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

Document Signature LPL	· .			
1. File Number: 43,161	2. Status Change Date:	3. Change Num:	4. Field Office:	5. GMD:
6. Status: ☐ Approved ☐ Den	ied by DWR/GMD ⊠	Dismiss by Reques	st/Failure to Return	7. Filing Date of Change: 4/2/18
8a. Applicant(s) New to system □	Person ID 31919 Add Seq#	8c. pc New to sy	vstem 🔲	Person IDAdd Seq#
WARREN AND BERNICE 627 PROSPECT ST CLAY CENTER KS 6743	. • ↓			
				† 1
8b. Landowner(s) New to system □	Person IDAdd Seq#	8d. WUC	vstem □	Person IDAdd Seq#
9. Documents and Enclosure(s): D	VR Meter(s) Date to Comp	ly:	N & P Date to	Comply:
☐ Check Valve ☐ N & P Fo		e Drille		o Comply:
10. Use Made of Water From:		To:		
			Date Prepared: 4/22/ Date Entered: 4/25/	

File No.		11. County:		Ba	sin:						Si	tream:							Fo	rmation Code:	Special U	se:
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Comments:																						

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KANSAS DEPARTMENT OF AGRICULTURE Division of Water Resources

MEMORANDUM

TO: Files

DATE: April 22, 2019

FROM: Brent A. Turney

RE: Water Right

File No. 43,161

Warren and Bernice Leidig on behalf of the owner of the referenced water right, filed an application to change the place of use, which was received in the office of the Chief Engineer on April 2, 2018.

The application was returned to the applicant on March 11, 2019, along with a letter requesting additional information. The applicant was given until April 11, 2019 to supply the additional information and return the application. The letter stated that the application would be denied and dismissed if it was not returned to the office of the Chief Engineer by April 11, 2019.

As of today's date no information has been received nor has a request for additional time been requested, therefore it is recommended that the referenced application to change the authorized place of use be denied and dismissed for failure to return.

Based upon the above information, it is recommended that the referenced change application be denied and dismissed, and its priority forfeited.

Brent A. Turney, P.G

Change Application Unit Supervisor

1320 Research Park Drive Manhattan, KS 66502 785-564-6700 www. agriculture.ks.gov



900 SW Jackson, Room 456 Topeka, KS 66612 785-296-3556

Mike Beam, Secretary

Laura Kelly, Governor

WARREN AND BERNICE LEIDIG 627 PROSPECT ST CLAY CENTER KS 67432-1826 April 30, 2019

FILE COPY

RE: Water Right File No. 43,161

Dear Mr. and Mrs. Leidig:

Enclosed is the Findings and Order by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, which dismisses the change in place of use under Water Right, File No. 43,161.

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.

If you have any questions, please contact me at 785-564-6645. 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

Enclosure

pc: Topeka Field Office

KANSAS DEPARTMENT OF AGRICULTURE Mike Beam, Secretary of Agriculture

DIVISION OF WATER RESOURCESDavid W. Barfield, Chief Engineer

FINDINGS AND ORDER IN THE MATTER OF THE DISMISSAL OF AN APPLICATION FOR APPROVAL TO CHANGE THE AUTHORIZED PLACE OF USE UNDER WATER RIGHT, FILE NO. 43,161

After due consideration, the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture (hereinafter referred to as the "Chief Engineer"), makes the following findings and order:

FINDINGS

- 1. That on August 21, 2007, the Chief Engineer, in accordance with K.S.A. 82a-714, issued a certificate of appropriation pursuant to Appropriation of Water Right, File No. 43,161, for permit to appropriate water for irrigation use.
- 2. That on April 2, 2018, an Application to Change the Authorized Place of use was received in the office of the Chief Engineer for File No. 43,161.
- 3. That on March 11, 2019, the application was returned to the water right owner for additional information. That in a letter accompanying the application, the water right owner was advised that they must return the application to this office by April 11, 2019, or the application would be dismissed.
- 5. The application was not returned to the office of the Chief Engineer within the time allowed, and that no request for extension of time was received.
- 6. That the Application to Change the Place of Use, File No. 43,161, should be dismissed and its priority forfeited in accordance with K.S.A. 82a-710.

