Topeka Field Office 6531 SE Forbes Ave., Suite B Topeka, KS 66619



Phone: 785-296-5733 Fax: 785-296-8298 www.agriculture.ks.gov

Mike Beam, Secretary

Laura Kelly, Governor

August 2, 2019

FOYE & JIM MOLONEY 2528 B AVE WHITE CITY KS 66872

Re: Water Right, File No. 45,240

Dear Sirs:

Enclosed is the order executed by David W. Barfield, Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the application for change under the above referenced file number.

Your attention is directed to the terms, conditions, and limitations specified in this approval for change. A condition of this order requires the installation of water flow meter(s) before the first use of water in accordance with the Chief Engineer's specifications found in K.A.R. 5-1-4 through K.A.R. 5-1-12. A copy of these specifications and a list of acceptable meters can be obtained from our website at the following web address:

http://agriculture.ks.gov/meters

This order also requires that the diversion works should be completed, including installation of the flow meter(s), by December 31, 2019. If you do not have access to the internet, please contact this office and we will send you a paper copy of the referenced information.

Because this order modifies the original certificate issued under your water right file, it should be recorded with the Register of Deeds as other instruments affecting real estate.

This document is a summary order by this agency regarding this matter. This order shall become final if a request for a hearing is not filed with the Chief Engineer within 15 days of the date of service of this order.

If you have any questions, please feel free to contact this office. If you wish to refer to a specific file, please reference it when you contact us.

Sincerely.

Katherine A. Tietsort Water Commissioner

KAT:Ihh Enclosures Submit completed application to: Kansas Department of Agriculture Division of Water Resources Field Office for your area. Call for address:

Topeka -- (785) 296-5733 Stafford -- (620) 234-5311 Stockton -- (785) 425-6787 Garden City -- (620) 276-2901 http://agriculture.ks.gov/dwr

DWR FIELD OFFICE APPLICATION FOR APPROVAL TO CHANGE THE PLACE OF USE AND/OR THE POINT OF DIVERSION



STATE OF KANSAS

Filing Fee Must Accompany the Application, K.S.A. 82a-708b(b), as amended. Fee Schedule is on the third page of this application form.

Paragraph Nos. 1, 2, 3 & 5 must be completed. Complete all other applicable portions. If change in point of diversion is greater than 100 feet, or if place of use will be changed, include a topographic map or detailed plat showing the authorized and proposed point(s) of diversion and/or place of use.

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<u>2</u> F	Name and address of Applicant: FOYE & JIM MOLONEY 2528 B AVE WHITE CITY KS 66872 Phone Number: () Email address: Name and address of Water Use Correspondent: As above																			
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7.	(please be specific) The well could not be	e drilled at	ed for the following reason the authorized location due the authorized PD with the	line:	No	orth 0 100 200	300
8.	If a well, is the test h	ole log atta	ched? Yes No	200]
9.	The change(s) (was)	(will be) co	mpleted by?				
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10.	If the point of diversi	on is a well	:	Wasto			
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11.	Groundwater Manag		rict recommendation attach	ned? 200	-++++		200
12.	Assisted by Lloyd He	emphill		_ 30		0 100 200	
	a. If the proposed point feet but within 2,640 a topographic map sources, show all we of the proposed poin addresses of the ow	of diversion feet of the or aerial ells (including the of diversions). For example, the of diversions of the of the of diversions of the of the of diversions of the of th	n will be relocated more that existing point of diversion, a photograph. For grounding domestic) within one-hation and the names and materials water sources, show a landowner(s) one-half	attach 13b. If the water of the diagram of the diag		rersion, indicate its relation to the c E: The "X" in ce	ed within 300 feet s location on the existing point of enter of diagram

