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

July 26, 2019

TODD ROKEY 2003 200TH RD SABETHA KS 66534

Re: Appropriation of Water,

File No. 49,278

Dear Sir:

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 and reported to the Division of Water Resources. 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.

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, Atheuse A. Seitsort

Katherine A. Tietsort Water Commissioner

KAT:Ihh Enclosures

PC: Eugene Edelman

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

of div	ersion a	nd/or p	lace of	use.															
	The state of																1	RECEIV	ED
						F	ile No	. <u>4927</u>	8		-		100.0				JUI	2.2	2019 at 13
1. /	Application is hereby made for approval of the Chief Engineer to change the (check one or both):											Topeka Field Office							
						□ P	lace o	f Use		\boxtimes	Point	of Dive	ersion			DIV	ISION O	F WATER	RESOURCES
ι	under the	e water	right w	vhich is	s the s	ubject	of this	applic	ation i	n acco	rdance	e with t	he cor	dition	s desc	ribed l	below.		
7	The sour	ce of si	upply is	s:			round	water		\boxtimes	Surfac	ce wate	er						
2. 1	Name ar	nd addre	ess of	Applica	ant: <u>T</u>	ODD F	ROKEY	,											
	2003 200TH RD SABETHA KS 66534																		
	Phone N																		
1	Name ar	nd addre	ess of	Water	Use C	orresp	onden	t: <u>Sar</u>	ne as	applica	ant								
- F	Phone N	umber:	()					Fmail	addre	SS'						,		
	Phone Number: () Email address: The presently authorized place of use is:																		
	Owner of Land NAME: TODD ROKEY (NE1/4) / EUGENE EDELMAN (E1/2 NW1/4)																		
											4 / 1							534	
(If there is																		
	NE¼			NW1/4				SW1/4				SE1/4			TOTAL				
Sec.	Twp.	Range	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	ACRES
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(If there is							ental sh	eets as	neces	sarv.)								
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1	For Offi	ce Use	Only:	Code	00	Fe	e \$ <u></u>	00.00	U TR	#		Re	ceipt	Date _	1-2	2-19	Chec	k#_4	234

5.	Presently autho	rized poin	t of diversion:								
			Quarter of the								
	of Section	31	, Township	1	South, Range	14	EAST,				
	in Nemaha	Nemaha County, Kansas, 2814 fee			541 feet West of S	outheast corn	er of section.				
		thorized Rate Authorized Quantity									
			er ID No. 1 (PDIV ID: 84016)								
	☐This point will n	ot be chang	ed This point will be changed	d as follows:	☐ No change, point better de	escribed with G	PS as follows:				
			on: (Complete only if change								
			Quarter of the								
			, Township								
			County, Kansas, <u>1520</u>								
					Proposed well depth (feet)						
	This point is:	Additional	Well Geo Center List of	her water rig	ghts that will use this point !	None					
6.	Presently author										
	One in the		Quarter of the		Quarter of the		Quarter				
	of Section		Township		South, Range		(E/W),				
			County, Kansas,								
-			Authorized Quantity _								
			er ID No GPS								
			led ☐This point will be changed								
			on: (Complete only if change								
			Quarter of the								
			, Township								
			County, Kansas,								
			Proposed Quantity								
L	This point is:	Additional	Well Geo Center List ot	her water rig	ghts that will use this point	,	·				
7	The change ha		aired for the following research	.0							
1.	(please be specifi		sired for the following reasons	5?	North						
	To move authoriz	ed point of	diversion to match the actual	30	00 200 100 North	100 20	0 300				
	location of the mo	odified struc	ture (dam).			dundandand	/////// <u> </u>				
0	If a wall is the tas		washada 🗆 Vas 🗆 Na			_	· 🖠				
8.	if a well, is the tes	st noie log a	attached? Yes No	200	E+++=	1+1+	- = 200				
9.	The change(s) (w	as)(will be)	completed by?		<u> </u>		- 릨				
	Upon approval (a	Iready com	plete)	100	E+++=	1 + 1 +	- - 100				
40	If the constant of allows		II.				- 🗐				
10.	If the point of dive			West	E .	do almatend	0 Fact				
	(a) What are you	u going to d	o with the old well?	westu	E E	troughtent and	. East				
	N/A						- 1				
	(b) When will thi	s ha dana?	N/Λ	100	F1+1+1=	1 + 1 +	- - 100				
	(b) when will thi	s be done?	N/A				<u>.</u>]				
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11.		nagement ∟ Yes	District recommendation attached	1? 200	E, _,	1 7 1 7	- 1 - 200				
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12.	Assisted by Lloyd	Hemphill (DWR-TFO)		<u>Elll</u> 1	100 20	00 300 11111111				
13=	If the proposed po	oint of divers	sion will be relocated more than 3		South	Scale: 1 hash					

