

Kansas Department of Agriculture  
 Division of Water Resources  
**CHANGE: P/U WORKSHEET & ORDER**

Document Signature LPL

1. File Number: <b>39,932</b>	2. Status Change Date: <b>8/10/2018</b>	3. Change Num: <b>C3</b>	4. Field Office: <b>3</b>	5. GMD:	
6. Status: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied by DWR/GMD <input type="checkbox"/> Dismiss by Request/Failure to Return				7. Filing Date of Change: <b>6/11/2018</b>	
8a. Applicant(s) New to system <input type="checkbox"/>  <b>K&amp;K LAND LLC 1912 UNION RD CONCORDIA KS 66901</b>		Person ID <b>63541</b> Add Seq# <b>1</b>	8c. Landowner(s) New to system <input type="checkbox"/>  <b>HAZEL E KEIL TRUST #1 W BENSON &amp; JUDY A KEIL TTEES 1912 UNION RD CONCORDIA KS 66901-9652</b>		
8b. Landowner(s) New to system <input type="checkbox"/>  <b>8a.</b>		Person ID _____ Add Seq# _____	8d. WUC New to system <input type="checkbox"/>  <b>W BENSON KEIL 1912 UNION RD CONCORDIA KS 66901-9652</b>		
9. Documents and Enclosure(s): <input checked="" type="checkbox"/> DWR Meter(s) Date to Comply: <b>12/31/2018</b> <input type="checkbox"/> N & P Date to Comply: _____					
<input checked="" type="checkbox"/> Anti-Reverse Meter <input type="checkbox"/> Meter Seal <input checked="" type="checkbox"/> Check Valve <input type="checkbox"/> N & P Form <input type="checkbox"/> Water Tube <input type="checkbox"/> Driller Copy <input type="checkbox"/> H & E Letter					
<input type="checkbox"/> Conservation Plan    Date Required: _____    Date Approved: _____    Date to Comply: _____					
10. Use Made of Water    From: _____    To: _____					
Date Prepared: <b>7/23/2018</b> By: <b>AM</b> Date Entered: <b>8/14/2018</b> By: <b>LLM</b>					

File No. **39,932**      11. County: CD      Basin: Republican River      Stream:      Formation Code: 110      Special Use:

12. Points of Diversion											Rate and Quantity				
T MOD DEL ENT	PDIV	Qualifier	S	T	R	ID	'N	'W	Comment	Authorized		Additional		Overlap PD Files	
										Rate gpm	Quantity af	Rate gpm	Quantity af		
CHK	11423	CN NW	25	5S	3W	2	5000	3980		720	45	720	45	5788 & 813	

13. Storage: Rate \_\_\_\_\_ NF      Quantity \_\_\_\_\_ ac/ft      Additional Rate \_\_\_\_\_ NF      Additional Quantity \_\_\_\_\_ ac/ft

14. Limitation: \_\_\_\_\_ af/yr at \_\_\_\_\_ gpm ( \_\_\_\_\_ cfs) when combined with file number(s) \_\_\_\_\_  
 Limitation: \_\_\_\_\_ af/yr at \_\_\_\_\_ gpm ( \_\_\_\_\_ cfs) when combined with file number(s) \_\_\_\_\_

15. 5YR Allocation: Allocation Type \_\_\_\_\_ Start Year \_\_\_\_\_ 5 YR Amount \_\_\_\_\_ Amount Unit \_\_\_\_\_ Base Acres \_\_\_\_\_ Comment \_\_\_\_\_

