Topeka Field Office 1131 SW Winding Rd, Suite 400 Topeka, KS 66615



Phone: 785-296-5733 www.agriculture.gov

Mike Beam, Secretary

Laura Kelly, Governor

JOHN PENDLETON 1446 E 1850 RD LAWRENCE, KS 66046-9298 December 11, 2020

Re: Water Right, File No. 9314-D2

Dear Sir:

Enclosed is the order executed by the 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, 2021. 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.

	File No. <u>9314-D2</u>															RECEIVED			
1.	Applica	ion is he	ereby r	nade f	or app	roval c	of the C	hief E	nginee	er to ch	nange	the (ch	neck or	ne or b	oth):				DEC 0 1 2020
 Application is hereby made for approval of the Chief Engineer to change the (check one or both): Place of Use Point of Diversion 										Topeka Field Office									
	under th	ne water	right v	vhich is	s the s	ubject	of this application in accordance with the cor							ndition	litions described below. DIVIS				ON OF WATER RESOURCES
	The sou	rce of s	upply i	S:		_	Ground					ce wat							3:30 pm
2. Name and address of Applicant: JOHN PENDLETON																			
1446 E 1850 RD LAWRENCE KS 66046-9298																			
Phone Number: () Email address:																			
Name and address of Water Use Correspondent: SAME AS LANDOWNER																			
Phone Number: ()																			
3. The presently authorized place of use is:									·										
Owner of Land NAME: NOT SUBJECT OF APPLICATION																			
ADDRESS:																			
NAME OF TAXABLE PARTY.	(If there i	s more th	nan one	landov	vner, at	tach su	ppleme	ntal sh	eets as	neces	sary.)								×
				NE1⁄4				NW1⁄4				SW1/4			SE1/4				TOTAL
_Se	c. 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
																		×	1/1/2
4.	If this ap	of Land -	NA ADDRI	AME: . ESS: .	NOT S	UBJE	CT OF	APPI	LICAT	ION		ace of	use be	e chan	ged to	:			
	(If there i	s more th	nan one	landov	vner, at	tach su	ppleme	ntal sh	eets as	neces	sary.)								
			NE		1/4		NW1/4				SI		V1⁄4		SE1/4				TOTAL
_Se	c. 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
													2				-		
																	-	-	
																			<u> </u>
	For Off	ce Use	Only:	Code	CT () Fe	e \$(00	_ TR	#	¥	Re	ceipt	Date _	12/0	1/20	Chec	k#_	1917

* Revisions by LHH/150 12-9-2020 Presently authorized point of diversion: NOT SUBJECT OF APPLICATION One in the _____ NE ___ Quarter of the _____ NW ___ Quarter of the ____ SE ____ Quarter of Section ______2 ___, Township ______13 ____South, Range _____20E ____(E/W), in <u>DOUGLAS</u> County, Kansas, <u>2570</u> feet North <u>1900</u> 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 _____ NW ___ Quarter of the _____ NW ___ Quarter of the ____ SE ___ Quarter of Section 2 , Township 13 South, Range 20E (E/W), in-NEMAHA Douglas County, Kansas, 2363 feet North 2062 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 _____ 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 _____ The changes herein are desired for the following reasons? (please be specific) TO DRILL A NEW WELL If a well, is the test hole log attached?

Yes

No 9. The change(s) (was)(will be) completed by? **JUNE 2021** 10. If the point of diversion is a well: (a) What are you going to do with the old well? MAINTAIN FOR DOMESTIC PURPOSES (b) When will this be done? N/A 11. Groundwater Management District recommendation attached? ☐ Yes ☐ No 12. Assisted by BRETT BUNGER 11-17-20 200 100 0 South 100 200 300 Scale: 1 hashmark=10 ft 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 diagram shown above in relation to the existing point of diversion to the existing point of diagram shown above in relation to the existing point of diagram shown above in relation to the existing point of diversion. (PLEASE NOTE: The "X" in center of diagram of the proposed point of diversion and the names and mailing

DWR 1-121 (Revised 04/5/2018)

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

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diversion.)

File No. ____9314-D2

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above represents the presently authorized point of

14. If the proposed groundwater point of diversion is 300 or fewer feet fro	m the existing point of diversion, complete the following:						
(a) Does the undersigned represent all owners of the currently autho ☐ Yes ☐ No (If no, all owners must sign this applic	prized place(s) of use identified in this application?						
 (b) Will the ownership interest of any owner of the currently author affected if this application is approved as requested? ☐ Yes ☑ No (If yes, all owners must sign this application) 	ication.)						
(c) If this application is not approved expeditiously, will there be sublined Yes ⊠ No (If no, all owners must sign this application).	stantial 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).	groundwater change in point of diversion greater than 300 feet, of the currently authorized place of use, or their duly authorized						
I hereby verify, being first duly sworn upon my oath or affirmage and the owner, the spouse of the owner, or a duly authoritheir behalf, in regards to the water right(s) to which this appropriate in this application are true, correct and complete.	zed agent of the owner(e) to make this application and						
Dated at Devolus County, Kansas, this	24th day of November, 2020.						
John C Karoll Land	Karen S. Pendlets						
JOHN C. PENITLETON (Please Print)	(Spouse) Karen S. Pendleton (Please Print)						
(Owner)	(Spouse)						
(Please Print)	(Please Print)						
(Owner)	(Spouse)						
(Please Print)	(Please Print)						
State of Kansas	, and a survey						
County of Douglas SS							
I hereby certify that the foregoing application was signed in n							
NOTARY PUBLIC - State or BARBARA J. BI My Appt. Exp. 5/28	RAA						
My Commission Expires 5 28 2027	Notary Public						
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							

