

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**



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

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MAR 08 2018
11:12
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File No. 7,583

2. Name of applicant: Perry S. & Linda K. Remus

Address: 310 Division St.

City, State and Zip: Downs, Ks. 67437-1810

Phone Number: (785)5454-5694

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 applicant

Address: _____

City, State and Zip: _____

Phone Number: () _____

E-mail address: _____

3. The change(s) proposed herein are desired for the following reasons (please be specific): To move the point of diversion and place of use from lands owned by the United States Bureau of Reclamation to land owned by the applicant.

The change(s) (was) (will be) completed by as soon as authorized

(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 MC By AW Date 3/8/18
Code C-2 Fee \$ 900 TR # _____ Receipt Date 3/8/18 Check # 1684

4. The presently authorized place of use is:

Owner of Land — NAME: United States Bureau of Reclamation

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	
8	7	10w									35	20	35	37					127

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

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	

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: Perry S. & Linda K. Remus

ADDRESS: 310 Division St. Downs, Ks. 67437-1810

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	
23	7	11w	31	31	31	31									31	31	11.5		197.5

List any other water rights that cover this place of use. 7,583

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	

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

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

6. The presently authorized point(s) of diversion is 1 pumpsite
(Provide description and number of points)
7. The proposed point(s) of diversion is 1 pumpsite
(Provide description and number of points)

List all presently authorized point(s) of diversion:

8. **Presently authorized point of diversion:**
 One in the NE Quarter of the SE Quarter of the SW Quarter of Section 8, Township 7 South, Range 10 W, in Mitchell County, Kansas, feet North feet West of Southeast corner of section.
 Authorized Rate 2,200 gpm Authorized Quantity 191
(DWR use only: Computer ID No. 01 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 SE Quarter of the SW Quarter of the SE Quarter of Section 23, Township 7 South, Range 11 W, in Osborne County, Kansas, 135 feet North 1,420 feet West of Southeast corner of section.
 Proposed Rate 2,200 Proposed Quantity 191
 This point is: Additional Well Geo Center List other water rights that will use this point 6,091

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. Upon approval of this change, the present point of diversion (pumpsite) will no longer be maintained.

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

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.
Proposed place of use is within base acres + 10.
Base acres for #6,091 are 55 acres.
Base acres for #7,583 are 127 acres.
Please note that even though the place of use is owned by the USBR, the applicants own the water rights. The water rights were retained in 1972 when the USBR condemned the property.
(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:
 - 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.

The source of supply will not change. It will remain the S.F. of the Solomon River.
Impairment will not occur since priority of water rights will not be changing.

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.

NA

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

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Any use of water that is not as authorized by the water right or permit to authorize water **before** the chief engineer approves this application is a violation of the Kansas Water Appropriation Act for which criminal or civil penalties may be assessed. Such violation is a class C misdemeanor, punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. K.S.A. 82a-728(b). Civil penalties shall be not less than \$100 nor more than \$1,000 per violation. In the case of a continuing violation, each day such violation continues may be deemed a separate violation. In addition to these penalties the water right may be modified or suspended. K.S.A. 82a-737, as amended.

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

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

If the request is signed on behalf of any Owner by someone with legal authority to do so (for example, an agent, one who has power of attorney, or an executor, executrix, conservator), it will be necessary to attach proper documents showing such authority.

I declare that I am an owner of the currently authorized place of use as identified herein, or that I represent all such owners and am authorized to make this application on their behalf, and declare further that the statements contained herein are true, correct, and complete. By filing this application I authorize the chief engineer to permanently reduce the quantity of water and/or rate of diversion as specified in sections 14 and 15 of this application.

Dated at Lawrence, Kansas, this 21st day of February, 2018.

Perry S. Remus
(Owner)

PERRY S. REMUS
(Please Print)

(Owner)

(Please Print)

(Owner)

(Please Print)

Linda R Remus
(Spouse)

Linda K. Remus
(Please Print)

(Spouse)

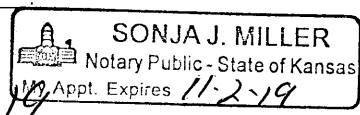
(Please Print)

(Spouse)

(Please Print)

State of Kansas }
County of Osborne } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 21st day of February, 2018.

