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. RECEIVED File No. 49,776 MAR 1 8 2021 Application is hereby made for approval of the Chief Engineer to change the (check one or both): Topeka Field Office DIVISION OF WATER RESOURCES ☐ Point of Diversion 4:04 under the water right which is the subject of this application in accordance with the conditions described below. ☐ Groundwater □ Surface water The source of supply is: Name and address of Applicant: R & R COTT FARMS, LLC 1047 20TH RD CLAY CENTER, KS 67432 Email address: Phone Number: ( Name and address of Water Use Correspondent: Richard Cott 970 18th Rd Clay Center, KS 67432 Email address: Phone Number: (\_\_\_\_)\_ The presently authorized place of use is: Owner of Land --- NAME: See attached supplemental sheet ADDRESS: TOTAL SW1/4 NE1/4 ACRES NW1/4 SW1/4 NE1/a NW1/4 SW1/4 NW1/4 SW1/4 NE'4 NW'4 SW'4 SE'4 NE1/4 Twp. Range 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: See attached supplemental sheet ADDRESS: (If there is more than one landowner, attach supplemental sheets as necessary.) TOTAL SW1/4 ACRES SW1/4 NE1/4 NW1/4 SW1/4 SE1/4 NW1/4 SW1/4 SE1/4 NE1/4 NW1/4 SF1/4 NW1/4 SW1/4 NE1/4 Sec. Twp. Range NE1/4 For Office Use Only: Code CPU Fee \$ 200.00 TR # \_\_\_\_\_ Receipt Date 3-18-21 Check # 4521

DWR 1-121 (Revised 09/11/2019)

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File No. <u>49776</u>

File No. 49776

### APPLICATION FOR APPROVAL TO CHANGE THE PLACE OF USE AND/OR POINT OF DIVERSION SUPPLEMENTAL SHEET

### **FILE NO. 49776**

MAKE ADDITIONAL COPIES AS NECESSARY

3. Continued: The presently authorized place of use is:

Owner of Land --- NAME: RICHARD H & JODY D COTT / ROBERT J & JANA L COTT

ADDRESS: 970 18TH RD CLAY CENTER KS 67432-8118 / 1977 INDIAN RD CLAY CENTER KS 67432

***************************************				NE	Ξ1/4	·		NW¼				SW¼				SE	1/4		TOTAL
Sec.	Twp.	Range	NE1/4	NW¼	SW1/4	SE1/4	NE1/4	NW¼	SW¼	SE1/4	NE1/4	NW¼	SW1/4	SE1/4	NE1/4	NW¼	SW1/4	SE1/4	ACRES
4	6S	1E						Lot 4 31.69		Lot 5 38.20	Lot 8 11.01			Lot 8 5.61					114.2
4	6S	1E			40			0.92	2.83	0.81	5.4			7.74	38.18	38.57	38.7	35.51	208.66
9	6S	1E					Lot 1 16.33								Lot 7 25.63	Lot 7 0.70			42.66
9	6S	1E	40	35.73		35.44													111.17
9	6S	1E										Lot 3 35							35
9	6S	1E						40	40			2.59							82.59

Owner of Land --- NAME: \_ ADDRESS: \_

				NE	≣¼		NW¼			SW¼			SE¼				TOTAL		
Sec.	Twp.	Range	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW¼	SW1/4	SE1/4	NE¾	NW1/4	SW1/4	SE1/4	NE¼	NW¼	SW1/4	SE1/4	ACRES
-																			

