# **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 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.

Application is hereby made for approval of the Place of Use	Chief Engineer to change the Water Resources Received
(Check one or more)  Point of Diversion	
☐ Use Made of Wa	ater 7
	KS Dept Of Agricultu
File	No. 39,932 1
Name of applicant: <u>K and K Land LLC C/o Ben</u>	nson Keil
Address: 1912 Union Road	The law flates, and a finished behavior of commentation for the contract of the first of the comment of the comment The law flates of the comment of the
	en de la companya de En la companya de la
City, State and Zip: Concordia, KS. 66901	ing the section of th
Phone Number: <u>(785)243-4510</u>	E-mail address: wbensonkeil@gmail.com
What is your relationship to the water right: 1	owner  tenant agent other? If other, please explain.
America your rotationary to the water right, [2]	The second secon
Name of water use correspondent: <u>Benson Ke</u>	
Address: <u>same</u>	
City, State and Zip: <u>Same</u>	
Phone Number: (Same)	E-mail address: Same
	or the following reasons (please be specific): complete overlap with follow
iles: 5788; 39,813; 39, <b>8</b> 32; 9889; 24,336; 39,3	384; 36,570; 39,952; 30287; 44,297 and 49,916 and 49,917
The change(s) will be completed by July 2018	(Date)
Office Use Only:	O) Use TEL Source G/S County O By HWW Date 9/11/
2 GMD Moots KAR 5-5-1 (VFS)/N	
Office Use Unity:  3 GMD Meets K.A.R. 5-5-1 (YES)/ Note Process See 1	TR# Receipt Date (0 11 18 Check # 2142

10/14/18 PAGE

THE NU.			

4. The presently authorized place of use is:

Owner of Land - NAME: K and K Land LLC

ADDRESS: 1912 Union Rd Concordia, KS 66901

		- 12	-5	N	<b>½</b>		.÷ 32 .÷	NV				SV	17/4		SE1/4				TOTAL
Sec.	Twp.	Range	NE%	NW%	SW1/4	SE%	NE%	NW%	SW%	SE'/	NE%	NW1/4	SW1/4	SE%	NE%	NW%	SW%	SE%	ACRES
13	5s	3w			المائد المناسطة	·	35	29	·			37.5	31.5	21.5					154.5
19	5s	2w					.5	27	36.5	16		1	,	•					81
23	5s	· · 3w					సిద్ధి స్ట్రీ	Note:	est to est	ng Park	٠٠		***********	a	29.5	- :		36	65.5

List any other water rights that cover this place of use. See paragraph 3

Owner of Land — NAME: K and K Land LLC

3901002019 ADDRESS: 1912 Union Rd Concordia, KS. 66901

				N	<b>E</b> 1/4			W	V%			SV	V%			SI	<u>'</u>		TOTAL
Sec.	Twp.	Range	NE%	NW%	SW1/4	SE1/4	NE%	NW%	SW1/4	SE¼	NE%	NW %	SW1/4	SE%	NE'4	NW%	SW1/4	SE%	ACRES
					l								7. 6						Fán
24	5s	3w	3.35	1 77/1	#.J.		32.5	· c			ال	38.5	38.5	Se)	3.5	14			127
. 25	5s	3w		18			29.5	26.5				.1							74
26	. 5s	. 3w	30.5	<u> </u>							Signal.	4.3 ( ) To	100		<u> </u>			Day.	30.5

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: K and K LLC

ADDRESS: 1912 Union Road Concordia, KS 66901

			·	N	E%	And a gr		NV.	N% -			SV	V%			SI	=1/4	rea i pres	TOTAL
Sec.	Twp.	Range	NE%	NW%	SW1/4	SE%	NE%	NW1/4	SW1/4	SE%	NE%	NW14	SW1/4	SE1/4	NE%	NW%	SW1/4	SE1/4	ACRES
13	5s	3w			31	2 <del>-</del> 252	35	29	45	14 14 15 15	-	37.5	31.5	21.5					154.5
19	5s	. 2w					.5	27	36.5	16	14	7	39	40	2	·23·	40	20	265
23	5s	3w					). A								29.5	i eta ili.		₃ <b>36</b> -	65.5

