

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

Document Signature LPL

| | | | | |
|---------------------------------|---|-----------------------------|-------------------------------|---------|
| 1. File Number: 47577 | 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) Person ID _____
 New to system Add Seq# _____

GAYLAN W NETT JR
1650 S MERIDIAN AVE STE 7
WICHITA KS 67213-1900

8c. Landowner(s) Person ID 60203
 New to system Add Seq# 1

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

8b. Landowner(s) Person ID 59403
 New to system Add Seq# 59599

SNAR LLC
GAYLAN W NETT JR
1650 S MERIDIAN AVE STE 7
WICHITA KS 67213-19001

8d. WUC Person ID 65724
 New to system Add Seq# _____

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

8bb. Landowner(s) Person ID 65724
~~New to system~~ ~~Add Seq#~~

EBE LLC
GAYLAN W NETT JR
1650 S MERIDIAN AVE STE 7
WICHITA KS 67213-19001

9. Documents and Enclosure(s): DWR Meter(s) Date to Comply: _____ N & P Date to Comply: **12/31/2018**

Anti-Reverse Meter Meter Seal Check Valve N & P Form Water Tube Driller Copy H & E Letter

Conservation Plan Date Required: _____ Date Approved: _____ Date to Comply: _____

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

Date Prepared: **6/28/18** By: **li**
 Date Entered: **8/7/2018** By: **LLM**

File No. **47577** 11. County: **SG** Basin: **ARKANSAS RIVER** Stream: **NA** Formation Code: **113** Special Use: **NA**

| 12. Points of Diversion | | | | | | | | | | Rate and Quantity | | | | | |
|-------------------------|-------|-----------|---|----|----|----|------|------|--|-------------------|--------------|------------|--------------|------------------|-------|
| MOD | PDIV | Qualifier | S | T | R | ID | 'N | 'W | Comment | Authorized | | Additional | | Overlap PD Files | |
| DEL | ENT | | | | | | | | | Rate gpm | Quantity mgy | Rate gpm | Quantity mgy | | |
| DEL | 77661 | NWNESE | 2 | 27 | 1W | 9 | 2520 | 1269 | GEO CTR - GROUNDWATER PIT | 20 | INCH | EVAP | NE 115.7 AF | NE 115.7 AF | NONE |
| ENT | 86879 | NE NW SE | 2 | 27 | 1W | | 2062 | 1908 | GEO CTR - GROUNDWATER PIT - 20 IN NET EVAP | | | NE | 37.70 MGY | NE 37.70 | 47552 |

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 47552**
 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 | 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 | 52537 | 2 | 27 | 1W | 2 | 69 SURFACE AC GROUNDWATER PIT (E2) | | | | | | | | | | | | | | | | | 8B & 8C | YES | NONE | | | | |
| ENT | 69021 | 2 | 27 | 1W | | 100.5 SURFACE AC PIT E/2 SW/4 & N/2 SE/4 & S/2 NE/4 | | | | | | | | | | | | | | | | | 8B 8BB & 8C | YES | 47552 | | | | |

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

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

MEMORANDUM

TO: File **DATE:** August 1, 2018
FROM: Leslie Ireland **RE:** Appropriation of Water
File Nos. 47,552 & 47,577

Gaylan W. Nett Jr., on behalf of EBE LLC, (historically as Emerald Bay Estates), and Austin Brumley on behalf of SNAR LLC as owners of the sand and gravel pits, or portions of the pits, authorized by the referenced files have filed applications to change the place of use and point of diversions authorized for recreational use by the referenced files. The applications received on February 14, 2018, were completed by Eric J. Glover, P.E., for Garver LLC.

The referenced files have submitted the notice of completion under previous ownership and requested an extension to perfect for the 2017 perfection date. The rights appear to comply with K.S.A. 82a-718 82a-732. The applications appear to be complete, complying with K.A.R. 5-5-2a, *Complete change application*.

The current owners are requesting to add a navigable channel to connect the two pits and modify the perimeter of the West groundwater pit to assure the acres of the existing pits will not be increased by the changes to assure compliance with K.A.R. 5-5-3, *Change in consumptive use*, as the time to perfect the rights expired in 2017.

File No. 47,552 is authorized 52.3 acre-feet (17.04 million gallons) of evaporative loss of groundwater of the Main Stem Alluvium (Code 113) Arkansas River, from 31.5 surface acres. The appropriation was originally authorized as recreational use as it was a replacement right for an industrial use. The pit does appear to be for recreational use as there had been little development and has a boat ramp. File No. 47,577 was also permitted as recreational use as it was an after the fact permit, that required a waiver of K.A.R. 5-3-11, *Availability of water for appropriation-safe yield; unconfined groundwater aquifers*, to be permitted. It authorizes 115.7 acre-feet (37.7 million gallons) of evaporation from the Main Stem Alluvium (Code 113) Arkansas River, from 69 surface acres. It has residential development and what appears to be a boat ramp on the Northside. Both rights are located West of the Arkansas River and the Wichita Valleycenter Floodway. They are not in any special use area and the permits required maintenance to prevent the degradation of water quality, but no berm.