feet but within 2,640 feet of the existing point of diversion, attach a topographic map or aerial photograph. For groundwater sources, show all wells (including domestic) within one-half mile of the proposed point of diversion will be relocated within 300 feet of the existing point of diversion, indicate its location on the diagram shown above in relation to the existing point of diversion. (PLEASE NOTE: The "X" in center of diagram and the proposed point of diversion will be relocated within 300 feet of the existing point of diversion, indicate its location on the diagram shown above in relation to the existing point of diversion. addresses of the owners. For surface water sources, show the names and addresses of the landowner(s) one-half mile downstream and one-half mile upstream from your property

of the existing point of diversion, indicate its location on the diagram shown above in relation to the existing point of diversion. (PLEASE NOTE: The "X" in center of diagram above represents the presently authorized point of diversion.)

14. If the proposed g	roundwater point of diversion i	s 300 or fewer feet fror	n the existing point of d	version, complete th	e following:
(a) Does the un ☐ Yes	dersigned represent all owners No (If no, all owner	s of the currently authors s must sign this applica	rized place(s) of use ide ation.)	ntified in this applica	ition?
(b) Will the own affected if th ☐ Yes	nership interest of any owner on is application is approved as ro No (If yes, all owne	of the currently authorizequested? ers must sign this applic		ntified in this applica	tion be adversely
(c) If this application ☐ Yes	ation is not approved expeditio ☐ No (If no, all owner	usly, will there be subs s must sign this applica		erty, public health or s	safety?
or a change in place	poses a surface water change of use, the application must be ed statement authorizing representations.	signed by all owners of	groundwater change in of the currently authorize	point of diversion gre ed place of use, or th	eater than 300 feet, neir duly authorized
age and the owne their behalf, in reg	eing first duly sworn upon r, the spouse of the owne gards to the water right(s application are true, corre	r, or a duly authoriz) to which this appl ct and complete.	ed agent of the owr lication pertains. If	ner(s) to make this	s application on
Dated at	Sabetha	, Kansas, this _	17 day of	July	, 20_19
Todd	Pales	-	Sheila 1	Roker	
711	(Owner)			(Shouse)	
Toda	Rokey		Sheila	(Please Print)	
PO	(Please Print)			(Please Print)	
Cugene	a, Edelman				
8	(Owner)			(Spouse)	
Lugene	(Please Print)	-		(Please Print)	
,	(Owner)			(Spouse)	-
	(Please Print)			(Please Print)	
State of Kansas County of <u>Nerr</u>					101
I hereby certify of	that the foregoing application, 20	on was signed in m	y presence and swo	rn to before me	this day
VALUE AND	Notary Pub	GOODMAN lic, State of Kansas	Hara Goods	Notary Public Kara	Garden
My Commission Expi	res My Appo	pintment Expires	. 0	votary Public Kara	Goodhan
ONLY COMPLETE APP	PLICATIONS WILL BE PROCESSI	ED. To be complete, all o	f the applicable portions of	the application form m	ust be completed with
the appropriate fee mus	aps, if necessary, must be included to be paid.		propriate owners' must be a	affixed to the application	n and notarized; and
	Show the same	FEE SCHEDUL	E		
forth in the schedule (1) Applicati (2) Applicati	hange the place of use or the p below: Make checks payable to on to change a point of diversion on to change a point of diversion on to change the place of use	point of diversion under to: Kansas Departme on 300 feet or less on more than 300 feet	this section shall be ac nt of Agriculture		\$100 \$200
DEEDE CROUCHER My Appointment Expires May 29, 2023					

