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, KS 66502
www.ksda.gov/dwr

APPLICATION FOR APPROVAL TO CHANGE THE PLACE OF USE, THE DEPPOINT 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) Diversion								
	☐ Use Made of Water								
	File No. <u>16,436</u>								
2.	2. Name of applicant: Kirby & Donna Gillespie								
	Address: PO Box 71								
	City, State and Zip: Quinter, KS 67752								
	Phone Number: <u>(785)635-4765</u> E-mail address:								
	What is your relationship to the water right; ⊠ owner □ tenant □ agent □ other? If other, please explain.								
	Name of water use correspondent: Same as above								
	Address:								
	City, State and Zip:								
	Phone Number: () E-mail address:								
3.	3. The change(s) proposed herein are desired for the following reasons (please be specific): to aut	horize a groundwater pit							
	for recreation use, and to change a portion of the quantity authorized for irrigation use to recrea	ation use for the purposes of							
	maintaining the water level.								
	The change(s) (was) (will be) completed by 2012 (under Term Permit 20118457) (Date)								
F.	For Office Use Only: F.O. 5 GMD 4 Meets K.A.R. 5-5-1 (YES)/ NO) Use FLC Source G/S County Cocce Code Receipt Date (US)	By ASW Date 6/6/17 Check # _ (パー) る							

Assisted by: <u>ikb – Stock FO</u>

															1	File No	o. <u>16,4</u>	136	•
4. The	e prese	ently au	ıthoriz	ed pla	ce of t	use is:													
	Owne	er of La	nd —	NAM	IE: <u>Kir</u>	by & I	Donna	Gilles	spie										
			AD	DRES	S: <u>PC</u>) Box	71 Qu	inter,	KS 67	7752									
-				NE	=1/4			NV	V1/4			sv	V1⁄4			SE	=1/4		TOTAL ACRES
Sec.	Twp.	Range	NE1/4	NW¼	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW¼	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	ACRES
7	11	26w									40	35.16	35.19	35	25	35	30	40	275.35
18	11	26w	40	40	40	40			i										160
List any	, other	water	riahts 1	hat co	ver th	is plac	ce of u	l ise W	R# 23	307.8	45 6:	32			L		<u></u>	LJ	
,			_																
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Sec.	Twp.	Range	NE1/4	1	5W1/4	SE1/4	NE1/4	NW1/4	V¼ SW¼	SE1/4	NE1/4	NW1/4	V¼ SW¼	SE1/4	NE1/4	NW1/4	5W1/4	SE1/4	TOTAL ACRES
	-																		
			-																
			<u> </u>					<u> </u>			L								
List any	other	water	rights t	that co	over th	is pla	ce of u	ıse											
	(If the	ere are	more	than t	wo lan	down	ers, at	tach a	dditior	nal she	eets as	s nece	ssary.)					
5. It is	s propo	sed th	at the	place	of use	be ch	ange	d to:											
	Owne	er of La	ınd —	NAM	IE: <u>Ki</u>	by &	Donna	Gilles	spie										
IRRIGA	ATION		AD	DRES	S: <u>P(</u>) Box	71 QL	inter,	KS 67	7752									
NE¼				NV	N¹⁄4		SW1/4				SE1/4			TOTAL					
Sec.	Twp.	Range	NE1/4	NW1/4	SW1/4	SE1/4	NE¼	NW¼	SW1/4	SE1/4	NE1/4	NW1/4	SW¼	SE1/4	NE1/4	NW1/4	SW1/4	SE¼	ACRES
07	11	26w									40	35.16	35.19	35	25	35	30	40	275.35
08	11	26w	40	40	40	40													160
						- 13													
List any	, other	water	riabta i	that ac	wor th	ic pla	00 of 1	100 \\	D# 23	207.9	15.6	32 (ID)	P only	\					
List air													r Only	<u></u>					
DE0D5		er of La																	
RECRE	EATIO	N	AD	DRES	S:										1				
Sa-	T	Danes	NE1/		5W1/4	CE1/	NIE1/	T	N1/4	QE1/	NIE1/	I	V1/4	QE1/	NIE1/		E1/4	QE1/	TOTAL ACRES
Sec.	Twp.	Range	NE1/4	NVV1/4	1 2001/4	SE1/4	NE¼	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NVV 1/4	SW1/4	SE1/4	
07	11	26w	.5 a	cre por	nd (SW	SE)													
								}]							

