

# 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

Water Resources  
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**FEB 14 2018**  
10:57  
KS Dept Of Agriculture

File No. 47,577

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. 2 GMD 2 Meets K.A.R. 5-5-1 (YES/NO) Use REC Source G/S County SG By ASW Date 2/14/18  
Code C-2 Fee \$ 400 TR # \_\_\_\_\_ Receipt Date 2/14/18 Check # 3501

4. The presently authorized place of use is:

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)																

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

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 47552

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)																

List any other water rights that cover this place of use. 47552

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

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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      SE      Quarter  
 of Section      2     , Township      27      South, Range      1      (W),  
 in SEDGWICK County, Kansas,      2520      feet North      1269      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 47552

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     

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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

**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](http://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.

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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**

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: *Gaylan Nett Jr*  
(Owner)  
GAYLAN NETT JR (SNAR LLC)  
(Please Print)

\_\_\_\_\_  
(Spouse)

\_\_\_\_\_  
(Please Print)

\_\_\_\_\_  
(Owner)

\_\_\_\_\_  
(Spouse)

\_\_\_\_\_  
(Please Print)

\_\_\_\_\_  
(Please Print)

\_\_\_\_\_  
(Owner)

\_\_\_\_\_  
(Spouse)

\_\_\_\_\_  
(Please Print)

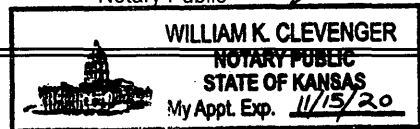
\_\_\_\_\_  
(Please Print)

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 24<sup>TH</sup> day of JANUARY, 2018.

*William K. Clevenger*  
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.

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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 Whitewater, Kansas, this 30 day of January, 2018.

<u>[Signature]</u> (Owner)	<u>N/A</u> (Spouse)
<u>Austin Stunney (HOA)</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 30 day of January, 2018.

**CHELSEY SATTERFIELD**  
 Notary Public - State of Kansas  
 My Appt. Expires 04.04.2021

[Signature]  
Notary Public

My Commission Expires 04.04.2021

**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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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 47577

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





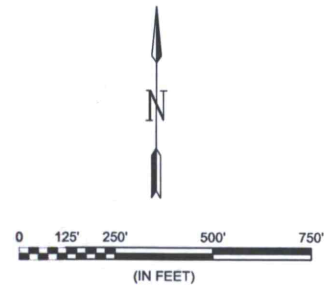
○ Existing Right  
 A 49572 00

○ Existing Right  
 Diversion Pt  
 A 47577 00

○ Existing Right  
 Diversion Pt  
 A 47552 00

SE Corner Sec 2-275-1W

Water Resources  
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**FEB 14 2018**  
 KS Dept Of Agriculture



 EXISTING  
 GROUNDWATER  
 RIGHTS

REV.	DATE	DESCRIPTION	BY

City of Wichita, KS  
 Emerald Bay 3rd  
 Lift Station

EXISTING  
 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 Right  
A 49572 00

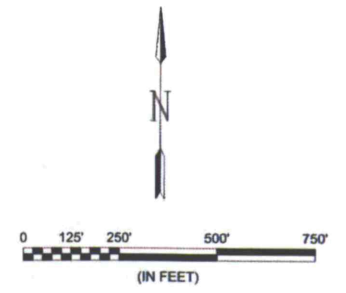
Proposed Combined Right  
Diversion Rt

SE Corner Sec 2-27S-1W

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REV.	DATE	DESCRIPTION	BY

City of Wichita, KS  
Emerald Bay 3rd Lift Station



 EXISTING GROUNDWATER RIGHTS

 PROPOSED GROUNDWATER RIGHTS

**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.