ORDER

NOW, THEREFORE, It is the decision and order of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, that effective the date of this order, in accordance with the law, the Application for Approval to Change the Place of Use, File No. 43,161, is herewith dismissed and the priority assigned to it is considered to be forfeited.

In all other respects, the Certificate of Appropriation for Beneficial Use of Water, issued pursuant to File No. August 21, 2007, dated August 21, 2007, remains as authorized.

This is a final agency action. If you choose to appeal this decision or any finding or part thereof, you must do so by filing a petition for review in the manner prescribed by the Kansas Act for Judicial Review and Civil Enforcement of Agency Actions (KJRA K.S.A. 77-601 et seq.) within 30 days of service of this order. Your appeal must be made with the appropriate district court for the district of Kansas. The Chief Legal Counsel, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, is the agency officer who will receive service of a petition for judicial review on behalf of the Kansas Department of Agriculture, Division of Water Resources. If you have questions or would like clarification concerning this order, you may contact the Chief Engineer.

Dated at Manhattan, Kansas, this 25th day of April , 2019.

Lane P. Letourneau, P.G.

Program Manager

Water Appropriation Program Kansas Department of Agriculture

State of Kansas

)SS

County of Riley

The foregoing instrument was acknowledged before me this 257 day of , 2019, by Lane P. Letourneau, P.G., Program Manager, Water Appropriation Program, Division of Water Resources, Kansas Department of Agriculture.

DANIELLE WILSON
My Appointment Expires
August 23, 2020

Notary Public

CERTIFICATE OF SERVICE

On this 3000 day of April , 2019, I hereby certify that the attached Dismissal of Application to Change the Authorized Place of Use, File No. 43,161, dated was mailed postage prepaid, first class, US mail to the following:

WARREN AND BERNICE LEIDIG 627 PROSPECT ST CLAY CENTER KS 67432-1826

With photocopies to:

Topeka Field Office

Staff

1320 Research Park Drive Manhattan, KS 66502 785-564-6700 www. agriculture.ks.gov



900 SW Jackson, Room 456 Topeka, KS 66612 785-296-3556

Laura Kelly, Governor

Mike Beam, Acting Secretary

March 11, 2019

WARREN AND BERNICE LEIDIG 627 PROSPECT CLAY CENTER KS 67432 FILE COPY

RE: Water Right, File No. 43,161

Dear Mr. and Mrs. Leidig,

Reference is made to the application for approval of the Chief Engineer to change the place of use which was received in the office of the Chief Engineer on April 2, 2018. Upon review of the application, we find that additional information is needed.

K.A.R. 5-5-5 Signatures required on change applications requires in part that if the extent of each owner's interest in the water right has not been legally determined, then all landowners holding an undetermined portion of the water right must sign the change application. Therefore we will need the notarized signatures of all landowners and spouses of the authorized place of use. Information in this office and the Clay County Register of Deeds, indicates that Solomon State Bank is the owner of the authorized place of use. Therefore, we must have a notarized signature from the Solomon State Bank. We have enclosed a blank signature page for your convenience.

The Kansas Water Appropriation Act states that a "Water right" means any vested right or appropriation right under which a person may lawfully divert and use water. It is a real property right appurtenant to and severable from the land on or in connection with which the water is used and such water right passes as an appurtenance with a conveyance of the land by deed, lease, mortgage, will, or other disposal, or by inheritance.

Your application is being returned so that you may supply the requested information. In order for the application to retain its priority of filing the requested information must be supplied to complete the applications on or before April 11, 2019. According to law, default in supplying the requested information as outlined above within the time allowed or any authorized extension of time, shall cause dismissal of the application for change under the above referenced file number.

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,

Change Application Unit Supervisor

Water Appropriation Program

BAT Enclosures

pc: Topeka Field Office



Submit To: CHIEF ENGINEER
Division of Water Resources
Kansas Department of Agriculture
109 SW 9th Street, 2nd Floor
Topeka, KS 66612-1283
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.