T MOD DEL ENT	PUSE	S	T	R	ID	NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg?	Overlap Files
						NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼				
MOD	61776	19	5S	2W	2					L5 .5	L3 27	L4 36.5	L5 16	L10 14	L11 7	L13 39	L14 40	L8 2	L9 23	L15 40	L15 20	265	8a	N	MULTIPLE
MOD	61773	13	5S	3W	5							31.5	33.25			35.5	38.5					138.75	8c	N	MULTIPLE
CHK	61777	13	5S	3W	6					35	29				37.5	31.5	21.5					154.5	8a	N	MULTIPLE
CHK	61778	23	5S	3W	9													29.5			36	65.5	8a	N	MULTIPLE
CHK	61774	24	5S	3W	6						31	30.5	31.5	35.5			39.5					168	8c	N	MULTIPLE
MOD	61779	24	5S	3W	7					32.5					38.5	38.5		L1 3.5	L2 14	L3 35.5	L4 10	172.5	8a	N	MULTIPLE
CHK	61775	25	5S	3W	5						L2 18		L2 29.5									47.5	8c	N	MULTIPLE
MOD	61780	25	5S	3W	6					L1 20			L3 26.5									46.5	8a	N	MULTIPLE
CHK	61781	26	5S	3W	13					L6 30.5												30.5	8a	N	MULTIPLE
ENT	68572	30	5S	3W	4					L1 19	L2 40											59	8a	N	MULTIPLE

Comments: **OVERLAPPING PU FILES: 5788; 9889; 24336; 30287; 36570; 39384; 39813; 39952; 44297; 49916; 49917**

**KANSAS DEPARTMENT OF AGRICULTURE**  
**Division of Water Resources**

**M E M O R A N D U M**

**TO:** Files

**DATE:** July 31, 2018

**FROM:** Austin McColloch

**RE:** Change Application, File Nos. 5,788;  
9,889; 24,336; 30,287; 36,570; 39,348;  
39,813; 39,932; 39,952 & 44,297

K & K Land LLC C/O Benson Keil has filed the referenced change applications for a place of use change to form a complete overlap with New Application, File Nos. 49,916 & 49,917 (still pending as of the date of this memo). There is no proposed change in the rate or quantity for any of the above referenced files.

The files do not appear to be abandoned as per K.A.R. 82a-718.

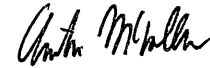
Currently, all the above referenced files overlap in place of use. The change in place of use for all the above referenced files will add 33.25 acres in Section 13, Township 5 S, Range 3 West; 184 acres to Section 19, Township 5 South, Range 2 West; 10 acres to Section 24, Township 5 South, Range 3 West, 20 acres to Section 25, Township 5 South, Range 3 West and 59 acres to Section 30, Township 5 South, Range 2 West for a total of 306.25 acres all in Cloud County, Kansas. This will create a complete overlap in place of use with New Application File Nos. 49,916 & 49,917. The proposed place of use is owned by K & K Land LLC and Hazel Kiel Trust #1 Benson Keil Trustee and all signatures required to change the place of use have been received.

New Application, File No. 49,916 proposes the appropriation of 400 acre-feet from two (2) pumpsites located on the Republican River. New Application, File No. 49,917 proposes the appropriation of 120 acre-feet, limited to senior files, from a battery of four (4) wells located in Section 13, Township 5 South, Range 13 West. When combining the new applications with all the change applications referenced above, the combined quantity authorized on the proposed place of use is 1,492.075 acre-feet. This comes out to be 1.3 acre-feet per acre, which the maximum allowable for Cloud County (1.3). New Application File No. 49,917 is still pending further investigation by the Stockton Field Office. Even without the approval of New Application File No. 49,917 the combined quantity with New Application, File No. 49,916 comes out to be 1.27 acre-feet per acre and is reasonable to justify the change in place of use applications for the above referenced files on its own.

Nearby notifications were completed with the new applications. The applicant identified 1 domestic well and 8 landowners upstream and downstream within ½ mile of the proposed points of diversion/ land for the new applications. Nearby notification letters were sent out on March 28, 2018. One (1) phone call was received from nearby landowners along the Republican River to obtain more information on the proposed applications. No official letters were received.

In a July 27, 2018 e-mail, Kelly Stewart, Water Commissioner, Stockton Field Office, recommended approval of the application.