SUMMARY ORDER APPROVING APPLICATION FOR CHANGE AND IMPOSING CONDITIONS

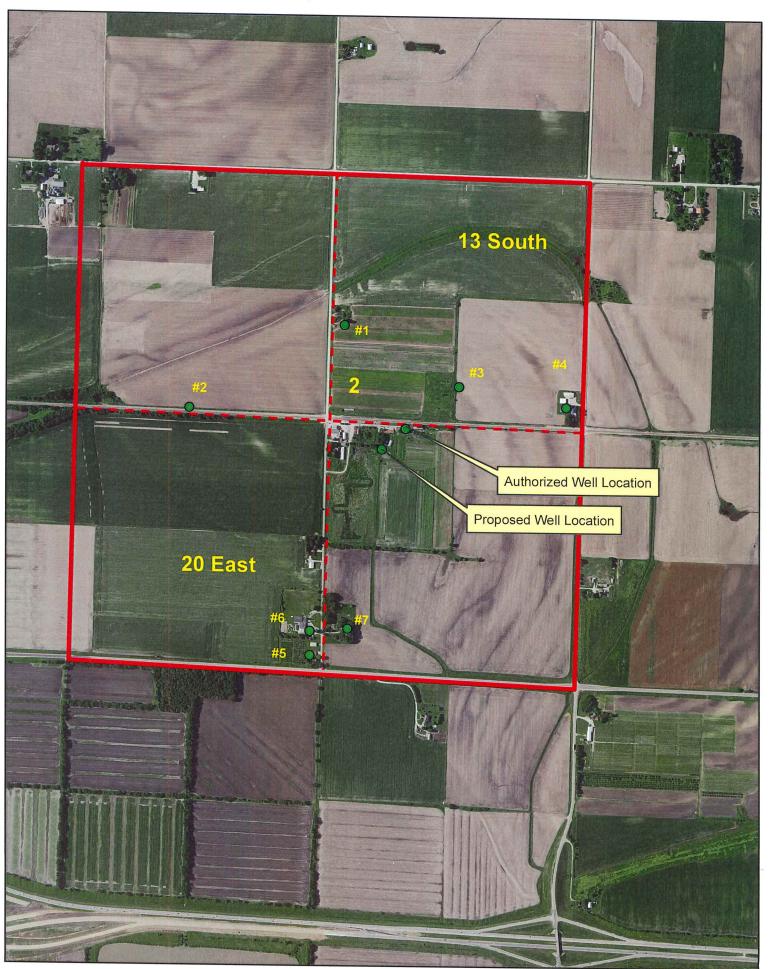
This Summary Order is issued under authority of K.S.A. 82a-708b, as amended, and K.A.R. 5-5-1, et seq. and other applicable provisions of the Kansas Water Appropriation Law, K.S.A. 82a-701 et. seq., and rules and regulations promulgated thereunder, With the exception of those conditions expressly contained herein, this Summary Order does not change the terms, conditions and limitations of File No. __9314-D2 A change application was received on December 1, 2020 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. \square Applicable \bowtie 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 3. previously authorized. The point of diversion authorized by this summary order shall be located within a <u>50</u> radius of the authorized point(s) of diversion. Applicable 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 authorized point(s) of diversion. \square Applicable \boxtimes Not Applicable 5 feet from the previously 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 6. or other device suitable for making water level measurements shall be installed, operated and maintained in accordance with ☐ Not Applicable The owner of the authorized place(s) of use shall properly install an acceptable water flow meter on or before December 31, 2021, 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 Installation of the works for diversion of water shall be completed on or before December 31, 2021, or within any authorized extension of time. By March 1, 2022 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 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 🔲 Not Applicable 11. Additional Conditions are attached. ☐ Yes ⊠ 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. Administrative Appeal and Effective Date of Order FOR OFFICE USE ONLY 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 By: 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): atherine lietson+ 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, Legal Division, 1320 Research Park Drive, Manhattan, KS Date of Issuance: 66502. Failure to timely request a hearing or review may preclude review under the Kansas Judicial Review Act. State of Kansas SS For Use by Register of Deeds County of Shawnee Acknowledged before me on Becember 10. Signature: Notary Public My commission expires: 8 TF.9 Notar DEBBIE CROUCHER
My Appointment Expires YRATON

PUBLIC &

May 20, 2023

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Application to Change the Point of Diversior File No. 9314-D2



CERTIFICATE OF SERVICE

On this 11th day of December, 2020, I hereby certify that the attached <u>APPROVAL OF APPLICATION FOR CHANGE IN POINT OF DIVERSION</u>, Water Right, File No. 9314-D2, dated December 10, 2020 was mailed postage prepaid, first class, US mail to the following:

JOHN PENDLETON 1446 E 1850 RD LAWRENCE, KS 66046-9298

Staff