

# 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.

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SEP 14 2020  
11:45

KS Dept Of Agriculture



State of Kansas

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 made for approval of the Chief Engineer to change the
- Place of Use
- (Check one or more)  Point of Diversion
- Use Made of Water

This application is contingent upon approval of a new application on the south well of File No. 33193 (PDIV ID 9102).  
File No. 33193

2. Name of applicant: BRIAN E & RACHEL PRIEST

Address: 7497 192<sup>ND</sup> RD

City, State and Zip: WINFIELD KS 67156

Phone Number: (620)222-1928 E-mail address: brpriest2@gmail.com

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

Name of water use correspondent: BRIAN E & RACHEL PRIEST

Address: 7497 192ND RD

City, State and Zip: WINFIELD KS 67156

Phone Number: (620) 222-1928 E-mail address: brpriest2@gmail.com

3. The change(s) proposed herein are desired for the following reasons (please be specific): This file will be consolidated down to the two north wells and converted to a battery of 2 wells. A new application has been filed to cover the south well and to provide an increased quantity of water on the place of use.

The change(s) will be completed by Spring 2021 (Date)

<b>For Office Use Only:</b>															
F.O.	<u>2</u>	GMD	<u>-</u>	Meets K.A.R. 5-5-1	( <input checked="" type="checkbox"/> YES / <input type="checkbox"/> NO)	Use	<u>IRR</u>	Source	<input type="checkbox"/> G / <input checked="" type="checkbox"/> S	County	<u>CL</u>	By	<u>KJN</u>	Date	<u>9/14/2020</u>
Code	<u>CGT</u>	Fee \$	<u>200<sup>00</sup></u>	TR #		Receipt Date	<u>9/14/2020</u>	Check #	<u>3784</u>						

9/16/2020  
LMoody

4. The presently authorized place of use is:

Owner of Land — NAME: BARBARA J PRIEST

ADDRESS: 22337 41<sup>ST</sup> RD, WINFIELD KS 67156

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
22	33	3E	36			35												71	

List any other water rights that cover this place of use. NONE--A review of the permit to proceed application map indicates that the acres described here are incorrect. The place of use drawn out covers 75 acres (38 NE, 37 SE). A correction order may be needed to maintain a place of use overlap with the pending new application.

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	

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List any other water rights that cover this place of use. \_\_\_\_\_  
(If there are more than two landowners, attach additional sheets as necessary.)

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5. It is proposed that the place of use be changed to:

Owner of Land — NAME: NO CHANGE

ADDRESS: \_\_\_\_\_

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Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

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

Owner of Land — NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

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

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

- 6. The presently authorized point(s) of diversion are three wells and diversion works  
(Provide description and number of points)
- 7. The proposed point(s) of diversion is a battery of two wells and diversion works  
(Provide description and number of points)

List all presently authorized point(s) of diversion:

8. **Presently authorized point of diversion:**  
 One in the NE Quarter of the SE Quarter of the NE Quarter of Section 22, Township 33 South, Range 3 E, in COWLEY County, Kansas, 3,750 feet North 120 feet West of Southeast corner of section. Authorized Rate 130 GPM Authorized Quantity 20 AF  
 (DWR use only: Computer ID No. 01 GPS 3,750 feet North 120 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):** This well is to be removed from permit pending approval of new application to cover the well.  
 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 pending new application \_\_\_\_\_

9. **Presently authorized point of diversion:**  
 One in the SE Quarter of the NE Quarter of the NE Quarter of Section 22, Township 33 South, Range 3 E, in COWLEY County, Kansas, 4,145 feet North 120 feet West of Southeast corner of section. Authorized Rate 92 GPM Authorized Quantity 15 AF  
 (DWR use only: Computer ID No. 03 GPS 4,198 feet North 128 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):** This will be one well of a battery of 2  
 One in the SE Quarter of the NE Quarter of the NE Quarter of Section 22, Township 33 South, Range 3 E, in COWLEY County, Kansas, 4,198 feet North 128 feet West of Southeast corner of section. Proposed Rate SEE GEOCENTER Proposed Quantity SEE GEOCENTER  
 This point is:  Additional Well  Geo Center List other water rights that will use this point NONE