Based on the above discussion, that the change is reasonable, the historical consumptive use will not substantially be increased due to the approval of the new appropriations, impairment to existing water rights is unlikely, and that no change in the local source of supply will occur, it is recommended that the referenced applications be approved.



Austin McColloch  
Environmental Scientist

STATE OF KANSAS

DEPARTMENT OF AGRICULTURE  
1320 RESEARCH PARK DRIVE  
MANHATTAN, KS 66502  
PHONE: (785) 564-6700  
FAX: (785) 564-6777



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

FILE COPY

K&K LAND LLC  
1912 UNION RD  
CONCORDIA KS 66901

August 20, 2018

RE: Water Right, File Nos. 5,788; 9,889; 24,336; 30,287;  
36,570; 39,384; 39,813; 39,932; 39,952 and 44,297

Dear Sir or Madam:

Enclosed are the orders executed by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the applications for change under the above referenced file numbers.

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in these approval for change. Since the orders for the referenced file numbers modifies the original documents referred to above they should be recorded with the Register of Deeds as other instruments affecting real estate.

Please be reminded that reports of water usage must be submitted to this office annually. Records indicating the amount of water used should be furnished to the Chief Engineer by March 1 following the end of the previous calendar year so that the continued use of water becomes a matter of record in this office. The owner, or his or her legally designated agent, is held responsible for submitting annual water use reports. Failure to file an accurate water use report is a violation of law which makes you subject to civil penalties.

If you have any questions, please contact this office. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

Brent A. Turney, P.G.  
Change Application Unit Supervisor  
Water Appropriation Program

BAT:am  
Enclosure(s)  
pc: Hazel Keil Trust #1  
Stockton Field Office



**KANSAS DEPARTMENT OF AGRICULTURE**  
 Jackie McClaskey, Secretary of Agriculture

**DIVISION OF WATER RESOURCES**  
 David W. Barfield, Chief Engineer

**APPROVAL OF APPLICATION  
 FOR  
 CHANGE IN PLACE OF USE  
 WATER RIGHT, FILE NO. 39,932**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Benson & Judy Keil on behalf of K & K Land, LLC and Hazel E. Keil Trust #1, at 1912 Union Road, Concordia, Kansas, 66901, received in the office of the Chief Engineer on June 11, 2018, for approval of a change in the location of the place of use under the certificate of appropriation issued pursuant to the permit to appropriate water for beneficial use, as modified and amended by the Order of the Chief Engineer dated December 24, 1997, approving the application to change the authorized place of use, by the Order of the Chief Engineer dated February 14, 2011, approving the application to change the authorized place of use and by the Order of the Chief Engineer dated March 27, 2014, approving the application to change the authorized place of use, finds that the change is reasonable and will not impair existing rights, and that the application should be and is hereby approved.

The effective date of the change shall be the date this order is executed by the Chief Engineer, after which the authorized location of the place of use shall be:

Sec. Twp. Range	NE¼				NW¼				SW¼				SE¼				TOTAL
	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
19 5S 2W					Lot 5 0.5	Lot 3 27.0	Lot 4 36.5	Lot 5 16.0	Lot 10 14.0	Lot 11 7.0	Lot 13 39.0	Lot 14 40.0	Lot 8 2.0	Lot 9 23.0	Lot 15 40.0	Lot 15 20.0	265.0
13 5S 3W			31.5	33.25	35.0	29.0	35.5	38.5		37.5	31.5	21.5					293.25
23 5S 3W													29.5			36.0	65.5
24 5S 3W					32.5	31.0	30.5	31.5	35.5	38.5	38.5	39.5	Lot 1 3.5	Lot 2 14.0	Lot 3 35.5	Lot 4 10.0	340.5
25 5S 3W	Lot 1 20.0	Lot 2 18.0			Lot 2 29.5	Lot 3 26.5											94.0
26 5S 3W	Lot 6 30.5																30.5
30 5S 3W					Lot 1 19.0	Lot 2 40.0											59.0

a total of 1,147.75 acres, in Sections 19, 13, 23, 24, 25, 26 and 30, Township 5 South, Ranges 2 and 3 West, Cloud County, Kansas,

located substantially as shown on the topographic map accompanying the application to change the place of use.