١.	Application is hereby made for approval of the Chief Engineer to change the	Water Resources Received
		APR 02 2018
٠	(Check one or more)	าเลา
	☐ Use Made of Water	KS Dept Of Agriculture
	File No. 43, 161	
	Name of applicant: Warren + Bervice Leidig	
	Address: 627 Prospect	
	City, State and Zip: Clay Center, KS. 67432	•
	Phone Number: () E-mail address:	
	What is your relationship to the water right; 又 owner ☐ tenant ☐ agent ☐ ot	
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	Name of water use correspondent: SAME AS APPLICANT	
	Name of water use correspondent: SAME AS APPLICANT Address:	
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Assisted by: <u>BLB/TF0 2-2-2010</u> SCANNED 4/11/2018 UM

DWR 1-120 (Revised 06/29/2009)

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

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NW1/4 SW1/4 SE1/4

Twp. Range NE1/4

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

SW1/4

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NW1/4

NE1/4

NW1/4 SW1/4 SE1/4

7-11-19 12-200 11-1- Des TIERS

SE½
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TOTAL ACRES

The presently authorize	ed point(s) of diversion (is) (are)	ONE(1)	Pumpsite		
			(Provide description and num	iber of points)	
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IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY APR 02 2018

				Fi	le No. <u>43,161</u>
12.	The pr	esently authorized use of water is for	Irrigation	purposes.	
		oposed that the use be changed to			urposes.
13.		nging the place of use and/or use made ew Application is heavy filed to		·	
,		show any calculations here.)			١.
1 A.	It is re	quested that the maximum annual qua	ntity of water be reduced to	(acre-feet or million gallons).
Ø.	It is red	quested that the maximum rate of dive	rsion of water be reduced to	gallo	ns per minute (c.f.s.).
1 8 .	1:24,00 Kansa Distandahould	oplication must include either a topogr 00, is available through the Kansas s 66047-3726 (www.usgs.gov). The r ces North and West of the Southeast also be shown. Identify the center of n, township, and range numbers on the	Geological Survey, 1930 C map should show the locati corner of the section must the section, the section line	constant Avenue, University on of the presently authors be shown. The presents and the section corner	rsity of Kansas, Lawrence, orized point(s) of diversion. htly authorized place of use and show the appropriate
	a. If a	a change in the location of the point(s)	of diversion is proposed, sh	ow:	
	1)	The location of the proposed point(s must be shown. Please be certain Paragraph Nos. 9, 10 and 11 of the	that the information shown		
	2)	If the source of supply is groundw domestic wells, within ½ mile of the mailing address of the property owner.	proposed well or wells. Ide	entify each well as to its	use and furnish name and
	3)	If the source of supply is surface wa and ½ mile upstream from your prop		addresses of all landov	vner(s) ½ mile downstream
		a change in the place of use is desire rtain that the information shown on the			
•	local s	documentation to show the change(source of supply as to which the water gs, test hole logs, and other informational or the company of the com	right relates. This informat	ion may include stateme	ents, plats, geology reports,
	Impa	nement Shovia Not be An Issue	As this is a change	IN PLACE OF USE ONL	¥ ·
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	identify reques	roposed change(s) does not meet all and the rules and regulations for which yet should be granted. Attach document prejudicially and unreasonably affect the state of the stat	ou request a waiver. State tation showing that granting	the reason why a wai	ver is needed and why the

SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

F	ile	No.	43,	161		

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 pauthorized to make this application on their behalf, and complete. By filing this application I authorize the chief eas specified in sections 14 and 15 of this application.	declare furthe	er that the	statement	s contained here	ein are true, correct, and
Dated at <u>Solomon</u>	, Kansas, this _	26#	day of	Murch	, 20_/8
X Bemin A Leider					
Bernice A Leidis				(Spouse)	
(Please Print)				(Please Print)	
(Owner)				(Spouse)	
(Please Print)				(Please Print)	
(Owner)				(Spouse)	
(Please Print)				(Please Print)	
State of Kansas County of <u>Vickinson</u> SS					, ,
I hereby certify that the foregoing application was sig			d sworn	to before me th	is <u>2624</u> day of
A KIRK W.	BERNEKING - State of Kansas	1	W	Shy	·
My Commission Expires 5-22-/9 My Appt. Expires	5-22-19	ا 		Notary Public	
	FEE SCHEDU	LE			
Each application to change the place of use, the point of diversapplication fee set forth in the schedule below:	sion or the use	made of the	water und	ler this section sha	all be accompanied by the
 (1) Application to change a point of diversion 300 fee (2) Application to change a point of diversion more th (3) Application to change the place of use (4) Application to change the use made of the water 	nan 300 feet				
Make check payable to Kansas Department of Agriculture.				Received	