10. **Presently authorized point of diversion:**  
 One in the SE Quarter of the NE Quarter of the NE Quarter of Section 22, Township 33 South, Range 3 E, in COWLEY County, Kansas, 4,470 feet North 110 feet West of Southeast corner of section. Authorized Rate 91 GPM Authorized Quantity 15 AF  
 (DWR use only: Computer ID No. 04 GPS 4,515 feet North 140 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):** This will be one well of a battery of 2  
 One in the SE Quarter of the NE Quarter of the NE Quarter of Section 22, Township 33 South, Range 3 E, in COWLEY County, Kansas, 4,515 feet North 140 feet West of Southeast corner of section. Proposed Rate SEE GEOCENTER Proposed Quantity SEE GEOCENTER  
 This point is:  Additional Well  Geo Center List other water rights that will use this point NONE

11. Describe the current condition of and future plans for any point(s) of diversion which will no longer be used. N/A

APPLICATION FOR APPROVAL TO CHANGE  
THE PLACE OF USE AND/OR POINT OF DIVERSION  
SUPPLEMENTAL SHEET  
FILE NO. 33193

**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 \_\_\_\_\_ Depth of well \_\_\_\_\_ (feet)  
(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 SE Quarter of the NE Quarter of the NE Quarter  
of Section 22, Township 33 South, Range 3 E,  
in COWLEY County, Kansas, 4,356 feet North 134 feet West of Southeast corner of section.  
Proposed Rate 313 GPM Proposed Quantity 50 AF Proposed well depth (feet) N/A.  
This point is:  Additional Well     Geo Center    List other water rights that will use this point NONE.

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12. The presently authorized use of water is for IRRIGATION purposes.

It is proposed that the use be changed to NO CHANGE purposes.

13. If changing the place of use and/or use made of water, describe how the consumptive use will not be increased.

N/A

(Please show any calculations here.)

14. It is requested that the maximum annual quantity of water be reduced to --- (acre-feet or million gallons).

15. It is requested that the maximum rate of diversion of water be reduced to --- 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.

All wells within one-half mile of the proposed point of diversion are owned by the water right owner, Barbara Priest.

No new well is being requested, just a change from three wells to a battery of two wells.

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.

A waiver of K.A.R. 5-4-4. Well spacing. is requested. All wells that do not meet spacing are owned by the water right owner.

Barbara Priest.

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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.

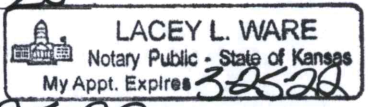
I declare that I am an owner of the currently authorized place of use as identified herein, or that I represent all such owners and am authorized to make this application on their behalf, and declare further that the statements contained herein are true, correct, and complete. By filing this application 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 Winfield, Kansas, this 11<sup>th</sup> day of September, 2020.

<u>Barbara J Priest</u> (Owner)	_____	(Spouse)
<u>Barbara J. Priest</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 Cowley } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 11<sup>th</sup> day of September, 2020



