

Kansas Department of Agriculture
Division of Water Resources
CHANGE: P/D & PU WORKSHEET & OWNERSHIP UPDATE

Document Signature LPL

1. File Number: 47552	2. Status Change Date: 8/3/2018	3. Change Num: C1	4. Field Office: 02	5. GMD:
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: 2/14/18
8a. Applicant(s) New to system <input type="checkbox"/> GAYLAN W NETT JR 1650 S MERIDIAN AVE STE 7 WICHITA KS 67213-1900		8c. Landowner(s) New to system <input checked="" type="checkbox"/> EMERALD BAY ESTATES HOA 2407 N BAYSIDE STREET WICHITA KS 67205-5261		
8b. Landowner(s) New to system <input type="checkbox"/> SNAR LLC GAYLAN W NETT JR 1650 S MERIDIAN AVE STE 7 WICHITA KS 67213-19001		8d. WUC New to system <input type="checkbox"/> EBE LLC 1650 S MERIDIAN SUITE 7 WICHITA KS 67213-1900		
8bb. Landowner(s) New to system EBE LLC GAYLAN W NETT JR 1650 S MERIDIAN AVE STE 7 WICHITA KS 67213-19001		Person ID 65724 Add Seq#		
9. Documents and Enclosure(s): <input type="checkbox"/> DWR Meter(s) Date to Comply: _____ <input checked="" type="checkbox"/> N & P Date to Comply: 12/31/2018				
<input type="checkbox"/> Anti-Reverse Meter Letter <input type="checkbox"/> Meter Seal <input type="checkbox"/> Check Valve <input checked="" type="checkbox"/> N & P Form <input type="checkbox"/> Water Tube <input type="checkbox"/> Driller Copy <input type="checkbox"/> H & E				
<input type="checkbox"/> Conservation Plan Date Required: _____ Date Approved: _____ Date to Comply: _____				
10. Use Made of Water From: _____ To: _____				
Date Prepared: 6/28/18 By: li Date Entered: 8/16/2018 By: LLM				

File No. **47552** 11. County: **SG** Basin: **ARKANSAS RIVER** Stream: **NA** Formation Code: **113** Special Use: **NA**

12. Points of Diversion										Rate and Quantity							
MOD	DEL	ENT	PDIV	Qualifier	S	T	R	ID	'N	'W	Comment	Rate gpm	Quantity mgy	Rate gpm	Quantity mgy	Overlap PD Files	
DEL	77539		NWSESW		2	27	1W	8	1300	3394	GEO CTR - GROUNDWATER PIT 20 INCH EVAP NE	20	52.3	AF	NE	52.3 AF	NONE
ENT	86979		NE NW SE		2	27	1W		2062	1908	GEO CTR - GROUNDWATER PIT - 20 IN NET EVAP		17.04	MGY	NE	17.04	47577

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) **EXPOSURE 100.5 ACRES MAX WITH 47577**
 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										NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg?	Overlap Files
MOD	DEL	ENT	PUSE	S	T	R	ID	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	61246			2	27	1W	6	31.5 SURFACE AC GROUNDWATER PIT (sw)																	8B & 8C	YES	NONE		
ENT	9027			2	27	1W		100.5 SURFACE AC PIT E/2 SW/4 & N/2 SE/4 & S/2 NE/4																	8B 8BB & 8C	YES	47577		

Comments: **SPECIAL CONDITIONS: 1) ACERAGE LIMIT 100.5 MAX**

A review of the project by Janell Philips P.E., DWR Structures, determined no structures permits would be needed. It does appear berms or levees were not initially required and will not be for the changes.

The change in point of diversion is to represent the connection of the two pits essentially overlapping the rights. The geographic center of the East pit, File No. 47,577, is authorized as 2,520 feet to the North and 1,269 feet West of the Southeast corner (NW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$) Section 2 and the West pit, File No. 47,552 at 1,300 feet North and 3,394 feet West of the Southeast corner (NW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 2, both in Township 27, Range 1 West, Sedgwick County. The new geographic center for File Nos. 47,552 & 47,577, will be authorized as 2,062 feet North and 1,908 feet West of the Southeast corner (NE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$) a move of approximately 1,500 feet to the Northeast under File No. 47,552, and approximately 900 feet to the Southwest for File No. 47,577. Both appropriations have been designated to evaporate from the alluvium of the Arkansas River and will share water via the channel, so it appears the change in point of diversion will not alter the local source of supply. The new geographic center change in point of diversion will move one of the geographic centers away from the Arkansas River and one closer. It would appear the changes complying with K.A.R. 5-5-13, *Relocation of alluvial wells*, as the rights are not actually wells.

