 67120

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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 Haysville, Kansas, this 26 day of September, 2016.

Robert D Hay
(Owner)
Robert D Hay
(Please Print)

(Spouse)

(Please Print)

(Owner)

(Please Print)

(Spouse)

(Please Print)

(Owner)

(Please Print)

(Spouse)

(Please Print)

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 26 day of Sept, 2016.

Valeri Blackburn
Notary Public

My Commission Expires 5-28-2020

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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SEP 29 2016

SCANNED

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316-500-9140

File No. 28971

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.

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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 Edwards, Kansas, this 30 day of August, 2016.
Robert A. Perdue (Owner) Deborah L. Perdue (Spouse)
Robert A. Perdue (Please Print) Deborah L. Perdue (Please Print)
 _____ (Owner) _____ (Spouse)
 _____ (Please Print) _____ (Please Print)
 _____ (Owner) _____ (Spouse)
 _____ (Please Print) _____ (Please Print)

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 September, 2016.

Shannon Howland
Notary Public

My Commission Expires 3/10/2020

FEE SCHEDULE


SHANNON HOWLAND
 Notary Public - State of Kansas
 My Appt. Expires 3/10/2020

- 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.**

WATER RESOURCES RECEIVED

SEP 29 2016

SCANNED
KS DEPT OF AGRICULTURE

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 Wichita, Kansas, this 23 day of September, 20 16.

Shane F Meier
(Owner)
Shane F Meier
(Please Print)

(Owner)

(Please Print)

(Owner)

(Please Print)

Hillary Meier
(Spouse)
Hillary Meier
(Please Print)

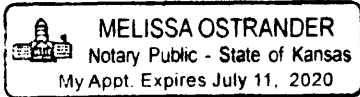
(Spouse)

(Please Print)

(Spouse)

(Please Print)

State of Kansas }
County of Seedevick } SS



I hereby certify that the foregoing application was signed in my presence and sworn to before me this 23 day of September, 20 16.

[Signature]
Notary Public

My Commission Expires 07/11/2020

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.**

WATER RESOURCES RECEIVED

SCANNED

SEP 29 2016

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Dated at Sedgwick, Kansas, this 22 day of August, 2016.

Mark A. Frisch
(Owner)

Abra R. Frisch
(Spouse)

Mark A. Frisch
(Please Print)

Abra R. Frisch
(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

(Owner)

(Spouse)

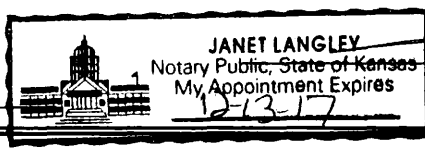
(Please Print)

(Please Print)

State of Kansas }
County of Sedgwick } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 22 day of Aug, 2016.

My Commission Expires 12-13-17



[Signature]
Notary Public

FEE SCHEDULE

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Make check payable to Kansas Department of Agriculture.

WATER RESOURCES RECEIVED

SEP 29 2016

SCANNED

KS DEPT OF AGRICULTURE

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Dated at Emprise bank Haysville, Kansas, this 22 day of August, 2016.

Raymond E. Kunderx
(Owner)

Rosemary J Kunderx
(Spouse)

Raymond E. Kunderx
(Please Print)

Rosemary J Kunderx
(Please Print)

Raymond E. Kunderx
(Owner)

Rosemary J Kunderx
(Spouse)

(Please Print)

(Please Print)

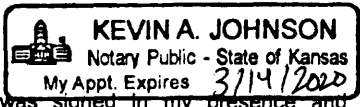
(Owner)

(Spouse)

(Please Print)

(Please Print)

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 22 day of August, 2016.

Kevin A. Johnson
Notary Public

My Commission Expires March, 14 2020

FEE SCHEDULE

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- (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.**

WATER RESOURCES RECEIVED

SEP 29 2016

SCANNED

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Dated at Sedgwick County, Peck, Kansas, this 12th day of September, 2016.

Daryl Bilby
(Owner)

Brenda Bilby
(Spouse)

Daryl Bilby
(Please Print)

Brenda Bilby
(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

(Owner)

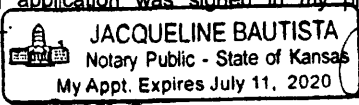
(Spouse)

(Please Print)

(Please Print)

State of Kansas }
County of Sedgwick } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 12th day of September, 2016

 JACQUELINE BAUTISTA
Notary Public - State of Kansas
My Appt. Expires July 11, 2020

Jacqueline Bautista
Notary Public

My Commission Expires 11 July 2020.

FEE SCHEDULE

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WATER RESOURCES
RECEIVED

SEP 29 2016

SCANNED

KS DEPT OF AGRICULTURE

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Dated at 9-12-16, Kansas, this 12 day of Sept, 20 16.

