

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.

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

- (Check one or more)
- Place of Use
 - Point of Diversion
 - Use Made of Water

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File No. 13280

2. Name of applicant: Jacob W (Bill) & Shirley A Roenbaugh

Address: 2949 S RD

City, State and Zip: Haviland, KS 67059

Phone Number: (620)995-4245 E-mail address: bill@roenbaugh.com

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

Name of water use correspondent: Jacob W (Bill) & Shirley A Roenbaugh

Address: 2949 S RD

City, State and Zip: Haviland, KS 67059

Phone Number: (620)995-4245 E-mail address: angel@roenbaugh.com

3. The change(s) proposed herein are desired for the following reasons (please be specific): Applicant would like to move 25 AF of water from the current authorized irrigation quantity on 13280 West well to an industrial use for a potato facility. The pivot system used for irrigation in the NW 1/4 of this section will be modified based on the new irrigation quantity and there will be a new well authorized for the IND use.

The change(s) (will be) completed by ASAP

(Date)

For Office Use Only:															
F.O. Code	<u>2</u>	GMD	<u>5</u>	Meets K.A.R. 5-5-1	(YES/NO)	Use	<u>IRR</u>	Source	<u>G/S</u>	County	<u>ED</u>	By	<u>ALB</u>	Date	<u>3/27/23</u>
			<u>C-3</u>	Fee \$	<u>700</u>	TR #		Receipt Date				Check #	<u>2130</u>		

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3/27/2023
L.Moody

Assisted by: TMA SFFO

4. The presently authorized place of use is:

Owner of Land — NAME: JACOB W & SHIRLEY A ROENBAUGH
 ADDRESS: 2949 S RD, HAVILAND, KS 67059 *place of use not split in file but is in ORKA

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	26S	16W	Lot 1 47	Lot 2 47	Lot 2 47	Lot 1 47	Lot 3 50	Lot 4 52											290

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: JACOB W ROENBAUGH IRREV TRUST
 ADDRESS: 2949 S RD, HAVILAND, KS 67059

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	26S	16W	Lot 1 47	Lot 2 47	Lot 2 47	Lot 1 47	Lot 3 30	Lot 4 52	Lot 4 40	Lot 3 40									350
2	26S	16W	POTATO FACILITY (LOT 3 NE NW)																

List any other water rights that cover this place of use. None currently, will be PU change to overlap 13281 with this file.

Owner of Land — NAME: SHIRLEY A ROENBAUGH TRUST
 ADDRESS: 2949 S RD, HAVILAND, KS 67059

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	26S	16W					Lot 3 20												20
2	26S	16W	POTATO FACILITY (LOT 3 NE NW)																
																	Total IRR:	370	

List any other water rights that cover this place of use. 13281 IRR acres will be overlapped

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

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

List all presently authorized point(s) of diversion:

8. **Presently authorized point of diversion: West well of present two irrigation wells**

One in the --- Quarter of the --- Quarter of the LOT3,LOT4 Quarter of Section 2, Township 26 South, Range 16 W, in Edwards County, Kansas, 5,346 feet North 3,960 feet West of Southeast corner of section. Authorized Rate 900 GPM (lim) Authorized Quantity 97.5 AF
(DWR use only: Computer ID No. 2 GPS 5,413 feet North 3,956 feet West)
 This point will not be changed This point will be changed as follows: **Split rate to new well, Modify GPS**

Proposed point of diversion: (Complete only if change is requested)

One in the --- Quarter of the --- Quarter of the LOT3,LOT4 Quarter of Section 2, Township 26 South, Range 16 W, in Edwards County, Kansas, 5,413 feet North 3,956 feet West of Southeast corner of section. Proposed Rate 600 GPM Proposed Quantity 72.5 AF
 This point is: Additional Well Geo Center List other water rights that will use this point 13281

9. **Presently authorized point of diversion: East well of present two irrigation wells**

One in the --- Quarter of the --- Quarter of the LOT1,LOT2 Quarter of Section 2, Township 26 South, Range 16 W, in Edwards County, Kansas, 5,346 feet North 1,320 feet West of Southeast corner of section. Authorized Rate 1,015 GPM Authorized Quantity 195 AF
(DWR use only: Computer ID No. 1 GPS 5,340 feet North 1,361 feet West)
 This point will not be changed This point will be changed as follows: **Modify GPS only**