 SONJA J. MILLER
Notary Public - State of Kansas
My Appt. Expires 11-2-19

Sonja J. Miller
Notary Public

My Commission Expires 11-2-19

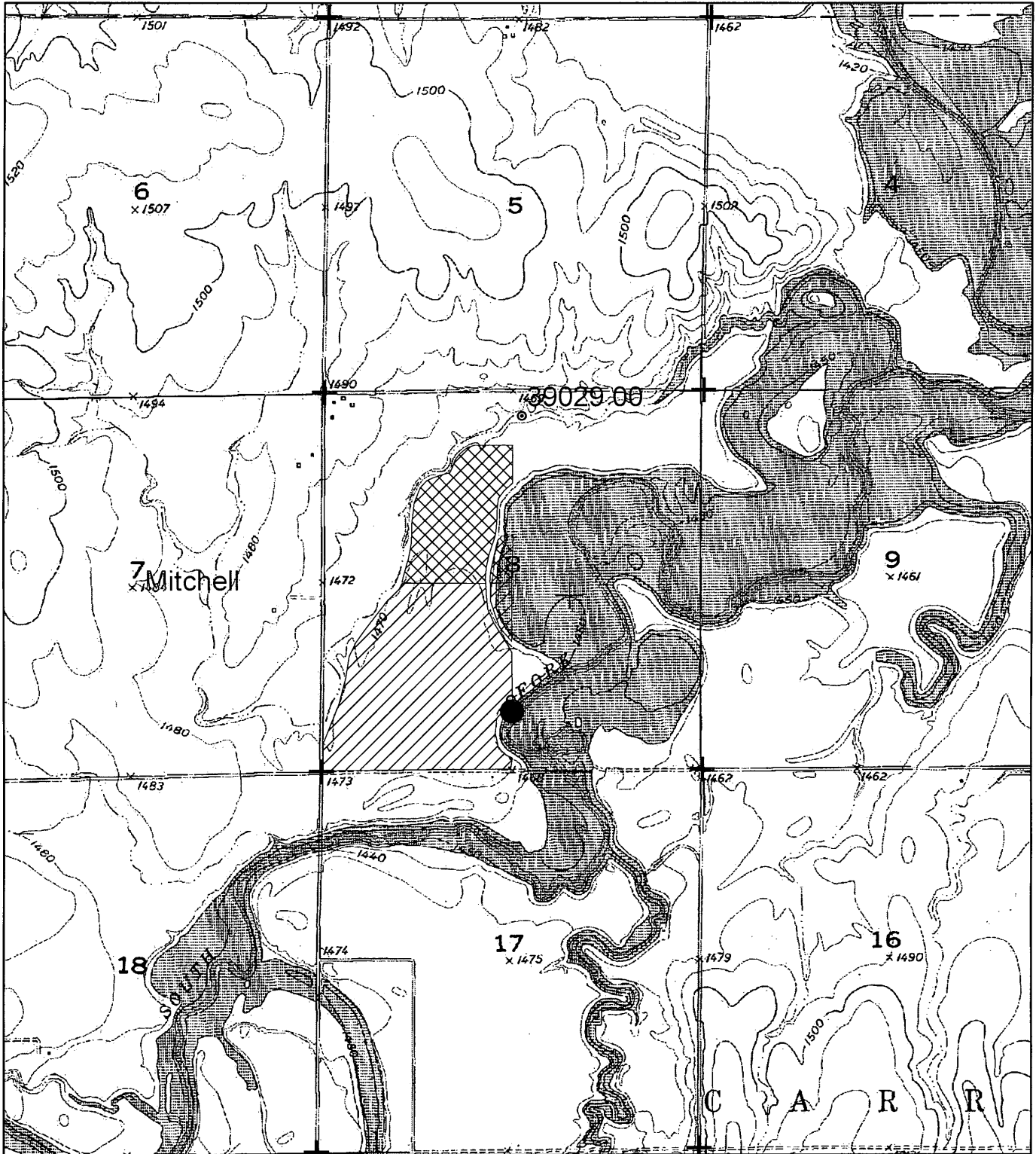
FEE SCHEDULE

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.**

Application to Change the Point of Diversion and Place of Use,
Water Rights, File Nos. 6,091 & 7,583