The required notification was completed by letter to the addresses identified by File No. 47,577, and the combination of WWC-5 and appraiser records. The original permitting for File No. 47,552, did not result in any letters being sent as no domestic wells were identified and the pit had been in existence for more than 10 years. The sent letters appear to comply with the requirement of K.S.A. 82a-1906, for the requested changes.

The summary memo was submitted to Jeff Lanterman, Water Commissioner, for his review. In his email dated August 1, 2018, he stated that he had no objection to the approval of the applications for changes.

A notice of completion will be required for the referenced files. The transmittal letter will remind the owners of the original permit condition of preventing the degradation of water quality caused by the potential introduction of any contaminants to the groundwater pits. The transmittal letter should also remind the owners the rights still require the annual water use report and that EBE has been designated to fill the report, but all owners are responsible. It does appear the certification process of the rights should remove the annual water use requirement per the joint stipulation for discontinued use of a groundwater pit DWR form 1-105-2, as allowed for similar recreational use water rights.

Based upon the above discussion, that the changes are reasonable, that impairment to existing water right is unlikely, that consumptive use should not increase and that the local source of supply will remain as authorized, I recommend approval of the application for changes.



Leslie Ireland
Environmental Scientist
Water Appropriation Program

STATE OF KANSAS

DEPARTMENT OF AGRICULTURE
1320 RESEARCH PARK DRIVE
MANHATTAN, KS 66502
PHONE: (785) 564-6700
FAX: (785) 564-6777



900 SW JACKSON, ROOM 456
TOPEKA, KS 66612
PHONE: (785) 296-3556
www.agriculture.ks.gov

GOVERNOR JEFF COLYER, M.D.
JACKIE McCLASKEY, SECRETARY OF AGRICULTURE

FILE COPY

SNAR LLC & EBE LLC
GAYLAN W NETT JR
1650 S MERIDIAN AVE STE 7
WICHITA KS 67213-1900

August 8, 2018

RE: Appropriation of Water, File Nos. 47,552 & 47,775

Dear Mr. Nett:

Enclosed are the orders executed by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the applications for change under the above referenced files.

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in the approvals for change. Please be reminded of the conditions of the original permits, one of which is the requirement to prevent the degradation of water quality caused by the potential introduction of any contaminants to the groundwater pits.

Please return the enclosed form, Notification of the Completion of the Diversion Works, upon completion of the modification to the groundwater pits and currently designated as December 31, 2018. There is no fee for the required notification of completion.

The files referenced above will now list the recipient and address for the annual water use report to be:

EBE LLC
1650 S MERIDIAN SUITE 7
WICHITA KS 67213-1900

The report 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.

Should you have any questions, please contract Leslie Ireland, Environmental Scientist, at (785) 564-6633. 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 Application Unit Supervisor

BAT:LI:li

Enclosures

pc: Stafford Field Office
Austin Brumley, Emerald Bay Estates HOA
Eric J. Glover P.E., Garver

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,
AND POINT OF DIVERSION
UNDER
APPROPRIATION OF WATER
FILE NO. 47,552**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Gaylan W. Nett Jr. on behalf of EBE LLC and SNAR LLC both at 1650 S. Meridian Avenue, Suite 7, Wichita, Kansas 67213-1900, along with Austin Brumley, President of the Emerald Bay Estates Home Owners Association, 2407 N. Bayside Street, Wichita, Kansas 67205-5261, received in this office on February 14, 2018, under the Approval of Application, File No. 47,552, for approval of a change in the location of the place of use and point of diversion under the of appropriation issued pursuant to the application for permit to appropriate water for beneficial use, finds that the change is reasonable and will not impair existing rights, that the change relates to the same local source of supply 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:

a groundwater pit not to exceed 100.5 acres in size located in the East Half of the Southwest Quarter (E $\frac{1}{2}$ SW $\frac{1}{4}$) and in the North Half of the Southeast Quarter (N $\frac{1}{2}$ SE $\frac{1}{4}$) and the South Half of the Northeast Quarter (S $\frac{1}{2}$ NE $\frac{1}{4}$) of Section 2, in Township 27 South, Range 1 West, Sedgwick County, Kansas, and

the authorized point of diversion shall be:

a geographic center located in the Northeast Quarter of the Northwest Quarter of the Southeast Quarter (NE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 2, more particularly described as being near a point 2,062 feet to the North and 1,908 feet to the West of the Southeast corner of said section, in Township 27 South, Range 1 West, Sedgwick County, Kansas,

located substantially as shown on the aerial photograph accompanying the application to change the place of use and point of diversion.

