

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.

WATER RESOURCES
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MAY 17 2021

2:10 PM

KS DEPT OF AGRICULTURE



State of Kansas

Submit To: CHIEF ENGINEER
Division of Water Resources
Kansas Department of Agriculture
1320 Research Park Drive
Manhattan, Kansas 66502
http://agriculture.ks.gov/dwr

**APPLICATION FOR APPROVAL TO
CHANGE THE PLACE OF USE, THE
POINT OF DIVERSION OR THE USE
MADE OF THE WATER UNDER AN
EXISTING WATER RIGHT**

*Filing Fee Must Accompany the Application
(Please refer to Fee Schedule on signature page of application form.)*

Paragraph Nos. 1, 2, 3, 4 & 8 must be completed. Complete all other applicable portions. A topographic map or detailed plat showing the authorized and proposed points(s) of diversion and /or place of use must accompany this application.

1. Application is hereby made for approval of the Chief Engineer to change the

Place of Use

(Check one or more) Point of Diversion

Use Made of Water

File No. 39807

2. Name of applicant: Rural Water District No. 2, Wabaunsee County, Kansas

Address: 38521 Antelope Creek Rd.

City, State and Zip: Wamego, Kansas 66547

Phone Number: (785) 456-9883

E-mail address: rwd2wabco@gmail.com

What is your relationship to the water right; owner tenant agent other? If other, please explain. _____

Name of water use correspondent: Greg Dekat

Address: 38521 Antelope Creek Rd.

City, State and Zip: Wamego, Kansas 66547

Phone Number: (785) 456-9883

E-mail address: rwd2wabco@gmail.com

3. The change(s) proposed herein are desired for the following reasons (please be specific):
To add the City of Paxico, Kansas boundary, and the immediate vicinity, as a "Place of Use". The City will be a wholesale customer to the District. The City will maintain their current water system and purchase water at a single metering point from the District.

The change(s) ~~was~~ (will be) completed by December 31, 2021

(Date)

For Office Use Only:

F.O. 1 **GMD** Meets K.A.R. 5-5-1 (YES / NO) Use **MUN** Source G/S County **WB** By **BMM** Date **5/17/21**
Code **CPU** Fee \$ 200 TR # _____ Receipt Date 5/17/21 Check # 13569

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4. The presently authorized place of use is:

Owner of Land — NAME: Rural Water District No. 2, Wabaunsee County, Kansas

ADDRESS: 38521 Antelope Creek Rd., Wamego, Kansas 66547

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			
			Rural Water District No. 2, Wabaunsee County, Kansas boundary and the immediate vicinity																		

List any other water rights that cover this place of use. 39808 and 46641

Owner of Land — NAME: _____

ADDRESS: _____

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			

List any other water rights that cover this place of use. _____

(If there are more than two landowners, attach additional sheets as necessary.)

5. It is proposed that the place of use be changed to:

Owner of Land — NAME: Rural Water District No. 2, Wabaunsee County, Kansas

ADDRESS: 38521 Antelope Creek Rd., Wamego, Kansas 66547

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			
			Rural Water District No. 2, Wabaunsee County, Kansas and the City of Paxico, Kansas boundaries and their immediate vicinities.																		

List any other water rights that cover this place of use. 39808 and 46641

Owner of Land — NAME: _____

ADDRESS: _____

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			

List any other water rights that cover this place of use. _____

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

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6. The presently authorized point(s) of diversion (is) ~~(are)~~ Two (2) Wells (battery)

(Provide description and number of points)

7. The proposed point(s) of diversion (is) ~~(are)~~ Same, No Change

(Provide description and number of points)

List all presently authorized point(s) of diversion:

8. **Presently authorized point of diversion:**
 One in the SW Quarter of the SE Quarter of the NW Quarter of Section 20, Township 10 South, Range 10 (E/W), in Wabaunsee County, Kansas, 3136 feet North 3763 feet West of Southeast corner of section. Authorized Rate 800 gpm Authorized Quantity 85.924 MGY
 (DWR use only: Computer ID No. _____ GPS _____ feet North _____ feet West)
 This point will not be changed This point will be changed as follows:
Proposed point of diversion: (Complete only if change is requested)
 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 _____
 This point is: Additional Well Geo Center List other water rights that will use this point _____

9. **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 _____
 (DWR use only: Computer ID No. _____ GPS _____ feet North _____ feet West)
 This point will not be changed This point will be changed as follows:
Proposed point of diversion: (Complete only if change is requested)
 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 _____
 This point is: Additional Well Geo Center List other water rights that will use this point _____

10. **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 _____
 (DWR use only: Computer ID No. _____ GPS _____ feet North _____ feet West)
 This point will not be changed This point will be changed as follows:
Proposed point of diversion: (Complete only if change is requested)
 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 _____
 This point is: Additional Well Geo Center List other water rights that will use this point _____

11. Describe the current condition of and future plans for any point(s) of diversion which will no longer be used. None

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

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12. The presently authorized use of water is for Municipal purposes.
It is proposed that the use be changed to No Change purposes.

