

# NOTICE

This scan only represents the application as filed. The information contained herein meets the requirements of K.A.R. 5-3-1 or K.A.R. 5-5-1, and has been found acceptable for filing in the office of the Chief Engineer. The application should not be considered to be a complete application as per K.A.R. 5-3-1b or K.A.R. 5-5-2a.

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**

WATER RESOURCES  
 RECEIVED

APR 29 2021

9:00AM

KS DEPT OF AGRICULTURE

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. 28375

RECEIVED

APR 26 2021

3:30 PM

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: Jefferson RWD 03 Attn: Paul Heinen

PO Box 129 Valley Falls, KS 66088

Phone Number: (785)945-3245

Email address: paulheinenassoc@gmail.com

Name and address of Water Use Correspondent: Same as owner

Phone Number: (      )

Email address: \_\_\_\_\_

3. The presently authorized place of use is:

Owner of Land ---- NAME: Jefferson RWD 03 Attn: Paul Heinen

ADDRESS: PO Box 129 Valley Falls, KS 66088

(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	
MUNICIPAL PURPOSES WITHIN THE BOUNDARIES OF RURAL WATER DISTRICT NO's 3 & 6, JEFFERSON COUNTY, KANSAS.																			

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: Jefferson RWD 03 Attn: Paul Heinen

ADDRESS: PO Box 129 Valley Falls, KS 66088

(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	
MUNICIPAL PURPOSES WITHIN THE BOUNDARIES OF RURAL WATER DISTRICT NO's 3, 6, 11 JEFFERSON COUNTY, KANSAS.																			

For Office Use Only: Code CPU Fee \$ 200 TR # \_\_\_\_\_ Receipt Date 4/26/21 Check # 2901

FO 1, 5-9-4 Y, Use MUN, County JF, By BMM, 4/29/21

5/5/2021  
 LMoody

5. **Presently authorized point of diversion:**  
 One in the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of the APR 29 2021 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 \_\_\_\_\_.

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 include rural water district 11 into the place of use to bring the file into compliance.

\_\_\_\_\_

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

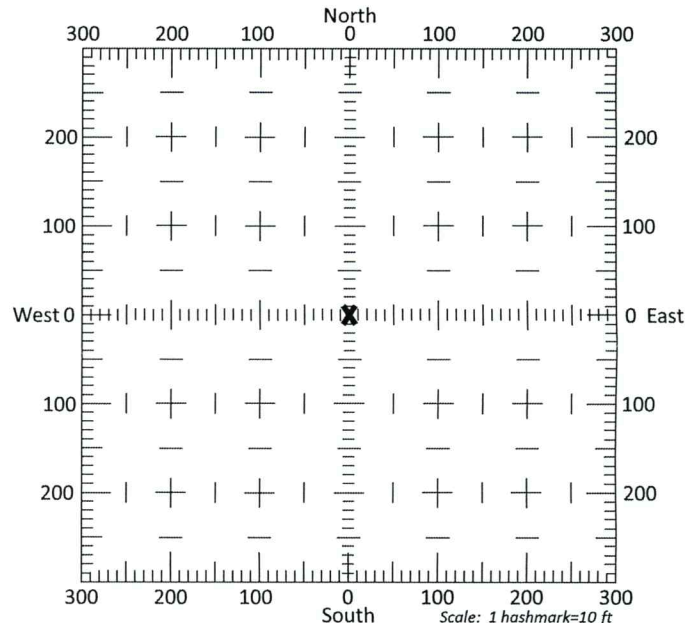
9. The change(s) (was)(will be) completed by?  
 \_\_\_\_\_

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

11. Groundwater Management District recommendation attached?  
 Yes  No

12. Assisted by TBS \_\_\_\_\_

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.)

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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 \_\_\_\_\_, Kansas, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

	_____	_____
(Owner)		(Spouse)
TERRY BAOTHERMAN	_____	_____
BAOTHERMAN (Please Print)		(Please Print)
_____	_____	_____
(Owner)		(Spouse)
_____	_____	_____
(Please Print)		(Please Print)
_____	_____	_____
(Owner)		(Spouse)
_____	_____	_____
(Please Print)		(Please Print)



NOTARY PUBLIC - State of Kansas  
PAUL J. HEINEN  
My Appt. Expires 08/22/2023

State of Kansas }  
County of JEFFERSON } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 21st day of APRIL, 2021.