Lacey L Ware  
Notary Public

My Commission Expires 3-25-22

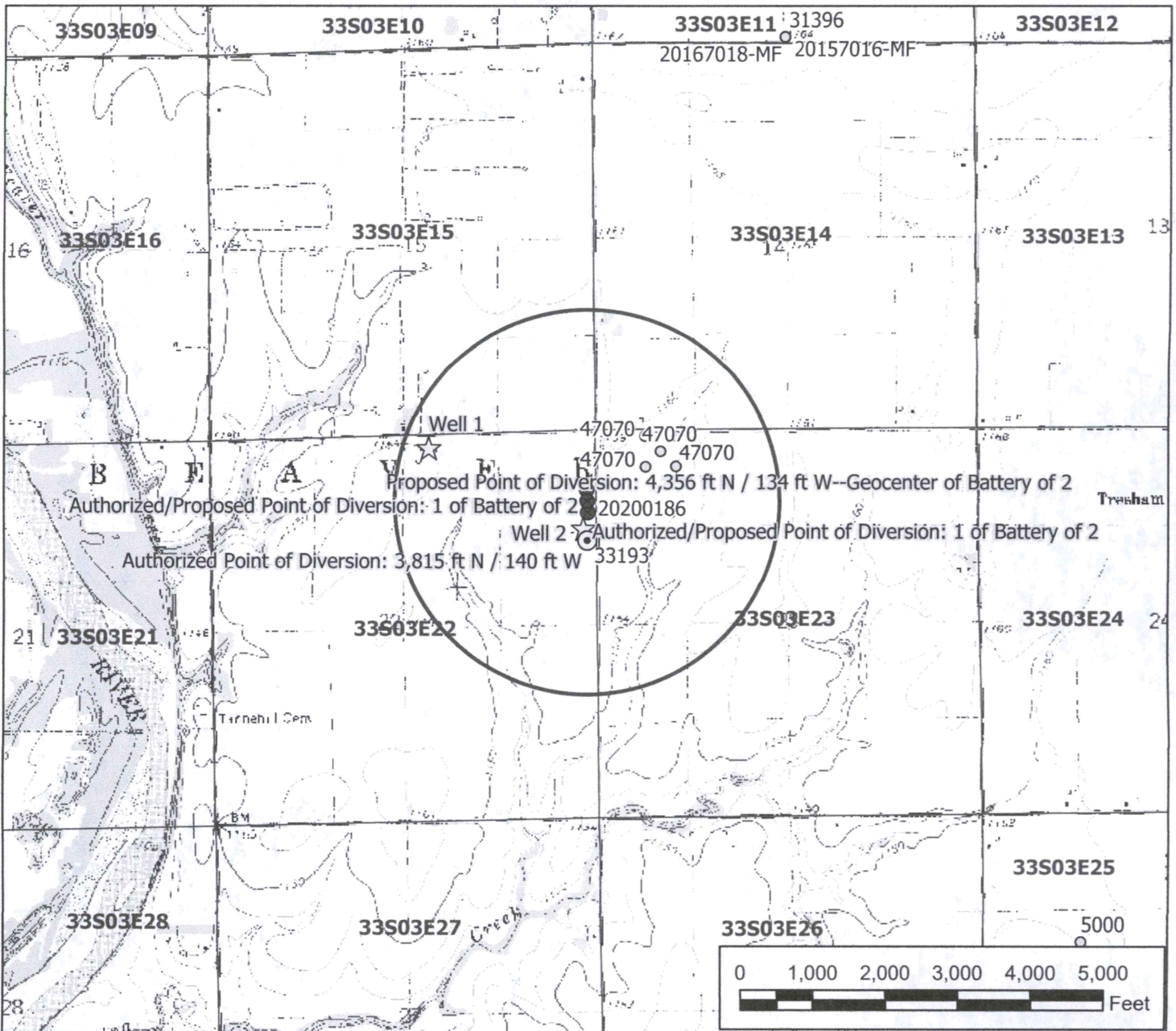
**FEE SCHEDULE**

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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**Legend**

- Water Appropriation
- Proposed Point of Diversion
- ⊙ Authorized Point of Diversion
- ☆ Domestic Well
- ⊕ Section Corner
- Section Line
- Half Mile Circle

**Water Right, File No. 33193**

**Change in Point of Diversion Map  
22-33-3E // Cowley County**

To the best of my knowledge, all wells within one-half mile of the proposed points of diversion have been shown.

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*Barbara Priest* 9-14-2020  
Signature / Date

7/24/2020 EKF/SKS 1/24,000 scale KS Dept. Of Agriculture





**Water Right, File No. 33193 Change Application Nearby Well Owners**

Domestic Well 1

Barbara J Priest, 22337 41<sup>st</sup> Rd, Winfield KS 67156

Domestic Well 2

Barbara J Priest, 22337 41<sup>st</sup> Rd, Winfield KS 67156

Water Right, File No. 47070

Barbara J Priest, 22337 41<sup>st</sup> Rd, Winfield KS 67156

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