All diversion works into which any type of chemical or other foreign substance will be injected into the water pumped from the diversion works shall be equipped with an in-line, automatic, quick-closing check valve capable of preventing pollution of the source of the water supply. The type of valve installed shall meet specifications adopted by the Chief Engineer and shall be maintained in an operating condition satisfactory to the Chief Engineer.

The water right owner shall properly install an acceptable water meter on the diversion works authorized under this water right, prior to the use of water, in strict accordance with the Kansas Administrative Regulations 5-1-4 through 5-1-12 adopted by the Chief Engineer. The water right owner shall notify the Chief Engineer when installation of the water meter has been completed. The water right owner shall maintain the water meter in an operating condition satisfactory to the Chief Engineer, at all times during diversion of water and shall maintain records from which the total quantity of water diverted may be determined. The water right owner shall also report the reading of said water meter and the total quantity of water diverted annually to the Chief Engineer. Such records shall be furnished to the Chief Engineer by March 1 following the end of each calendar year.

In all other respects, the Certificate of Appropriation issued pursuant to Approval of Application, File No. 39,932, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated December 23, 1997, as modified and amended by the aforementioned orders.

This Order shall become a final agency action, as defined by K.S.A. 77-607(b), without further notice to the parties, if a request for hearing or a petition for administrative review is not filed as set forth below.

**RIGHT TO A HEARING AND TO ADMINISTRATIVE REVIEW**

If you are aggrieved by this Order, then pursuant to K.S.A. 82a-1901, you may request an evidentiary hearing before the Chief Engineer, or request administrative review by the Secretary of Agriculture. Failure to request an evidentiary hearing before the Chief Engineer does not preclude your right to administrative review by the Secretary.

To obtain an evidentiary hearing before the Chief Engineer, a written request for hearing must be filed within 15 days after service of this Order as provided in K.S.A. 77-531 (i.e., **within a total of 18 days after this Order was mailed to you**), with: Kansas Department of Agriculture, Attn: Legal Division, 1320 Research Park Drive, Manhattan, Kansas 66502, FAX (785) 564-6777.

If you do not file a request for an evidentiary hearing before the Chief Engineer, you may petition for administrative review of the Order by the Secretary of Agriculture. A petition for review shall be in writing and state the basis for requesting administrative review. The request for review may be denied if the request fails to clearly establish factual or legal issues for review. See K.S.A. 77-527. The petition must be filed within 30 days after service of this Order as provided in K.S.A. 77-531 (i.e., **within a total of 33 days after this Order was mailed to you**), and be filed with: Secretary of Agriculture, Attn: Legal Division, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, FAX (785) 564-6777.

If neither a request for an evidentiary hearing nor a petition for administrative review is filed as set forth above, then this Order shall be effective and become a final agency action as defined in K.S.A. 77-607(b). Failure to timely request either an evidentiary hearing or administrative review may preclude further judicial review under the Kansas Judicial Review Act.

Ordered this 10<sup>th</sup> day of August, 2018, at Topeka, Shawnee County, Kansas.

Lane P. Letourneau  
Lane P. Letourneau, P.G.  
Program Manager  
Division of Water Resources  
Kansas Department of Agriculture

State of Kansas  
County of Riley



The foregoing instrument was acknowledged before me this 10<sup>th</sup> day of August, 2018, by Lane P. Letourneau, P.G., Program Manager, Division of Water Resources, Kansas Department of Agriculture.