Present Point of Diversion for #6,091 & #7,583



Present Place of Use for #6,091



Present Place of Use for #7,583

1:24,000

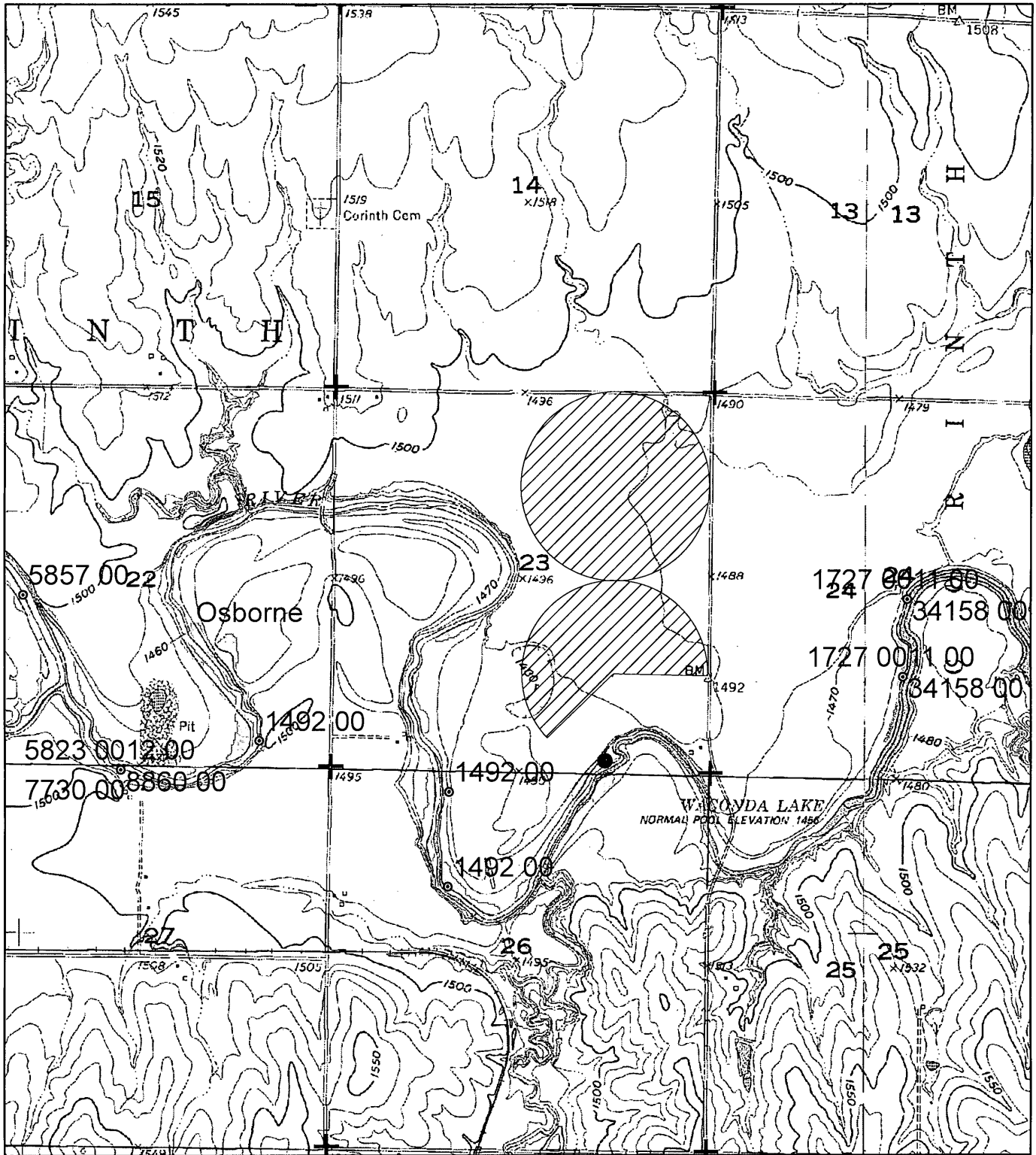
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Application to Change the Point of Diversion and Place of Use,
Water Rights, File Nos. 6,091 & 7,583



