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.

Water Resources Received

APR 01 2020 /:/) KS Dept Of Agriculture

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



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 m	nade for approval of the Chief Engineer to change the
	☑ Place of Use
(Check one or more)	□ Point of Diversion
	☐ Use Made of Water
	File No. <u>15273</u>
2. Name of applicant: <u>L &</u>	P Properties LLC, Attn: Peter Molitor
Address: 5841 N. Pros	pect Road, Park City, KS 67204
City, State and Zip: Par	rk City, KS 67204
Phone Number: (316)3	03-2624 E-mail address: pete@andaleconstruction.com
	ip to the water right; ⊠ owner ☐ tenant ☐ agent ☐ other? If other, please explain.
Name of water use corr	respondent: Kortney L. & Kylee M. Kelley
Address: <u>18101 W. 117</u>	r th Street North
City, State and Zip: Sec	dawick, KS 67135
Phone Number: (316)61	13-9374 E-mail address: kortneykelley79@gmail.com
. The change(s) propose	d herein are desired for the following reasons (please be specific): Change the use made of water
from irrigation to irrigation	on and industrial and change the point of diversion from one well to one well and one groundwater
pit. The proposed groun	ndwater pit is 35 acres and the proposed irrigation place of use is 69.7 acres.
The change(s) (was) (w	vill be) completed by ASAP
	(Date)
For Office Use Only:	S K.A.R. 5-5-1 (YES/NO) Use IRR Source G/S County SG ByBMM Date 4/6/20
Code C-3	S K.A.R. 5-5-1 (YES / NO) Use IRR Source G / S County SG By BMM Date 4/6/20 Fee \$ 300 TR # Receipt Date 4/1/2020 Check # 502
	CC 150 2 700 KNIA

Assisted by: T. Boese, GMD2

4/8/2020 LMoody

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

Water Resources
IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY ved

The proposed por	int(s) of diversi	ion (is) (are) one well ar	nd one groundy	(Provide description and num		
				(Provide description and num	nber of points)	7.47
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of Section	22	, Township	26S	South, Range	1W	(E/
in Sedgwick	Co	unty, Kansas, 3960	feet North _	1320 feet West of	Southeast corner of	of section
Authorized Rate _	780 GPM	Authorized Quantity	158 AF			
(DWR use only:	Computer ID	No G	PS	feet North	feet West	t)
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IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

APR 01 2020

			File No. 152/3
12.	The p	resently authorized use of water is for irrigation	purposes.
	It is pr	roposed that the use be changed to <u>irrigation and industrial</u>	purposes.
3.	If char	nging the place of use and/or use made of water, describe how the co	onsumptive use will not be increased.
		sed change will not increase consumptive use. The groundwater pit	
		.A.R. 5-5-10: If entire right changed to industrial: 158 AF X 0.85 = 13	
		es 58.33 AF for net evap (35 acres X 20" / 12"/ft = 58.33 AF). 58.33	
		34326 = 56.5674% retained for irrigation. 158 AF X 0.565674 = 89.38	
		A.R. 5-5-11(b)(2)(B)(ii), the maximum acres for irrigation is 89.38 AF a show any calculations here.)	
4.	It is re	equested that the maximum annual quantity of water be reduced to <u>lrr.</u>	: 89.38 AF; Ind: 58.33 AF (acre-feet or million gall
5.	It is red	quested that the maximum rate of diversion of water be reduced to ${ m N}$	o change gallons per minute (c.f.s.).
	1:24,00 Kansa Distand should	pplication must include either a topographic map or detailed plat. A 100, is available through the Kansas Geological Survey, 1930 Contes 66047-3726 (www.usgs.gov). The map should show the location lines North and West of the Southeast corner of the section must be a laso be shown. Identify the center of the section, the section lines and the topographic township, and range numbers on the map. In addition the following	istant Avenue, University of Kansas, Lawrence, of the presently authorized point(s) of diversion. In shown. The presently authorized place of use and the section corners and show the appropriate
	a. If a	a change in the location of the point(s) of diversion is proposed, show	r.
	1)	The location of the proposed point(s) of diversion. Distances North must be shown. Please be certain that the information shown of Paragraph Nos. 9, 10 and 11 of the application.	n and West of the Southeast corner of the section in the map agrees with the information shown in
	2)	If the source of supply is groundwater, please show the locatio domestic wells, within ½ mile of the proposed well or wells. Ident malling address of the property owner or owners. If there are no well and the source of the property owner or owners.	tify each well as to its use and furnish name and
	3)	If the source of supply is surface water, the names and mailing and ½ mile upstream from your property lines must be shown.	ddresses of all landowner(s) ½ mile downstream
	o. If a	a change in the place of use is desired, show the proposed place of tain that the information shown on the map agrees with the information.	of use by crosshatching on the map. Please be on shown in Paragraph No. 5 of the application.
1	ocal so	documentation to show the change(s) proposed herein will not impource of supply as to which the water right relates. This information gs, test hole logs, and other information as necessary information to below.	may include statements, plats, geology reports,
9	Change	e relates to the same local source of supply – Equus Reds Aquifer.	existing water rights will not be impaired as
2	onsum	nptive use is not being increased. See calculations in Paragraph No.	13 above.
r	dentify equest vill not	roposed change(s) does not meet all applicable rules and regulations the rules and regulations for which you request a waiver. State the should be granted. Attach documentation showing that granting the prejudicially and unreasonably affect the public interest.	ne reason why a waiver is needed and why the request will not impair existing water rights an
			Water Resources
			Pagaiyad