<u>Kenneth Hufford</u> (Owner)	_____	(Spouse)
<u>Kenneth Hufford</u> (Please Print)	_____	(Please Print)
_____	_____	(Spouse)
(Owner)	_____	(Please Print)
_____	_____	(Spouse)
(Please Print)	_____	(Please Print)
_____	_____	(Spouse)
(Owner)	_____	(Please Print)
_____	_____	(Spouse)
(Please Print)	_____	(Please Print)

State of Kansas }
County of Sedgwick } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 12 day of September, 20 16.

Christopher A. Chadd
Notary Public

My Commission Expires 2-22-19

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:

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- (4) Application to change the use made of the water \$300

Make check payable to **Kansas Department of Agriculture.**

WATER RESOURCES RECEIVED

SEP 29 2016

McColloch, Austin

From: Lanterman, Jeff
Sent: Tuesday, January 17, 2017 10:47 AM
To: McColloch, Austin
Cc: Conant, Cameron
Subject: FW: Recommendation Change in PU File No. 28,971
Attachments: 28971_Memo.doc

Austin; I think this is a good change. We don't think he will actually irrigate some of those acres so we are going to have to do some creative certification when it comes time. Not worried about the 1.05 af/a.

Go ahead and approve this change. Looks good!

From: Conant, Cameron
Sent: Friday, January 13, 2017 9:10 AM
To: Lanterman, Jeff <Jeff.Lanterman@ks.gov>
Subject: FW: Recommendation Change in PU File No. 28,971

Jeff, we reviewed the new application that was filed in conjunction with this a couple days ago with Matt in your office. For this change, there was basically unauthorized acres around a wipe pivot that needed to be addressed. When reviewing that to make sure place of use overlap with the new file was complete, it was noticed that a portion of the old authorized land south of this section had been sold and developed for ~6 individual houses. This was really a FO change but was processed in HQ in conjunction with the new application.

Bob was able to have all owners sign the application (several called Matt to get further explanation for what was going on). So, 6 additional owners signed the p/u change consenting to the p/u being moved off of their land on onto land owned entirely by Bob.

This looks good for approval. Please pass on to Austin.

Cameron

From: McColloch, Austin
Sent: Friday, January 13, 2017 8:49 AM
To: Lanterman, Jeff <Jeff.Lanterman@ks.gov>
Cc: Conant, Cameron <Cameron.Conant@ks.gov>
Subject: Recommendation Change in PU File No. 28,971

Jeff,

Attached is my memo for Change in PU for File No. 28,971. This is packaged with New Application File No. 48,026 that was completed by Matt Meier and will create a complete overlap in PU for the two files. They are removing illegal acres that have turned into a housing development and adding acres that can be irrigated. This cleans up ownership as well with the removal of the housing development. Please let me know your recommendation for the change application.

Thanks,

Austin McColloch
Environmental Scientist
Ph: (785) 564-6643



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

November 18, 2016

ROBERT D HAY TRUST
9171 S WEST ST
HAYSVILLE KS 67060

FILE COPY

RE: Water Right, File No. 28,971

Dear Mr. Hay,

Reference is made to the Application to Change the Place of Use, Water Right, File No. 28,971 received in the office of the Chief Engineer on September 29, 2016. Upon review of the application, we find that the following issue must be resolved in order to continue processing the change application.

- Effective July 1, 2016, Senate Bill No. 337 enacted by the Legislature of the State of Kansas requires the Division of Water Resources to notify all water right owners with a point of diversion within half a mile of a water right pending a request to change the water right. Please indicate on the provided map the location of all water wells of any kind (including domestic wells) within one-half mile of your authorized well and provide well owner names and mailing addresses on the map. In addition, you must sign where indicated on the application map certifying that all water wells of any kind located within one-half mile of the requested point of diversion have been plotted on the map.

I am returning the referenced application so that you may provide the requested information. In order that the application will retain its priority of filing, the original application and attachments must be returned, along with the requested additional information, to this office on or before **December 18, 2016**, or within any authorized extension of time thereof. According to the law, default in the refiling of the completed application and attachments as outlined above, within the time allowed, shall constitute forfeiture of the priority date and dismissal of the application.

If you have any questions, please contact me at (785) 564-6643 or Brent Turney, Change Application Unit Supervisor 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,

Austin McColloch
Environmental Scientist
Water Appropriation Program

Enclosures

pc: Stafford Field Office

SCANNED

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

October 3, 2016

ROBERT D HAY
19171 S WEST ST
HAYSVILLE, KS 67060

RE: File No. 28971

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

**WATER RESOURCES
RECEIVED**

DEC 07 2016

BAT: dlw
pc: STAFFORD Field Office GMD

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

Jackie McClaskey, Secretary

Governor Sam Brownback

November 18, 2016

WATER RESOURCES
RECEIVED

DEC 07 2016

ROBERT D HAY TRUST
9171 S WEST ST
HAYSVILLE KS 67060

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Sincerely,

A handwritten signature in black ink that reads "Austin McColloch".