4. Continued: 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: R & R COTT FARMS, LLC

ADDRESS: 1047 20TH RD CLAY CENTER, KS 67432

•				NE	≣1⁄4			NW¼			SW¼					SE	=1/4		TOTAL
Sec.	Twp.	Range	NE1/4	NW¼	SW1/4	SE1/4	NE1/4	NW¼	SW1/4	SE1/4	NE1/4	NW¼	SW1/4	SE1/4	NE1/4	NW¼	SW1/4	SE1/4	ACRES
4	68	1E								Lot 5 38.20				Lot 8 5.61					114.2
4	6S	1E			40			0.92	2.83	0.81	5.4			7.74	38.18	38.57	38.7	35.51	208.66
9	6S	1E					Lot 1 16.33								Lot 7 25.63	Lot 7 0.70			42.66
9	6S	1E	40	35.73		35.44													111.17
9	68	1E										Lot 3 35							35
9	6S	1E						40	40			2.59							82.59

Owner Total: 594.28 ac.

Owner of Land --- NAME: <u>TURNER-SIMPSON INC ATTN ROBERT L SIMPSON</u>

ADDRESS: 1920 POYNTZ MANHATTAN KS 66502

				NE	Ε1/4			NW¼			SW¼			SE¼				TOTAL	
Sec.	Twp.	Range	NE1/4	NW¼	SW1/4	SE1/4	NE1/4	NW¼	SW1/4	SE1/4	NE1/4	NW¼	SW1/4	SE1/4	NE1/4	NW¼	SW1/4	SE1/4	ACRES
10	6S	1E	40	40	40	40	40			40	12.1			3		7			262.1
10	6S	1E									Lot 2 27.9			٠	Lot 1 12	Lot 1 18			57.9
							·											Total:	320 ac.

5.	Presently authorized point of					
	One in theSW	Quarter of the	SE	Quarter of the _	NE	Quarter
	of Section 9	, Township	6S	South, Range	11	(E),
	in CLAY Cou					
	Authorized Rate NO CHANGE	•				
	(DWR use only: Computer ID					
	☑This point will not be changed					
	Proposed point of diversion: (	-				
1	One in the					
1						
	of Section Cou	, rownship	foot North	South, Range	f Couthoost corner	of coction
1						
1	Proposed Rate					
L	This point is:  Additional Well	Geo Center List	otner water right	s that will use this poi	nt	·
-						
3.	Presently authorized point of					
1	One in the	Quarter of the		Quarter of the _		Quarter
1	of Section					
1	in Cou	ınty, Kansas,	feet North	feet West of	of Southeast corner	of section.
1	Authorized Rate	Authorized Quantity		Depth of well	(feet	t)
1	(DWR use only: Computer ID	No GI	PS	feet North	feet We	st)
	☐This point will not be changed	This point will be chang	ed as follows:	No change, point better	described with GPS	as follows:
- 1	Proposed point of diversion: (	Complete only if chan	ge is requested	d or if existing point	is better describe	d by GPS)
ı	One in the					
- 1	of Section					
-	in Cou	inty. Kansas.	feet North	feet West of	of Southeast corner	of section.
1	Proposed Rate	Proposed Quantity	manufacture of the second	Proposed well dep	th (feet)	
- 1	This point is: Additional Well					
L	This point is:		outer water right			
7.	The changes herein are desired	for the following reason	ns?			
	(please be specific) To allow the p			No	rth	
	make a full swing over land aut			200 100 (	100 200	300
	This will create a complete overlag		<u>g:</u>			1.13
3.	32508; 35793; 35794; 49776; 111 If a well, is the test hole log attach		· E			3
٥.	if a well, is the test hole log attach	ed: Lies Livo	200	1/+ 1 + 1 =	1+1+	1 → 200
9.	The change(s) (was)(will be) com	oleted by?	E	/ =		200
-15	-	and appeal to the stage.	100 E/		<u> </u>	100
	upon approval	· · · · · · · · · · · · · · · · · · ·	. 100			1 100
10.	If the point of diversion is a well:		<b>#</b>	=		=
	(a) What are you going to do with	the old well?	West 0	որոսիստիստիստիսմ		<del>       </del> 0 East
	(a) What are you going to do with	Turc old well:	#			3
			. 1			. <b>#</b>
	(b) When will this be done?		100	( +		100
	(b) When will the be delie.		· F	\ =	<u> </u>	/=
11	Groundwater Management Distric	recommendation attach	ed? 200		+ _ +/	1 = 200
11.	☐ Yes No	recommendation attach	200	, , ,	' ' /	· ====================================
			E			, 🖥
12.	Assisted by Lloyd Hemphill		- 300	200 100	) 100 200	300 300
		2016-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-		200 100 C		
13a	a. If the proposed point of diversion v	/III be relocated more that	1300 ttach 13h lf the	proposed point of dive	rsion will be relocate	ed within a 300
	feet but within 2,640 feet of the exist topographic map or aerial ph	otograph For ground	water foot ra	dive of the existing no	int of diversion indic	ate its location