KS Dept Of Agriculture SCANNED

APR 02 2018



Submit To: CHIEF ENGINEER
Division of Water Resources
Kansas Department of Agriculture
109 SW 9th Street, 2nd Floor
Topeka, KS 66612-1283
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 hereb	y made for approval of the Chief Engineer to change the Place of Use	Water Resources Received APR 02 2018
(Check one or more) □ Point of Diversion □ Use Made of Water	リニタフ KS Dept Of Agriculture
÷	File No. 43, 161	
Name of applicant:	WARREN + BERVICE Leidig	
Address:	27 Prospect	
	Clay Center, KS. 67432	
	E-mail address:	
What is your relation	nship to the water right; 🛛 owner 🗌 tenant 🔲 agent 🔲 o	ther? If other, please explain.
Name of water use	correspondent: SAME AS APPLICANT	
Address:		
City, State and Zip:		
	E-mail address:	
	osed herein are desired for the following reasons (please be s	•
	he installation of A pivot that will water land t	
COVELED BY HIS	•	•
The change(s) (was	(will be) completed by July 2010	ate)

Assisted by: <u>BIB/TFO 2-2-2016</u> SCANNED 4/11/2018 UM

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IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

7-11-19 2-11-19 200 P. 1- Der DERS

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IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY APR 02 2018

	File No. 43,161
2.	The presently authorized use of water is forpurposes.
	It is proposed that the use be changed to purposes.
3.	If changing the place of use and/or use made of water, describe how the consumptive use will not be increased. A New Application is being filed to Acoust Application water Rights For the Expanded Accepted.
,	(Please show any calculations here.)
A.	It is requested that the maximum annual quantity of water be reduced to (acre-feet or million gallons).
	It is requested that the maximum rate of diversion of water be reduced to gallons per minute (c.f.s.).
Ø.	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:
	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) $\frac{1}{2}$ mile downstream and $\frac{1}{2}$ 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.
	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.
	Impairment Should Not be AN ISSUE AS this IS A CHANGE IN PLACE OF USE ONLY.
	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.

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

Water hasources

File No.	43,161	

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 authorized to make this application on their behalf, an complete. By filing this application I authorize the chief as specified in sections 14 and 15 of this application.	nd declare furthe	r that the	statemen	ts contained herein	are true, correct, and
Dated at <u>Solomon</u>	, Kansas, this _	264	_ day of	March	, 20_/8
& Rec. A Lide		•			·
Bernice & loidis			•	(Spouse)	
(Please Print)			-	(Please Print)	
(Owner)				(Spouse)	
(Please Print)				(Please Print)	
(Owner)				(Spouse)	
(Please Print)				(Please Print)	
State of Kansas County of <u>lickinson</u> SS					, ,
I hereby certify that the foregoing application was s	signed in my p	esence ar	nd sworn	to before me this	26th day of
My Commission Expires 5-22-/9 My Appt. Expires	V. BERNEKING blic - State of Kansas 5-22-19		16	Notan Public	·
	FEE SCHEDU	LE.			
Each application to change the place of use, the point of divergence application fee set forth in the schedule below:	ersion or the use	made of the	e water und	der this section shall b	e accompanied by the
 (1) Application to change a point of diversion 300 fe (2) Application to change a point of diversion more (3) Application to change the place of use (4) Application to change the use made of the water 	eet or less than 300 feet		Wate	er Resources	\$100 \$200 \$200 \$300
Make check payable to Kansas Department of Agriculture				Received	

KS Dept Of Agriculture SCANNED

APR 02 2018

Property Details for PID: 0140982800000002000

QuickRef ID :	R2145
Owner Name :	SOLOMON STATE BANK
Location:	2134 15TH RD, Clay Center, KS 67432
Abbreviated Boundary Description:	S28, T08, R04E, ACRES 155.6, NW4 LESS ROW
Owner Information:	
Owner	SOLOMON STATE BANK
Mailing Address	PO BOX 305 SOLOMON, KS 67480
Property Information:	
Туре	Farm Homesite
Status	Active
Taxing Unit	Grant Tsp - 161
Neighborhood Code	900
No Secondary Address Deta	ails found
Market Land Details:	
Actual Width:	0
Eff. Width	0
Eff. Depth	0
Acres	1