The proposed overlap of the pits will be limited to a combined total of their currently authorized surface acres of 100.5 acres. The new configuration will not alter the East pit perimeter under File No. 47,577, except where the channel will be cut to connect to the smaller Western pit authorized by File No. 47,552. The smaller pit will have a reduction to the Northwest and Southcentral sides, with the shoreline increase along the Northeast side and the channel on the East side. The map for the applications indicates the channel is 600 feet long and 30 feet wide or approximately 0.41 of an acre. It appears the reduction in the size of the West pit will provide surface acres for the channel maintaining 100.5 surface acres under the referenced files. The potential net evaporation as detailed in K.A.R. 5-6-3, *Potential net evaporation* for this area is 20 inches and as detailed by K.A.R. 5-13-6, *Determination of the Maximum rate of diversion and annual quantity*, a minimum of 167.5 acre-feet for evaporation from the 100.5 surface acres is needed. The referenced files are authorized 168 acre-feet and the rate will be natural evaporation.

$$(100.5 \text{ acres} \times 20 \text{ inches}) \div 12 \text{ inches per foot} = 167.5 \text{ acre-feet}$$

The map indicates there will be no increase in surface acres. A review of the ownership records indicates the channel will be cut on property owned by SNAR LLC and EBE LLC, both signers of the application for change. The engineer for the project did not state the method for creating the channel. It would appear that the excavation will utilize non-hydraulic dredge.

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 will 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

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

August 8, 2018

FILE COPY

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 contact 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,

A handwritten signature in cursive script, appearing to read "Brent A. Turney".

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. 47,577**

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. 47,577, 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. 47,577, 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. 47,577 dated ^{August 3rd}, 2018 was mailed postage prepaid, first class, US mail to the following:

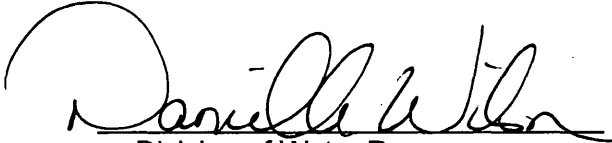
SNAR LLC & EBE LLC
GAYLAN W NETT JR
1650 S MERIDIAN AVE STE 7
WICHITA KS 67213-1900

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
10:57
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. <u>2</u> | GMD <u>0</u> | Meets K.A.R. 5-5-1 | (YES/NO) Use <u>REC</u> | Source <u>@/S</u> | County <u>SG</u> | By <u>AW</u> | Date <u>2/11/18</u> |
| Code <u>C-2</u> | Fee \$ <u>400</u> | TR # _____ | Receipt Date <u>2/14/18</u> | Check # <u>3501</u> | | | |

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

* DESCRIPTION OF THE PLACE OF USE:

100.5 SURFACE ACRES E ½ SW¼; N ½ SE¼ & S ½ NE¼

Water Resources
Received

FEB 14 2018

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

Water Resources
 Received
FEB 14 2018
 KS Dept Of Agriculture

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

SCANNED

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 filing 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: *[Signature]*
(Owner)

(Spouse)

GAYLAN NETH JR (SNAR LLC)
(Please Print)

(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

(Owner)

(Spouse)

(Please Print)

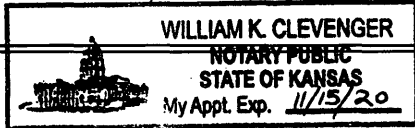
(Please Print)

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 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

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.

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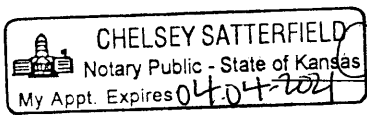
I declare that I am an owner of the currently authorized place of use as identified herein, or that I represent all such owners and am authorized to make this application on their behalf, and declare further that the statements contained herein are true, correct, and complete. By filing this application 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 Whita, Kansas, this 30 day of January, 2018.

| | |
|---|------------------------|
| <u>[Signature]</u> (Owner) | <u>N/A</u> (Spouse) |
| <u>Austin Stanley (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.



[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.

Water Resources
Received

FEB 14 2018

KS Dept Of Agriculture **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

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

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,

A handwritten signature in cursive script that reads "Leslie Ireland".

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 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,

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

BAT: DLW
pc: STAFFORD Field Office GMD

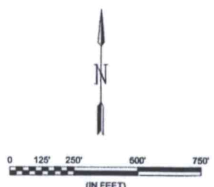




CHANGE IN PLACE OF USE
AND POINT OF DIVERSION
APPROPRIATIONS OF WATER
FILE NOS. 47,552 &
47,577

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| REV. | DATE | DESCRIPTION | BY |
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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:

DATE: ONE INCH ON ORIGINAL PAPERING
IF NOT ONE INCH ON THIS SHEET, SCALE SHOULD ACCORDINGLY.

DRAWING NUMBER

SHEET NUMBER **2**



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3960' N LINE
 3,750' N

| REV. | DATE | DESCRIPTION | BY |
|------|------|-------------|----|
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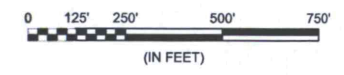
Water Resources Received
 FEB 14 2018

KS Dept Of Agriculture



City of Wichita, KS

Emerald Bay 3rd Lift Station



 EXISTING GROUNDWATER RIGHTS

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.
 DRAWING NUMBER

SE Corner Sec 2-27S-1W


SCANNED

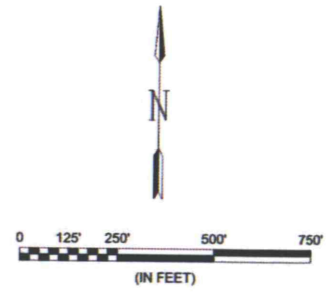


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| REV. | DATE | DESCRIPTION | BY |
|------|------|-------------|----|
| | | | |
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Water Resources Received
 FEB 14 2018
 KS Dept Of Agriculture


 City of Wichita, KS
 Emerald Bay 3rd Lift Station



 EXISTING GROUNDWATER RIGHTS

EXISTING WATER RIGHT
 JOB NO.: 17264861
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SE Corner Sec 2-27S-1W