SUMMARY ORDER APPROVING APPLICATION FOR CHANGE AND IMPOSING CONDITIONS

pro Wit	s 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 visions of the Kansas Water Appropriation Law, K.S.A. 82a-701 et. seq., and rules and regulations promulgated thereunder, h the exception of those conditions expressly contained herein, this Summary Order does not change the terms, conditions and tations of File No. 49, 278
1.	A change application was received on July 22,2019 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.
2.	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
3.	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 foot radius of the authorized point(s) of diversion. Applicable Not Applicable
4.	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
5.	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
6.	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
7.	The owner of the authorized place(s) of use shall properly install an acceptable water flow meter on or before December 31, 20 , 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 and report the reading of the water flow meter and the total quantity of water diverted annually to the Chief Engineer by March 1 following the end of each calendar year. Applicable Not 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. Applicable Not Applicable
9.	The completed well log shall be submitted with the required notice. Applicable Not Applicable
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 \sum Not Applicable
11.	Additional Conditions are attached.
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 <i>Kansas Water Appropriation Law</i> and the <i>Rules and Regulations</i> 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.
	Administrative Appeal and Effective Date of Order FOR OFFICE USE ONLY
If y	ou are aggrieved by this order, pursuant to K.S.A. 82a-1901,
you	in may request an evidentiary hearing before the Chief gineer or request administrative review by the Secretary of
Agr	iculture. A request for hearing by the Chief Engineer must be By:
adr	d within 15 days of service of this Order and a request for ninistrative review by the Secretary must be filed within 30
rev	ys pursuant to K.S.Á. 77-531. Any request for administrative lew 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, gal Division, 1320 Research Park Drive, Manhattan, KS
665	502. Failure to timely request a hearing or review may clude review under the Kansas Judicial Review Act. State of Kansas
pic	For Use by Register of Deeds County of Showness (County of Showness (
	Acknowledged before me on July 31e, 2019
	by Debbie Croucher.
	Signature: Police Coucher
	My commission expires: Debut Debut Croucher My Appointment Expires Notary Sale) 20, 2023

CERTIFICATE OF SERVICE

On this 26th day of July, 2019, I hereby certify that the attached <u>APPROVAL OF APPLICATION FOR CHANGE IN POINT OF DIVERSION</u>, Appropriation of Water, File No. 49,278, dated July 26, 2019 was mailed postage prepaid, first class, US mail to the following:

TODD ROKEY 2003 200TH RD SABETHA KS 66534

With photocopies to:

EUGENE EDELMAN 1926 200TH ROAD SABETHA KS 66534

Staff

Landowners within ½ mile upstream and ½ mile downstream of the project property lines.

Downstream:

1. & 2. CITY OF SABETHA PO BOX 187 SABETHA, KS 66534

3. RICHARD R STRAHM FAMILY TRUST 1999 192ND RD SABETHA, KS 66534

4. WOODY ACRES
Attn: ANDREW EDELMAN
1915 192ND RD
SABETHA, KS 66534

Upstream:

5. WILMA F ACKERMAN REV TRUST 2018 200TH RD SABETHA, KS 66534

6. ALLEN J ROKEY TRUST
GLENDA L ROKEY TRUST
609 N 13TH ST
SABETHA, KS 66534

Point of Diversion Change Application File No. 49,278



