

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,

A handwritten signature in blue ink that reads "Katherine A. Tietsort".

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.

_____ File No. 49278 _____

RECEIVED
JUL 22 2019 at 12:45
 Topeka Field Office
 DIVISION OF WATER RESOURCES

1. Application is hereby made for approval of the Chief Engineer to change the (check one or both):
 Place of Use Point of Diversion
 under the water right which is the subject of this application in accordance with the conditions described below.
 The source of supply is: Groundwater Surface water

2. Name and address of Applicant: TODD ROKEY
2003 200TH RD SABETHA KS 66534
 Phone Number: () Email address: _____
 Name and address of Water Use Correspondent: Same as applicant
 Phone Number: () Email address: _____

3. The presently authorized place of use is:
 Owner of Land --- NAME: TODD ROKEY (NE1/4) / EUGENE EDELMAN (E1/2 NW1/4)
ADDRESS: 2003 200TH RD SABETHA KS 66534 / 1926 200TH ROAD SABETHA KS 66534
 (If there is more than one landowner, attach supplemental sheets as necessary.)

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	
31	1S	14E	38	38	39	39													154
31	1S	14E					39												78

4. If this application is for a change in place of use, it is proposed that the place of use be changed to:
 Owner of Land --- NAME: NOT THE SUBJECT OF THIS CHANGE APPLICATION
 ADDRESS: _____
 (If there is more than one landowner, attach supplemental sheets as necessary.)

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	

For Office Use Only: Code C5T Fee \$ 200.00 TR # _____ Receipt Date 7-22-19 Check # 4234

5. **Presently authorized point of diversion:**
 One in the SE Quarter of the SE Quarter of the NE Quarter of Section 31, Township 1 South, Range 14 EAST, in Nemaha County, Kansas, 2814 feet North 541 feet West of Southeast corner of section.
 Authorized Rate _____ Authorized Quantity _____ Depth of well _____ (feet)
(DWR use only: Computer ID No. 1 (PDIV ID: 84016) GPS _____ feet North _____ feet West)
 This point will not be changed This point will be changed as follows: No change, point better described with GPS as follows:
Proposed point of diversion: (Complete only if change is requested or if existing point is better described by GPS)
 One in the SE Quarter of the NE Quarter of the SE Quarter of Section 31, Township 1 South, Range 14 EAST, in Nemaha County, Kansas, 1520 feet North 582 feet West of Southeast corner of section.
 Proposed Rate _____ Proposed Quantity _____ Proposed well depth (feet) _____
 This point is: Additional Well Geo Center List other water rights that will use this point None

6. **Presently authorized point of diversion:**
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter of Section _____, Township _____ South, Range _____ (E/W), in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section.
 Authorized Rate _____ Authorized Quantity _____ Depth of well _____ (feet)
(DWR use only: Computer ID No. _____ GPS _____ feet North _____ feet West)
 This point will not be changed This point will be changed as follows: No change, point better described with GPS as follows:
Proposed point of diversion: (Complete only if change is requested or if existing point is better described by GPS)
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter of Section _____, Township _____ South, Range _____ (E/W), in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section.
 Proposed Rate _____ Proposed Quantity _____ Proposed well depth (feet) _____
 This point is: Additional Well Geo Center List other water rights that will use this point _____

7. The changes herein are desired for the following reasons?
 (please be specific) _____
To move authorized point of diversion to match the actual location of the modified structure (dam).