Square F	Feet ·		30,492	
No Perm	nit Details found		\\	
Deed Bo	ook Page Details		/	
Book	Page		,	
CR137	328			
CR181	632		·.	
Addition	nal Deed Book Page Details	5		-
	ook/Page CR181/632 CR137		171 0131/0245	
	ook/Page CR181/632 CR137		171 0131/0245	
Deed Bo	ook/Page CR181/632 CR137		2018	
Deed Bo	ook/Page CR181/632 CR137	/328 R002/0		
Deed Bo	ook/Page CR181/632 CR137	/328 R002/0 Year	2018	
Deed Bo	ook/Page CR181/632 CR137	/328 R002/0 Year Land	2018 \$63,600.00	

Land

Total

Building

Current Final Value (Farm Homesite)

\$5,790.00

\$7,910.00

\$13,700.00

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

WARREN & BERNICE LEIDIG

April 10, 2018

627 PROSPECT CLAY CENTER, KS 67432

RE: File No 43161

Dear Sir or Madam:

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

place of use	ΡU
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

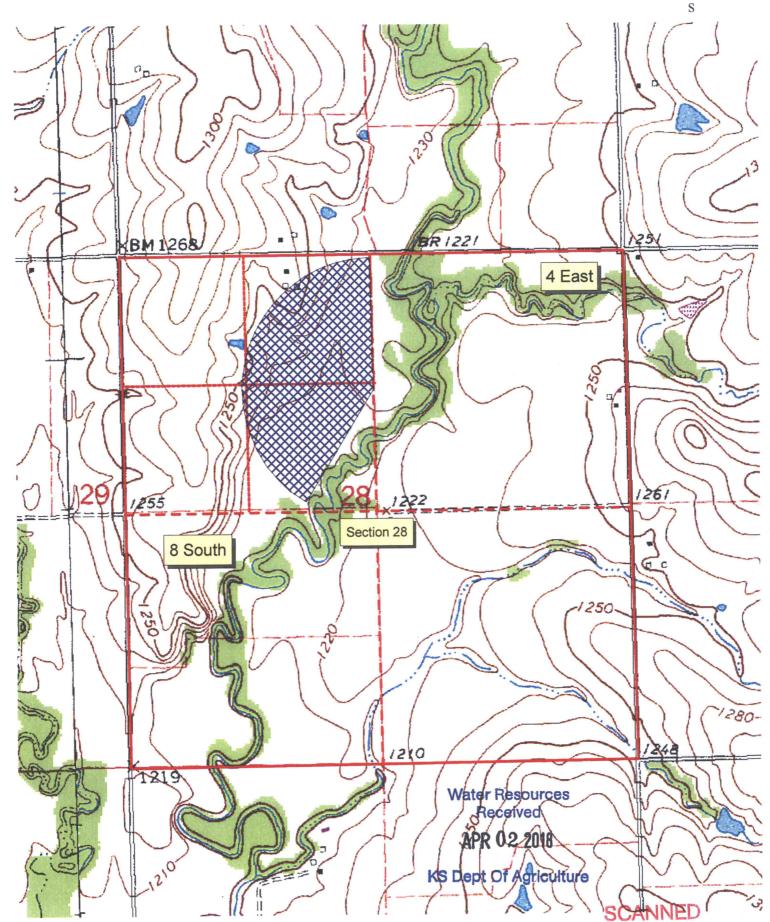
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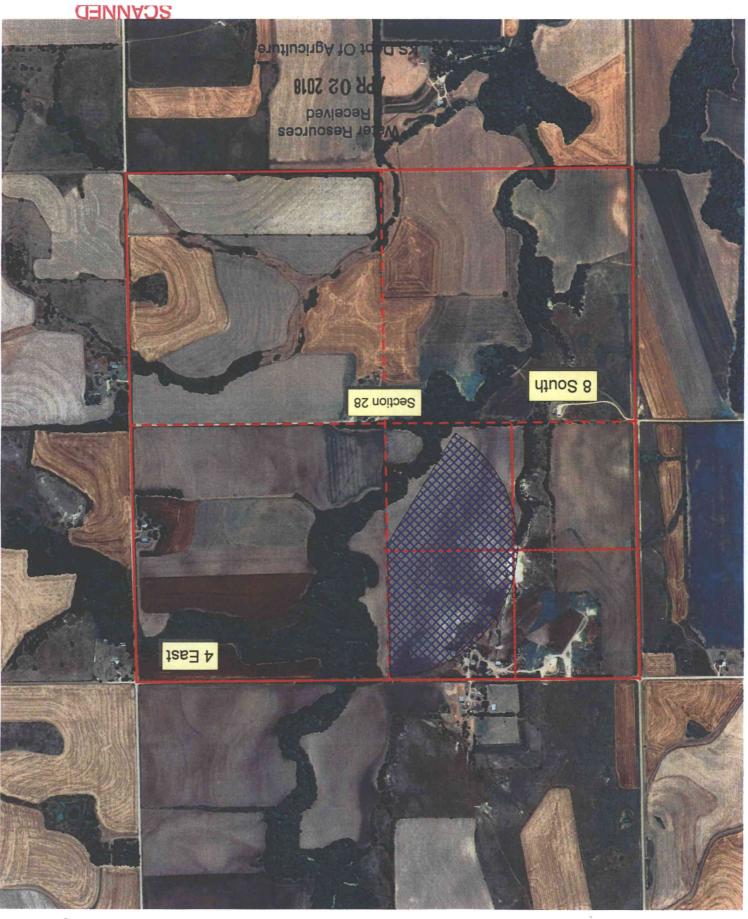
Authorized Place of Use File No. 43,161