Danielle Wilson  
Notary Public

**CERTIFICATE OF SERVICE**

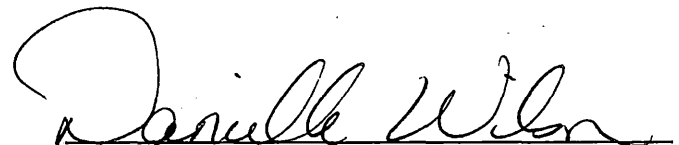
On this 20<sup>th</sup> day August, 2018, I hereby certify that the attached Approval of Application for Change in Place of Use, Water Right, File No. 39,932 dated, August 10<sup>th</sup>, 2018 was mailed postage prepaid, first class, US mail to the following:

K&K LAND LLC  
1912 UNION RD  
CONCORDIA KS 66901

With photocopies sent to:

HAZEL E KEIL TRUST #1  
W BENSON & JUDY A KEIL TTEES  
1912 UNION RD  
CONCORDIA KS 66901-9652

Stockton Field Office

  
Division of Water Resources



APPLICATION COMPLETE

2/27/18

Reviewer AM

Submit To: CHIEF ENGINEER  
Division of Water Resources  
Kansas Department of Agriculture  
1320 Research Park Drive  
Manhattan, KS 66502  
[www.ksda.gov/dwr](http://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**



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

File No. 39,832 \*

Water Resources  
Received  
JUN 11 2018  
1:05  
KS Dept Of Agriculture

2. Name of applicant: K and K Land LLC C/o Benson Keil

Address: 1912 Union Road

City, State and Zip: Concordia, KS. 66901

Phone Number: (785)243-4510

E-mail address: wbensonkeil@gmail.com

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

Name of water use correspondent: Benson Keil

Address: same

City, State and Zip: Same

Phone Number: (Same)

E-mail address: Same

3. The change(s) proposed herein are desired for the following reasons (please be specific): complete overlap with following files: 5788; 39,813; 39,832; 9889; 24,336; 39,384; 36,570; 39,952; 30287; 44,297 and 49,916 and 49,917

The change(s) will be completed by July 2018

(Date)

**For Office Use Only:**

F.O. 3 GMD 0 Meets K.A.R. 5-5-1 (YES/NO) Use IRR Source G/S County CD By AM Date 6/11/18  
Code CRU Fee \$ 200 TR # \_\_\_\_\_ Receipt Date 6/11/18 Check # 21451

\* per phone call Benson 6/11/18

SCANNED

6/14/18 DAW

4. The presently authorized place of use is:

Owner of Land — NAME: **K and K Land LLC**

ADDRESS: **1912 Union Rd Concordia, KS 66901**

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		
13	5s	3w					35	29					37.5	31.5	21.5					154.5
19	5s	2w					.5	27	36.5	16			1							81
23	5s	3w														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**

ADDRESS: **1912 Union Rd Concordia, KS. 66901**

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		
24	5s	3w					32.5						38.5	38.5		3.5	14			121
25	5s	3w		18			29.5	26.5												74
26	5s	3w	30.5																	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**

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		
13	5s	3w					35	29					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													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**

ADDRESS: **1912 Union Rd Concordia, KS 66901**

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		
24	5s	3w					32.5						38.5	38.5		3.5	14		10	137
25	5s	3w	20	18			29.5	26.5												94
26	5s	3w	30.5																	30.5

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

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

\* Edits AM County appraisers + DWR records

THE PLACE OF USE AND/OR POINT OF DIVERSION  
 SUPPLEMENTAL SHEET  
 FILE NO. 39932  
 MAKE ADDITIONAL COPIES AS NECESSARY

3. Continued: The presently authorized place of use is:  
 Owner of Land — NAME: Hazel E. Keil Trust #1, W. Benson Keil, Trustee  
 ADDRESS: 1912 Union Rd Concordia, KS 66901

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	
13	5s	3w			31.5					35.5	38.5							105.5	
24	5s	3w						31	30.5	31.5	35.5						39.5	203.5 168	
25	5s	3w		18				29.5										47.5	