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

	,					File No. <u>16,436</u>	
6		rized point(s	s) of diversion is one (1)	well			
Ο.	The processing dume	nizoa poniti(i	5) of alversion to <u>ene (17</u>	WOII	(Provide description and nu	mber of points)	_ ·
7.	The proposed point	(s) of diversi	on is <u>unchanged</u>		70	., ., ., .,	·
	Link all manner of the co		-1.4/.X -8.411-		(Provide description and nu	mber of points)	
			oint(s) of diversion:				
8.	Presently authorize						
			Quarter of the				
			, Township				
}			unty, Kansas, <u>5192</u>			Southeast corner	of section.
			Authorized Quantity				
ļ			No. 3 GI			63 feet Wes	it)
ļ	☐ This point will n	ot be chan	ged 🛛 This point wi	ll be changed	as follows:		
ĺ	Proposed point of	diversion:	Complete only if chan	ge is requeste	<u>ed)</u>		
Ì	One in the	NW	Quarter of the	NW	Quarter of the	NW	Quarter
ľ	of Section	18	, Township	11	South, Range	26	W,
	in <u>Gove</u>	Co	unty, Kansas, <u>5192</u>	feet North _	2363 feet West of	Southeast corner	of section.
- 1	Proposed Rate	900	Proposed Quantity _	376.75 AF	Reduced quantity f	or irrigation use.	
- I	This point is: Ad	ditional Well	☐ Geo Center List of	other water righ	nts that will use this poin	t <u>none</u>	·
г							
9.	Presently authorize						
			Quarter of the				
			, Township				
			unty, Kansas,			Southeast corner	of section.
- 1			Authorized Quantity				
J	•	-	No GI			feet Wes	st)
ļ	☐ This point will n	ot be chan	ged 🛛 This point wi	ll be changed	as follows:		
	Proposed point of	diversion:	Complete only if chan	<u>ge is requeste</u>	<u>•d)</u>		
	One in the	NW	Quarter of the	NW	Quarter of the	NW	Quarter
- [, Township				W,
Ì	in Gove	Co	unty, Kansas, <u>5192</u>	feet North _	2363 feet West of	Southeast corner	of section.
	Proposed Rate	200	Proposed Quantity _	10.33 AF	Quantity allocated to	o recreation.	
	This point is: Add	ditional Well	☐ Geo Center List of	other water righ	nts that will use this poin	t <u>none</u>	·
							
10.	Presently authorize	ed point of	diversion: Quarter of the Township			WATER RESOURCE	S
	One in the		Quarter of the		Quarter of the*	RECEIVED	Quarter
	of Section		, Township unty, Kansas,		South, Range	- ILIN 0.8 2017	· ·
}							
	Authorized Rate		Authorized Quantity No GF			DEDT OF AGRICUL	TURE
						DEPT Of feet Wes	t)
	☐ This point will n	ot be chan	ged 🔲 This point wi	ll be changed	as follows:		
J			Complete only if chan				
			Quarter of the				
	of Section		, Township		South, Range		W,
	in	Co	unty, Kansas,	feet North _	feet West of	Southeast corner	of section.
			Proposed Quantity _				
	This point is: Add	ditional Well	☐ Geo Center List of	other water righ	nts that will use this poin	t	
11.	Describe the current	t condition o	f and future plans for an	y point(s) of div	version which will no lon	ger be used. <u>n/a</u>	