Austin McColloch
Environmental Scientist
Water Appropriation Program

Enclosures

pc: Stafford Field Office

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

October 3, 2016

FILE COPY

ROBERT D HAY
19171 S WEST ST
HAYSVILLE, KS 67060

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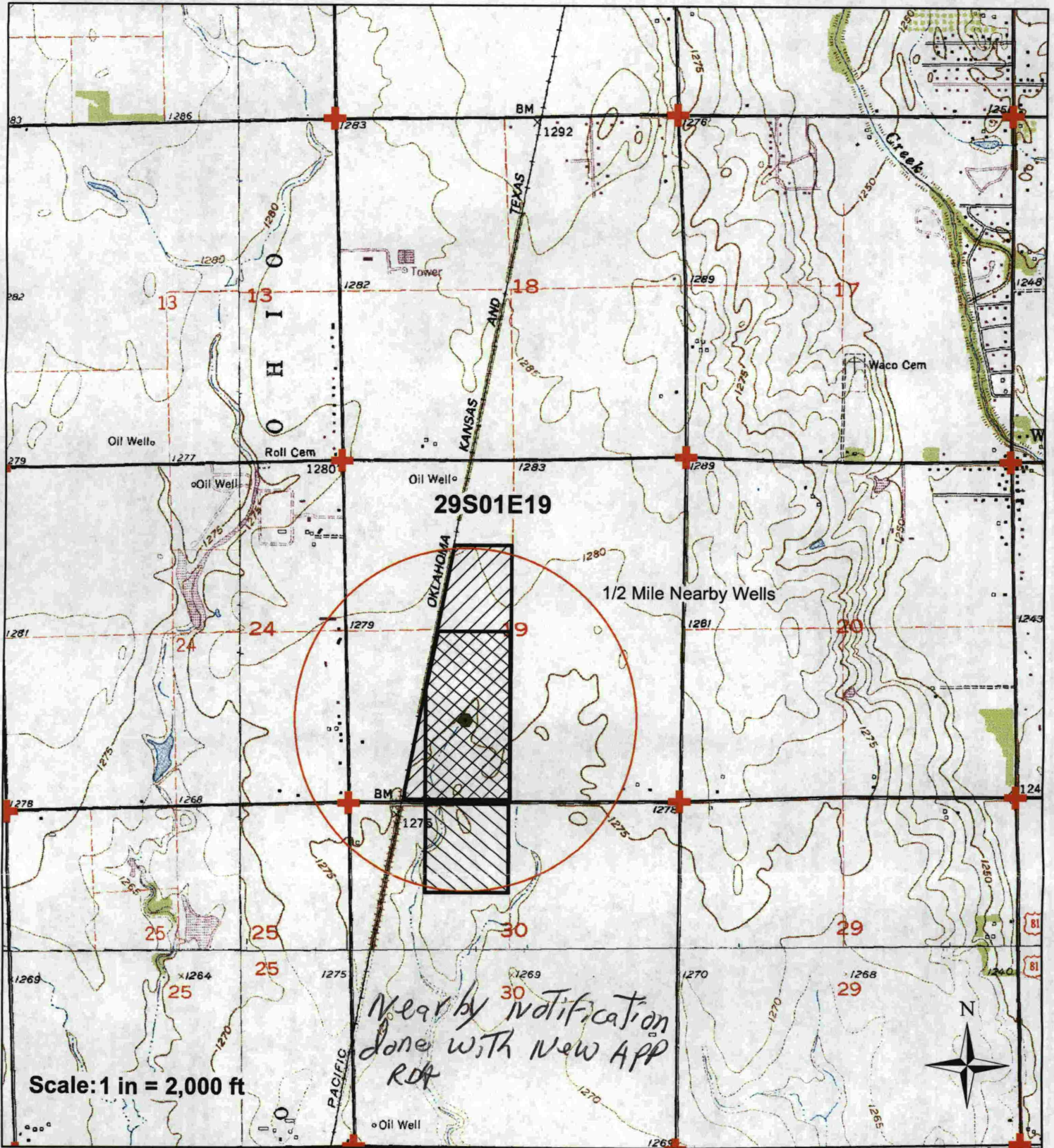
Sincerely,

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

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

BAT: dlw
pc: STAFFORD Field Office GMD

SCANNED



Nearby notification done with New APP RDA

Authorized Point of Diversion | 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.