  
Notary Public

My Commission Expires 08/22/2023.

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.

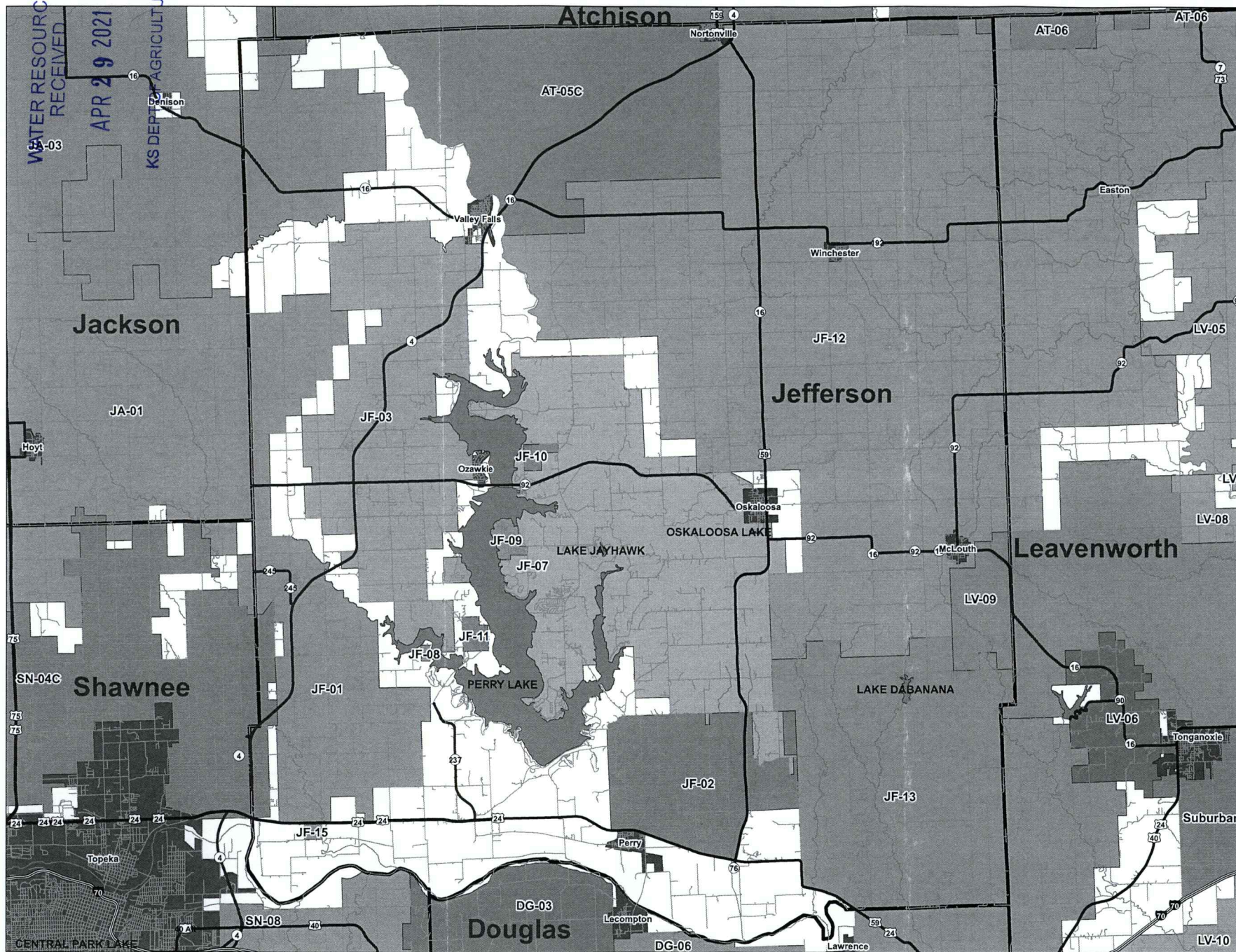
**FEE SCHEDULE**

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



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KS DEPT. OF AGRICULTURE



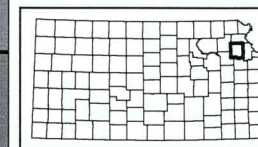
Jefferson County



**Legend**

- Interstate
- US Highway
- State Highway
- Roads
- Streams
- Lakes
- County Boundary