List any other water rights that cover this place of use. See paragraph 3

Owner of Land — NAME: Kand K Land LLC

ADDRESS: 1912 Union Rd Concordia, KS 66901

<i>-</i> .					NE	E1/4			NV	V%			SV	٧%	-	SEX SEX				TOTAL
S	ec.	Twp.	Range	NE%	NW1/4	SW1/4	SE%	NE1/4	NW%	SW1/4	SE1/4	NE%	NW1/4	SW1/4	SE1/4	NE%	NW%	SW%	SE1/4	ACRES
	24	5s			-			32.5					38,5	38.5	ر المحادث المحادث المحادث المحادث المحادث	3.5	14		10	137
	25	5s	.3w	20	18		<b>"•</b> 5 (2)	29.5	26.5			沙蒙机					লেজিয়		u ¥0. ⊋	94
	26	5s	3w	30.5	,			stglittur i er									. au			30.5

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

6.	The presently authorized point(s) of diversion (is) (are) No change	-
		(Provide description and number of points)
7.	The proposed point(s) of diversion (is) (are) No change	(Provide description and number of points)
	List all presently authorized point(s) of diversion:	
8.	Presently authorized point of diversion:	
<u>.</u>	One in the Quarter of the	_Quarter of theQuarter
	of Section, Township	South Range W.
	in County, Kansas, feet North	
	Authorized Rate Authorized Quantity	- 1000 (1000 ) 1
1.4	(DWR use only: Computer ID No. GPS	feet North feet West)
	☐ This point will not be changed ☐ This point will be changed as fo	
: :	Proposed point of diversion: (Complete only if change is requested)	eration to the property of the end
	One in the Quarter of the	**Querter of the
	of Castion	Couth Bongs
;: <u>.</u>	of Section, Township in County, Kansas, feet North	South, Range
	in County, kansas, teet North	reet west of Southeast corner of section,
1431	Proposed Rate Proposed Quantity	
l	This point is: Additional Well Geo Center List other water rights the	nat will use this point
9.	Presently authorized point of diversion:	
903	Presently authorized point of diversion:  One in the Quarter of the of Section Township	Quarter Ouarter
; .	of Section, Township	South Range W
	in County, Kansas, feet North	
ed general	Authorized Rate Authorized Quantity	
	(DWR use only: Computer ID NoGPS	fact North fact West)
	☐ This point will not be changed ☐ This point will be changed as for	
	Proposed point of diversion: (Complete only if change is requested)	
	One in the 13.47 at 12.47 at 1	**Original of the Control of the Control
5.	One in the Quarter of the Quarter of the Township	Courte Panco
	in County, Kansas, feet North	
41 () On	Proposed Rate Proposed Quantity	
	This point is: Additional Well Geo Center List other water rights the	
l	This point is. [] Additional Well [] Geo Center List other water rights the	at will use this point
10.	Presently authorized point of diversion:	and the reservation of the later to take the
10.		
- 1	One in the Quarter of the of Section, Township	South, Range
	inCounty, Kansas,feet North	feet West of Southeast corner of section.
4770 1814	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 fo	bliows:
	Proposed point of diversion: (Complete only if change is requested)	The state of the s
- 1	One in the Section Quarter of the Township	
1	of Section, Township	
1	in County, Kansas, feet North	
l	Proposed Rate Proposed Quantity	
L	This point is: Additional Well Geo Center List other water rights the	·
11.	Describe the current condition of and future plans for any point(s) of diversity	on which will no longer be used
	No obongo	ANSTEL LIEGORIOGO