Proposed point of diversion: (Complete only if change is requested)

One in the --- Quarter of the --- Quarter of the LOT1,LOT2 Quarter of Section 2, Township 26 South, Range 16 W, in Edwards County, Kansas, 5,340 feet North 1,361 feet West of Southeast corner of section. Proposed Rate no change Proposed Quantity no change
 This point is: Additional Well Geo Center List other water rights that will use this point None

10. **Presently authorized point of diversion: New well for potato facility**

One in the --- Quarter of the --- Quarter of the --- Quarter of Section ---, Township --- South, Range --- 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: **300 GPM rate from west IRR well**

Proposed point of diversion: (Complete only if change is requested)

One in the --- Quarter of the --- Quarter of the LOT3 Quarter of Section 2, Township 26 South, Range 16 W, in Edwards County, Kansas, 6,691 feet North 3,057 feet West of Southeast corner of section. Proposed Rate 300 GPM Proposed Quantity 20.85 AF
 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. All points of diversion will continue to be used.

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 irrigation and industrial purposes.
13. If changing the place of use and/or use made of water, describe how the consumptive use will not be increased.
The file will take a consumptive use hit with this change application. The consumptive use factor will utilize the 83.4% value for Edwards County. The applicant wants to transfer 25 AF of water so the final value carried over to industrial uses for the potato facility is 20.85 AF. The applicant is subsequently installing a smaller irrigation system. The proposed rate does not increase from what was previously authorized. 72.5 AF retained for irrigation on ID#2, 20.85 AF transfer to IND from this well. 195 AF still allotted on East well ID#1. Total between three wells is 288.35 AF (72.5 AF + 20.85 AF + 195 AF) (Please show any calculations here.)
14. It is requested that the maximum annual quantity of water be reduced to 288.35 AF (see item 13) (acre-feet or million gallons).
15. It is requested that the maximum rate of diversion of water be reduced to Split (see #8) 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.
No impairment of existing water rights is expected. The well that is planning on being used for this potato facility appears to have a well depth of 110 feet. The current irrigation rights have well depths (per the FIRs on file) of 104 feet. This indicates there is likely no change in source of supply.
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 is anticipated for the spacing of the additional well to the nearby domestic well <660 feet away. Waiver could be granted because this domestic well is owned by the spouse applicant.

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 Trousdale, Kansas, this 22nd day of March, 2023.

Josh W Roenbaugh
(Owner)

Shirley A. Roenbaugh
(Spouse)

(Please Print)

(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

(Owner)

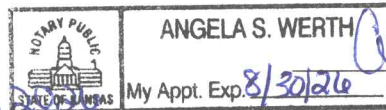
(Spouse)

(Please Print)

(Please Print)

State of Kansas }
County of Edwards } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 22nd day of March, 2023.



Angela S Werth
Notary Public

My Commission Expires August 30, 2026

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:

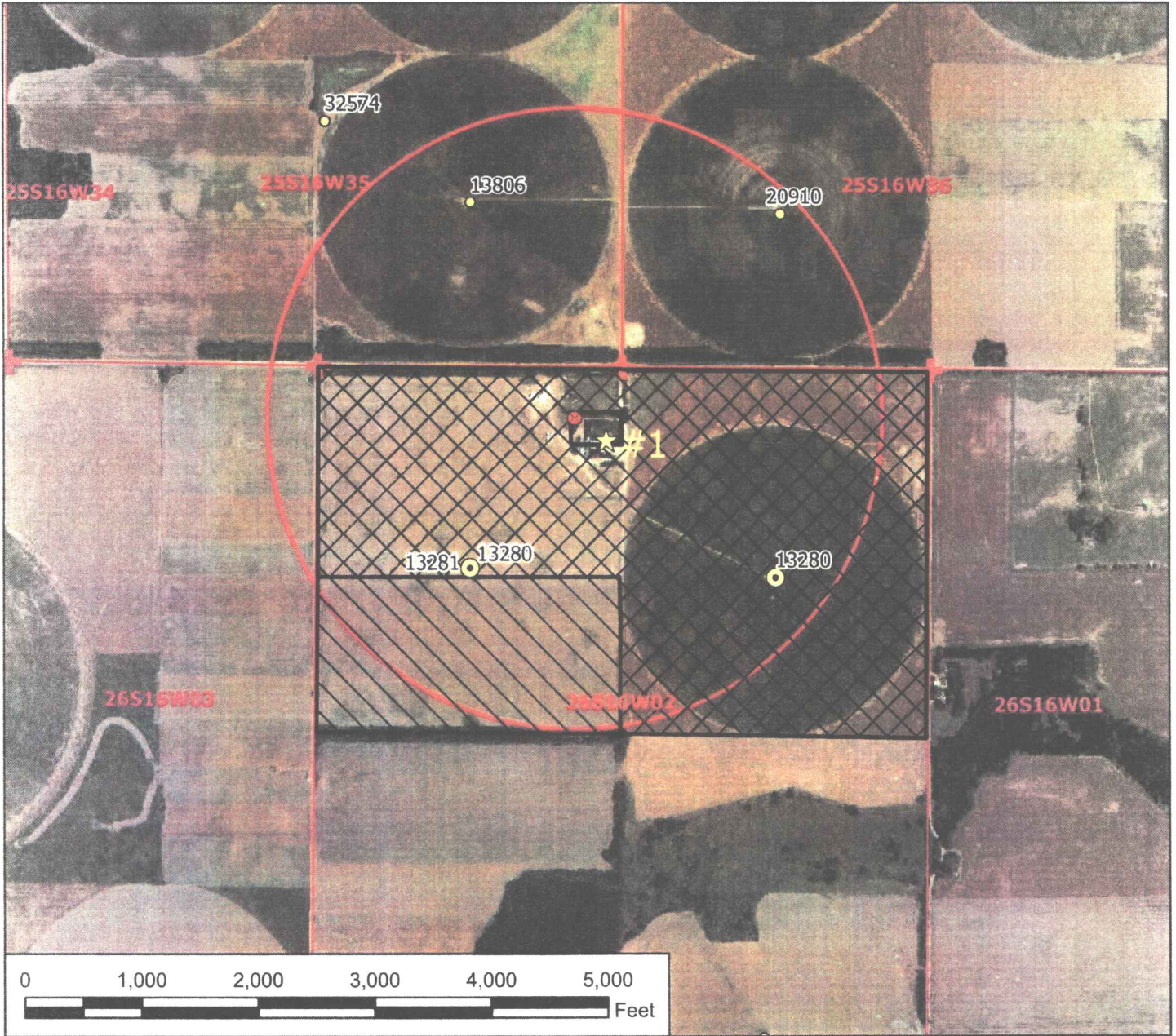
- (1) Application to change a point of diversion 300 feet or less \$100
- (2) Application to change a point of diversion more than 300 feet \$200
- (3) Application to change the place of use \$200
- (4) Application to change the use made of the water \$300

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
- ▨ Authorized Place Of Use
- ▧ Proposed Place of Use (IRR)

