

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

- Place of Use
- Point of Diversion
- Use Made of Water

(Check one or more)

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11:16

KS DEPT OF AGRICULTURE

File No. 13281

2. Name of applicant: Bill & Shirley 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): To create a place of use overlap with WR# 13280 to accompany a change in place of use on that file and to ensure all irrigated acres from well are legal. This change will also reduce the rate authorized under 13281 for this well because 300 gpm is being transferred to IND use (see 13280 change app). This is traditionally an FO change but needs to be processed with 13280 so it has been done on an HQ form to accompany the 13280 HQ change. No use made of water change on this file.

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	<input checked="" type="checkbox"/> YES / <input type="checkbox"/> NO	Use	<u>IRR</u>	Source	<u>G</u>	County	<u>ED</u>	By	<u>ALB</u>	Date	<u>3/27/23</u>
Code	<u>CPU</u>	Fee \$	<u>200</u>	TR #		Receipt Date		Check #	<u>2130</u>						

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6. The presently authorized point(s) of diversion is one well and diversion works

(Provide description and number of points)

7. The proposed point(s) of diversion is one well 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 --- Quarter of the --- Quarter of the LOT 3 / LOT 4 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: **Modify GPS, reduce rate**
Proposed point of diversion: (Complete only if change is requested)
 One in the --- Quarter of the --- Quarter of the LOT 3 / LOT 4 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 (lim) Proposed Quantity no change
 This point is: Additional Well Geo Center List other water rights that will use this point 13280

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. All PDs will continue to be used. N/A

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 - 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.
Place of use change that will not increase the consumptive use because it is a place of use overlap. No extra water is authorized for these acres and the overlap will fix any irrigation of unauthorized acres from this well. Quantity per acre is going to be 365 AF over 370 acres in combination with 13280.

(Please show any calculations here.)
14. It is requested that the maximum annual quantity of water be reduced to NO REDUCTION (acre-feet or million gallons).
15. It is requested that the maximum rate of diversion of water be reduced to 600 gallons per minute (1.61 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.
- If a change in the location of the point(s) of diversion is proposed, show:
 - 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.
 - 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.
 - 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.
 - 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.
There is no change in consumptive use and the change is mostly just a paper change to make sure the irrigation portion of the place of use is overlapped so that no unauthorized acres are irrigated. Should be processed in conjunction with 13280 UMW / PU / PD change.
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.
No waiver is anticipated for this change.

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 22 day of March, 20 23.

Jacob W Roenbaugh
(Owner)

Shirley A. Roenbaugh
(Spouse)

(Please Print)

(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

(Owner)

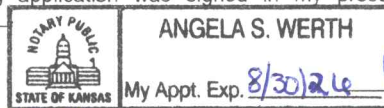
(Spouse)

(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, 20 23.



Angela S. Werth
Notary Public

My Commission Expires 8/30/2024.