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY 2018

	The control of the co
12.	The presently authorized use of water is for <u>irrigaiton</u> purposes.
	It is proposed that the use be changed to <u>no change</u> purposes.
13.	If changing the place of use and/or use made of water, describe how the consumptive use will not be increased.
	The change is to create a complete overlap with a new source from the Republican River under File No. 49916. The
	approval of this application and others will complete the overlapping place of use with all rights listed in Para. 3
. t	(Please show any calculations here.)
4.	It is requested that the maximum annual quantity of water be reduced to NA (acre-feet or million gallons)
	It is requested that the maximum rate of diversion of water be reduced to NA gallons per minute (c.f.s.).
6.	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 ( <a href="https://www.usgs.gov">www.usgs.gov</a> ). 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:
	<ol> <li>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.</li> </ol>
	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) 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.
7.	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.
	All additional lands will be authorized and irrigated with File No. 49,916 and 49,917
8.	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 request is necessary
. **.	IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY
. (	· · · · · · · · · · · · · · · · · · ·

Heceivace'

Manuels (1990)

## THE PLACE OF USE AND/OR POINT OF DIVERSION SUPPLEMENTAL SHEET

### FILE NO. 39.832 MAKE ADDITIONAL COPIES AS NECESSARY

	<del></del>	1			<del></del>											er	1/4		TOTAL
					=1/4				11/4	0516	NIE 1		V1/4	SE¼	NE¼		SW1/4	SE¼	ACRES
Sec.	Twp.	Range	NE%	NW%		SE¼	NE1/4		SW1/4		NE'/	NVV %	SW1/4	SEA	IVE/4	1444.74	3474	JE/A	105.5
13	<u>S5</u>	3w			31.5				35.5				<del></del>	20.5		<u> </u>	35.5		203.5
24	55	3w						31	30.5	31.5	<u>35.5</u>			39.5			32.3		203.3
Oı	vner o	f Land -		AME: ESS:													·		
				NE	1/4			NV	V1/4			SV	٧%			SI	1/4		TOTAL ACRES
Sec.	Twp.	Range	NE1/4	NW1/4	SW1/4	SE1/4	NE%	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	AURES
						*									·				
-,-,		<del>,</del>																	
01	wner <sub>.</sub> o	f Land -		AME: ESS:															
			ļ	NE	E¼		L		V%		ļ		V%				14	<del>,</del>	TOTAL ACRES