Water Right, File No. 13280

**Change in Point of Diversion, Place of Use, Use-Made-of-Water Map
02-26-16W // Edwards County**



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

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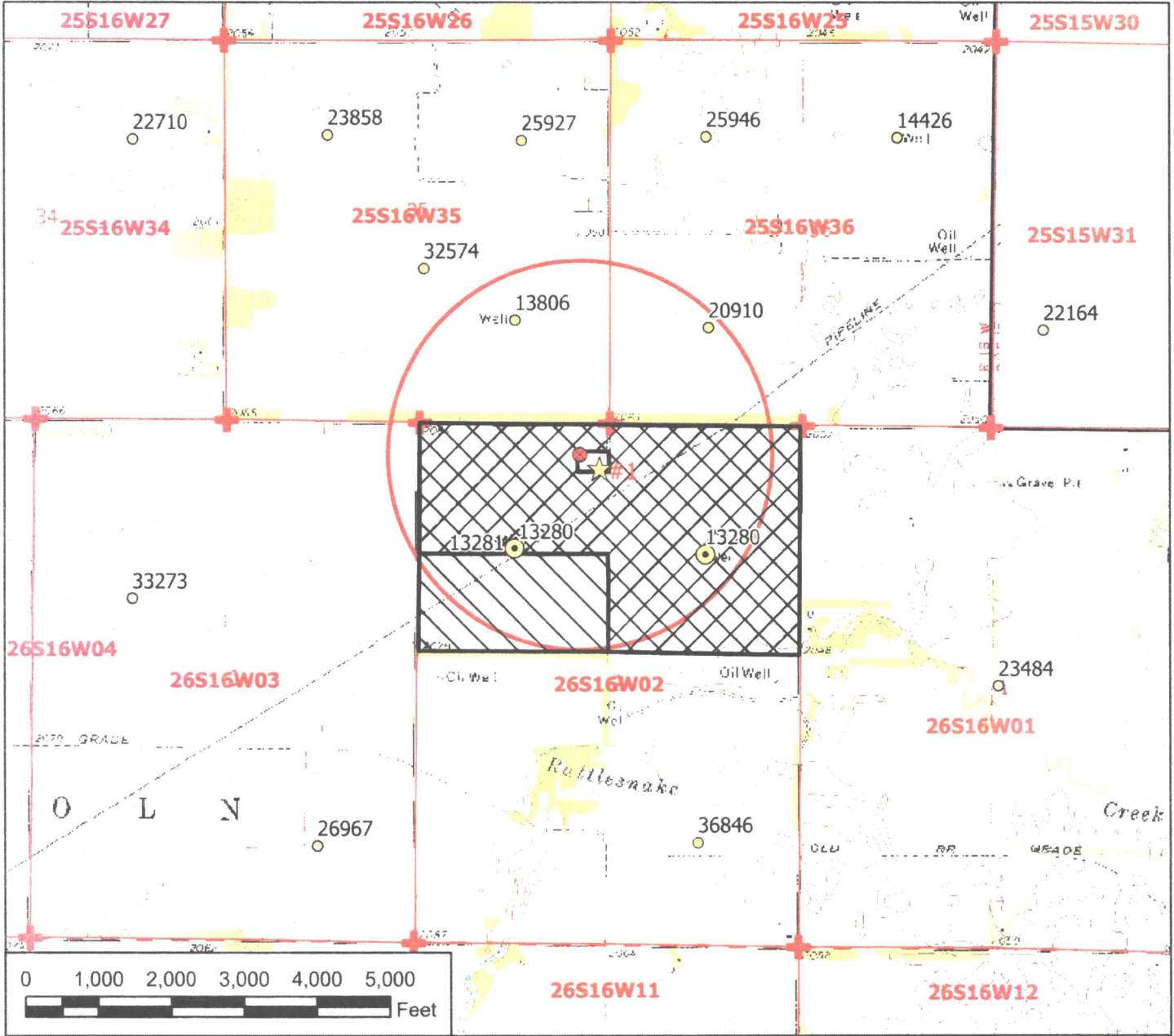
MAR 22 2023

JW Roenbaugh

Signature / Date

10/13/2022 TMA/SFFO 1:15,000 scale

Stafford Field Office
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Legend

- Water Appropriation
- ⊗ Proposed Point of Diversion
- ⊙ Authorized Point of Diversion
- ☆ Domestic Well
- ⊕ Section Corner
- ▭ Section Line
- Half Mile Circle
- ▨ Authorized Place Of Use
- ▩ Proposed Place of Use (IRR)

Water Right, File No. 13280

Change in Point of Diversion, Place of Use, Use-Made-of-Water Map 02-26-16W // Edwards County



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

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DIVISION OF WATER RESOURCES

Signature / Date

10/13/2022 TMA/SFFO 1:24,000 scale

Change in Place of Use / Use Made of Water / Point of Diversion Application

Water Right File No. 13280

Domestic wells:

#1: Shirley A Roenbaugh Trust (part water right owner)
2949 S RD
HAVILAND, KS 67059

Irrigation wells:

20910: Jacob W & Shirley A Roenbaugh (applicant)
2949 S RD
HAVILAND, KS 67059

13806: Jacob W & Shirley A Roenbaugh (applicant)
2949 S RD
HAVILAND, KS 67059

AND

JOY L CUDNEY TRUST
2751 S RD
HAVILAND, KS 67059

13281: Jacob W & Shirley A Roenbaugh (applicant)
2949 S RD
HAVILAND, KS 67059

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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

April 7, 2023

JACOB W (BILL) & sHIRLEY A REOENBAUGH
2949 S RD
HAVILAND KS 67059

RE: File No(s). **13280**

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 Baum". The signature is written in a cursive, flowing style.

Kristen Baum
New Applications and Changes Supervisor
Water Appropriation Program