

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**



State of Kansas

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

WATER RESOURCES
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MAR 27 2017

1:56
KS DEPT OF AGRICULTURE

File No. 4699

2. Name of applicant: Milie Heger

Address: 1236 Road 21

City, State and Zip: Hugoton KS 67951

Phone Number: (620)544-6892 E-mail address: _____

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

Name of water use correspondent: no change

Address: _____

City, State and Zip: _____

Phone Number: (____) _____ E-mail address: _____

3. The change(s) proposed herein are desired for the following reasons (please be specific): _____

to move this priority to another point of diversion.

The change(s) (was) (will be) completed by 2017

(Date)

For Office Use Only:

F.O. 4 GMD 3 Meets K.A.R. 5-5-1 (YES / NO) Use lvr Source G S County SV By AJW Date 3/27/17
Code CGT Fee \$ 200 TR # _____ Receipt Date 3/27/17 Check # 3821

6. The presently authorized point(s) of diversion (is) (are) one well
(Provide description and number of points)

7. The proposed point(s) of diversion (is) (are) one well
(Provide description and number of points)

List all presently authorized point(s) of diversion:

8. **Presently authorized point of diversion:**
 One in the ne Quarter of the ne Quarter of the ne Quarter of Section 26, Township 33 South, Range 36 (E/W), in Stevens County, Kansas, 5040 feet North 48 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 sw Quarter of the se Quarter of the sw Quarter of Section 24, Township 33 South, Range 36 W, in Stevens County, Kansas, 20 feet North 3368 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. na

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4. The presently authorized place of use is:

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	
23	33	36w													40	40	40	40	160
24	33	36w									40	40	40	40					160
25	33	26w					40	40	40	40									160

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

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: no change to acres irrigated

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. _____

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. _____

12. The presently authorized use of water is for irrigation _____ purposes.

It is proposed that the use be changed to na _____ purposes.

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

no increase in consumptive use

(Please show any calculations here.)

14. It is requested that the maximum annual quantity of water be reduced to na _____ (acre-feet or million gallons).

15. It is requested that the maximum rate of diversion of water be reduced to _____ 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.

well within 1 mile of the original and 1.2 mile from the last authorized

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.

na

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MAR 27 2017

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 _____, Kansas, this _____ day of _____, 20_____.

_____	_____
(Owner)	(Spouse)
_____	_____
(Please Print)	(Please Print)
_____	_____
(Owner)	(Spouse)
_____	_____
(Please Print)	(Please Print)
_____	_____
(Owner)	(Spouse)
_____	_____
(Please Print)	(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 _____ day of _____, 20_____.

My Commission Expires _____
Notary Public

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.**

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.

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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 Hugoton, Kansas, this 28 day of February, 2017.

Jacquelyn D Lewis
(Owner)

Dean E Lewis Jr.
(Spouse)

Jacquelyn D Lewis
(Please Print)

DEAN E LEWIS JR.
(Please Print)

Millie Heger
(Owner)

(Spouse)

Millie Heger
(Please Print)

(Please Print)

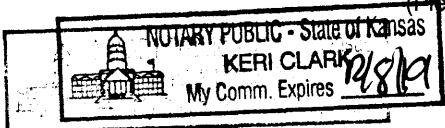
(Owner)

(Spouse)

(Please Print)

(Please Print)

State of Kansas }
County of Stevens } SS



I hereby certify that the foregoing application was signed in my presence and sworn to before me this 28th day of February, 2017.

Keri Clark
Notary Public

My Commission Expires 12/8/19

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

WATER RESOURCES RECEIVED

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

MAR 27 2017

File No. 4699

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 filling 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 McPherson, Kansas, this 1 day of March, 2017.

Karolyn Temeyer
(Owner)

Daniel Temeyer
(Spouse)

Karolyn TEMEYER
(Please Print)

DANIEL TEMEYER
(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

(Owner)

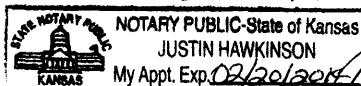
(Spouse)

(Please Print)

(Please Print)

State of Kansas }
County of McPherson } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 1st day of March, 2017.



Justin Hawkinson
Notary Public

My Commission Expires 02/20/2019

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:

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Make check payable to Kansas Department of Agriculture.

WATER RESOURCES
RECEIVED

MAR 27 2017

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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.

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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 Salem ^{Illinois} ~~Kansas~~, this 28 day of February, 2017.

Sharon Forney
(Owner)

Ronald Forney
(Spouse)

Sharon FORNEY
(Please Print)

RONALD FORNEY
(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

State of ^{Illinois} ~~Kansas~~
County of Marion } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 28th day of February, 2017.

Erma L. Bumgarner
Notary Public

My Commission Expires 3-10-18

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:

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

WATER RESOURCES RECEIVED

MAR 27 2017

KS DEPT OF AGRICULTURE



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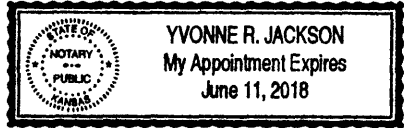
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I declare that I am an owner of the currently authorized place of use as identified herein, or that I represent all such owners and am authorized to make this application on their behalf, and declare further that the statements contained herein are 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 Hugoton, Kansas, this 20th day of March, 2017.