8. If a well, is the test hole log attached? Yes No

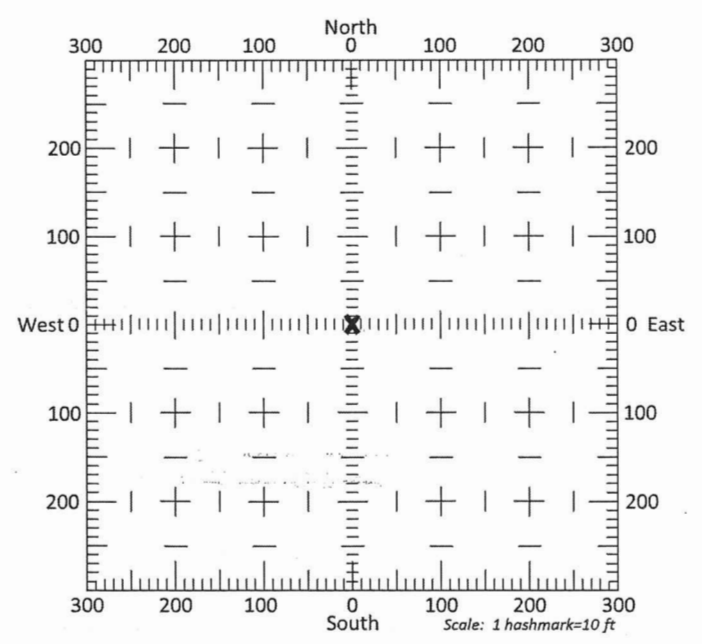
9. The change(s) (was)(will be) completed by?
Upon approval (already complete)

10. If the point of diversion is a well:
 (a) What are you going to do with the old well?
N/A
 (b) When will this be done? N/A

11. Groundwater Management District recommendation attached?
 Yes No

12. Assisted by Lloyd Hemphill (DWR-TFO)

13a. If the proposed point of diversion will be relocated more than 300 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 and the names and mailing 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 lines



13b. If 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 above represents the presently authorized point of diversion.)

14. If the proposed groundwater point of diversion is 300 or fewer feet from the existing point of diversion, complete the following:

- (a) Does the undersigned represent all owners of the currently authorized place(s) of use identified in this application?
 Yes No (If no, all owners must sign this application.)
- (b) Will the ownership interest of any owner of the currently authorized place(s) of use identified in this application be adversely affected if this application is approved as requested?
 Yes No (If yes, all owners must sign this application.)
- (c) If this application is not approved expeditiously, will there be substantial damage to property, public health or safety?
 Yes No (If no, all owners must sign this application.)

If the application proposes a surface water change in point of diversion, a groundwater change in point of diversion greater than 300 feet, or a change in place of use, the application must be signed by all owners of the currently authorized place of use, or their duly authorized agent (attach notarized statement authorizing representation).

I hereby verify, being first duly sworn upon my oath or affirmation and under penalty of perjury, that I am of lawful age and the owner, the spouse of the owner, or a duly authorized agent of the owner(s) to make this application on their behalf, in regards to the water right(s) to which this application pertains. I further verify that the statements contained in this application are true, correct and complete.

Dated at Sabetha, Kansas, this 17th day of July, 2019.

Todd Rokey

 (Owner)
Todd Rokey

 (Please Print)
Eugene A. Edelman

 (Owner)
Eugene A Edelman

 (Please Print)

 (Owner)

 (Please Print)

Sheila K. Rokey

 (Spouse)
Sheila K. Rokey

 (Please Print)

 (Spouse)

 (Please Print)

 (Spouse)

 (Please Print)

State of Kansas }
 County of Nemaha } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 17th day of July, 2019.

My Commission Expires _____


Kara Goodman

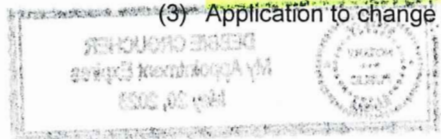
 Notary Public Kara Goodman

ONLY COMPLETE APPLICATIONS WILL BE PROCESSED. To be complete, all of the applicable portions of the application form must be completed with accurate information; maps, if necessary, must be included; signatures of all the appropriate owners' must be affixed to the application and notarized; and the appropriate fee must be paid.

FEE SCHEDULE

Each application to change the place of use or the point of diversion under this section shall be accompanied by the application fee set forth in the schedule below: Make checks payable to: **Kansas Department of Agriculture**

- (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



CERTIFICATE OF SERVICE

On this 26th day of July, 2019, I hereby certify that the attached **APPROVAL OF APPLICATION FOR CHANGE IN POINT OF DIVERSION**, 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

A handwritten signature in blue ink that reads "Alberto Sanchez". The signature is written in a cursive style and is positioned above a horizontal line.