14. If the proposed groundwater point of diversion is 300 or fewer feet from	om the existing point of diversion, complete the following:
 (a) Does the undersigned represent all owners of the currently auth ☑ Yes ☐ No (If no, all owners must sign this applied) 	
 (b) Will the ownership interest of any owner of the currently autho affected if this application is approved as requested? ☐ Yes ☒ No (If yes, all owners must sign this app 	
(c) If this application is not approved expeditiously, will there be sub ☐ Yes ☑ No (If no, all owners must sign this appli	estantial damage to property, public health or safety? cation.)
If the application proposes a surface water change in point of diversion, a or a change in place of use, the application must be signed by all owners agent (attach notarized statement authorizing representation).	
I hereby verify, being first duly sworn upon my oath or affirm age and the owner, the spouse of the owner, or a duly author their behalf, in regards to the water right(s) to which this appoint this application are true, correct and complete.	ized agent of the owner(s) to make this application on plication pertains. I further verify that the statements
Top Mohny (Owner)	day of July 20 17. Spouse Juardian
(Please Print) (Owner)	(Please Print) (Spouse)
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State of Kansas County of SS	
I hereby certify that the foregoing application was signed in of	N Vana // a vana
ONLY COMPLETE APPLICATIONS WILL BE PROCESSED. To be complete, all accurate information; maps, if necessary, must be included; signatures of all the at the appropriate fee must be paid.	
FEE SCHED!	<u>JLE</u>
Each application to change the place of use or the point of diversion undeforth in the schedule below: Make checks payable to: Kansas Departm (1) Application to change a point of diversion 300 feet or less (2) Application to change a point of diversion more than 300 feet (3) Application to change the place of use	ent of Agriculture \$100 t \$200
SERVE CRONDING	
DWR 1-121 (Revised 04/5/2018) Page 3	File No. <u>45,240</u>

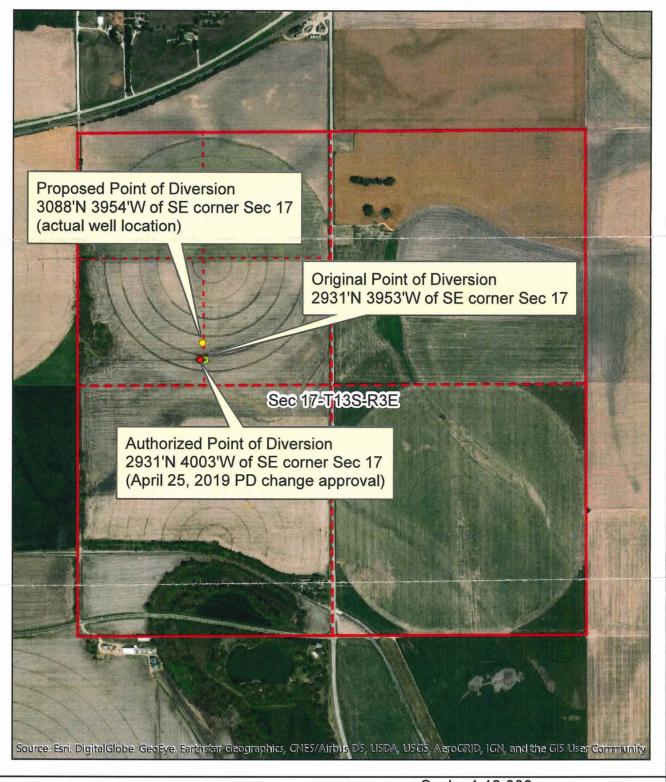
SUMMARY ORDER APPROVING APPLICATION FOR CHANGE AND IMPOSING CONDITIONS

This Summary Order is issued under authority of K.S.A. 82a-708b, as amended, and K.A.R. 5-5-1, et seq. and other applicable provisions of the Kansas Water Appropriation Law, K.S.A. 82a-701 et. seq., and rules and regulations promulgated thereunder, With the exception of those conditions expressly contained herein, this Summary Order does not change the terms, conditions and limitations of File No. 45,240 A change application was received on July 29, 2019 requesting that the place of use and / or point of diversion authorized under the above-referenced file number be changed as described in the application. On and after the effective date of this summary order, the authorized place(s) of use shall be located substantially as shown on the topographic map accompanying the application to change the place of use. ☐ Applicable Not Applicable The change in point of diversion shall not impair existing rights and shall be limited to the same source or sources of water as previously authorized. The point of diversion authorized by this summary order shall be located within a script and its summary order shall be located within a script and its summary order shall be located within a script and its summary order shall be located within a script and its summary order shall be located within a script and its summary order shall be located within a script and its summary order shall be located within a script and its summary order shall be located within a script and its summary order shall be located within a script and its summary order shall be located within a script and its summary order shall be located within a script and its summary order shall be located within a script and its summary order shall be located within a script and its summary order shall be located within a script and its summary order shall be located within a script and its summary order shall be located within a script and its summary order shall be located within a script and its summary order shall be located within a script and its summary order shall be summary order shall be sufficient as summar The point(s) of diversion described herein is administratively corrected to be more accurately described using the Global Positioning System (GPS), as described in the application.