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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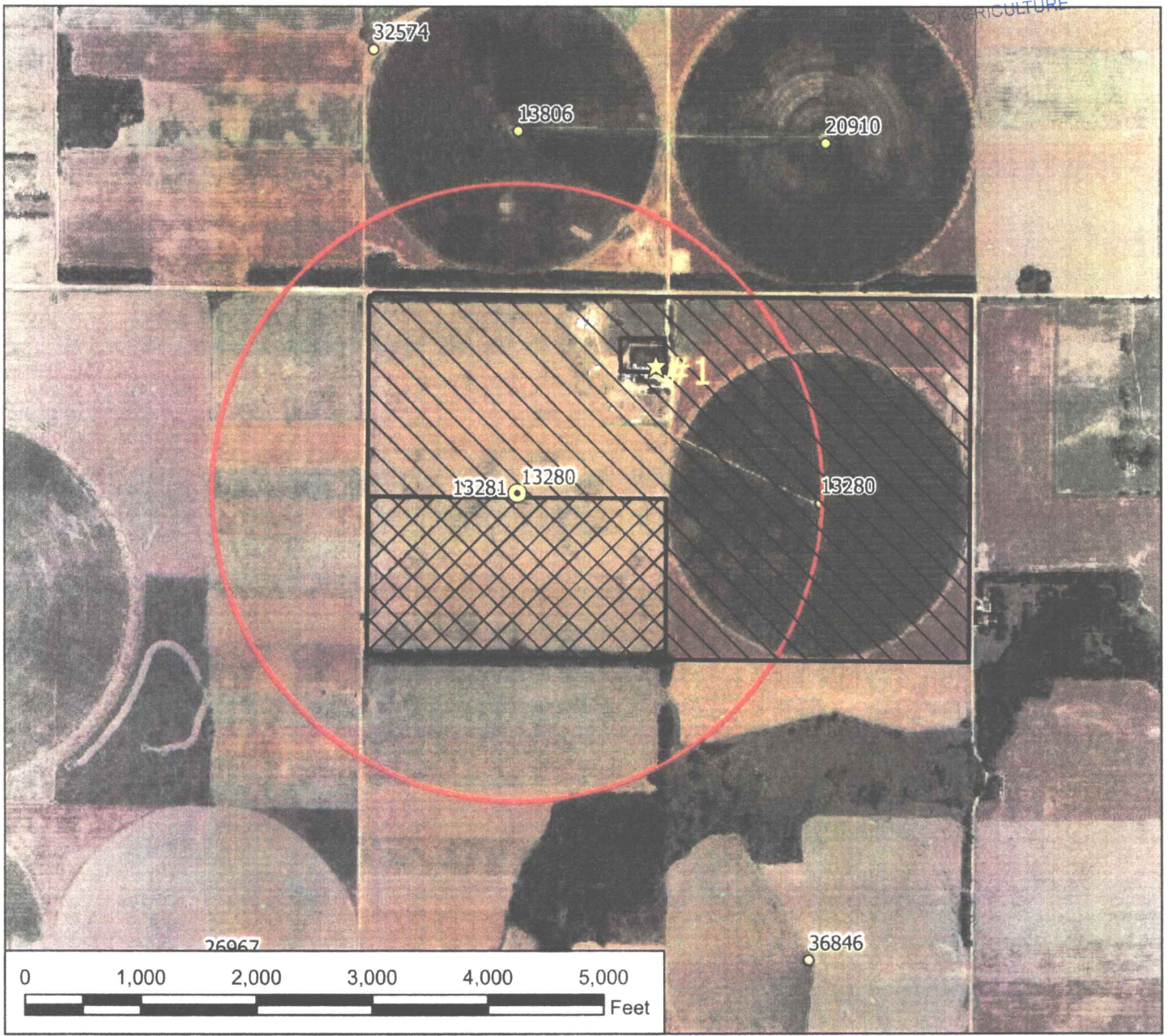
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Legend