Installation of the works for diversion of water shall be completed on or before December 31, 2018, or within any authorized extension of time. The applicant shall notify the Chief Engineer of the Division of Water Resources, Kansas Department of Agriculture, when construction of the works for diversion has been completed.

In all other respects, the Approval of Appropriation, File No. 47,552, for permit to appropriate water for beneficial use, is as stated and set forth in the approval dated June 11, 2012.

RIGHT TO A HEARING AND TO ADMINISTRATIVE REVIEW

If you are aggrieved by this Order, then pursuant to K.S.A. 82a-1901, you may:

- 1) request an evidentiary hearing before the Chief Engineer, or
- 2) request administrative review by the Secretary of Agriculture.

Failure to request an evidentiary hearing before the Chief Engineer does not preclude your right to administrative review by the Secretary.

To obtain an evidentiary hearing before the Chief Engineer, a written request for hearing must be filed within 15 days after service of this Order as provided in K.S.A. 77-531 (i.e., **within a total of 18 days after this Order was mailed to you**), with: Kansas Department of Agriculture, Attn: Legal Section, 1320 Research Park Drive, Manhattan, KS 66502, FAX (785) 564-6777.

If you do not file a request for an evidentiary hearing before the Chief Engineer, you may petition for administrative review of the Order by the Secretary of Agriculture. A petition for review shall be in writing and state the basis for requesting administrative review. The request for hearing may be denied if the request fails to clearly establish factual or legal issues for review. See K.S.A. 77-527. The petition must be filed within 30 days after service of this Order as provided in K.S.A. 77-531 (i.e., **within a total of 33 days after this Order was mailed to you**), and be filed with: Secretary of Agriculture, Attn: Legal Division, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, KS 66502, FAX (785) 564-6777.

If neither a request for an evidentiary hearing nor a petition for administrative review is filed as set forth above, then this Order shall be effective and become a final agency action as defined in K.S.A. 77-607(b). Failure to timely request either an evidentiary hearing or administrative review may preclude further judicial review under the Kansas Judicial Review Act.

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

Ordered this 3rd day of August, 2018, at Topeka, Shawnee County, Kansas.

Lane P. Letourneau
 Lane P. Letourneau, P.G.
 Program Manager
 Division of Water Resources
 Kansas Department of Agriculture

State of Kansas)
)
 County of Riley) SS

The foregoing instrument was acknowledged before me this 3rd day of August, 2018, by Lane P. Letourneau, P.G., Program Manager, Division of Water Resources, Kansas Department of Agriculture.



Danielle Wilson
 Notary Public

CERTIFICATE OF SERVICE

On this ^{8th} day of ^{August}, 2018, I hereby certify that the attached Approval of Application for Change in Place of Use and Point of Diversion under Appropriation of Water, File No. 47,552 dated ^{August 3rd}, 2018 was mailed postage prepaid, first class, US mail to the following:

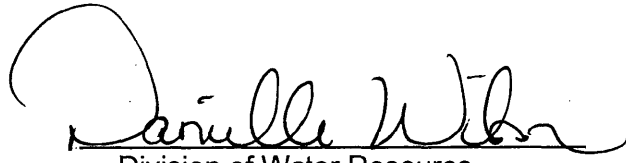
SNAR LLC & EBE LLC
GAYLAN W NETT JR
1650 S MERIDIAN AVE STE 7
WICHITA KS 67213-1900

EMERALD BAY ESTATES HOA
AUSTIN BRUMLEY PRESIDENT
2407 N BAYSIDE STREET
WICHITA KS 67205-5261

With a Photocopy to:

GARVER
ERIC J GLOVER PE
924 N MAIN ST
WICHITA KS 67203

Stafford Field Office


Division of Water Resource

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

Water Resources
Received
FEB 14 2018
10:56
KS Dept Of Agriculture

File No. 47,552

2. Name of applicant: GAYLAN W NETT JR

Address: 1650 S MERIDIAN SUITE 7

City, State and Zip: WICHITA KS 67213-1900

Phone Number: (316) 522-4596 E-mail address: gn@netcoremodeling.com

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

Name of water use correspondent: AS CURRENTLY AUTHORIZED

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): MODIFICATION OF PUT BY COMBINING OF 2 SEPARATE WATER RIGHTS TO ALLOW FOR A CONNECTED WATERWAY.