ec.	Twp.	Range	NE¼	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE%	NW1/4	SW1/4	SE1/4	NE%	NW1/4	SW1/4	SE¼	
							<u> </u>										<u> </u>		
				1			j	j .		l .	H .		1	1	11	i	1	1	
			H	1			· -	L					<u></u>		L	<u></u>	<u> </u>	<u> </u>	
C	ontinue	ed: If th	is app	lication	is for	a chai	nge in	place (	of use,	it is p	ropose	d that	the pla	ace of	use be	chang	ged to:		
Ci Or	ontinue wner o	ed: If th	N	licatior AME: ESS:	Kand I	K Land	LLC					d that		ace of	use be	chang	ged to		
Ci Or	ontinue wner o	f Land .	N	AME: ESS:	Kand I	K Land	LLC	Concor				····		ace of	use be		ged to		TOTAL
O <sub>1</sub>	ontinue wner o	f Land .	N	AME: ESS:	Kand 1912 (	K Land Union	LLC Road (	Concor	dia, K	S. 669	01	SV				SI	<u> </u>	SE¼	TOTAL ACRES
Or iec.	Wher o	f Land	ADDR	AME: ESS:	Kand   1912	K Land Union	LLC Road (	Concor	dia, K	S. 669	01	SV	N¾			SI	<u> </u>		
Or ec.	wner o	f Land	ADDR	AME: ESS:	Kand   1912	K Land Union	NE1/4	NW%	dia, K	S. 669 SE%	01	SV	N¾			SI	<u> </u>		ACRES
Or Sec.	Wher o	f Land	ADDR	AME: ESS:	Kand   1912	K Land Union	NE1/4	NW%	dia, K	S. 669 SE%	01	SV	N¾			SI	<u> </u>		ACRES
Or ec. 30	Twp.	f Land Range 2w	NE%	AME: ESS: NI NW%	Kand 1912 (	K Land Jnion I	NE%	NW¼ 40	dia, K	S. 669	01 NE¼	SV NW1/4	V% SW%	SE¼		SI	<u> </u>		ACRES
Or Sec. 30	Twp.	Range 2w	NE%	AME: ESS: NI NW%	Kand 1912 I	K Land Jnion   SE%	NE½ 19	NW% 40	dia, K	S. 669 SE% W Be	01 NE%	sy NW%	V% SW%	SE¼		SI	<u> </u>		ACRES
Or Sec.	Twp.	Range 2w	NE%	AME: ESS: NI NW%  AME: ESS:	Kand 1912 I	K Land Jnion   SE%	NE½ 19	NW% 40 Trust Cor	dia, K	S. 669 SE% W Be	01 NE%	sy NW% Keil, ^	V% SW%	SE¼		SI NW¼	<u> </u>		ACRES 59
On Sec. 330	Twp.	Range 2w	NE%	AME: ESS: NI NW%  AME: ESS:	Kand   1912   SW%   Haze   1912	SE%	NE% 19 Keil	NW% 40 Trust Cor	dia, Ki v% sw% *  i	S. 669	01 NE%	SI NW% Keil, 1	v% sw%	SE1/4	NE¼	SI NW½	5W%	SE¼	ACRES 59
Oronical Control of the Control of t	Twp. 5s	Range 2w	NE%	AME: ESS: NI NW%  AME: ESS:	Kand     1912	SE%	NE% 19 Keil	NW% 40 Trust Cor	dia, Ki v% sw% *  i	SE%	NE%	SI NW% Keil, 1	vu swu Truste	SE1/4	NE¼	SI NW½	5W%	SE¼	ACRES 59 TOTAL ACRES
O' ec. 3	Twp. 5s wner o	Range 2w f Land Range 3w	NE%	AME: ESS: NI NW%  AME: ESS:	Kand     1912	SE%	NE% 19 Keil	NW% 40  Trust Cor	dia, K via swia *  N cordia via swia 35-5	S. 669 SE% SE% 38.5	NE%	SI NW% Keil, ?	vu swu Truste	SE1/4	NE½	SI NW½	5W%	SE¼	TOTAL ACRES