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 a 300 foot radius of the existing point of diversion, indicate its location on the diagram shown above in relation to the existing point of diversion. The proposed point of diversion must be located within the circle shown above. (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 of fewer feet from	in 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							
<ul> <li>(b) Will the ownership interest of any owner of the currently authori affected if this application is approved as requested?</li> <li>☐ Yes</li> <li>☐ No</li> <li>(If yes, all owners must sign this application)</li> </ul>							
(c) If this application is not approved expeditiously, will there be subs ☐ Yes ☐ No (If no, all owners must sign this applic							
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).							
I hereby verify, being first duly sworn upon my oath or affirmating age and the owner, the spouse of the owner, or a duly authorize their 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(s) to make this application on						
Dated at, Kansas, this _	, 20						
(Owner)  (Olivert Cott (Please Print)	(Spouse) (Please Print)						
(Owner)	(Spouse)						
(Please Print)	(Please Print)						
(Owner)	(Spouse)						
State of Kansas  County of My Appt	(Please Print)  TARY PUBLIC TE OF KANSAS Exp. Jan. 1, 2023						
I hereby certify that the foregoing application was signed in mof, 20	ny presence and sworn to before me this 8 day						
My Commission Expires Jan. 1, 2023.	Notary Public						
ONLY COMPLETE APPLICATIONS WILL BE PROCESSED. To be complete, all of accurate information; maps, if necessary, must be included; signatures of all the apthe appropriate fee must be paid.	of the applicable portions of the application form must be completed with propriate owners' must be affixed to the application and notarized; and						
FEE SCHEDU	I F						
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: <b>Kansas Department of Agriculture</b> (1) Application to change a point of diversion 300 feet or less							