The change(s) will be completed by 2018 (Date)

For Office Use Only:	
F.O. <u>2</u> <u>GMD</u> <u>3</u> Meets K.A.R. 5-5-1 (YES/NO) Use <u>REC</u> Source <u>G</u> S County <u>SG</u> By <u>AW</u> Date <u>2/14/18</u>	
Code <u>C-2</u> Fee \$ <u>400</u> TR # _____ Receipt Date <u>2/14/18</u> Check # <u>3501</u>	

APPLICATION COMPLETE
6/28/18
Reviewer LE/dwr

Assisted by: LI /DWR
SCANNED
2/19/2018 um

4. The presently authorized place of use is:

Owner of Land — NAME: a) EBE LLC, GAYLAN W NETT JR

ADDRESS: a) 1650 S MERIDIAN SUITE 7, WICHITA KS 67213-1900

b) _____

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	
2	27	1W	31.5 SURFACE ACRE PIT IN THE SOUTHWEST QUARTER (SW¼)																

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: : a) EBE LLC, GAYLAN NETT

ADDRESS: a) 1650 S MERIDIAN SUITE 7, WICHITA KS 67213-1900

b) _____

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	
2	27	1W	* 31.5 SURFACE ACRE PIT IN THE SOUTHWEST QUARTER (SW¼)																

List any other water rights that cover this place of use 47577

Owner of Land — NAME: a) SNAR LLC GAYLAN W NETT JR b) EMERALD BAY ESTATES HOMEOWNERS ASSOC

ADDRESS: a) 1650 S MERIDIAN AVE STE 7, WICHITA KS 67213-1900

b) AUSTIN BRUMLEY PRES 2407 N BAYSIDE STREET WICHITA KS 67205

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	
2	27	1W	* 69 SURFACE ACRE PIT IN THE EAST HALF (E ½)																

* TOTAL 100.5A NE
LS-

List any other water rights that cover this place of use. 47577

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

* DESCRIPTION OF

PU → 100.5 SURFACE ACRES E ½ SW¼ & NW¼ SE¼ & S ½ NE¼

Water Resources
Received

FEB 14 2018

SCANNED

KS Dept Of Agriculture

168 AF

6. The presently authorized point(s) of diversion is one geographic center

(Provide description and number of points)

7. The proposed point(s) of diversion is one geographic center

(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 NE Quarter of the SW Quarter of Section 2, Township 27 South, Range 1 (W), in SEDGWICK County, Kansas, 1300 feet North 3394 feet West of Southeast corner of section.

Authorized Rate NE Authorized Quantity 52.3 mgy

(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 NE Quarter of the NW Quarter of the SE Quarter of Section 2, Township 27 South, Range 1 (W), in SEDGWICK County, Kansas, 2062 feet North 1908 feet West of Southeast corner of section.

Proposed Rate NE Proposed Quantity 52.3

This point is: Additional Well Geo Center List other water rights that will use this point 47577

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. GEO CENTERS OF PITS WILL OVERLAP

Water Resources
Received

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

12. The presently authorized use of water is for RECREATIONAL purposes.
It is proposed that the use be changed to _____ purposes.
13. If changing the place of use and/or use made of water, describe how the consumptive use will not be increased.
See attached plan. The two bodies of water will be connected by a navigable channel. The total water surface area will remain the same through filling of existing areas equal to the area of the newly created surface areas.
-
-
-

(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.

The proposed change will be combining two existing water rights. The exposed groundwater area will remain unchanged.

Water Resources
Received

FEB 14 2018

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.

Change appears to meet the Act, and no waiver is needed.

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

SCANNED

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 _____, Kansas, this _____ day of _____, 20_____.