O'	Twp. 5s wner o	Range 2w f Land	NE%	AME: ESS: NI NW%  AME: ESS:	Kand     1912	SE%	NE% 19 Keil	NW% 40  Trust Cor	dia, K via swia *  N cordia via swia 35-5	S. 669 SE% SE% 38.5	NE%	SI NW% Keil, ?	vu swu Truste	SE1/4	NE½	SI NW½	SW%	SE¼	TOTAL ACRES
On O	Twp. 5s wner o	Range 2w f Land Range 3w 3w	NE½	AME: ESS:  NIII NW1/4  AME: ESS:  NIII NW1/4	Kand   1912	SE%	NE% 19 Keil	NW% 40  Trust Cor	dia, K via swia *  N cordia via swia 35-5	S. 669 SE% SE% SE% 38.5	NE%	SI NW% Keil, ?	vu swu Truste	SE1/4	NE½	SI NW½	SW%	SE¼	TOTAL ACRES
O O	Twp. 5s wner o	Range 2w f Land Range 3w 3w	NE%	AME: ESS:  NIII NW1/4  AME: ESS:  NIII NW1/4	Kand   1912	SE%	NE% 19 Keil	NW% 40 Trust Cor	dia, K via swia *  N cordia via swia 35-5	S. 669 SE% SE% SE% 38.5	NE%	SI NW% Keil, ?	vu swu Truste	SE1/4	NE½	SI NW½	SW%	SE¼	TOTAL ACRES
On O	Twp. 5s wner o	Range 2w f Land Range 3w 3w	NE%	AME: ESS:  NI  NW½  AME: ESS:  NI  NW½	Kand   1912	SE%	NE% 19 Keil	NW% 40  Trust Cor NW%	dia, K via swia *  N cordia via swia 35-5	S. 669 SE% SE% SE% 38.5	NE%	SV NW% Keil, 701 SV	vu swu Truste	SE1/4	NE½	SI NW1/4	SW%	SE¼	TOTAL TOTAL TOTAL
On O	Twp. 5s where	Range 2w f Land Range 3w 3w	NE%  NE%  NE%  NE%  ADDR	AME: ESS: NI NW½  AME: ESS: NI NW½	Kand   1912   1912   1912   1912   1912   1912   1913   1915   19	SE%  SE%  SE%  SE%  SE%  SE%	NE% 19 Kell	NW% 40  Trust Cor NW%	dia, Ki via swia *  in cordia via swia 35.5 30.5	S. 669  SE%  SE%  SE%  38.5	01  NE½  ASUN  Lob  NE½  35.5	SI NWX Keil, 701 SI NWX	rv4 sw4 fruste	SE% SE% SE%	NE½	SI NW1/4 SI NW1/4	=¼   SW¼   SW¼   35.5   SW¼	SE¼	TOTAL TOTAL TOTAL
On O	Twp. 5s where	Range 2w f Land Range 3w 3w	NE%  NE%  NE%  NE%  ADDR	AME: ESS: NI NW½  AME: ESS: NI NW½	Kand   1912   1912   1912   1912   1912   1912   1913   1915   19	SE%  SE%  SE%  SE%  SE%  SE%	NE% 19 Kell	NW% 40  Trust Cor NW% 31	wix swix swix swix swix 35-5 30-5	S. 669  SE%  SE%  SE%  38.5	01  NE½  ASUN  Lob  NE½  35.5	SI NWX Keil, 701 SI NWX	vu swu swu swu	SE% SE% SE%	NE½	SI NW1/4 SI NW1/4 SI NW1/4 Reso	SW% SW% SW% SW% SW% SW%	SE¼	ACRES
On O	Twp. 5s where	Range 2w f Land Range 3w 3w	NE%  NE%  NE%  NE%  ADDR	AME: ESS: NI NW½  AME: ESS: NI NW½	Kand   1912   1912   1912   1912   1912   1912   1913   1915   19	SE%  SE%  SE%  SE%  SE%  SE%	NE% 19 Kell	NW% 40  Trust Cor NW% 31	dia, Ki via swia *  in cordia via swia 35.5 30.5	S. 669  SE%  SE%  SE%  38.5	01  NE½  ASUN  Lob  NE½  35.5	SI NWX Keil, 701 SI NWX	vu swu swu swu	SE% SE% SE%	NE½	SI NW1/4 SI NW1/4	SW% SW% SW% SW% SW% SW%	SE¼	TOTAL TOTAL

