

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

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12:50
KS DEPT OF AGRICULTURE

File No. 32,612

2. Name of applicant: RURAL WATER DISTRICT NO. 3, BARBER COUNTY

Address: 14873 NW RIVER ROAD

City, State and Zip: LAKE CITY, KANSAS 67071-9006

Phone Number: (620) 247-6413 E-mail address: joan@rpm3dinc.com

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): ORIGINAL WELLS'
CASING IS SEVERELY DETTERIORATED AND NEW WELL LOCATIONS HAVE
BETTER AQUIFER PROPERTIES.

The change(s) ~~was~~ (will be) completed by AS SOON AS POSSIBLE AFTER APPROVAL.
(Date)

For Office Use Only:	
F.O. <u>2</u> GMD <input checked="" type="checkbox"/> Meets K.A.R. 5-5-1 (YES/NO) Use <u>MUN</u> Source <input checked="" type="checkbox"/> S County <u>BA</u>	Receipt Date <u>11/20/17</u>
Code <u>CGT</u> Fee \$ <u>00</u> TR # _____	Assisted by: <u>Douglas S. Helmke</u>

Please send a copy of all correspondence,
DWR 1-120 (Revised 06/16/2014)
including application acknowledgment letter, to:

Douglas S. Helmke, P.G.
Kansas Rural Water Assn.
6847 SE 29th Street
Tecumseh, Kansas 66542-9571

Douglas S. Helmke
Geologist
KANSAS
OCTOBER 16, 2017
11/20/17 DSH

4. The presently authorized place of use is:

WATER RIGHT
Owner of Land NAME: RURAL WATER DISTRICT No. 3, BARBER COUNTY

ADDRESS: 14873 NW RIVER ROAD, LAKE CITY, KANSAS 67071-9006

ID	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	
1	3-30-	14W		MUNICIPAL USE				WITHIN RURAL WATER DISTRICT No. 3, BARBER COUNTY AND												
4	3-30-	14W		ITS IMMEDIATE VICINITY, AND WITHIN RURAL WATER DISTRICT No. 1,																
PUSE:	31471 4			BARBER COUNTY AND ITS IMMEDIATE VICINITY.																
PUSE:	61632																			

List any other water rights that cover this place of use. N/A

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: _____

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: _____

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. _____

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IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY. NOV 20 2017

6. The presently authorized point(s) of diversion (is) (are) 2 WELLS
(Provide description and number of points)
7. The proposed point(s) of diversion (is) (are) 2 WELLS
(Provide description and number of points)

List all presently authorized point(s) of diversion:

8. **Presently authorized point of diversion:** PDIIV 50256 ID 1 (EAST)

One in the SE Quarter of the SE Quarter of the SW Quarter of Section 3, Township 30 South, Range 14 (E/W) in BARBER County, Kansas, — feet North — feet West of Southeast corner of section.
Authorized Rate NA Authorized Quantity NA
(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) (NORTH)
One in the SE Quarter of the NE Quarter of the SW Quarter of Section 3, Township 30 South, Range 14 (E/W) in BARBER County, Kansas, 1,641 feet North 3,200 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:** PPIV 26121 ID 2 (WEST)

One in the SW Quarter of the SE Quarter of the SW Quarter of Section 3, Township 30 South, Range 14 (E/W) in BARBER County, Kansas, — feet North 2 1/2 feet West of Southeast corner of section.
Authorized Rate NA Authorized Quantity NA
(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) (SOUTH)
One in the NE Quarter of the SE Quarter of the SW Quarter of Section 3, Township 30 South, Range 14 (E/W) in BARBER County, Kansas, 1,045 feet North 3,263 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 _____

TOTAL RATE = 100 GPM TOTAL QUANTITY = 10.250 MGY

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.
THE OLD WELLS WILL BE PLUGGED.

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IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

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12. The presently authorized use of water is for MUNICIPAL USE purposes.
It is proposed that the use be changed to NO CHANGE purposes.

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

NA

(Please show any calculations here.)

14. It is requested that the maximum annual quantity of water be reduced to NA (acre-feet or million gallons).

15. It is requested that the maximum rate of diversion of water be reduced to NA 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.

Request 60 days to submit geological data

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.

NA

NOV 20 2017

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 Medicine Lodge, Kansas, this 15th day of November, 2017.

X Pat Bedwell
CHAIRMAN of RWQ Board
Pat Bedwell
(Please Print)

(Owner)

(Please Print)

(Owner)

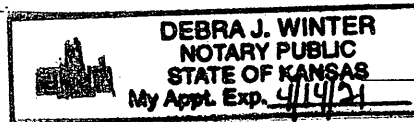
(Please Print)

NA
(Spouse)
NA
(Please Print)
NA
(Spouse)
NA
(Please Print)
NA
(Spouse)
NA
(Please Print)

State of Kansas }
County of Barber } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 15 day of November, 2017.