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	

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	

4. Continued: If this application is for a change in place of use, it is proposed that the place of use be changed to:  
 Owner of Land — NAME: Kand K Land LLC  
 ADDRESS: 1912 Union Road Concordia, KS. 66901

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	
30	5s	2w					19	40										59	

Owner of Land — NAME: Hazel E. Keil Trust #1, W. Benson Keil, Trustee  
 ADDRESS: 1912 Union Rd Concordia, KS 66901

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	
13	5s	3w			31.5	33.25				35.5	38.5							138.75	
24	5s	3w						31	30.5	31.5	35.5						39.5	203.5 168	
25	5s	3w		18				29.5										47.5	

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	

Water Resources  
 Received  
 JUN 11 2018

Edits AM county appraisers & DWR records

FILE NO. \_\_\_\_\_

4. The presently authorized place of use is:

Owner of Land — NAME: K and K Land LLC

ADDRESS: 1912 Union Rd Concordia, KS 66901

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	
13	5s	3w					35	29				37.5	31.5	21.5					154.5
19	5s	2w					.5	27	36.5	16		1							81
23	5s	3w													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

ADDRESS: 1912 Union Rd Concordia, KS. 66901

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	
24	5s	3w					32.5					38.5	38.5		3.5	14	39.5		162.5
25	5s	3w		18			29.5	26.5											74 26.5
26	5s	3w	30.5																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

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	
13	5s	3w					35	29				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													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

ADDRESS: 1912 Union Rd Concordia, KS 66901

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	
24	5s	3w					32.5					38.5	38.5		3.5	14	39.5	10	132 172.5
25	5s	3w	20	18			29.5	26.5											94 48.5
26	5s	3w	30.5																30.5

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

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

THE PLACE OF USE AND/OR POINT OF DIVERSION  
SUPPLEMENTAL SHEET  
FILE NO. 39-832  
MAKE ADDITIONAL COPIES AS NECESSARY

3. Continued: The presently authorized place of use is:  
Owner of Land — NAME: Hazel E. Keil Trust #1, W. Benson Keil, Trustee  
ADDRESS: 1912 Union Rd Concordia, KS 66901

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	
13	5s	3w			31.5							35.5	38.5						105.5
24	5s	3w					31	30.5	31.5	35.5							39.5		203.5

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	

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	

4. Continued: If this application is for a change in place of use, it is proposed that the place of use be changed to:  
Owner of Land — NAME: Kand K Land LLC  
ADDRESS: 1912 Union Road Concordia, KS. 66901

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	
30	5s	2w					19	40											59

Owner of Land — NAME: Hazel E. Keil Trust #1, W. Benson Keil, Trustee  
ADDRESS: 1912 Union Rd Concordia, KS 66901

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	
13	5s	3w			31.5	33.25						35.5	38.5						138.75
24	5s	3w					31	30.5	31.5	35.5							39.5		203.5

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	

Water Resources  
Received  
JUN 11 2018

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 Concordia, Kansas, this 6th day of June, 2018.

<u>K&amp;K Land LLC by Ben Keil, member</u> (Owner)	_____	(Spouse)
<u>K&amp;K Land LLC by Benson Keil member</u> (Please Print)	_____	(Please Print)
<u>K&amp;K Land LLC by Judy Keil, member</u> (Owner)	_____	(Spouse)
<u>K&amp;K Land LLC by Judy Keil, member</u> (Please Print)	_____	(Please Print)
<u>Hazel E. Keil Trust #1 by W. Ben Keil, trustee</u> (Owner)	_____	(Spouse)
<u>Hazel E. Keil Trust #1, W. Benson Keil, trustee</u> (Please Print)	_____	(Please Print)

State of Kansas }  
County of Cloud } SS



I hereby certify that the foregoing application was signed in my presence and sworn to before me this 6th day of June, 2018.

