

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

SEP 02 2021

11:10

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

File No. 17702

2. Name of applicant: Howard D & Iris J Eck

Address: 18450 43rd Avenue

City, State and Zip: Haviland, KS 67059-7838

Phone Number: (620)546-3277

E-mail address: eckhoward@yahoo.com

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

Name of water use correspondent: Howard D & Iris J Eck

Address: 18450 43rd Avenue

City, State and Zip: Haviland, KS 67059-7838

Phone Number: (620) 546-3277

E-mail address: eckhoward@yahoo.com

3. The change(s) proposed herein are desired for the following reasons (please be specific): We no longer want to utilize this water right as an industrial fish farm. The old ponds have been in process of being removed. There is no water being diverted into the ponds. At this point, the water would be better served for us to use for irrigation through the existing pivot.

The change(s) will be completed by as soon as approved (nothing will change mechanically with the well or system)
(Date)

For Office Use Only:									
F.O. <u>2</u>	GMD <u>3</u>	Meets K.A.R. 5-5-1 (YES / NO)	Use <u>IND</u>	Source <u>G</u> / S County <u>KW</u>	By <u>BMM</u>	Date <u>9/7/21</u>			
Code <u>C-2</u>	Fee \$ <u>500</u>	TR # _____	Receipt Date <u>9/2/21</u>	Check # <u>3074</u>					

9/7/2021
LMoody

4. The presently authorized place of use is:

Owner of Land — NAME: Howard D & Iris J Eck

KS DEPT OF AGRICULTURE

ADDRESS: 18450 43rd Avenue, Haviland, KS 67059-7838

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	
34	27S	17W					xx	xx										2 ponds covering 6.5 acres	

List any other water rights that cover this place of use. none (KW-03 & 831 do cover these ponds, but they are irrigation rights)

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: Howard D & Iris J Eck

ADDRESS: 18450 43rd Avenue, Haviland, KS 67059-7838

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	
31	27S	17W					40	32	40	40								152	

List any other water rights that cover this place of use. KW03 & 831 (requesting a complete overlap with these files)

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

SEP 02 2021

6. The presently authorized point(s) of diversion is one well, one pump, one motor
(Provide description and number of points)
7. The proposed point(s) of diversion is one well, one pump, one motor
KS DEPT OF AGRICULTURE
(Provide description and number of points)

List all presently authorized point(s) of diversion:

8. **Presently authorized point of diversion:**
One in the SE Quarter of the NW Quarter of the NW Quarter of Section 34, Township 27 South, Range 17 (W), in Kiowa County, Kansas, 4140 feet North 4093 feet West of Southeast corner of section. Authorized Rate 925 (Limited) Authorized Quantity 51 acre-feet
(DWR use only: Computer ID No. 1 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 _____

9. **Presently authorized point of diversion:**
One in the _____ Quarter of the _____ Quarter of the _____ Quarter of Section _____, Township _____ South, Range _____ (E/W), in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section. Authorized Rate _____ Authorized Quantity _____
(DWR use only: Computer ID No. _____ GPS _____ feet North _____ feet West)
 This point will not be changed This point will be changed as follows:
Proposed point of diversion: (Complete only if change is requested)
One in the _____ Quarter of the _____ Quarter of the _____ Quarter of Section _____, Township _____ South, Range _____ (E/W), in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section. Proposed Rate _____ Proposed Quantity _____
This point is: Additional Well Geo Center List other water rights that will use this point _____

10. **Presently authorized point of diversion:**
One in the _____ Quarter of the _____ Quarter of the _____ Quarter of Section _____, Township _____ South, Range _____ (E/W), in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section. Authorized Rate _____ Authorized Quantity _____
(DWR use only: Computer ID No. _____ GPS _____ feet North _____ feet West)
 This point will not be changed This point will be changed as follows:
Proposed point of diversion: (Complete only if change is requested)
One in the _____ Quarter of the _____ Quarter of the _____ Quarter of Section _____, Township _____ South, Range _____ (E/W), in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section. Proposed Rate _____ Proposed Quantity _____
This point is: Additional Well Geo Center List other water rights that will use this point _____

11. Describe the current condition of and future plans for any point(s) of diversion which will no longer be used. N/A-we will continue to use the current well, there is a p/d overlap with 2 other files so we are not creating or getting rid of a well with this application