My Commission Expires 4/14/21



Debra J. Winter
Notary Public

FEE SCHEDULE

Each application to change the place of use, the point of diversion or the use made of the water under this section shall be accompanied by the application fee set forth in the schedule below:

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

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

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To: Kansas Department of Agriculture
Division of Water Resources
109 SW 9th Street, 2nd Floor
Topeka, KS 66612-1283
Telephone: (785) 296-3717
1320 RESEARCH PARK DR
MANHATTAN KS 66502-5000

Re: Domestic Well Spacing
Consent Form

I, JASON HOWELL, own a well in the SE
Quarter of the NE Quarter of the SW Quarter of Section 3,
Township 30 South, Range 14 West East, BARBER County, Kansas.
Water from this well is used only for domestic purposes as follows:

- household use;
- watering of livestock, poultry, farm and domestic animals used in operating a farm; and/or
- irrigation of lands not exceeding a total of two (2) acres in area for the growing of gardens, orchards and lawns.

I understand that an application for a ^{change in point of diversion} ~~permit to appropriate water~~, Application, File No. 32,612, has been filed with the Division of Water Resources and that the applicant seeks to use water from a new well located closer to my domestic well than allowed by the rules and regulations of the Chief Engineer, in particular K.A.R. 5-4-4(c)(2)(c). I hereby give my permission to the applicant to install a municipal use water well at a location approximately 250 feet from my domestic well if the same is allowed and permitted by the Chief Engineer.

By giving my permission, I do not waive any right I may have to file a complaint with the Chief Engineer or to make a written request to secure water, pursuant to K.A.R. 5-4-1, if the use of my well becomes impaired such that I am unable to exercise my domestic water right, nor do I waive any other rights I may have under the Kansas Water Appropriation Act or the rules and regulations of the Chief Engineer.

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I acknowledge that my permission has been given freely and voluntarily. I further acknowledge that I have not entered any agreement either oral or in writing with any person(s) including the Applicant, land owner, or any representative or agent of the applicant or land owner that condition my permission on giving up any of my rights under the Kansas Water Appropriation Act or the rules and regulations of the Chief Engineer or that condition my permission on reliance on any person or entity other than the Chief Engineer to investigate any claims of impairment I may make with respect to my domestic well or to secure water to satisfy my domestic water right.

Signature

Address (please print)

City/Town, State (please print)

(_____) _____
Phone

State of

County of

Signed or attested before me on _____ by _____
(Please print name of signatory)

Notary Public

[My appointment expires: _____]

I acknowledge that my permission has been given freely and voluntarily. I further acknowledge that I have not entered any agreement either oral or in writing with any person(s) including the Applicant, land owner, or any representative or agent of the applicant or land owner that condition my permission on giving up any of my rights under the Kansas Water Appropriation Act or the rules and regulations of the Chief Engineer or that condition my permission on reliance on any person or entity other than the Chief Engineer to investigate any claims of impairment I may make with respect to my domestic well or to secure water to satisfy my domestic water right.

Jason Howell
Signature
80210 NE 80th ST
Address (please print)
Preston, KS 67583
City/Town, State (please print)
(620) 388-4958
Phone

State of Kansas

County of Pratt

Signed or attested before me on 7th by Jason Howell
(Please print name of signatory)

Brandon W. Rockenbach
Notary Public



[My appointment expires: 9-22-2018]

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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

RURAL WATER DIST #3, BARBER COUNTY 11/21/17
14873 NW RIVER RD
LAKE CITY, KS 67071

FILE COPY

RE: File No 32612

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 PD
- point of diversion
- use made of water

As a matter of record, the Division of Water Resources has on hand a large number of applications awaiting processing. Therefore, to be fair to all concerned, and so that we can process those applications on hand in the order they were received, we intend to concentrate on the backlog of applications until the issue is resolved. You will be contacted regarding this application as soon as it has been examined.

In accordance with the provisions of the Kansas Water Appropriation Act, a portion of which is included below, the use of water prior to approval of the application is unlawful. You should not proceed and divert water as indicated by your plans in your application for a change for this file until you receive approval for this change from the Chief Engineer. Once approved, compliance with the terms, conditions and limitations of the permit is necessary. Conservation of the water resources of Kansas is required.

Section 82a-728 of the Kansas Water Appropriation Act, provides (a) except for the appropriation of water for the purpose of domestic use, . . . it shall be unlawful for any person to appropriate or threaten to appropriate water from any source without first applying for and obtaining a permit to appropriate water in accordance with the provisions of the Water Appropriation Act or for any person to violate any condition of a vested right, appropriation right or an approved application for a permit to appropriate water for beneficial use.