Staff

**Landowners within 1/2 mile upstream and 1/2 mile downstream of the
project property lines.**

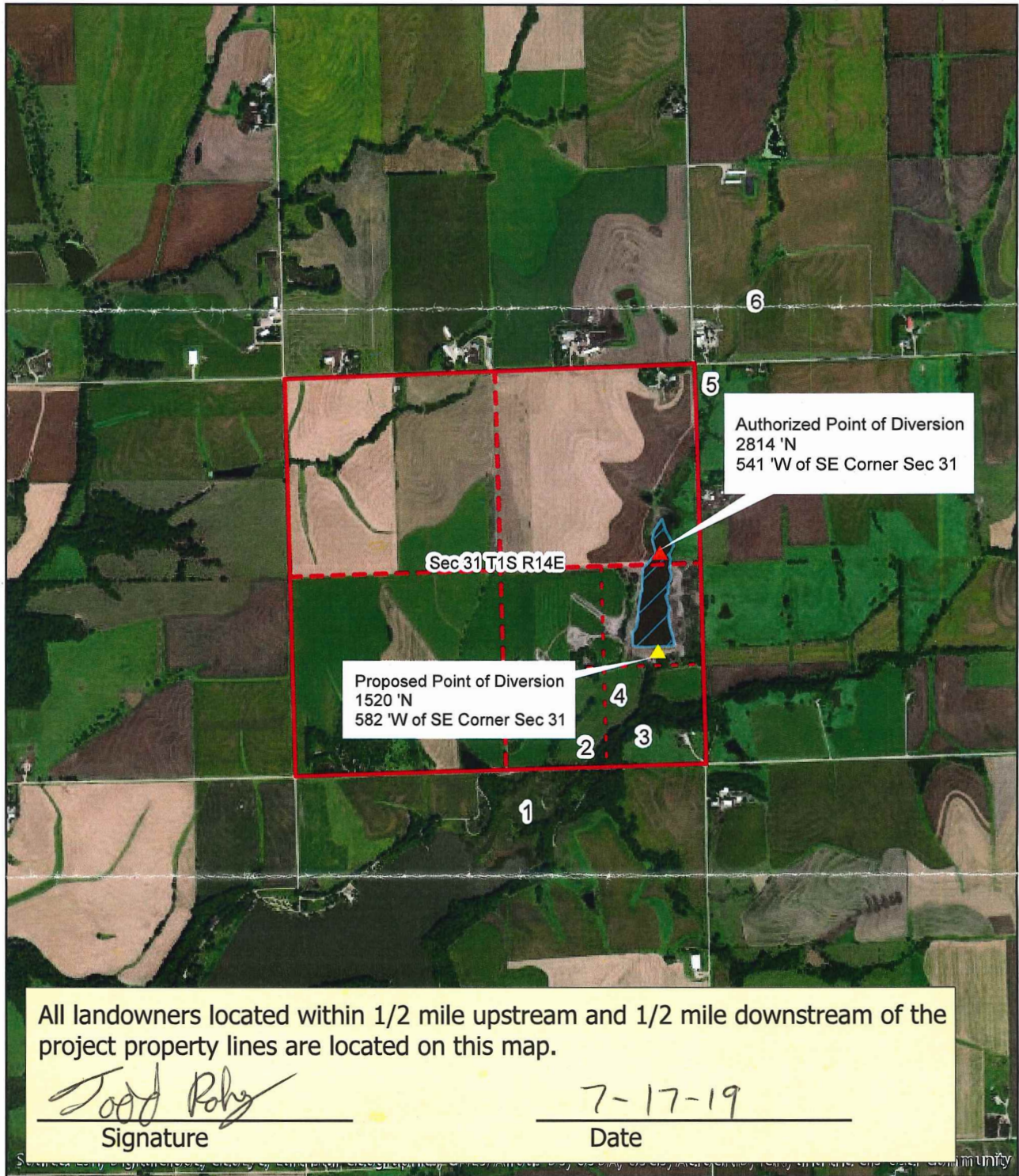
Downstream:

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



Map prepared by LHH/TFO June 13, 2019



1:24,000