12.	The	e pre	esently authorized use of water is for irrigation	purposes.		
		-	posed that the use be changed to irrigation and recreation	purposes.		
13.			ging the place of use and/or use made of water, describe how the cacity: approx. 220 feet x 115 feet x 15 feet deep = 379500 cubic fee	•		
			ear indirect use = (.5 acres surface acrea x 39") / 12 = 1.625 AF			
	K.A		5-5-10: 1) 1.09' (50% NIR GO) x 325 acres (max perfected) = 3			
			2) 10.33 AF REC / 354.25 AF available for chg to REC			
			3) .971 x 388 AF = 376.75 AF may be retained for IRR			
	The	ere s	hould be no increase to consumptive use.			
	(Ple	ase s	show any calculations here.)			
14.	It is	req	uested that the maximum annual quantity of water be reduced to 3	76.75 AF IRR 10.33 AF REC (acre-feet).		
15.		-	uested that the maximum rate of diversion of water be reduced to gc.f.s.).	900 gpm IRR 200 gpm REC gallons per minute		
16.	6. The application must include either a topographic map or detailed plat. A U.S. Geological Survey Topographic Map, sci 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 a 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, sho	w:		
		1)	The location of the proposed point(s) of diversion. Distances Normust be shown. Please be certain that the information shown Paragraph Nos. 9, 10 and 11 of the application.			
		2)	If the source of supply is groundwater, please show the locate domestic wells, within $\frac{1}{2}$ mile of the proposed well or wells. Ide mailing address of the property owner or owners. If there are no	ntify each well as to its use and furnish name and		
		3)	If the source of supply is surface water, the names and mailing and ½ mile upstream from your property lines must be shown.	addresses of all landowner(s) ½ mile downstream		
	b.		change in the place of use is desired, show the proposed place tain that the information shown on the map agrees with the information			
17.	loca wei	al so I log	documentation to show the change(s) proposed herein will not impure of supply as to which the water right relates. This informations, test hole logs, and other information as necessary information elow.	on may include statements, plats, geology reports,		
	Imp	airm	nent should not be an issue - no change to the existing well is prop	osed. Consumptive use should not increase.		
18.	ide req	ntify uest	roposed change(s) does not meet all applicable rules and regulation the rules and regulations for which you request a waiver. State should be granted. Attach documentation showing that granting the prejudicially and unreasonably affect the public interest.	the reason why a waiver is needed and why the		

File No. <u>16,436</u>

No waiver should be necessary, however the file is located within GMD4.

File No.	16,436	

Any use of water that is not as authorized by the water right or permit to authorize water <u>before</u> 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.

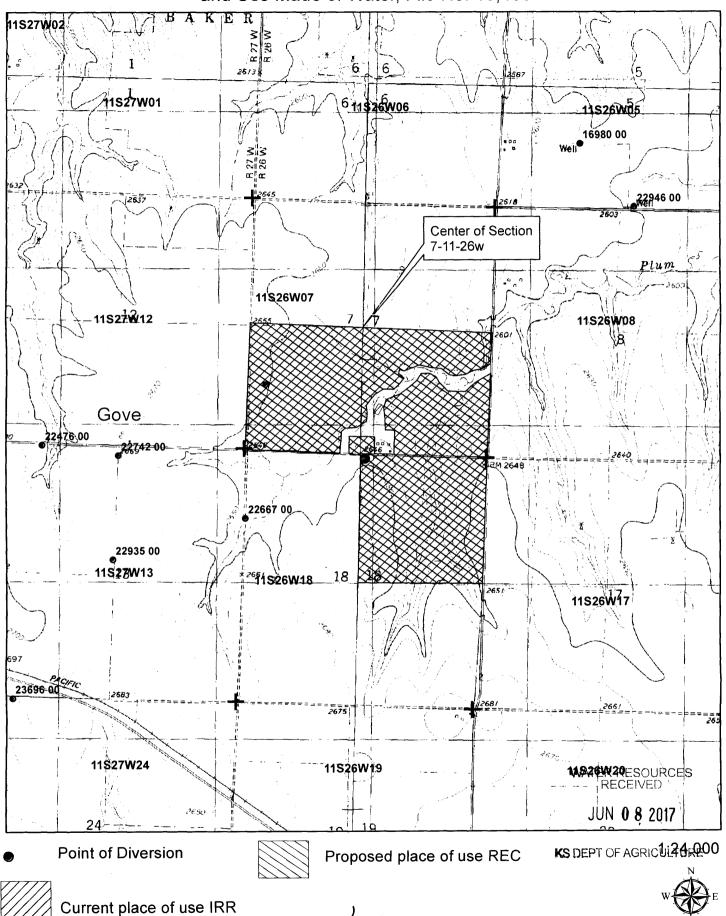
In the event that all applicants cannot appear before one notary public, they may as necessary sign separate copies of the application before any notary public conveniently available to them. All copies signed in this manner shall be considered to be valid parts of the application.