(b) (1) The violation of any provision of this section by any person is a class C misdemeanor...

A class C misdemeanor is punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. Each day that the violation occurs constitutes a separate offense.

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

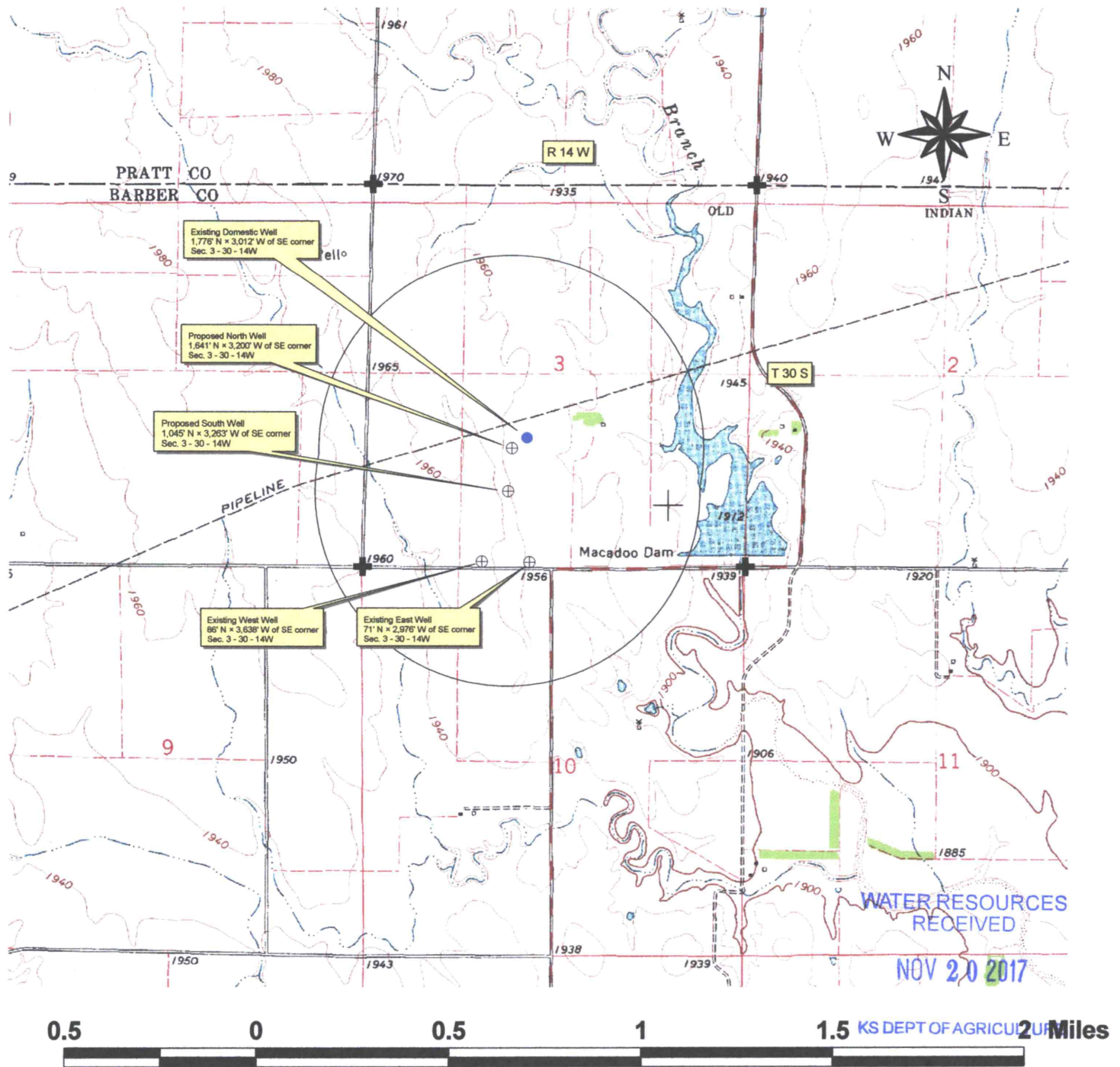
Sincerely,

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

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

BAT: DLW
pc: STAFFORD Field Office GMD

Application for Change in Point of Diversion Appropriation of Water, File No. 32,612 Rural Water District No. 3, Barber County



Legend

- ⊕ Municipal Well
- Domestic Well
- + Section Corner

All wells of every kind within ½ mile of the proposed wells have been plotted.

Pat Belcher

(Signature)
CHAIRMAN of RWD 3 Board

Douglas S. Helmke
LICENSED
72
OCTOBER 17, 2017
KANSAS
GEOLOGIST