e No.	<b>F</b> 1
 e No.	<b>C</b> 1

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.

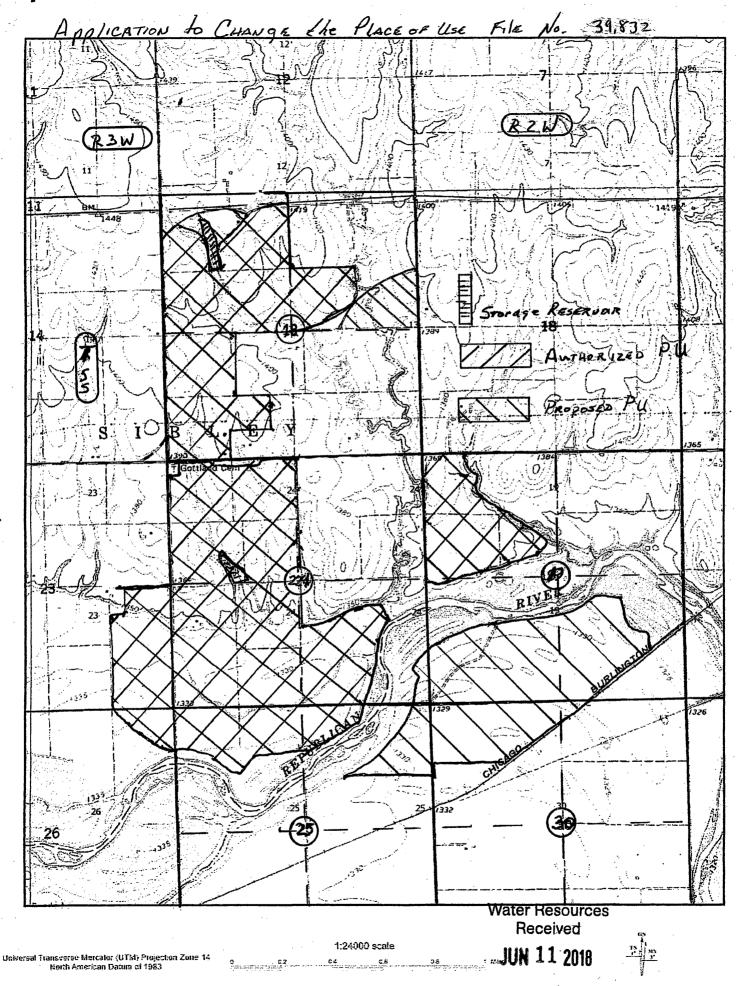
In the event that all applicants cannot appear before one notary public, they may as necessary sign separate copies of the application before any notary public conveniently available to them. All copies signed in this manner shall be considered to be valid parts of the application.

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 use a authorized to make this application on their behalf, and declare furth-complete. By filing this application I authorize the chief engineer to pe as specified in sections 14 and 15 of this application.	er that the manently	statement reduce the	ts contained herein a quantity of water ar	are true, correct, and
Dated at, Kansas, this _	bh	day of	Sure	, 20_18
Kell Land LLC to Be 1651 member				
Kakkand LLC by Benson Keil Member			(Spouse)	
Kot Land LL by budy find member.			(Please Print)	
Kak Land LLC by Judy Keel member			(Spouse)	
Here E. Kir Trust H. J. M. Bo Kir, Trustee (Owner)			(Please Print)	
Herrel E. Kerl. That HI, W Benson Leel, thuske			(Spouse)	
(Please Print)			(Please Print)	
State of Kansas  County of <u>Closid</u> SS	Stat My Appt. E	Y L. HACKI te of Kansas exp. /0/6/	18	
bereby certify that the foregoing application was signed in my p	esence a	nd sworn	to before me this _	day of
My Commission Expires 10/6/15	Jann	<i>y_</i>	Notary Public	
FEE SCHEDU	L <b>E</b>			
Each application to change the place of use, the point of diversion or the use application fee set forth in the schedule below:	made of th	e water und	er this section shall be	accompanied by the
<ul> <li>(1) Application to change a point of diversion 300 feet or less</li> <li>(2) Application to change a point of diversion more than 300 feet</li> <li>(3) Application to change the place of use</li> <li>(4) Application to change the use made of the water</li></ul>				\$100 \$200 \$200 \$300
Make check payable to Kansas Department of Agriculture.				

Maria de la Region (1) Presidente (1)

Mithigh a tight in Company type



#### DEPARTMENT OF AGRICULTURE 1320 RESEARCH PARK DRIVE Manhattan, KS 66502 PHONE: (785) 564-6700 Fax: (785) 564-6777

STATE OF KANSAS

900 SW Jackson, Room 456 TOPEKA, KS 66612 PHONE: (785) 296-3556 www.agriculture.ks.gov

GOVERNOR JEFF COLYER, M.D. JACKIE McClaskey, Secretary of Agriculture

**BENSON KEIL** 1912 UNION ROAD CONCORDIA, KS 66901 June 14, 2018

RE: File No 39932-

Dear Sir or Madam:

An applicati	on for approval of the C	hief Engineer to ch	ange the following	condition or	conditions c	of the file n	ıumber
referred to above ha	s been received:						

PU place of use point of diversion use made of water

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

and A. Juney

BAT: DLW

pc: STOCKTON Field Office **GMD**