● Proposed Point of Diversion for #6,091 & #7,583

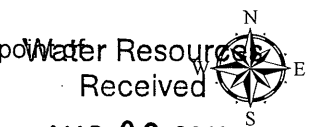
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Proposed Place of Use



All landowners within 1/2 mile of the proposed point of diversion and place of use are shown:



MAR 08 2018

* See attachment

Randy P. Remus
Signature

3-2-18
Date

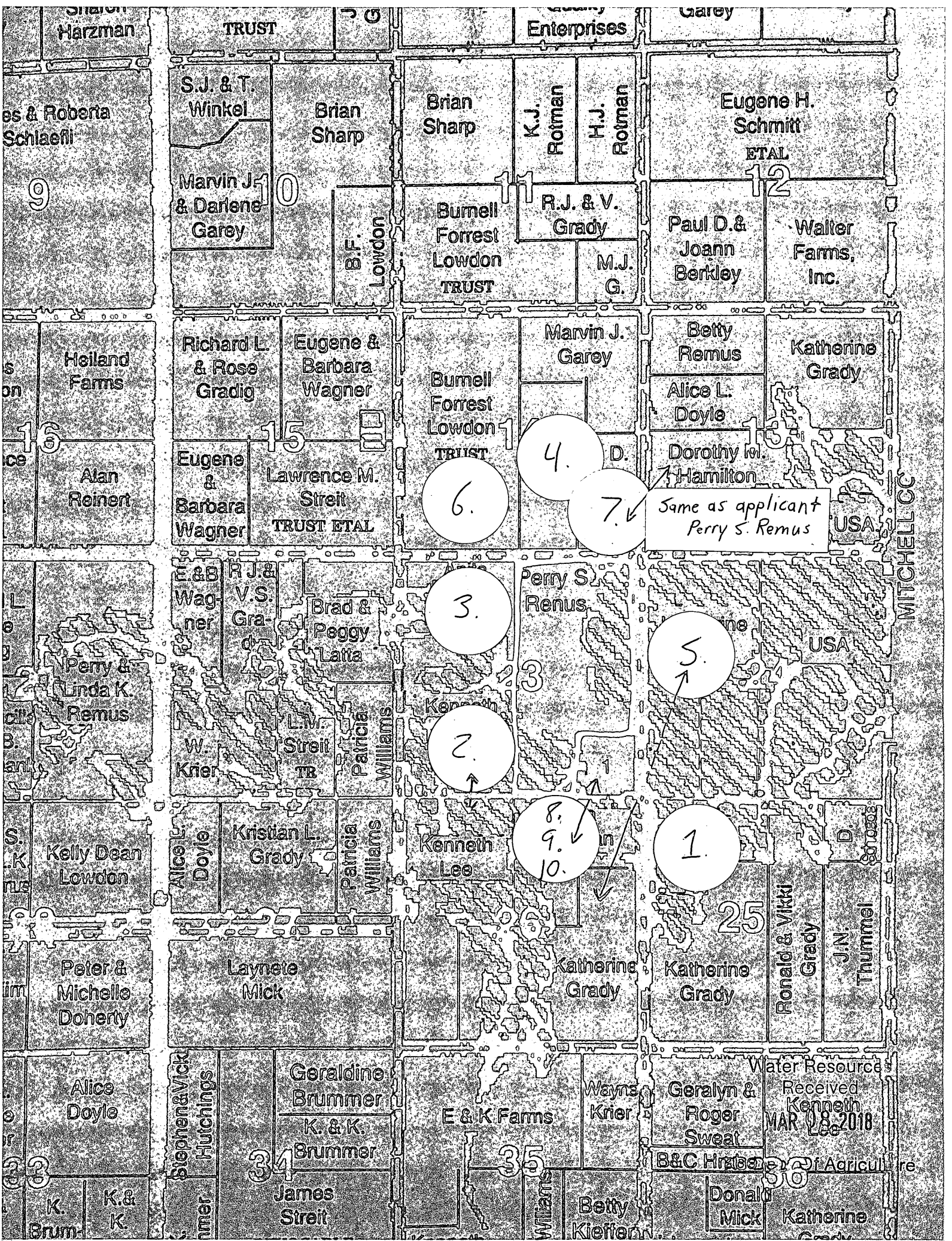
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1. **United States Bureau of Reclamation**
2. **Kenneth Lee – 998 S. 20th Ave. Downs, Ks 67437**
3. **Anita Dangler – 1220 Bards Ave. Naperville, IL 60564**
4. **Pamela Remus – 28725 Nth. 74th St. Scottsdale AZ 85266**
5. **Ron Grady – 1054 County 693 Ave. Downs, KS 67437**
6. **Burnell F. Lowdon Trust – C/O Corey Lowdon – 622 South 4th St. Independence, KS 67301**
7. **Dorothy Hamilton – 15584 E. Maiden Hair Ln. Parker, CO 80134**
8. **Darla Corcoran – PO Box 187 Solomon, KS 67480**
9. **Jayne Mclaughlin – 250 N. 8th Ave. Show Low, AZ 85901**
10. **Linda Benoit – 110 Texas Golf Rd. Bourg, LA 70343**