Applicable

Not Applicable The point(s) of diversion authorized herein shall not actually be located more than feet from the previously authorized point(s) of diversion. Applicable Not Applicable As required by K.A.R. 5-3-5d, if the works for diversion is a well with a diversion rate of 100 gallons per minute or more, a tube or other device suitable for making water level measurements shall be installed, operated and maintained in accordance with K.A.R. 5-6-13. Applicable ☐ Not Applicable The owner of the authorized place(s) of use shall properly install an acceptable water flow meter on or before December 31, 20_19__, or before the first use of water, whichever occurs first. The water flow meter shall be installed, operated and maintained in accordance with K.A.R. 5-1-4 through 5-1-12. As required by K.S.A. 82a-732, as amended, and K.A.R. 5-3-5e, the owner shall maintain records at fellowing the end of each sale place. diverted annually to the Chief Engineer by March 1 following the end of each calendar year. ☐ Not Applicable X Applicable 8. Installation of the works for diversion of water shall be completed on or before December 31, 20_19_, or within any authorized extension of time. By March 1, 20_20_ the applicant shall notify the Chief Engineer that construction of the works for diversion has been completed, on the form provided by the Chief Engineer, as required by K.A.R. 5-8-4e. ☐ Not Applicable Applicable Applicable ☐ Not Applicable Applicable The completed well log shall be submitted with the required notice. 10. All diversion works into which any type of chemical or other foreign substance will be injected into the water shall be equipped with an in-line, automatic, quick-closing check valve capable of preventing pollution of the source of the water supply. The check valve(s) shall be installed, operated and maintained in accordance with K.A.R. 5-3-5c. ☒ Applicable ☐ Not Applicable Additional Conditions are attached. ☐ Yes X No 12. In accordance with K.S.A. 82a-708a, as amended, and K.A.R. 5-5-14, all of the owners of the authorized place(s) of use of water appropriated under the above-referenced file number are responsible for compliance with its terms, conditions and limitations, as amended and/or supplemented by this Summary Order, and with applicable provisions of the *Kansas Water Appropriation Law* and the *Rules and Regulations* promulgated thereunder. Failure to comply with these provisions may result in civil penalties pursuant to K.S.A. 82a-737, as amended, and/or the suspension or revocation and dismissal of the water or appropriation right or any other enforcement actions authorized by law. FOR OFFICE USE ONLY Administrative Appeal and Effective Date of Order APPLICATION APPROVED AND If you are aggrieved by this order, pursuant to K.S.A. 82a-1901, SUMMARY ORDER ISSUED you may request an evidentiary hearing before the Chief Engineer or request administrative review by the Secretary of Agriculture. A request for hearing by the Chief Engineer must be filed within 15 days of service of this Order and a request for Duly Authorized Designee of the Chief Engineer administrative review by the Secretary must be filed within 30 days pursuant to K.S.A. 77-531. Any request for administrative (Print Name): review must state a basis for review pursuant to K.S.A. 77-527. Division of Water Resources - Kansas Department of Agriculture File any request with Kansas Department of Agriculture, Date of Issuance: Legal Division, 1320 Research Park Drive, Manhattan, KS 66502. Failure to timely request a hearing or review may State of Kansas preclude review under the Kansas Judicial Review Act. SS For Use by Register of Deeds County of Shawne Acknowledged before me on Signature: Notary Public My commission expire **DEBBIE CROUCHER** (Nigterpointment Expires May 20, 2023

POINT OF DIVERSION CHANGE FILE NO. 45,240



N Scale: 1:12,000

0 0.13 0.25 0.5 Mile

Map prepared by: LHH/TFO 7-12-19

CERTIFICATE OF SERVICE

On this 2nd day of August, 2019, I hereby certify that the attached <u>APPROVAL OF APPLICATION FOR CHANGE IN POINT OF DIVERSION</u>, Water Right, File No. 45,240, dated August 1, 2019 was mailed postage prepaid, first class, US mail to the following:

FOYE & JIM MOLONEY 2528 B AVE WHITE CITY KS 66872

Staff