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

APR 01 2020

f Agriculture

Application Map - File No. 15273

6-26S-1W 26-26S-1W 28-26S-1W APP448101010

I declare that all water wells or diversion sites using the same source of supply and within 1000 feet of the proposed point of diversion have been plotted on the application map.

Application No. 15273 To Change: Point of Diversion Place of Use Use Made of Water Proposed GW Pit Geo-Center No. 15273 Exisitng Irrigation Well Currently Authorized Place of Use Proposed Irrigation Place of Use

Proposed Industrial Place of Use

Signature

Date

Water wells within 1,000 feet of proposed point of diversion include: (type use, owner, address)

- Domestic Well Peter Molitor 3170 N. Ohio, Wichita, KS 67219
- Domestic Well L & P Properties LLC 5841 N. Prospect Rd., Park City, KS 67204
- 3) Due to the large number of wells within 1/2 mile, applicant request a public notice be published in the area newspaper. All wells with 1000 feet of the proposed PD are identified above.

File No	. 15273	

Any use of water that is not as authorized by the water right or permit to authorize water <u>before</u> 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 a authorized to make this application on their behalf, and declare further than the control of the currently authorized by the control of the currently authorized place of use as a currently authorized by the currently authorized place of use as a currently authorized to make this application on their behalf, and declare further than a currently authorized to make this application on their behalf, and declare further than a currently authorized to make this application on their behalf, and declare further than a currently authorized to the currently	er that the	statement	ts contained herein	are true, correct, and
complete. By filing this application I authorize the chief engineer to per as specified in sections 14 and 15 of this application.	rmanently	reduce the	quantity of water a	ind/or rate of diversion
Dated at Park City , Kansas, this	25	day of	March	20 20
Ata O. Meta		day or		
(Owner)			(Spouse)	
Peter Molitor, L & P Properties LLC				
Lu 9 Kelell			(Please Print)	
Lou Robelli (Owner)			(Spouse)	
Peter Meliter, Air Capitol Industrial Park LLC (Please Print)			(Please Print)	
(I bade I lilly			(Fredoo Frint)	
(Owner)	Was the same of th		(Spouse)	
Peter Molitor				
(Please Print)			(Please Print)	
County of Sedgw(cK) SS I hereby certify that the foregoing application was signed in my property and the second signed	esence ar	nd sworn t	to before me this	26 day of
	De	dbie	ax	ochel
My Commission Expires 11–26-23			Notary Public	
FEE SCHEDU	E			
Each application to change the place of use, the point of diversion or the use rapplication fee set forth in the schedule below:	nade of the	e water und	er this section shall b	e accompanied by the
				\$100
 (1) Application to change a point of diversion 300 feet or less (2) Application to change a point of diversion more than 300 feet (3) Application to change the place of use (4) Application to change the use made of the water 				\$200 \$200 \$300
Make check payable to Kansas Department of Agriculture.				F700
Water Resources	ST	Willia.	DEBBIE A. GOEBEL	
Received	OFF	FICIAL A	MY COMMISSION EXPIR	ES
100 04 0000	1 300	OF KAMES	11-26-23	

APR 01 2020

1320 Research Park Drive Manhattan, KS 66502 785-564-6700 www. agriculture.ks.gov



900 SW Jackson, Room 456 Topeka, KS 66612 785-296-3556

Mike Beam, Secretary

Laura Kelly, Governor

L&P Properties ATTN: Peter	r Molitor
5841 N. PROSPECT RD	
PARK CITY KS 67204	

April 9, 2020

Dear Sir or Madam:

RE: File No 15273

An application for approval of the C	hief Engineer to change th	ne following condition of	or conditions of
the file number referred to above has been	received:		

place of use PU, PD, UMW point of diversion use made of water

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

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

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

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

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

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

Kristen A. Baum

New Applications Unit Supervisor

Water Appropriation Program