My Commission Expires 10/6/18 \_\_\_\_\_  
Notary Public

**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.**

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:**  
 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:  
**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 \_\_\_\_\_ 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 \_\_\_\_\_

9. **Presently authorized point of diversion:**  
 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:  
**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 \_\_\_\_\_ 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 \_\_\_\_\_ 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 \_\_\_\_\_ 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.  
No change Water Resources  
Received

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

JUN 11 2018 SCANNED  
 KS Dept of Agriculture

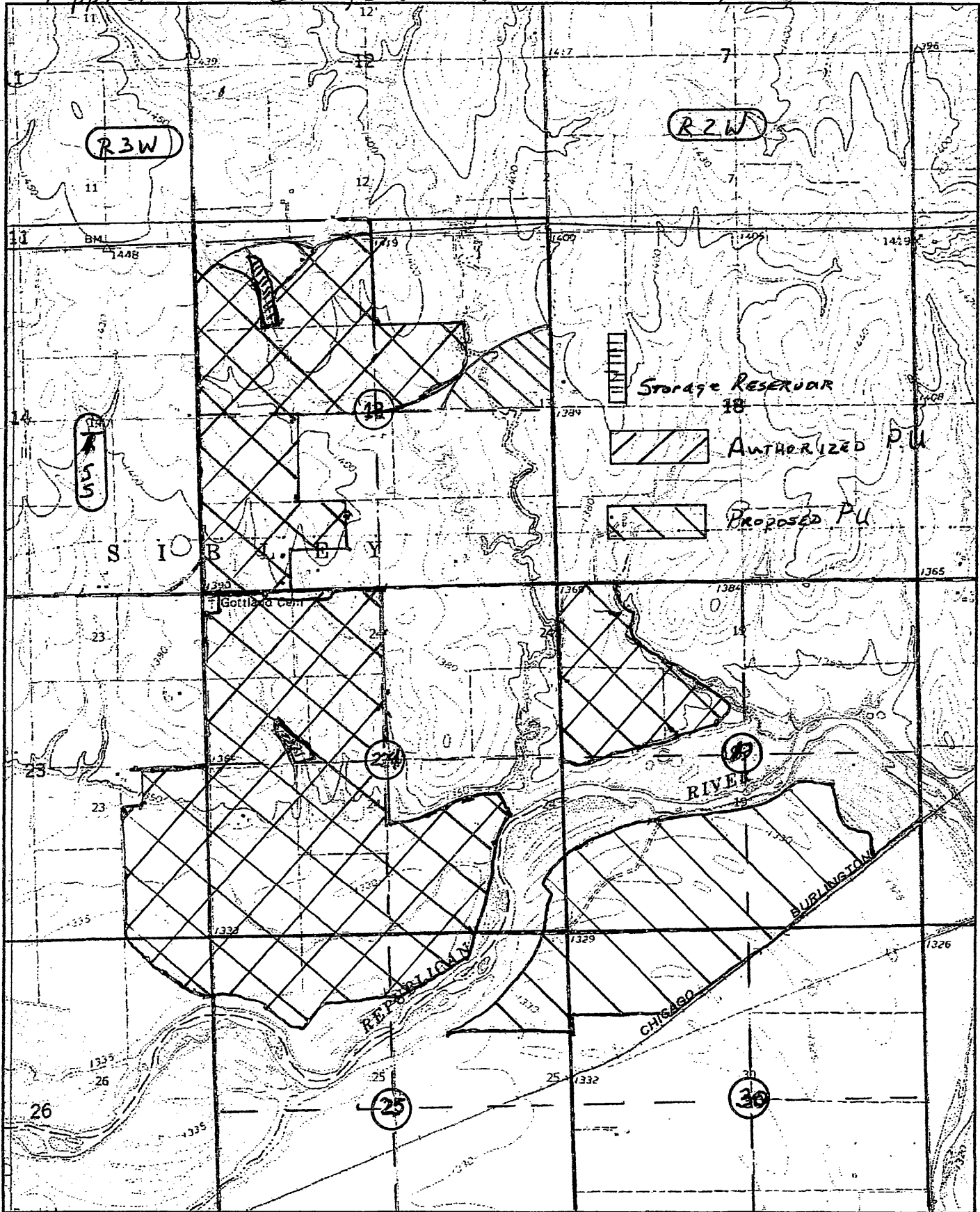
12. The presently authorized use of water is for irrigation purposes.  
It is proposed that the use be changed to no change purposes.
13. If changing the place of use and/or use made of water, describe how the consumptive use will not be increased. and 49917  
The change is to create a complete overlap 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
- (Please show any calculations here.)
14. It is requested that the maximum annual quantity of water be reduced to NA (acre-feet or million gallons).
15. It is requested that the maximum rate of diversion of water be reduced to NA 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](http://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:
- All additional lands will be authorized and irrigated with File No. 49,916 and 49,917
- 
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 request is necessary