Locator Map: Study Area



Produced by Kansas Rural Water Association  
with the cooperation of the Kansas Water Office  
and the Data Access and Support Center  
October 2015

WATER RESOURCES RECEIVED  
 APR 29 2021  
 KS DEPT OF AGRICULTURE

## Contractor's Application for Payment No. 6

Application Period: Jan 7, 2021 – Mar 31, 2021	Application Date: April 1, 2021
To (Owner): RWD #3, Jefferson Co., KS	From (Contractor): Ehrhart Excavating
Project: RWD #3 Waterline to Ozawkie – West of Meter Pit	Via (Engineer): Bartlett & West, Inc.
Owner's Contract No.:	Contractor's Project No.:
	Engineer's Project No.:
	20010.001

### Application for Payment

#### Change Order Summary

Approved Change Orders		
Number	Additions	Deductions
1	1330.30	384.00
<b>TOTALS</b>	1330.30	384.00
<b>NET CHANGE BY CHANGE ORDERS</b>	946.30	

1. ORIGINAL CONTRACT PRICE .....	\$	138,571.00
2. Net Change by Change Orders .....	\$	946.30
3. CURRENT CONTRACT PRICE (Line 1 + 2).....	\$	139517.30
4. TOTAL COMPLETED AND STORED TO DATE (Column F on Progress Estimate) .....	\$	139517.30
5. RETAINAGE:		
a. % x \$ _____ Work Completed .....	\$	
b. 10% x \$ _____ Stored Material.....	\$	
c. Total Retainage (Line 5a + Line 5b).....	\$	
6. AMOUNT ELIGIBLE TO DATE (Line 4 - Line 5c).....	\$	139517.30
7. LESS PREVIOUS PAYMENTS (Line 6 from prior Application).....	\$	132517.30
8. AMOUNT DUE THIS APPLICATION .....	\$	7000.00
9. BALANCE TO FINISH, PLUS RETAINAGE (Column G on Progress Estimate + Line 5 above).....	\$	

#### Contractor's Certification

The undersigned Contractor certifies that: (1) all previous progress payments received from Owner on account of Work done under the Contract have been applied on account to discharge Contractor's legitimate obligations incurred in connection with Work covered by prior Applications for Payment; (2) title of all Work, materials and equipment incorporated in said Work or otherwise listed in or covered by this Application for Payment will pass to Owner at time of payment free and clear of all Liens, security interests and encumbrances (except such as are covered by a Bond acceptable to Owner indemnifying Owner against any such Liens, security interest or encumbrances); and (3) all Work covered by this Application for Payment is in accordance with the Contract Documents and is not defective.

Payment of: \$ <u>7,000.00</u> <small>(Line 8 or other - attach explanation of other amount)</small>	
is recommended by: <u><i>Ronnie Furrk</i></u> <small>(Engineer)</small>	<u>4-1-21</u> <small>(Date)</small>
Payment of: \$ <u>7,000.00</u> <small>(Line 8 or other - attach explanation of other amount)</small>	
is approved by: <u><i>[Signature]</i></u> <small>(Owner)</small>	<u>4- - 2021</u> <small>(Date)</small>
By: _____ Date: _____	Approved by: _____

PAUL J. HEINEN, E.A.  
ENROLLED TO PRACTICE  
BEFORE THE I.R.S.