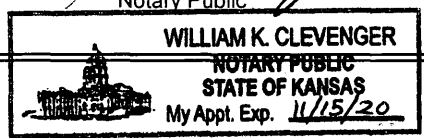
By: <u><i>[Signature]</i></u> (Owner)	_____	(Spouse)
<u>GAYLAN NETT JR (EBELUC)</u> (Please Print)	_____	(Please Print)
_____	_____	(Spouse)
(Owner)	_____	(Please Print)
_____	_____	(Spouse)
(Please Print)	_____	(Please Print)
_____	_____	(Spouse)
(Owner)	_____	(Please Print)
_____	_____	(Spouse)
(Please 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 24TH day of JANUARY, 2018.

[Signature]
Notary Public

My Commission Expires 11/15/20



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
FEB 14 2018
KS Dept Of Agriculture
SCANNED



924 N Main St
Wichita, KS 67203

TEL 316.264.8008

www.GarverUSA.com

February 5, 2018

ATTN: Leslie Ireland
Division of Water Resources
Kansas Department of Agriculture
1320 Research Park Drive
Manhattan, KS 66502

Re: Water Right Change Application for Emerald Bay Addition, Wichita, KS.

Dear Ms. Ireland

Included with this letter is the application for a Change in Water Right for Emerald Bay Addition to Sedgwick County, Kansas. Gaylan Nett is the owner of two water rights he is applying to merge into one. Both water rights are for recreational use. The two bodies of water will be connected by a navigable channel. Areas of the existing bodies will be filled in to offset any additional exposed waters. Also included with this letter are all wells within ½ mile of the new proposed centroid for notification.

Please feel free to contact me if you have any questions.

Sincerely,

Eric J. Glover, P.E.
Project Engineer
EJGlover@GarverUSA.com

Water Resources
Received

FEB 14 2018

KS Dept Of Agriculture

Attachments: 2-Application for Water Right Change

SCANNED

Ireland, Leslie [KDA]

From: Lanterman, Jeff [KDA]
Sent: Wednesday, August 1, 2018 1:20 PM
To: Conant, Cameron [KDA]; Ireland, Leslie [KDA]
Subject: RE: Recommendation for PU PD Changes File Nos. 47552 & 47577 EBE SNAR LLC

Leslie,

I have been aware of this one for some time. The people with the good lake complained that they didn't want the folks from the bad part of the lake to come over 😊

Just kidding but that's kind of what was going on. As long as the authorized PU is not exceeded and it looks like they got that covered I am OK with approving this change.

Thanks
Jeff

From: Conant, Cameron [KDA]
Sent: Wednesday, August 1, 2018 11:59 AM
To: Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>
Subject: FW: Recommendation for PU PD Changes File Nos. 47552 & 47577 EBE SNAR LLC

Let's look at this real quick. This is connecting the two GW pits with a little channel and filling a little on the west pit so as not to increase evap.

Cam

From: Ireland, Leslie [KDA]
Sent: Thursday, June 28, 2018 9:27 AM
To: Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>; Conant, Cameron [KDA] <Cameron.Conant@ks.gov>
Subject: Recommendation for PU PD Changes File Nos. 47552 & 47577 EBE SNAR LLC

Attached is the summary memo for the changes.

The notices will just be sent today,, but no comment period and I've spoken with Gaylan Nett about it and he said everyone knows about the channel and changes.

Please let me know if you could recommend the changes for these appropriations and my suggestion about exempting the WUR during the certification process for these REC pits.

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@ks.gov
www.agriculture.ks.gov

DEPARTMENT OF AGRICULTURE
1320 RESEARCH PARK DRIVE
MANHATTAN, KS 66502
PHONE: (785) 564-6700
FAX: (785) 564-6777

STATE OF KANSAS



900 SW JACKSON, ROOM 456
TOPEKA, KS 66612
PHONE: (785) 296-3556
www.agriculture.ks.gov

GOVERNOR JEFF COLYER, M.D.
JACKIE MCCLASKEY, SECRETARY OF AGRICULTURE

June 28, 2018

ADDRESS LIST

RE: Appropriation of Water, File Nos. 47,552 & 47,577

Dear Sir or Madam:

This letter is to **provide notice** as required by K.S.A. 82a-1906, which became effective on July 1, 2016.

EBE LLC and SNAR LLC owners of the referenced Appropriation of Water have filed applications for approval of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.