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

File No. 17702
SEP 02 2021

12. The presently authorized use of water is for Industrial purposes.
It is proposed that the use be changed to Irrigation purposes.
13. If changing the place of use and/or use made of water, describe how the consumptive use will not be increased.
The current industrial use is considered to be 100% consumptive. The proposed change to irrigation will decrease the full potential of consumptive use at this location. The place of use will be changed from two ponds totalling 6.5 surface acres to an existing irrigation place of use covering 152 acres. This p/u is already authorized by KW-03 & 831, those files will not be changed at all.
- (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 (N/A 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 ½ 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 ½ 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) ½ mile downstream and ½ 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.
- This will be using the same well as previously authorized. There is currently a point of diversion overlap with KW-03, 831, and file 17702. The overlap will remain and the existing rate limitation will also remain at 925 GPM. There are no nearby wells that would be impaired by this change. The change does not authorize any additional quantity of water or rate of diversion that is not already authorized from this well.
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.
- During the intital review of filling out this application, it does not appear that any waivers are necessary. Spacing to the "domestic stock well" just west of the fish pond is close to 660', but this well is owned by applicant and it should be noted it is only an old casing. The casing is not equipped, hasn't been for a long time, and there is no intention of using it.

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 Greensburg, Kansas, this 31 day of August, 2021.

Howard D Eck
(Owner)

Iris J. Eck
(Spouse)

Howard D Eck
(Please Print)

Iris J. Eck
(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

State of Kansas }
County of KIOWA } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 31 day of August, 2021.



My Commission Expires 4-30-2023

Kimberlyn Hayes
Notary Public

FEE SCHEDULE

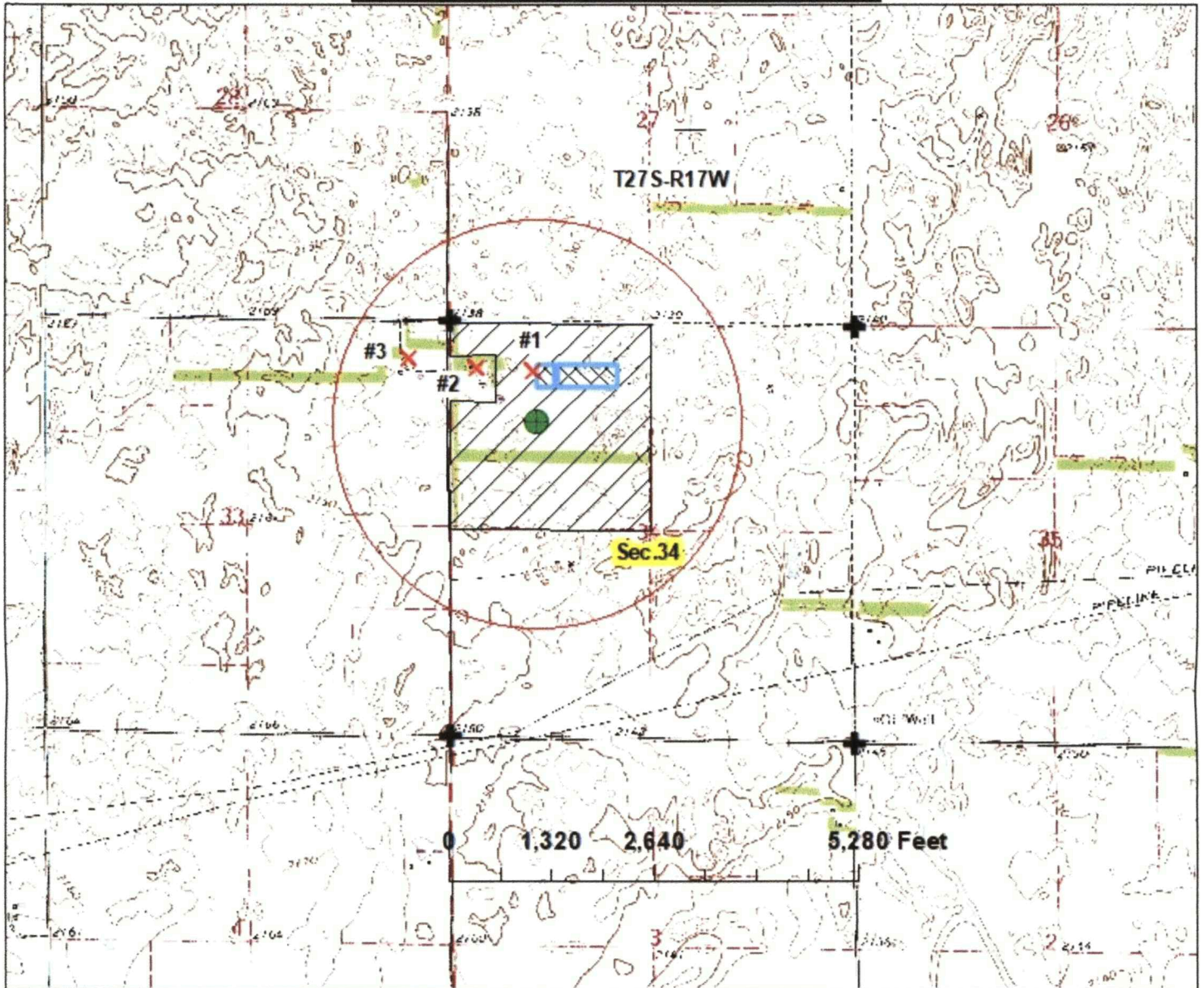
Each application to change the place of use, the point of diversion or the use made of the water under this section shall be accompanied by the application fee set forth in the schedule below:

- (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.**

SEP 02 2021

UMW & PU Change Application Map
Water Right, File No. 17702
Section 34-27S-17W in Kiowa County



- point of diversion for 17702 (4140'N & 4093'W)
p/d overlap with KW03 & 831
- domestic wells
- proposed place of use
covering 152 acres (overlap w/ KW03 & 831)
- authorized place of use is two
ponds covering 6.5 acres total
- 1/2 mile circle around authorized well
- section corners

--nearby well owners--

There are no permitted wells w/in 1/2 mile of authorized well.

#1 & #2: Domestic well
owned by applicant

#3: Domestic well
David & Kaye Hardinger
115 W Kansas Avenue
Greensburg, KS 67054



By signing below I agree that nearby well owners are properly shown on the map.

signature *Howard D. Eck* 8-31-2021 date

1 inch = 2,000 feet

map created on 8/30/21 scale 1:24,000

WATER RESOURCES
RECEIVED

SEP 02 2021

KS DEPT OF AGRICULTURE

UMW & PU Change Application Map
Water Right, File No. 17702
Section 34-27S-17W in Kiowa County



- point of diversion for 17702 (4140°N & 4093°W)
p/d overlap with KW03 & 831
- × domestic wells
- ▨ proposed place of use
covering 152 acres (overlap w/ KW03 & 831)
- ▨ authorized place of use is two
ponds covering 6.5 acres total
- 1/2 mile circle around authorized well
- ⊕ section corners

--nearby well owners--
There are no permitted wells w/in 1/2 mile of authorized well.

#1 & #2: Domestic well
owned by applicant

#3: Domestic well
David & Kaye Hardinger
115 W Kansas Avenue
Greensburg, KS 67054



1 inch = 1,167 feet

map created on 8/30/21 scale 1:14,000

By signing below I agree that nearby well owners are properly
shown on the map.

Abraham D. Erbe

8-31-2021
date

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

September 7, 2021

HOWARD D & IRIS J ECK
18450 43RD AVENUE
HAVILAND KS 67059

RE: File No(s). **17702**

Dear Sir or Madam:

The Division of Water Resources (Division) has received your application(s) to change the place of use, point of diversion or use made of water for the file number(s) referenced above. Please be aware that the Division may have a large number of pending applications on hand at times and makes every attempt to process them in the order in which they are received. You will be contacted if additional information is required.

Please note, this letter only acknowledges receipt of your application(s) and does not guarantee approval. In accordance with the provisions of the Kansas Water Appropriation(s) Act, the use of water as proposed prior to approval of the application(s) is unlawful.

Additional information about the process may be found on our website at agriculture.ks.gov/divisions-programs/dwr. If you have any other questions, please contact our office at 785-564-6640 or your local Stafford Field Office at 620-234-5311. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

A handwritten signature in black ink that reads "Kristen A. Baum". The signature is written in a cursive style.

Kristen Baum
New Applications and Changes Supervisor
Water Appropriation Program