ACCREDITED  
TAX ADVISOR

ACCREDITED  
TAX PREPARER



**PAUL HEINEN & ASSOCIATES, INC.**

PUBLIC ACCOUNTANTS

P.O. Box 116, 317 Broadway • Valley Falls, KS 66088

Telephone (785) 945-3245 FAX (785) 945-6269

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# Progress Estimate

# Contractor's Application

WATER RESOURCES RECEIVED

For (contract) Jefferson Co. RWD #3 Supply to Ozawkie, Contract 1	Application Number: 6
Application Period: Jan 7, 2021 – Mar 31, 2021	Application Date: 4-1-2021

Specification Section No.	Item Description	B Scheduled Value	Work Completed		E Materials Presently Stored (not in C or D)	F Total Completed and Stored to Date (C + D + E)	% (E) / B	G Balance to Finish (B - F)
			C From Previous Application (C + D)	D This Period				
	6" Cl. 200 PVC Pipe	6,160	\$58,752.00			58752.00	100	0.00
	1" DR 11 HDPE Pipe	200	2390.30			2390.30	100	0.00
	6" Valve & Box	2	1,780.00			1780.00	100	0.00
	1" Corp Stop	1	225.00			225.00	100	0.00
	6" Highway Crossing	1	12,360.00			12360.00	100	00.00
	6" Paved Road Crossing, Encased	1	10,000.00			\$10,000.00	100	00.00
	6" Gravel Road Crossing, Bored, Unencased	1	5,000.00			5000.00	100	00.00
	1" Highway Crossing	2	5,100.00			5100.00	100	0.00
	6" Type 0 Stream Crossing	1	1,640.00			1640.00	100	00.00
	Connect to Existing Pipe	2	1,600.00			1600.00	100	0.00
	Reconnect Existing Service Line	6	2,700.00			2700.00	100	0.00
	Relocate and Reconnect Existing Service	5	5,750.00			5750.00	100	0.00
	Cap & Block Existing Pipeline	1	500.00			500.00	100	0.00
	Fire Hydrant	1	4,000.00			4000.00	100	0.00
	Air Release Valve	2	2,100.00			2100.00	100	0.00
	Install Pipeline in Highway R/W	620	620.00			620.00	100	0.00
	Meter Pit	1	25,000.00			25000.00	100	0.00
	Stored Materials						100	0
	Stored Materials						100	0
	<b>TOTALS</b>		<b>\$139517.30</b>		<b>\$0.00</b>	<b>139517.30</b>		

PAUL J. HEINEN, E.A.  
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# Progress Estimate

# Contractor's Application

For (contract)

Jefferson Co. RWD Supply to Ozawkie, Contract 1

Application Period:

Jan 6, 2021- Mar 31, 2021

Application Number:

5

Application Date:

4-1-2021

A Item		B	Work Completed		E	F		G
Specification Section No.	Description	Scheduled Value	C	D	Materials Presently Stored (not in C or D)	Total Completed and Stored to Date (C + D + E)	% (E) B	Balance to Finish (B - F)
			From Previous Application (C + D)	This Period				
	Mobilization	1	\$4,000.00			4000.00	100	0.00
	6" C-900 PVC Water Main	2,525	56,863.50			56863.50	96	0.00
	6" Gate Valve	4	3,440.00			3440.00	100	0.00
	6" Tee	4	1,600.00			1600.00	100	0.00
	6" 90 Bend	3	900.00			900.00	100	0.00
	6" 45 Bend	9	960.00			960.00	33	0.00
	6" x 4" Reducer	4	680.00			680.00	100	0.00
	Fire Hydrant	2	8,000.00			8000.00	100	0.00
	Combination Air Valve	3	21,300.00			21300.00	100	0.00
	Valve Vault, Plumbing & Electric	1	53,330.00			53330.00	100	0.00
	Connect to Existing Pipeline	1	1,700.00			1700.00	100	0.00
	Replace Aggregate Surfacing	246	528.90			528.90	100	0.00
	New Aggregate Surfacing	830	1,411.00			1411.00	100	0.00
	Replace Asphalt Surfacing	102	2,172.60	2172.60		2172.60	0	0.00
	Traffic Control	1	500.00			500.00	100	0.00
	Deduct for Awarded Both Contracts	1	-2,000.00			-2000.00	100	0.00
	Stored Materials				0.00	0.00	100	0.00
	Extend length of Fire Hydrant (additional item from original bid)		3500.00			3500.00	100	0.00
	TOTALS		153802.40	2172.60	0.00	158886.00		0.00

PAUL J. HEINEN, E.A.  
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# Progress Estimate