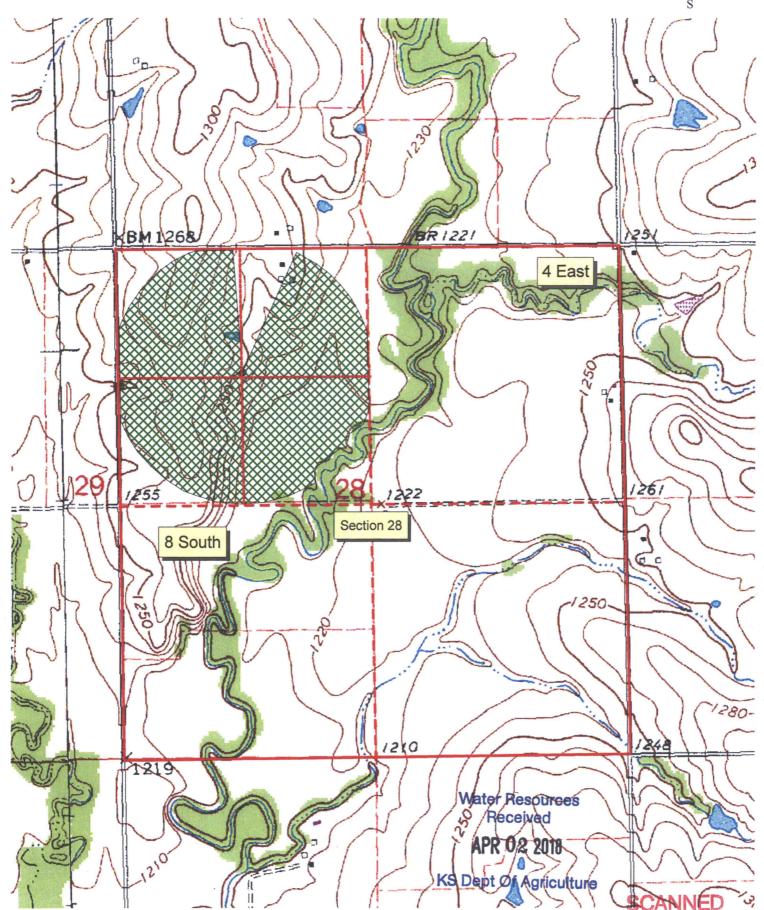
Authorized Place of Use File No. 43,161



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Proposed Place of Use File No. 43,161





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Proposed Place of Use File No. 43,161