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S.J. & T. Winkel
Marvin J. & Darlene Garey

Brian Sharp

Brian Sharp

K.J. Rotman

H.J. Rotman

Eugene H. Schmitt
ETAL

B.F. Lowdon

Burnell Forrest Lowdon
TRUST

R.J. & V. Grady

M.J. G.

Paul D. & Joann Berkley

Walter Farms, Inc.

Richard L. & Rose Gradig

Eugene & Barbara Wagner

Burnell Forrest Lowdon
TRUST

Marvin J. Garey

Betty Remus

Katherine Grady

Alice L. Doyle

Dorothy W. Hamilton

Eugene & Barbara Wagner

Lawrence M. Streit
TRUST ETAL

6.

4.

7.

Same as applicant Perry S. Remus

R. & B. Wagner

R.J. & V.S. Grady

Brad & Peggy Latta

3.

Perry S. Remus

5.

W. Krier

L.M. Streit

Patricia Williams

2.

3

Alice L. Doyle

Kristian L. Grady

Patricia Williams

Kenneth Lee

8.
9.
10.

1.

Laynete Mick

Katherine Grady

Katherine Grady

Ronald & Vikki Grady

J.N. Thummel

Stephen & Vicki Hutchings

Geraldine Brummer
K. & K. Brummer

E & K Farms

Wayne Krier

Geralyn & Roger Sweat

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Kenneth Lee
MAR 08 2018

James Streit

34

35

Betty Krier

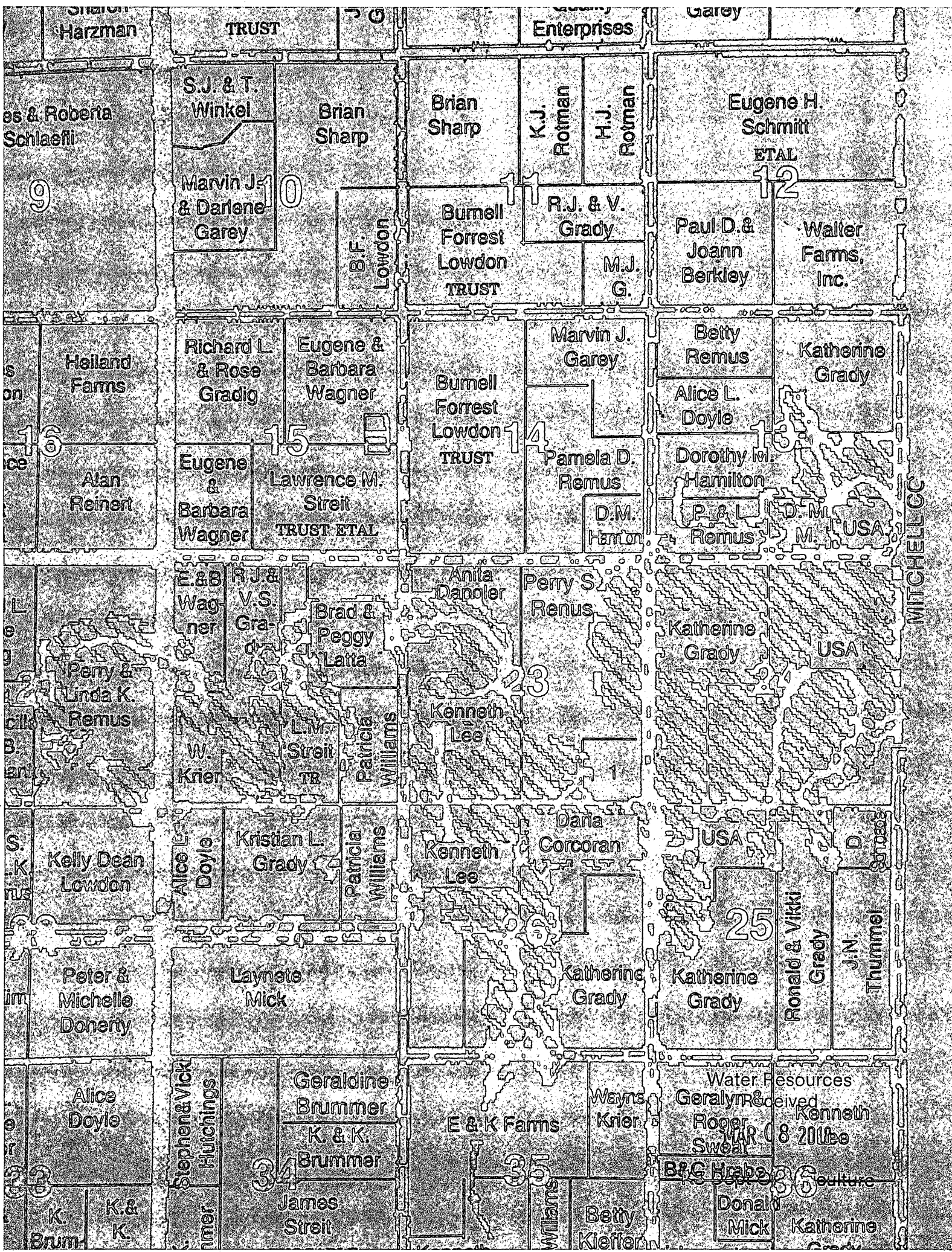
Donald Mick

Katherine

MITCHELLOCC

B&C Hardware
J. Agriculture

36



Sharon Harzman

TRUST

Enterprises

Garey

es & Roberta Schlaefli
9

S.J. & T. Winkel
Marvin J. & Darlene Garey

Brian Sharp
B.F. Lowdon

Brian Sharp
Burnell Forrest Lowdon TRUST

