

# 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

- (Check one or more)
- Place of Use
  - Point of Diversion
  - Use Made of Water

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11:54  
KS DEPT OF AGRICULTURE

File No. 48052

2. Name of applicant: CMG Outdoors LLC

Address: Connor Gillaspie, 4800 S 167<sup>th</sup> St W

City, State and Zip: Clearwater KS 67026-8532

Phone Number: (316)680-1417

E-mail address: cmgoutdoorsllc@hotmail.com

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

Name of water use correspondent: CMG Outdoors LLC

Address: 4800 S 167th St W

City, State and Zip: Clearwater KS 67026-8532

Phone Number: (316) 680-1417

E-mail address: cmgoutdoorsllc@hotmail.com

3. The change(s) proposed herein are desired for the following reasons (please be specific): Change use made of water from industrial to recreation. The groundwater pit will not be expanded any further.

The change(s) were completed by \_\_\_\_\_ 02/10/2017  
(Date)

For Office Use Only:															
F.O.	<u>2</u>	GMD	<u>0</u>	Meets K.A.R. 5-5-1	(YES/NO)	Use	<u>IND</u>	Source	<u>GYS</u>	County	<u>SN</u>	By	<u>AW</u>	Date	<u>12/20/17</u>
Code	<u>CW</u>	Fee \$	<u>300</u>	TR #		Receipt Date	<u>12/20/17</u>	Check #	<u>1387</u>						

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DWR 1-120 (Revised 06/16/2014)

Assisted by: EKF/SFFO

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Stafford Field Office  
Division of Water Resources

12/20/2017  
LLM

4. The presently authorized place of use is:

Owner of Land — NAME: CMG Outdoors LLC

ADDRESS: 4800 S 167th St W, Clearwater KS 67026-8532

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	
22	28	2W	a groundwater pit located in the North Half of the Northwest Quarter																

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

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. \_\_\_\_\_

**IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY**

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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.

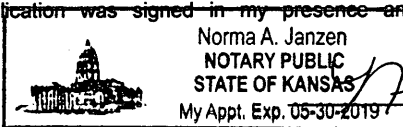
I declare that I am an owner of the currently authorized place of use as identified herein, or that I represent all such owners and am authorized to make this application on their behalf, and declare further that the statements contained herein are true, correct, and complete. By filing this application 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 Sedgwick County, Kansas, this 15<sup>th</sup> day of December, 2017.

<u>[Signature]</u> (Owner)	_____ (Spouse)
<u>Coner Gillaspic</u> (Please Print)	_____ (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 15<sup>th</sup> day of December, 2017.



[Signature]  
Notary Public

My Commission Expires 5/30/2019

**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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 Stafford Field Office  
 Division of Water Resources

**JOINT STIPULATION FOR DISCONTINUED PIT OR QUARRY**

This stipulation is filed to provide information regarding annual evaporative loss from the aquifer and to free the owner from having to file annual water use reports otherwise required as a condition of the approval of the permit. This stipulation is only available when the authorized pit or quarry is no longer used for industrial purposes.

File No. 48052

I, cmg outdoors LLC, owner of a sand/gravel pit which is located in the ---, ---, N2 NW4, of Section 22, Township 28 S, Range 2 W, Sedgwick County, Kansas, hereby stipulate as follows:

1. That the pit/quarry is no longer being mined, dredged or otherwise enlarged as of 02/10/17 (Date).
2. That the surface area of the water in the pit/quarry is 3 acres.
3. That based on the average annual evaporation and precipitation in this area, the net average annual evaporation from the pit is 1.83 acre-feet per acre.
4. That the total average annual evaporation from the pit is 5.5 acre-feet.
5. That based on the above information, I agree that the annual water use from this pit or quarry will be 5.5 acre-feet per calendar year.
6. The above information is true and correct to the best of my knowledge and belief.
7. This stipulation shall remain in effect until it is rescinded.
8. Either party may rescind this stipulation in writing between March 1 and December 31 of any calendar year.

[Signature], member 12/15/17  
(Signature of Landowner and Date)

State of Kansas )  
County of Sedgwick ) SS

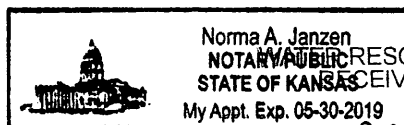
The foregoing instrument was acknowledged before me this 15<sup>th</sup> day of December, 2017, by Conor Gillaspie.