The applications propose a change in place of use and point of diversion for the referenced appropriations. The requested changes are to authorize a navigable channel between the two existing recreational use groundwater pits. The surface acres and annual quantity of water will remain as authorized due to the downsizing of the West recreational groundwater pit. The combined annual quantity of 168 acre-feet will be authorized from the updated geographic center referenced in our records as being located in the Northwest Quarter of the Northeast Quarter of the Southeast Quarter (NW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 2, Township 27 South, Range 1 West, Sedgwick County, Kansas.

If you have any questions, please contact our office, my desk phone is (785) 564-6633. If you wish to discuss a specific file, please have the file numbers ready so that we may help you more efficiently.

Sincerely,

Leslie Ireland
Environmental Scientist
Water Appropriation Program

Enclosure

pc: Stafford Field Office ✓
EBE LLC
SNAR LLC

SCANNED

CHANGE APPLICATIONS FOR FILE NOS. 47,552 & 47,577
ADDRESS LISTING FOR NEARBY NOTIFICATION REQUIRED PER KSA 82a-1906

OWNER
2665 N BAYSIDE CT
WICHITA, KS 67205-5243

OWNER
2644 N PARADISE CT
WICHITA KS 67205

OWNER
4210 W SHORELINE ST
WICHITA, KS 67205-8629

OWNER
4714 W EMERALD BAY ST
WICHITA, KS 67205-5243

OWNER
2625 N BAYSIDE CT
WICHITA KS 67502-5243

OWNER
2522 N PARADISE CT
WICHITA, KS 67205-5302

OWNER
2649 N BAYSIDE CT
WICHITA, KS 67205-5243

OWNER
4516 W SHORELINE ST
WICHITA, KS 67205-8630

OWNER
2661 N BAYSIDE CT
WICHITA, KS 67205-5243

OWNER
2633 N BAYSIDE CT
WICHITA KS 67205-5243

OWNER
4512 W SHORELINE ST
WICHITA, KS 67206-8630

OWNER
2534 N PARADISE CT
WICHITA, KS 67205-5302

OWNER
4203 W EMERALD BAY ST
WICHITA KS 67205-5252

OWNER
4508 W SHORELINE ST
WICHITA KS 67205-8630

OWNER
4303 W EMERALD BAY ST
WICHITA KS 67205-5251

OWNER
4504 W SHORELINE ST
WICHITA KS 67205-8630

OWNER
2617 N BAYSIDE CT
WICHITA, KS 67205-5243

OWNER
4416 W SHORELINE ST
WICHITA, KS 67205-8626

OWNER
2621 N BAYSIDE CT
WICHITA, KS 67205-5243

OWNER
4412 W SHORELINE ST
WICHITA, KS 67205-8626

OWNER
2697 N BAYSIDE CT
WICHITA, KS 67205-5242

OWNER
4408 W SHORELINE ST
WICHITA, KS 67205-8626

OWNER
4307 W EMERALD BAY ST
WICHITA KS 67205-5251

OWNER
4404 W SHORELINE ST
WICHITA, KS 67205-8926

OWNER
2636 N PARADISE CT
WICHITA KS 67205-5241

OWNER
4306 W SHORELINE ST
WICHITA, KS 67205-8625

OWNER
4311 W EMERALD BAY ST
WICHITA KS 67205-5251

OWNER
4304 W SHORELINE ST
WICHITA, KS 67205-8625

OWNER
2641 N BAYSIDE CT
WICHITA KS 67205-5243

OWNER
4214 W SHORELINE ST
WICHITA, KS 67205-8629

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

GAYLAN W NETT JR
1650 S MERIDIAN SUITE 7
WICHITA, KS 67213

February 14, 2018

RE: File No 47552

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/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



CHANGE IN PLACE OF USE
AND POINT OF DIVERSION
APPROPRIATION OF WATER
FILE NOS. 47, 5524
47, 577



© 2011 GARVER, LLC
THIS DOCUMENT, ALONG WITH THE
IDEAS AND DESIGN CONTAINED
HEREIN, SHALL BE CONSIDERED
INSTRUMENTS OF PROFESSIONAL
SERVICE AND ARE PROPERTY OF
GARVER, LLC. ANY USE,
REPRODUCTION, OR DISTRIBUTION
OF THIS DOCUMENT, ALONE WITH
THE IDEAS AND DESIGN CONTAINED
HEREIN, IS PROHIBITED UNLESS
AUTHORIZED IN WRITING BY
GARVER, LLC OR EXPRESSLY
ALLOWED IN THE GOVERNING
PROFESSIONAL SERVICES
AGREEMENT FOR THIS WORK.