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

Water Right, File No. 13281

Change in Place of Use Map 02-26-16W // Edwards County

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



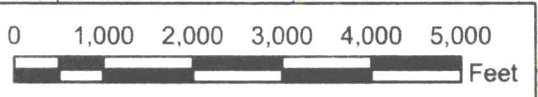
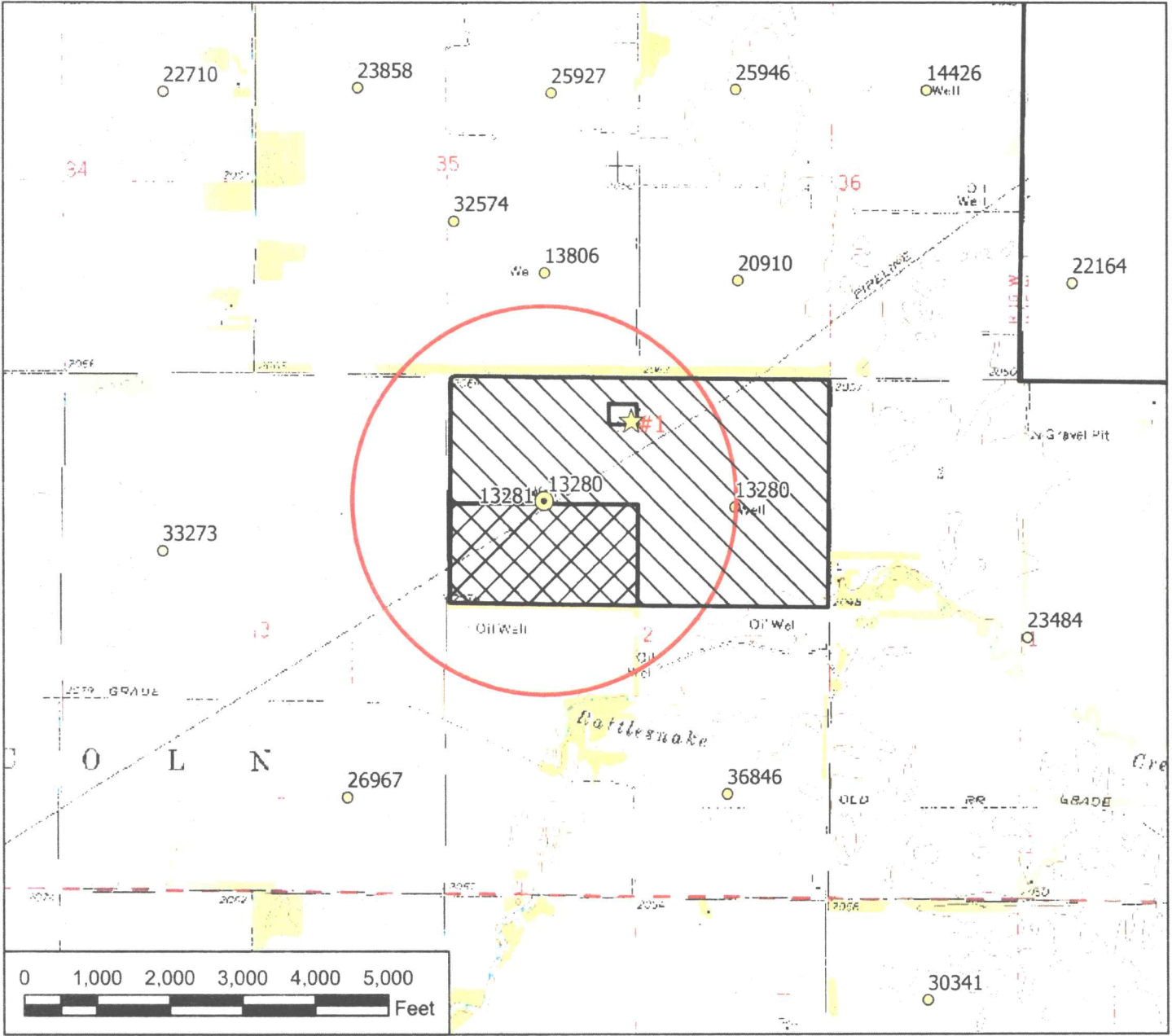
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JW Roenbough 22 Mar 23

Signature / Date

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- Legend**
- Water Appropriation
 - ⊙ Authorized Point of Diversion
 - ☆ Domestic Well
 - ⊕ Section Corner
 - Section Line
 - Half Mile Circle
 - ▨ Authorized Place of Use
 - ▩ Proposed Place of Use

Water Right, File No. 13281

Change in Place of Use Map 02-26-16W // Edwards County

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

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Change in Place of Use Application

Water Right File No. 13281

Domestic wells:

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

Irrigation wells:

13280: Jacob W & Shirley A Roenbaugh (PART OF PACKET OF CHANGE APPLICATIONS)
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 ROENBAUGH
2949 S RD
HAVILAND KS 67059

RE: File No(s). **13281**

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