Proposed Point of Diversion

Proposed Place of Use

Authorized Place of Use

Water Rights

Domestic Wells

Section Corner

WATER RESOURCES RECEIVED

Robert D. Hay
Signature

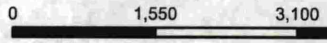
12-5-16
Date

WATER RESOURCES RECEIVED

DEC 07 2016

SEP 29 2016

Created By: Matt Meier
F.O. 2
Date: 8/26/16






SCANNED

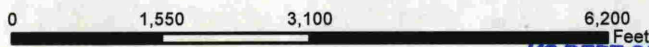


Scale: 1 in = 2,000 ft

WATER RESOURCES
RECEIVED

-  Authorized Place of Use
-  Illegal Place of Use
-  Section Corner

Approximately 3 acres are being illegally irrigated

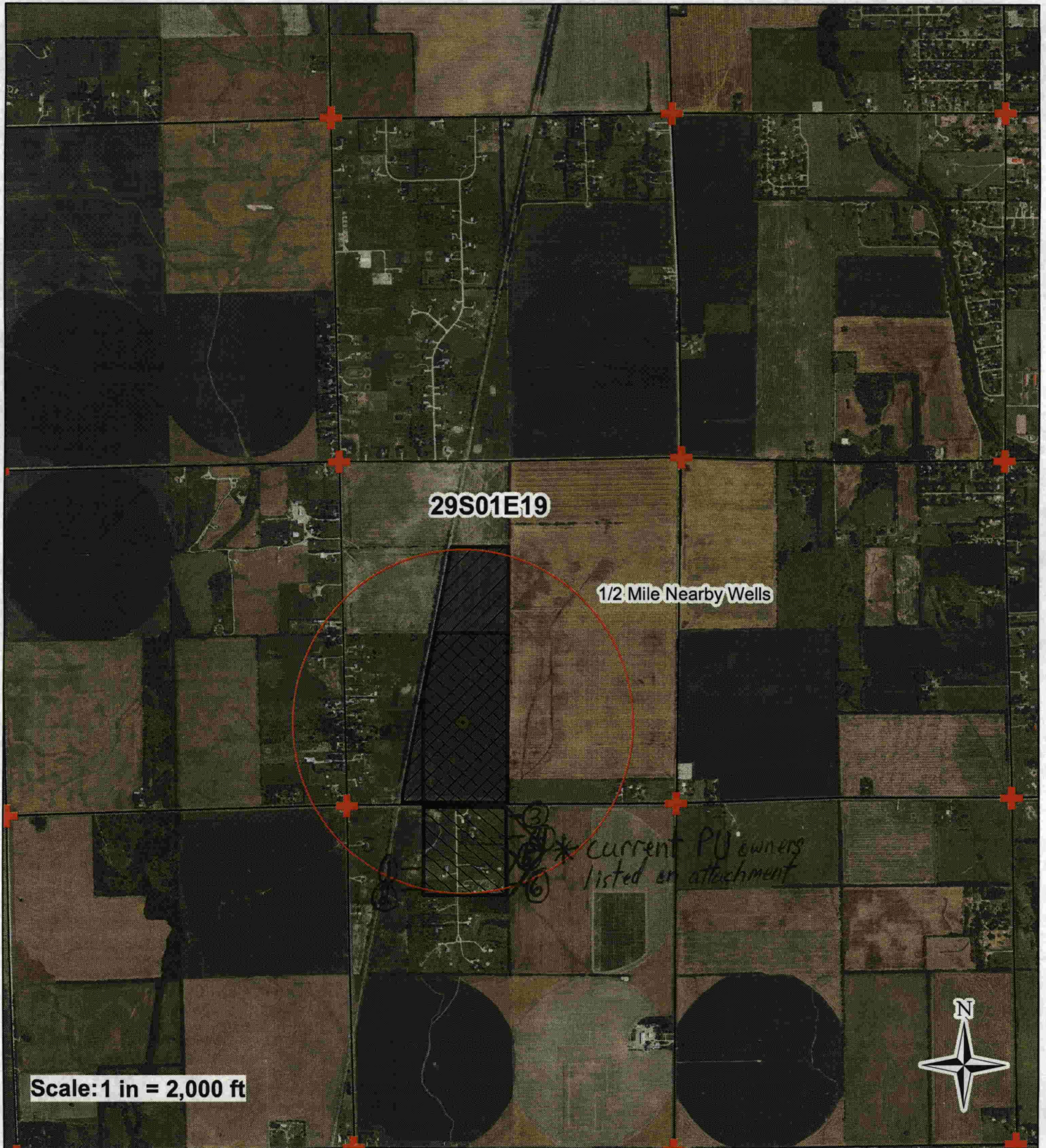


SEP 29 2016

Created By: Matt Meier
F.O. 2
Date: 7/19/16

KS DEPT OF AGRICULTURE

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.

WATER RESOURCES RECEIVED

Created By: Matt Meier

Signature _____ Date _____

0 1,550 3,100 6,200 Feet

SEP 29 2016
 F.O. 2
 Date: 8/26/16