K.J. Rotman
H.J. Rotman
R.J. & V. Grady
M.J. G.

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Heiland Farms
Alan Reinert

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Eugene & Barbara Wagner
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Eugene & Barbara Wagner
Lawrence M. Streit TRUST ETAL

Bumell Forrest Lowdon TRUST

Marvin J. Garey
Pamela D. Remus
D.M. Hamon

Betty Remus
Alice L. Doyle
Dorothy M. Hamilton
Katherine Grady
P. & L. Remus
D.M. M. USA

Perry & Linda K. Remus

E. & B. Wagner
R.J. & V.S. Gradig
W. Krier

Brad & Peggy Latta
L.M. Streit
Patricia Williams

Anita Danoler
Kenneth Lee

Perry S. Remus

Katherine Grady
USA

Kelly Dean Lowdon
Peter & Michelle Doherty

Alice L. Doyle
Kristian L. Grady
Laynete Mick

Patricia Williams

Kenneth Lee

Daria Corcoran
Katherine Grady

USA
25
Ronald & Vikki Grady
J.N. Thummel

Alice Doyle
K. K. Brum

Stephen & Vicki Hutchings
James Streit

Geraldine Brummer
K & K. Brummer

E & K Farms
Williams

Wayne Krier
Betty Kieffer

Water Resources Received
Geraldine & Roger Sweet
B & G Habes
Donal Mick
Katherine

MITCHELLECC

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

PERRY S & LINDA K REMUS
310 DIVISION ST
DOWNS, KS 67437

March 9, 2018

RE: File No 7583

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/PD
- 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