<u>Marlin Heger</u> (Owner)	_____	(Spouse)
<u>MARLIN Heger</u> (Please Print)	_____	(Please Print)
_____	_____	(Spouse)
_____	_____	(Please Print)
_____	_____	(Spouse)
_____	_____	(Please Print)
_____	_____	(Spouse)
_____	_____	(Please Print)

State of Kansas }
County of Stevens } SS



I hereby certify that the foregoing application was signed in my presence and sworn to before me this 20th day of March, 2017.

My Commission Expires June 11, 2018.

Yvonne R. Jackson
Notary Public

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:

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WATER RESOURCES RECEIVED

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

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Dated at Augustan, Kansas, this 20th day of March, 2017.

[Signature]

(Owner)

[Signature]

(Spouse)

Kirk Heger

(Please Print)

Elise Heger

(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

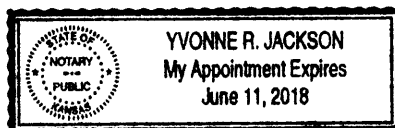
(Owner)

(Spouse)

(Please Print)

(Please Print)

State of Kansas }
County of Stevens } SS



I hereby certify that the foregoing application was signed in my presence and sworn to before me this 20th day of March, 2017.

[Signature]

Notary Public

My Commission Expires June 11, 2018

FEE SCHEDULE

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

WATER RESOURCES
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MAR 27 2017

File No. 4699

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Dated at McPherson, Kansas, this 22nd day of February, 2017.

Karolyn Temeyer
(Owner)

Daniel Temeyer
(Spouse)

Karolyn Temeyer
(Please Print)

Daniel Temeyer
(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

(Owner)

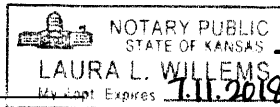
(Spouse)

(Please Print)

(Please Print)

State of Kansas }
County of McPherson } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 22nd day of February, 2017.



My Commission Expires 7.11.2018

Laura L. Willemms
Notary Public

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.**

WATER RESOURCES
RECEIVED

MAR 27 2017

KS DEPT OF AGRICULTURE

**WAIVER OF SPACING REGULATION
CONSENT TO CHANGE OF POINT OF DIVERSION**

In the Matter of the Application to
Change the Authorized Point of Diversion of
Appropriation Water Right File No. 4,699

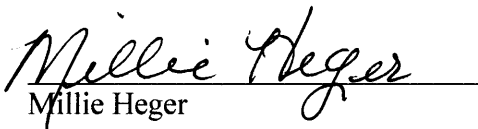
Sharon Forney and her husband, Don Forney, Jacquelyn Lewis and her husband, Dean Lewis, Karolyn Temeyer and her husband, Daniel Temeyer, and Millie Heger, an unmarried individual, are collectively referred to as the "J & T Heirs." J & T Heirs are the owners of water right file no. 20,164. The authorized point of diversion of water right file no. 20,164 is a well located approximately 20 feet north and 3,368 feet west of the southeast corner of Section 24-33S-36W in Stevens County, Kansas ("J & T Heirs' Well"). Water right file no. 20,164 is authorized to divert 576 acre-feet per calendar year for irrigation from J & T Heirs' Well.

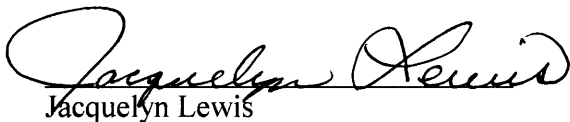
J & T Heirs also have an interest in water right file no. 4,699, currently authorized to divert 365 acre-feet per calendar year from a well located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 23-33S-36W in Stevens County, Kansas. J & T Heirs have filed an application to change the location of the authorized point of diversion of water right file no. 4,699 to a well currently authorized under water right file no's. 10,189 and 15,570, referred to as the "Proposed Well." The Proposed Well is located in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 26-33S-36W in Stevens County, Kansas, 5,040 feet north and 48 feet west of the southeast corner of Section 26.

CONSENT TO PROPOSED CHANGE UNDER WATER RIGHT FILE NO. 4,699:

The Proposed Well is located approximately 1,977 feet away from J & T Heirs' Well. J & T Heirs understand the required spacing from the Proposed Well under File No. 4,699 to any other well is 2,300 feet. J & T Heirs consent to the proposed change of the location of the point of diversion under File No. 4,699 to the Proposed Well and waive any claim for impairment between water right file no. 20,164 and water right file no. 4,699 that may occur as a result of an approved change in the location of the authorized point of diversion under water right file no. 4,699.

SIGNED:


Millie Heger


Jacquelyn Lewis


Dean Lewis

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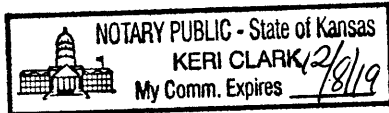
KS DEPT OF AGRICULTURE

STATE OF KANSAS, STEVENS COUNTY, ss:

The foregoing Waiver of Spacing Regulation and Consent to Change of Point of Diversion was acknowledged before me on the 19th day of March, 2017, by Millie Heger, an unmarried individual.