[Signature]  
Notary Public

My Appointment Expires:

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DWR 1-105.2 (Revised 03/14/1995)



DEC 18 2017

Stafford Field Office  
Division of Water Resources

DEC 20 2017



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

CONNOR GILLASPIE 12/20/17  
4800 S 167TH ST W  
CLEARWATER, KS 67026

RE: File No 48052

**FILE COPY**

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 UMW
- 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.**

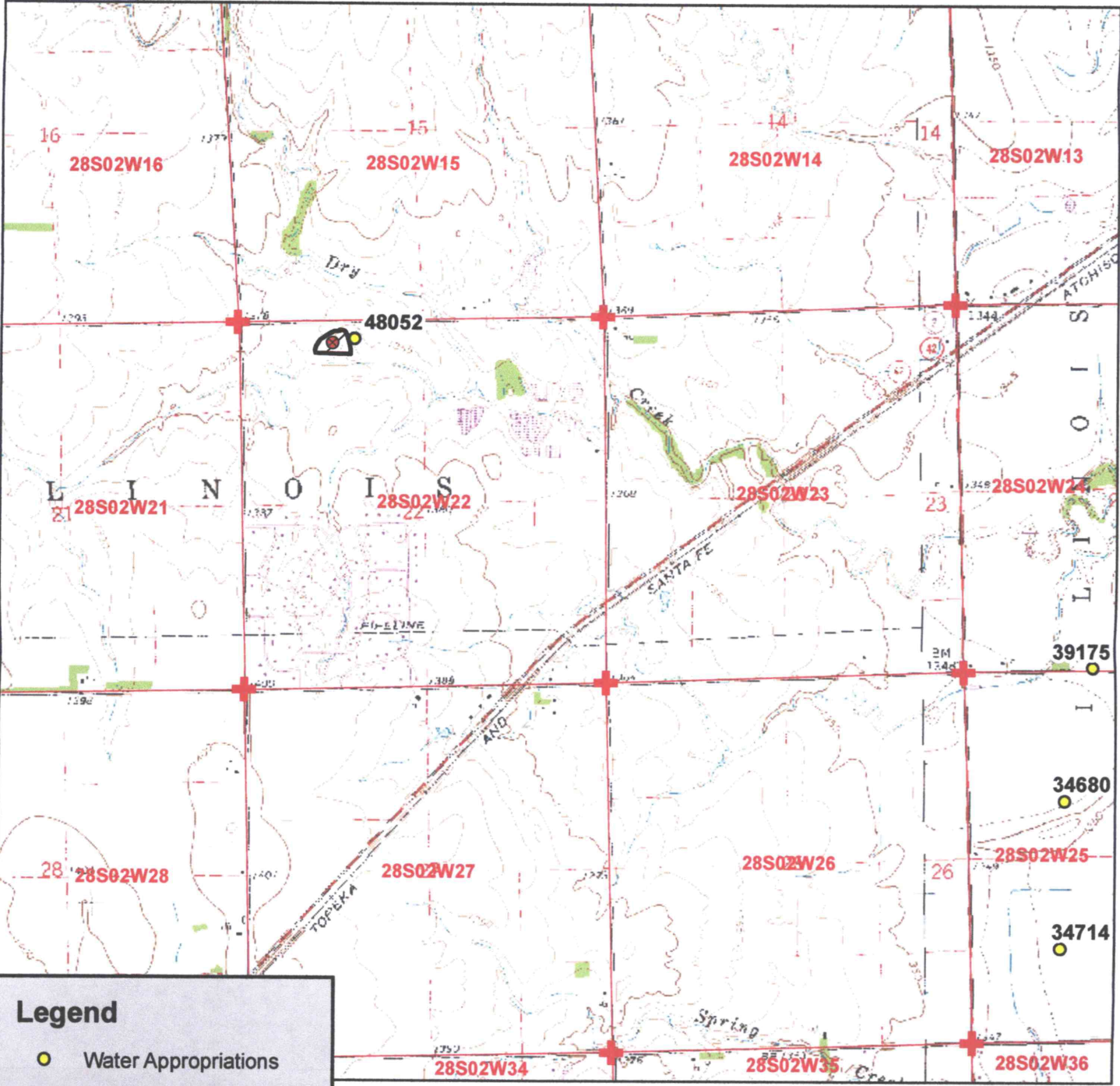
If you have any questions, please contact me at (785) 564-6645. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

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



**Legend**

- Water Appropriations
- ⊙ Actual Point of Diversion
- ★ Domestic Well
- + Section Corner
- Half Mile Circle
- Section Line

**Place of Use**

- Authorized



## Water Appropriation, File No. 48025

Change in Place of Use Application Map  
 22-28-2W  
 Sedgwick County

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12/14/17 EKF-SFFO 1:24,000 scale

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