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 us	
authorized to make this application on their behalf, and declare full complete. By filing this application I authorize the chief engineer to as specified in sections 14 and 15 of this application.	
Dated at Quintly, Kansas, the	nis 1st day of June 20.19
Kirly Dillespie	Donna Hilliago
Kirby Gillespie	Donna Gillespie
(Please Print)	(Please Print)
(Owner)	(Spouse)
(Please Print)	(Please Print)
(Owner)	(Spouse)
(Please Print)	(Please Print)
State of Kansas County of State of Kansas	
I hereby certify that the foregoing application was signed in m	y presence and sworn to before me this day of
	Mouna Jew
My Commission Expires 12-04-2020	Notary Public NORMA J. ZERR
FEE SCHI	STATE OF KANSAS My Appt. Exp. 3 3 3 3 3 3 3 3 3 3 3 3 3 3 3 3 3 3 3
Each application to change the place of use, the point of diversion or the application fee set forth in the schedule below:	use made of the water under this section shall be accompanied by the
 (1) Application to change a point of diversion 300 feet or less. (2) Application to change a point of diversion more than 300 fee (3) Application to change the place of use	t
Make check payable to Kansas Department of Agriculture.	WATER RESOURCES RECEIVED

JUN 0 8 2017

Application for Change in Place of Use and Use Made of Water, File No. 16,436



Proposed place of use IRR



1320 Research Park Drive Manhattan, Kansas 66502 (785) 564-6700

ment of Agriculture 700 SW Jackson, Room 456 Topeka, Kansas 66612 iculture.ks.gov (785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

FILE COPY

June 8, 2017

KIRBY & DONNA GILLESPIE PO BOX 71 QUINTER, KS 67752

RE: File No 16436

Dear Sir or Madam:

Dodi on or madam.		
An application for approval of the Chie referred to above has been received:	ef Engineer to change th	he following condition or conditions of the file number
	☐ place of use ☐ point of diversion ☐ use made of water	PU/UMW

As a matter of record, the Division of Water Resources has on hand a large number of applications awaiting processing. Therefore, to be fair to all concerned, and so that we can process those applications on hand in the order they were received, we intend to concentrate on the backlog of applications until the issue is resolved. You will be contacted regarding this application as soon as it has been examined.

In accordance with the provisions of the Kansas Water Appropriation Act, a portion of which is included below, the use of water prior to approval of the application is unlawful. You should not proceed and divert water as indicated by your plans in your application for a change for this file until you receive approval for this change from the Chief Engineer. Once approved, compliance with the terms, conditions and limitations of the permit is necessary. Conservation of the water resources of Kansas is required.

Section 82a-728 of the Kansas Water Appropriation Act, provides (a) except for the appropriation of water for the purpose of domestic use, . . . it shall be unlawful for any person to appropriate or threaten to appropriate water from any source without first applying for and obtaining a permit to appropriate water in accordance with the provisions of the Water Appropriation Act or for any person to violate any condition of a vested right, appropriation right or an approved application for a permit to appropriate water for beneficial use.

(b) (1) The violation of any provision of this section by any person is a class C misdemeanor...

A class C misdemeanor is punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. Each day that the violation occurs constitutes a separate offense.

If you have any questions, please contact me at (785) 564-6645. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

Brent Tourney, L.G.

Change Applications Unit Supervisor

Water Appropriation Program

Month Juney

BAT: DLW

pc: STOCKTON Field Office GMD4