Keri Clark
NOTARY PUBLIC

My Appointment Expires:



STATE OF KANSAS, STEVENS COUNTY, ss:

The foregoing Waiver of Spacing Regulation and Consent to Change of Point of Diversion was acknowledged before me on the 19th day of March, 2017, by Jacquelyn Lewis and her husband, Dean Lewis.

Keri Clark
NOTARY PUBLIC

My Appointment Expires:



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MAR 27 2017

KS DEPT OF AGRICULTURE

Sharon Forney
Sharon Forney

Don Forney
Don Forney

STATE OF ILLINOIS, MARION COUNTY, ss:

The foregoing Waiver of Spacing Regulation and Consent to Change of Point of Diversion was acknowledged before me on the 15th day of March, 2017, by Sharon Forney and her husband, Don Forney.

Erma L. Bumgarner
NOTARY PUBLIC

My Appointment Expires: 3-10-2018



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MAR 27 2017

KS DEPT OF AGRICULTURE

Karolyn Temeyer
Karolyn Temeyer

Daniel Temeyer
Daniel Temeyer

STATE OF KANSAS, MCPHERSON COUNTY, ss:

The foregoing Waiver of Spacing Regulation and Consent to Change of Point of Diversion was acknowledged before me on the 14th day of March, 2017, by Karolyn Temeyer and her husband, Daniel Temeyer.

Justin Hawkinson
NOTARY PUBLIC

My Appointment Expires: 02/20/2015



WATER RESOURCES
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MAR 27 2017

KS DEPT OF AGRICULTURE

Kansas Department of Agriculture / Division of Water Resources
Garden City Field Office

TO: HEADQUARTERS - BROWN TURNER

RE Vested Right; Water Right; Appropriation of Water; Application
File No(s). 4699 County SV

Enclosed are the following checked items:

A _____ FIR Full Partial Inspection Return to Field Office
 Proposed Certificate to deliver to Certificate Unit

A Compliance Check Inspection on _____
 Meter Install New App Chg App Other _____
 In Compliance Not in Compliance, why _____
Modify Point of Diversion No Yes, document attached
Indicate all overlapping p/d files _____

- An application and judgment sheet with recommendation.
- A memorandum dated _____
- A request for an extension of time to perfect or complete.
- A verified report.
- A closure request.
- A field investigation report.
- Notice of Non-Compliance
- An ownership change (name(s) and address(es) below).
- A water use report for _____
- A letter dated _____

WATER RESOURCES
PART 2

A copy of an Approval to Change the place of use and/or point of diversion,
 Filing Fee attached.

An Advanced copy of a change application and the filing fee, to be processed at the field office.

An original ^{HQ}~~field office~~ change application and the filing fee needing headquarters office review and further processing.

Other: CZ CHANGE

SIGNATURE FOR CI CHANGE
WAIVER CONSENT AGREEMENT
TPM 3/21/17

Water Commissioner

Date

1320 Research Park Drive
Manhattan, Kansas 66502
(785) 564-6700



900 SW Jackson, Room 456
Topeka, Kansas 66612
(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

MILIE HEGER
1236 ROAD 21
HUGOTON, KS 67951

FILE COPY

March 30, 2017

RE: File No. 4699

Dear Sir or Madam:

An application for approval of the Chief Engineer to change the following condition or conditions of the file number referred to above has been received:

- place of use PD
- point of diversion
- use made of water

As a matter of record, the Division of Water Resources has on hand a large number of applications awaiting processing. Therefore, to be fair to all concerned, and so that we can process those applications on hand in the order they were received, we intend to concentrate on the backlog of applications until the issue is resolved. You will be contacted regarding this application as soon as it has been examined.

In accordance with the provisions of the Kansas Water Appropriation Act, a portion of which is included below, the use of water prior to approval of the application is unlawful. You should not proceed and divert water as indicated by your plans in your application for a change for this file until you receive approval for this change from the Chief Engineer. Once approved, compliance with the terms, conditions and limitations of the permit is necessary. Conservation of the water resources of Kansas is required.

Section 82a-728 of the Kansas Water Appropriation Act, provides (a) except for the appropriation of water for the purpose of domestic use, . . . it shall be unlawful for any person to appropriate or threaten to appropriate water from any source without first applying for and obtaining a permit to appropriate water in accordance with the provisions of the Water Appropriation Act or for any person to violate any condition of a vested right, appropriation right or an approved application for a permit to appropriate water for beneficial use.

(b) (1) The violation of any provision of this section by any person is a class C misdemeanor...

A class C misdemeanor is punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. Each day that the violation occurs constitutes a separate offense.

If you have any questions, please contact me at (785) 564-6645. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

A handwritten signature in cursive script that reads "Brent A. Turney".

Brent A Turney, L.G.
Change Applications Unit Supervisor
Water Appropriation Program

BAT: dlw
pc: GARDEN CITY Field Office GMD 3