

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 01 2022
2:13pm



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. 11065

2. Name of applicant: Gene Knieling

Address: 518 S Denver

City, State and Zip: Rush Center, KS 67575

Phone Number: (620)923-5364 E-mail address: gknieling@gbta.net

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

Name of water use correspondent: Gene Knieling

Address: 518 S Dever

City, State and Zip: Rush Center, KS 67575

Phone Number: (620) 923-5364 E-mail address: gknieling@gbta.net

3. The change(s) proposed herein are desired for the following reasons (please be specific): Move rate and quantity between the three permitted wells.

The change(s) will be completed by approval of this change application (Date)

For Office Use Only:							
F.O. <u>2</u>	GMD _____	Meets K.A.R. 5-5-1 (YES/NO) <input type="checkbox"/>	Use <u>IRR</u>	Source <input type="checkbox"/> G/S	County <u>RH</u>	By <u>BMM</u>	Date <u>9/1/22</u>
Code <u>CGT</u>	Fee \$ <u>200</u>	TR # _____	Receipt Date <u>9/1/22</u>	Check # <u>1981</u>			

9/13/2022
LMoody

4. The presently authorized place of use is:

Owner of Land — NAME: William L & Sheryl Melton Live Estate Trust

ADDRESS: 1660 Highway 183, Rush Center KS 67575-7529

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	18	18W	16	36	18		40	40	9	23	5					5			192

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: No Change

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. _____

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

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6. The presently authorized point(s) of diversion are three wells
(Provide description and number of points)

7. The proposed point(s) of diversion are three wells
(Provide description and number of points)

List all presently authorized point(s) of diversion:

8. **Presently authorized point of diversion:**
 One in the SW Quarter of the NW Quarter of the NW Quarter of Section 34, Township 18 South, Range 18 W, in Rush County, Kansas, 4,525 feet North 5,250 feet West of Southeast corner of section. Authorized Rate 515 gpm Authorized Quantity 127 AF (limited)
(DWR use only: Computer ID No. 02 GPS 4,672 feet North 5,239 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 SW Quarter of the NW Quarter of the NW Quarter of Section 34, Township 18 South, Range 18 W, in Rush County, Kansas, 4,672 feet North 5,239 feet West of Southeast corner of section. Proposed Rate 400 gpm Proposed Quantity 100 AF (limited)
 This point is: Additional Well Geo Center List other water rights that will use this point NONE

9. **Presently authorized point of diversion:**
 One in the NW Quarter of the SW Quarter of the NE Quarter of Section 34, Township 18 South, Range 18 W, in Rush County, Kansas, 3,630 feet North 2,095 feet West of Southeast corner of section. Authorized Rate 365 gpm Authorized Quantity 73 AF (limited)
(DWR use only: Computer ID No. 03 GPS 3,649 feet North 2,134 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 NW Quarter of the SW Quarter of the NE Quarter of Section 34, Township 18 South, Range 18 W, in Rush County, Kansas, 3,649 feet North 2,134 feet West of Southeast corner of section. Proposed Rate 365 gpm Proposed Quantity 50 AF (limited)
 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 NW Quarter of the NW Quarter of the NW Quarter of Section 34, Township 18 South, Range 18 W, in Rush County, Kansas, 5,209 feet North 5,173 feet West of Southeast corner of section. Authorized Rate 340 gpm Authorized Quantity 72 AF (limited)
(DWR use only: Computer ID No. 07 GPS 5,306 feet North 5,176 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 NW Quarter of the NW Quarter of the NW Quarter of Section 34, Township 18 South, Range 18 W, in Rush County, Kansas, 5,306 feet North 5,176 feet West of Southeast corner of section. Proposed Rate 455 gpm Proposed Quantity 122 AF (limited)
 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. No new wells will be drilled. All changes are to better describe the wells and move rate and quantity.

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

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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.

No changes to place of use or use made of water proposed

(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.

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 is requested because the existing wells do not meet minimum spacing requirements to nearby water right (35020 and 8338). A waiver of K.A.R. 5-5-13 is requested because the wells are in the Walnut Creek alluvium and rate and quantity are being moved more than 10 percent closer to the stream.

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

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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 La Crosse, Kansas, this 1st day of December, 20 21.

x William L. Melton
(Owner)

x Sheryl L. Melton
(Spouse)

x William L. Melton
(Please Print)

x Sheryl L. Melton
(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

State of Kansas }
County of Rush } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 1st day of December, 20 21.



Barry A. Burkhart
Notary Public

My Commission Expires 3-1-2025

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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File No. 11065 Application to Change the Point of Diversion: Nearby Well Owners

Domestic Well 1

Melton Family Trust, 1660 HWY 183, Rush Center KS 67575

Domestic Well 2

Steven F Oborny, 304 E Union St, Rush Center KS 67575

Domestic Well 3 & Water Right, File No. 20015 & 35020

David L & Ila Reynolds, 6514 US HWY 50, Ingalls KS 67853

Domestic Well 4

Randy Rodgers et al, 509 W 14th St, Hays KS 67601

Water Right, File No. 8338 & 22006

Villa Hartmans Rev Trust, 2911 CR 65, Park KS 67751

Vested Right, File No. RH-37 is a surface water permit.

Water Right, File No. 16067

MELISSA BOWERSOCK, 1405 W JACKSON PLACE, BROKEN ARROW, OK 74012

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KS DEPT OF AGRICULTURE

Stafford Field Office
300 S. Main Street
Stafford, KS 67578-1521



Phone: 620-234-5311
Fax: 620-234-6900
www.agriculture.ks.gov

Mike Beam, Secretary

Laura Kelly, Governor

December 17, 2019

Gene Knieling
518 S Denver
Rush Center KS 67575
gknieling@gbta.net

RE: Water Right, File No. 11065

Dear Mr. Knieling,

You will find enclosed with this letter an application to change the point of diversion for the referenced file number. This change application proposes to move rate and quantity between the two west wells in Section 34-18-18W, Rush County.

The application and associated map will need to be carefully reviewed. Feel free to make corrections or additions as needed. The application will need a notarized signature from the landowner(s) and spouse(s) (if applicable). The map will also need to be signed and if there are any additional wells within the half mile circle, please note them along with the landowner's name and address.

The fee for the enclosed application is \$200. Please include a check made payable to the Kansas Department of Agriculture with the signed application when it is submitted to the Manhattan Office for processing. If I can be of any further assistance, or if you have any questions regarding the enclosed application, please give me a call at 620.234.5311.

Sincerely,



Elizabeth K. Fitch
Environmental Scientist
elizabeth.fitch@ks.gov

Enclosures

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KS DEPT OF AGRICULTURE

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 8, 2022

GENE KNIELING
518 S DENVER
RUSH CENTER KS 67575

RE: File No(s). **11065**

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