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



Application to Change the Place of Use File No. 39,832



Water Resources  
Received

1:24000 scale

Universal Transverse Mercator (UTM) Projection Zone 14  
North American Datum of 1983



JUN 11 2018



## McColloch, Austin [KDA]

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**From:** Stewart, Kelly [KDA]  
**Sent:** Friday, July 27, 2018 2:26 PM  
**To:** McColloch, Austin [KDA]; Engelhaupt, David [KDA]  
**Cc:** Billinger, Mark [KDA]; Hageman, Rebecca [KDA]  
**Subject:** RE: K & K Land LLC New & Change Applications Recommendation

Austin,

File No. 49,917 is going to be held up for a bit while the field office investigates the effects of pumping these wells. I have spoken with Benson Keil and we're going to attempt to gather some field data while he pumps his existing wells next week. Mark plans on installing pressure transducers in one of his pumping wells and one in an existing stock well that is located near his proposed well locations. We plan on observing the drawdown in these wells and gain the data we need for Mark to come up with some real-life data and run it through Aqtesolve.

In the meantime, I have no objection to the approval of File No. 49,916. Benson would like us to move forward on this application as soon as possible so he can start making arrangements. If the approval of 49,916 would be sufficient to justify the increase in acres proposed under his existing files, I would recommend we go ahead and process those.

Kelly

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**From:** McColloch, Austin [KDA]  
**Sent:** Wednesday, July 18, 2018 2:01 PM  
**To:** Stewart, Kelly [KDA] <Kelly.Stewart@ks.gov>  
**Cc:** Billinger, Mark [KDA] <Mark.Billinger@ks.gov>  
**Subject:** K & K Land LLC New & Change Applications Recommendation

Kelly and Mark,

Attached are my draft memos for New Application File Nos. 49,916 & 49,917. File No. 49,916 is for two (2) surface water pumpsites on the Republican River. File No. 49,917 is a battery of four (4) wells sourcing unconfined aquifer, also attached SY analysis, this file will be limited to all other senior files on the place of use.

There are multiple files that are overlapping the place of use. Change applications have been filed to create a complete overlap with the new applications. There are 10 in total and attached is my draft memo for them.

Please note: there have been corrections on the irrigation use supplemental sheets for all files to get the correct number of acres to the correct owners. WRIS and county appraiser maps show the correct ownership for the senior files. The new applications and change applications have some quarter quarter sections under the wrong owner.

Let me know if you need more information or have any questions.

Thanks,

Austin McColloch  
Environmental Scientist  
Ph: (785) 564-6643

STATE OF KANSAS

DEPARTMENT OF AGRICULTURE  
1320 RESEARCH PARK DRIVE  
MANHATTAN, KS 66502  
PHONE: (785) 564-6700  
FAX: (785) 564-6777

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

June 14, 2018

BENSON KEIL  
1912 UNION ROAD  
CONCORDIA, KS 66901

RE: File No 39932-

Dear Sir or Madam:

An application for approval of the Chief Engineer to change the following condition or conditions of the file number referred to above has been received:

- place of use            PU
- 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

BAT: DLW  
pc: STOCKTON Field Office    GMD

SCANNED