13. If changing the place of use and/or use made of water, describe how the consumptive use will not be increased.

The location and operation of the wells will not change. The increased usage is included in a new appropriation application.

(Please show any calculations here.)

14. It is requested that the maximum annual quantity of water be reduced to No Change (acre-feet or million gallons).

15. It is requested that the maximum rate of diversion of water be reduced to No Change gallons per minute (____ c.f.s.).

16. The application must include either a topographic map or detailed plat. A U.S. Geological Survey Topographic Map, scale 1:24,000, is available through the Kansas Geological Survey, 1930 Constant Avenue, University of Kansas, Lawrence, Kansas 66047-3726 (www.usgs.gov). The map should show the location of the presently authorized point(s) of diversion. Distances North and West of the Southeast corner of the section must be shown. The presently authorized place of use should also be shown. Identify the center of the section, the section lines and the section corners and show the appropriate section, township, and range numbers on the map. In addition the following information must also be shown on the map.

a. If a change in the location of the point(s) of diversion is proposed, show:

- 1) The location of the proposed point(s) of diversion. Distances North and West of the Southeast corner of the section must be shown. Please be certain that the information shown on the map agrees with the information shown in Paragraph Nos. 9, 10 and 11 of the application.
- 2) If the source of supply is groundwater, please show the location of existing water wells of any kind, including domestic wells, within 1/2 mile of the proposed well or wells. Identify each well as to its use and furnish name and mailing address of the property owner or owners. If there are no wells within 1/2 mile, please indicate so on the map.
- 3) If the source of supply is surface water, the names and mailing addresses of all landowner(s) 1/2 mile downstream and 1/2 mile upstream from your property lines must be shown.

b. If a change in the place of use is desired, show the proposed place of use by crosshatching on the map. Please be certain that the information shown on the map agrees with the information shown in Paragraph No. 5 of the application.

17. Attach documentation to show the change(s) proposed herein will not impair existing water rights and relates to the same local source of supply as to which the water right relates. This information may include statements, plats, geology reports, well logs, test hole logs, and other information as necessary information to show the above. Additional comments may be made below.

18. If the proposed change(s) does not meet all applicable rules and regulations of the Kansas Water Appropriation Act, please identify the rules and regulations for which you request a waiver. State the reason why a waiver is needed and why the request should be granted. Attach documentation showing that granting the request will not impair existing water rights and will not prejudicially and unreasonably affect the public interest.

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

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Any use of water that is not as authorized by the water right or permit to authorize water **before** the chief engineer approves this application is a violation of the Kansas Water Appropriation Act for which criminal or civil penalties may be assessed. Such violation is a class C misdemeanor, punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. K.S.A. 82a-728(b). Civil penalties shall be not less than \$100 nor more than \$1,000 per violation. In the case of a continuing violation, each day such violation continues may be deemed a separate violation. In addition to these penalties the water right may be modified or suspended. K.S.A. 82a-737, as amended.

The application must be signed by all owners of the place of use authorized under the water right and his or her spouse, if married. Please indicate if there is no spouse. If land is being purchased under contract, the seller must sign as landowner until such time as the contract is completed.

In the event that all applicants cannot appear before one notary public, they may as necessary sign separate copies of the application before any notary public conveniently available to them. All copies signed in this manner shall be considered to be valid parts of the application.

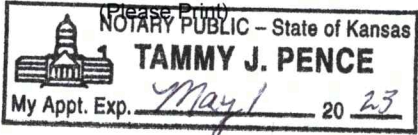
If the request is signed on behalf of any Owner by someone with legal authority to do so (for example, an agent, one who has power of attorney, or an executor, executrix, conservator), it will be necessary to attach proper documents showing such authority.

I declare that I am an owner of the currently authorized place of use as identified herein, or that I represent all such owners and am authorized to make this application on their behalf, and declare further that the statements contained herein are true, correct, and complete. By filing this application I authorize the chief engineer to permanently reduce the quantity of water and/or rate of diversion as specified in sections 14 and 15 of this application.

Dated at Wamego, Kansas, this 5th day of May, 2021.

<u>Chris Rabe</u> (Owner)	_____	(Spouse)
<u>Chris Rabe</u> (Please Print)	_____	(Please Print)
_____	_____	(Spouse)
_____	_____	(Please Print)
_____	_____	(Spouse)
_____	_____	(Please Print)
_____	_____	(Spouse)
_____	_____	(Please Print)

State of Kansas }
County of _____ } SS



I hereby certify that the foregoing application was signed in my presence and sworn to before me this 5th day of May, 2021.