REV.	DATE	DESCRIPTION	BY

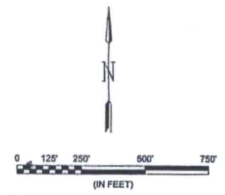
City of Wichita, KS
Emerald Bay 3rd
Lift Station


PROPOSED
WATER RIGHT


JOB NO.: 1724861
DATE: MONTH YEAR
DESIGNED BY:
DRAWN BY:

SCALE ONE INCH OR
SMALLER, UNLESS
OTHERWISE SPECIFIED
IF NOT ONE INCH OR THIS SHEET,
SCALE SHALL BE ACCORDING TO
DRAWING NUMBER

SHEET
NUMBER **2**



 EXISTING
GROUNDWATER
RIGHTS

 PROPOSED
GROUNDWATER
RIGHTS

SE Corner Sec 2-275-1W

Existing Right
 A 49572 00

3960' N LINE

OWNER SHID EAST PIT
 NY₂ EMERALD BAY ESTATES (EBE LLC)
 HOME OWNERS ASSOCIATION

SY₂ SNAR LLC

* EAST PIT - AUTHORIZED
 FILE NO. 475177
 69 SURFACE ACRES -
 2640' LINE

Proposed Combined Right
 Diversion Pt

OWNERSHIP
 WEST PIT
 EMERALD BAY ESTATES
 AS EBE LLC

* WEST PIT AUTHORIZED
 FILE NO. 47,552
 31.5 SURFACE ACRES -
 CHANNEL 30' x 60' = 18000 sq ft
 = 0.41 acres



EXISTING
 GROUNDWATER
 RIGHTS

PROPOSED
 GROUNDWATER

* LEPUR
 6/28/18

SE Corner Sec 2-27S-1W

REV.	DATE	DESCRIPTION	BY

City of Wichita, KS
 Emerald Bay 3rd
 Lift Station

PROPOSED
 WATER RIGHT

JOB NO.: 17264861
 DATE: MONTH YEAR
 DESIGNED BY:
 DRAWN BY:

BAR IS ONE INCH ON
 ORIGINAL DRAWING
 IF NOT ONE INCH ON THIS SHEET,
 ADJUST SCALES ACCORDINGLY.

CHANGE IN PLACE OF USE
AND POINT OF DIVERSION
APPROPRIATIONS OF WATER
FILE NOS. 47, 552 &
47, 577

GARVER
© 2017 GARVER, LLC
THIS DOCUMENT, ALONG WITH THE
IDEAS AND DESIGNS CONVEYED
HEREIN, SHALL BE CONSIDERED
INSTRUMENTS OF PROFESSIONAL
SERVICE AND ARE PROPERTY OF
GARVER, LLC. ANY USE,
REPRODUCTION, OR DISTRIBUTION
OF THIS DOCUMENT, ALONG WITH
THE IDEAS AND DESIGN CONTAINED
HEREIN, IS PROHIBITED UNLESS
AUTHORIZED IN WRITING BY
GARVER, LLC OR EXPLICITLY
ALLOWED IN THE GOVERNING
PROFESSIONAL SERVICES
AGREEMENT FOR THIS WORK.

Existing Right
A 49572 00

FILE NO. 47, 577

Proposed Combined Right
Diversion Pt 130M PLUS

FILE NO. 47552

SE Corner Sec 2-275-1W

REV.	DATE	DESCRIPTION	BY



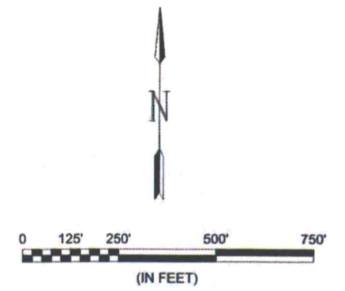
City of Wichita, KS

Emerald Bay 3rd
Lift Station

PROPOSED
WATER RIGHT

JOB NO.: 17264861
DATE: MONTH YEAR
DESIGNED BY:
DRAWN BY:

BAR IS ONE INCH ON
ORIGINAL DRAWING
IF NOT ONE INCH ON THIS SHEET,
ADJUST SCALES ACCORDINGLY.



EXISTING
GROUNDWATER
RIGHTS

PROPOSED
GROUNDWATER