# Contractor's Application

For (contract): Jefferson Co. RWID #3 Supply to Ozawkie, Contract 1	Application Number: 5
Application Period: Jan 6, 2021- Mar 31, 2021	Application Date: 4-1-2021

A		B	C	D	E	F		G		
Bid Item No.	Description	Bid Quantity	Unit Price	Bid Value	Estimated Quantity Installed	Value	Materials Presently Stored (not in C)	Total Completed and Stored to Date (D + E)	% (E) / B	Balance to Finish (B - F)
1	Mobilization	1	\$4,000.00	\$4,000.00	1	4000.00		4000.00	100	0.00
2	6" C-900 PVC Water Main	2,525	22.70	\$7,317.50	2505	\$6,863.50		\$6,863.50	99	0.00
3	6" Gate Valve	4	860.00	3,440.00	4	3440.00		3440.00	100	0.00
4	6" Tee	4	400.00	1,600.00	4	1600.00		1600.00	100	0.00
5	6" 90 Bend	3	300.00	900.00	3	900.00		900.00	100	0.00
6	6" 45 Bend	9	320.00	2,880.00	3	960.00		960.00	33	0.00
7	6" x 4" Reducer	4	170.00	680.00	4	680.00		680.00	100	0.00
8	Fire Hydrant	2	4,000.00	8,000.00	2	8000.00		8000.00	100	0.00
9	Combination Air Valve	3	7,100.00	21,300.00	3	21300.00		21300.00	100	0.00
10	Valve Vault, Plumbing & Electric	1	53,330.00	53,330.00	1	53330.00		53330.00	100	0.00
11	Connect to Existing Pipeline	1	1,700.00	1,700.00	1	1700.00		1700.00	100	0.00
12	Replace Aggregate Surfacing	246	2.15	\$528.90	246	\$528.90		\$528.90	100	0.00
13	New Aggregate Surfacing	830	1.70	1,411.00	830	1411.00		1411.00	100	0.00
14	Replace Asphalt Surfacing	102	21.30	2,172.60		2172.60		2172.60	100	0.00
15	Traffic Control	1	500.00	500.00	1	500.00		500.00	100	0.00
16	Deduct for Awarded Both Contracts	1	-2,000.00	-2,000.00	1	-2000.00				0.00
	Stored Materials						00.00	00.00		0.00
	Extend length of Fire Hydrant (additional item from original bid)			0.00		3500.00		3500.00	100	0.00
<b>TOTALS</b>						157760.00	0.00	158886.00		0.00

PAUL J. HEINEN, E.A.  
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Topeka Field Office  
1131 SW Winding Rd, Suite 400  
Topeka, KS 66615



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

Mike Beam, Secretary

Laura Kelly, Governor

April 9, 2021

WATER RESOURCES  
RECEIVED

APR 29 2021

JEFFERSON RWD 03  
Attn: PAUL J HEINEN  
PO BOX 129  
VALLEY FALLS, KS 66088

Re: Water Right  
File Nos. 28375, 37282  
Appropriation of Water  
File No. 43428

KS DEPT OF AGRICULTURE

Dear Ladies & Gentlemen:

On the 2019 & the 2020 water use reports it was reported that Jefferson Rural Water District No. 3 sold water to Jefferson Rural Water District No. 11 which results in the above files being out of compliance by serving water on land not authorized under the water rights.

To remedy this situation, we have prepared 3 change place of use applications for the above listed files. Upon approval, all the area you currently serve will be covered under the authorized place of use for these water rights.

If you are satisfied with the applications, here is what we need to complete them:

Notarized signatures of the owners/district,  
Filing fee is \$200 per application.

If you agree with these changes then return the signed applications and the total filing fee of \$600 (payable to Kansas Department of Agriculture) to:

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

Please have these applications signed and returned to us by May 14, 2021 so we can bring your files into compliance. Thank you for your prompt attention to this matter. If you have any questions about the information contained in this letter or if you need additional information, please feel free to contact me at 785-296-8681.

Sincerely,

A handwritten signature in black ink, appearing to read "Tyler Smith".

Tyler Smith  
Environmental Compliance Specialist  
Topeka Field Office