Dated at Claus Center , Kansas, this Official day of March 2021    Country Country Country Country Country Country Country Country of Country of Country of Country of Country	<ol><li>If the proposed groundwater point of diversion is 300 or fewer feet from</li></ol>	n the existing point of diversion, complete the following.
affected if this application is approved as requested?    Yes	Yes No (If no, all owners must sign this application)	ation.)
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).  Inhereby verify, being first duly sworm 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 of 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	affected if this application is approved as requested?	
and the place of use, the application must be signed by all owners of the currently authorized place of use, or their duty sunnorized agent (attach notarized statement authorizing representation).  In the power of the country, being first duty sworn upon my oath or affirmation and under penalty of perjury, that I am of lawful agent and the owner, the spouse of the owner, or a duty 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		tantial damage to property, public health or safety? ation.)
age and the owner, the spouse of the owner, or a duly authorized agent of the owner(s) to make this application to 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 Clay Center Kansas, this Odd day of March 20 21  Richard Cott (Spouse)  (Owner)  (Owner)  (Please Print)  (Please Print)  (Please Print)  (Please Print)  (Spouse)  (Please Print)  (Spouse)  TERRI JERMARK NOTARY PUBLIC STATE OF KANSAS My Appl Exp. Jan. 1, 2023  I hereby certify that the foregoing application was signed in my presends and sworn to before me this ON Arch Notary Public Notary Pub	or a change in place of use, the application must be signed by all owners	groundwater change in point of diversion greater than 300 feet, of the currently authorized place of use, or their duly authorized
(Owner)  (Owner)  (Owner)  (Owner)  (Please Print)  (Owner)  (Please Print)  (Owner)  (Spouse)  (Please Print)  (Owner)  (Spouse)  (Please Print)  (Owner)  (Spouse)  (Please Print)  (Owner)  (Spouse)  (Please Print)  (Spouse)  (Please Print)  (Owner)  (Please Print)  (Owner)  (Spouse)  (Please Print)  (Owner)  (Please Print)  (Owner)  (Please Print)  (Please Print)  (Please Print)  (Please Print)  (Please Print)  (Please Print)  (Owner)  (Owner)  (Owner)  (Owner)  (Please Print)  (Please Pr	age and the owner, the spouse of the owner, or a duly authorize their behalf, in regards to the water right(s) to which this app contained in this application are true, correct and complete.	red agent of the owner(s) to make this application on lication pertains. I further verify that the statements
(Please Print)  (Owner)  (Spouse)  (Please Print)  (Please Print)  (Please Print)  (Please Print)  (Please Print)  (Spouse)  (Spouse)  (Please Print)  (Spouse)  (Spouse)  (Spouse)  (Spouse)  (Spouse)  (Spouse)  (Spouse)  (Spouse)  (Please Print)  (Spouse)	Dated at <u>Clay Center</u> , Kansas, this _	1040 day of 101-ch , 2021.
(Please Print)  (Owner)  (Spouse)  (Please Print)  (Please Print)  (Please Print)  (Please Print)  (Please Print)  (Spouse)  (Spouse)  (Please Print)  (Spouse)  (Spouse)  (Spouse)  (Spouse)  (Spouse)  (Spouse)  (Spouse)  (Spouse)  (Please Print)  (Spouse)	Packard Cott	Och Cott
(Please Print)  (Please Print)  (Please Print)  (Please Print)  (Please Print)  (Spouse)  (Please Print)  (Please Print)  (Please Print)  (Spouse)  (Please Print)  (Pleas	(Owner)	(Spouse)
(Please Print)  (Owner)  (Please Print)  (Owner)  (Please Print)  (Please Prin	(Please Print)	(Please Print)
(Please Print)  State of Kansas  County of CAY  I hereby certify that the foregoing application was signed in my presence and sworn to before me this of My Appl Exp. Jan. 1, 2023  I hereby certify that the foregoing application was signed in my presence and sworn to before me this Notary Public  Notary Pu	(Owner)	(Spouse)
(Please Print)  State of Kansas  County of State of Kansas  My Appt Exp. Jan. 1, 2023  My Commission Expires  My Commission Expires  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 more than 300 feet set.  \$100  Application to change a point of diversion more than 300 feet.  \$200	(Please Print)	(Please Print)
State of Kansas  County of	(Owner)	(Spouse)
State of Kansas  County of	(Please Print)	TERRI JERMARK (Please Print)
I hereby certify that the foregoing application was signed in my presence and sworn to before me this of mount 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 more than 300 feet	C ( a ) SS   with the same	NOTARY PUBLIC STATE OF KANSAS
My Commission Expires 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	I hereby certify that the foregoing application was signed in n	ny presence and sworn to before me this day
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	of ry arch, 20 At	Jee Canaak
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forth in the schedule below: Make checks payable to: Kansas Department of Agriculture  (1) Application to change a point of diversion more than 300 feet	FEE SCHEDU	<u>lle</u>
	forth in the schedule below: Make checks payable to: <b>Kansas Departmo</b> (1) Application to change a point of diversion 300 feet or less	ent of Agriculture \$100 \$200

## PLACE OF USE CHANGE Water Right, File Nos. 5,213; 32,508; 35,793; & 35,794 and Appropriation of Water, File No. 49,776