Tammy J. Pence
Notary Public

My Commission Expires 5-1-2023

FEE SCHEDULE

Each application to change the place of use, the point of diversion or the use made of the water under this section shall be accompanied by the application fee set forth in the schedule below:

- (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**
- (4) Application to change the use made of the water \$300

Make check payable to **Kansas Department of Agriculture**.

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KS DEPT OF AGRICULTURE



RWD#2 Wabaunsee County
38521 Antelope Creek Rd
Wamego, KS 66547

May 13, 2021

Division of Water Resources
Kansas Department of Agriculture
1320 Research Park Drive
Manhattan, KS 66502

RE: Water Appropriation and Place of Use Changes

Dear Sir or Madam,

Enclosed please find:

- Three (3) Place of Use form and accompanying checks for \$200 each
- One (1) Water Appropriation form and accompanying check for \$320
- One (1) Kansas River Assurance District letter

In summary, we have completed an agreement to provide wholesale water to the City of Paxico and wish to update our "Place of Use" and water use appropriation projections for our own retail uses as well as the City of Paxico wholesale use. The City is has secured funding and is currently in the design process for construction of a connection facility.

Please contact me with any questions that you may have.

Sincerely,

A handwritten signature in black ink that reads "Greg Dekat P.E." The signature is written in a cursive, flowing style.

Greg Dekat P.E.
RWD #2, Wabaunsee County, Kansas
785-617-1111 (mbl)
785-456-9883 (office) 8am -Noon

WATER RESOURCES
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MAY 17 2021

May 5, 2021
(Date)

Kansas Department of Agriculture
Division of Water Resources
David W. Barfield, Chief Engineer
1320 Research Park Drive
Manhattan, Kansas 66502

KS DEPT OF AGRICULTURE

Re: Application
File No. _____

Minimum Desirable Streamflow
Kansas River Assurance District
Water Reservation Rights

Dear Sir:

I understand that a Minimum Desirable Streamflow requirement has been established, an **Assurance District** has been formed and established or a Water Reservation Right is held by the Kansas Water Office for the source of supply to which the above referenced application applies, namely the Kansas River.

I understand that diversion of water pursuant to this application will be subject to regulation any time Minimum Desirable Streamflow requirements are not being met, Assurance District or Water Marketing releases are being made from storage in Federal Reservoirs or when a Reservation Right upstream of a Federal Reservoir is being administered.

I also understand that if this application is approved, there could be times, as determined by the Division of Water Resources, when I would not be allowed to divert water. I realize that this could affect the economics of my decision to appropriate water.

I am aware of the above factors, and with the knowledge thereof, request that the Division of Water Resources proceed with processing and approval, if possible, of the above referenced application.

Chris Rabe

Signature of Applicant

Chris Rabe

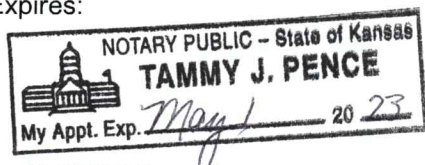
Print Applicant Name

State of Kansas)
County of Wabaunsee) SS

I hereby certify that the foregoing instrument was signed in my presence and sworn to before me this 5th day of May, 2021.

Tammy J. Pence
Notary Public

My Commission Expires:



**FORM TO BE USED WHEN APPLICABLE
WHEN FILING AN APPLICATION FOR PERMIT
TO APPROPRIATE WATER FOR BENEFICIAL USE**

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KS DEPT OF AGRICULTURE

The Kansas Legislature has established minimum desirable streamflows for the streams listed below. If your proposed diversion of water is going to be from one of these watercourses or adjacent alluvial aquifers, please complete the back side of this page and submit it along with your application for permit to appropriate water.

Arkansas River	Ninnescah River
Big Blue River	North Fork Ninnescah River
Chapman Creek	Rattlesnake Creek
Chikaskia River	Republican River
Cottonwood River	Saline River
Delaware River	Smoky Hill River
Little Arkansas River	Solomon River
Little Blue River	South Fork Ninnescah
Marais des Cygnes River	Spring River
Medicine Lodge River	Walnut River
Mill Creek (Wabaunsee Co. area)	Whitewater River
Neosho River	

Assurance Districts have been formed on the following rivers:

Kansas River Marias des Cygnes River Neosho River

The Kansas Water Office has Water Reservation Rights for the following reservoirs:

Big Hill	Marion
Clinton	Melvern
Council Grove	Milford
Elk City	Perry
Hillsdale	Pomona
John Redmond	Tuttle Creek