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

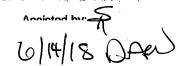
APPLICATION FOR APPROVAL TO CHANGE THE PLACE OF USE, THE POINT OF DIVERSION OR THE USE MADE OF THE WATER UNDER AN EXISTING WATER RIGHT



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.

Place of Use	ef Engineer to change the Water Resources Received
(Check one or more)	JUN 11 2018
☐ Use Made of Water	1:02
File No.	KS Dept Of Agriculture
Name of applicant: K and K Land LLC C/o Benson	
Address: 1912 Union Road	in Marke Call, in a familiar and a second of the model and the control of the control of the control of the po The control of the control of the control of the call of the control of the control of the control of the control of
City, State and Zip: Concordia, KS. 66901	n under de seu el service de service de service de la companya de la companya de la companya de la companya de
Phone Number: (785)243-4510	E-mail address: wbensonkeil@gmail.com
What is your relationship to the water right; KI own	ner
Name of water use correspondent: Benson Keil	
Address: same	
City, State and Zip: Same	
Phone Number: (Same)	E-mail address: <u>Same</u>
The change(s) proposed berein are desired for th	ne following reasons (please be specific): complete overlap with followi
	36,570; 39,952; 30287; 44,297 and 49,916 and 49,917
The change(s) will be completed by July 2018	
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4. The presently authorized place of use is:

Owner of Land — NAME: K and K Land LLC

ADDRESS: 1912 Union Rd Concordia, KS 66901

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

Owner of Land - NAME: K and K Land LLC

ngert, 1080 in 10ADDRESS: 1912 Union Rd Concordia, KS. 66901

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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

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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

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

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IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

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12.	The presently authorized use of water is for <u>irrigation</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
• • • •	(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). 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:
٠.,	- 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 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.
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
	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

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THE PLACE OF USE AND/OR POINT OF DIVERSION SUPPLEMENTAL SHEET FILE NO. 5785 MAKE ADDITIONAL COPIES AS NECESSARY

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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.

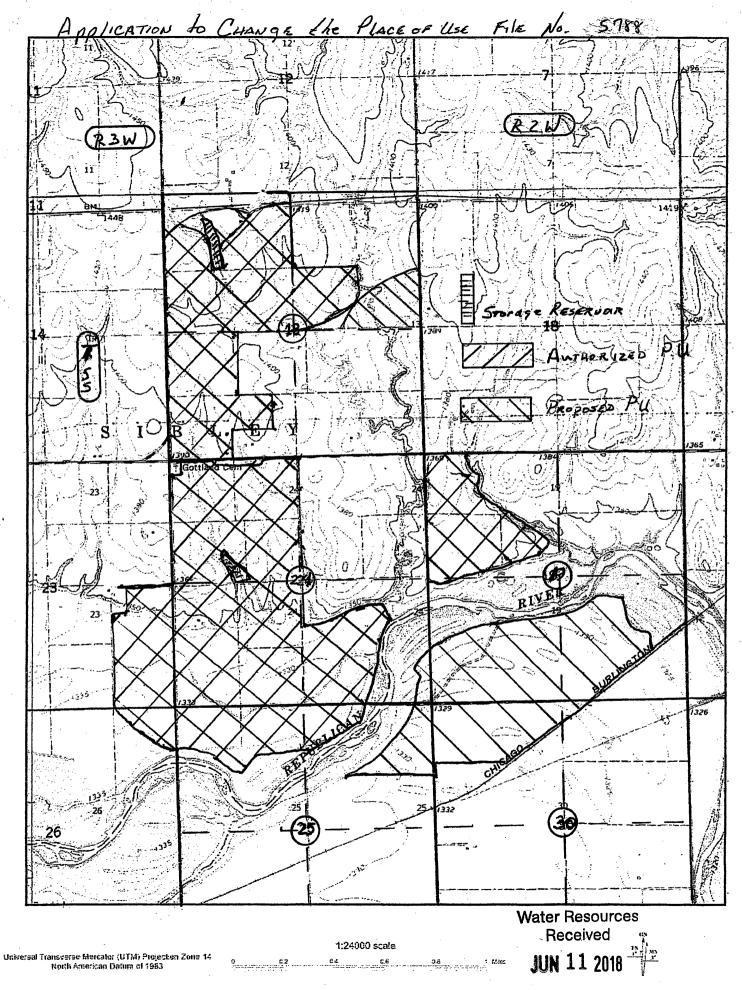
The application must be signed by all owners of the place of use authorized under the water right and his or her spouse, if married. Please indicate if there is no spouse. If land is being purchased under contract, the seller must sign as landowner until such time as the contract is completed.

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.

Dated at Concordia	, Kansas, this _	leth	_ day of	June	20 18
K+K Land LLC by B- KeV, non	1		-		
(Owner)	L BC		·	(Spouse)	<u> </u>
Kak Land LLC by Benson Keil n	nember.				
Kok Land LC by budy find	I mento			(Please Print)	
Kak Land LLC by Judy Kell	member		;	(Spouse)	
(Please Print) Hage E. K. Trust 41 h. W. Bo- (Owner)	- Kil tustee			(Please Print)	
Hard E Ked Town HI LillBerry	Vo. 1 trules			(Spouse)	
Hazel E. Kel Trust H by Whenson (Please Print)	1 1021, 17ast			(Please Print)	
State of Kansas County of Ologod			JEREMY L. State of K ly Appt. Exp. /	ansas	
I hereby certify that the foregoing application \mathcal{F}_{44} , $20 / \mathcal{E}_{44}$.	was signed in my pr	resence an	nd sworn to	before me this	day o
	<i>*</i>	Masserry	ZE		
My Commission Expires 10/6/18				Notary Public	•
	FEE SCHEDU	LE			
Each application to change the place of use, the point application fee set forth in the schedule below:	of diversion or the use	made of the	e water under	this section shall be ac	companied by the
 (1) Application to change a point of diversion (2) Application to change a point of diversion (3) Application to change the place of use (4) Application to change the use made of the 	n 300 feet or less n more than 300 feet ne water				\$100 \$200 \$200 \$300
flake check payable to Kansas Department of Agric ১১-১৮৮৮ সম্ভ	ulture.			•	
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ks Dear Of Agriculture



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

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

RE: File No 5788-

Dear Sir or Madam:

An application for approval of the	Chief Engineer to change	the following condi-	tion or conditions of	of the file number
referred to above has 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

month Juney

BAT: DLW

pc: STOCKTON Field Office GMD