

Kansas Department of Agriculture
 Division of Water Resources
CHANGE: P/U WORKSHEET

1. File Number: 45540	2. Status Change Date: 11/7/2018	3. Change Num: C1	4. Field Office: 03	5. GMD:
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6. Status: <input type="checkbox"/> Approved <input type="checkbox"/> Denied by DWR/GMD <input type="checkbox"/> Dismiss by Request/Failure to Return	7. Filing Date of Change: 05-OCT-2018
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8a. Applicant(s) New to system <input type="checkbox"/>	Person ID 60883 Add Seq# 1
PAUL H & JENNY L NIBLOCK 1880 COUNTY ROAD O COLBY KS 67701-9173	
NO CHANGE TO ADDRESS	

8c. Landowner(s) New to system <input type="checkbox"/>	Person ID 66463 Add Seq# 1
JONES FARM ENTERPRISES LC PO BOX 367 SMITH CENTER KS 66967-0367	
WATER RIGHTS RESERVED FROM LAND SEE FILE	

8b. Landowner(s) New to system <input type="checkbox"/>	Person ID _____ Add Seq# _____
8A	
NO CHANGE	

8d. WUC New to system <input type="checkbox"/>	Person ID _____ Add Seq# _____
8A NO CHANGE	

9. Documents and Enclosure(s): <input checked="" type="checkbox"/> DWR Meter(s) Date to Comply: 12/31/2019 <input type="checkbox"/> N & P Date to Comply: _____
<input type="checkbox"/> Anti-Reverse Meter <input type="checkbox"/> Meter Seal <input checked="" type="checkbox"/> Check Valve <input type="checkbox"/> N & P Form <input type="checkbox"/> Water Tube <input type="checkbox"/> Driller Copy <input type="checkbox"/> H & E Letter
<input type="checkbox"/> Conservation Plan Date Required: _____ Date Approved: _____ Date to Comply: _____

10. Use Made of Water From: _____ To: _____

Date Prepared: 11/05/18 By: RAK
Date Entered: 11/8/2018 By: LM

File No. **45540** | 11. County: **SM** | Basin: **REPUBLICAN RIVER** | Stream: | Formation Code: **211** | Special Use:

12. Points of Diversion										Rate and Quantity								
CHK	MOD	DEL	ENT	PDIV	Qualifier	S	T	R	ID	'N	'W	Comment (AKA Line)	Rate gpm/cfs	Quantity af/mgy	Rate gpm/cfs	Quantity af/mgy	Overlap PD Files	
MOD	68895	NE¼	NE¼	NW¼		16	2	12W	1			5258	3146	555 g.p.m.	181 AF	555 g.p.m.	181 AF	NO

BETTER DESCRIBE PD WITH GPS FEET DISTANCES PER WRIS AND 5-24-18 COMPLIANCE INVESTIGATION

13. Storage: Rate _____ NF | Quantity _____ ac/ft | Additional Rate _____ NF | Additional Quantity _____ ac/ft

14. Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) _____
 Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) _____

15. 5YR Allocation: Allocation Type _____ Start Year _____ 5 YR Amount _____ Amount Unit _____ Base Acres _____ Comment _____

16. Place of Use CHK MOD DEL ENT	PUSE	NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg?	Overlap Files
		S	T	R	ID	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼				
DEL36734	8 2 12W 1									40.00	12.00							52.00	8C	YES	
MOD 14474	17 2 12W 1					39.00	39.00	30.50	30.50									139.00	8B	NO	NONE
																					(FILE NO 37664 DISMISSED)

Base Acres: | Year: | Minimum Reasonable Quantity:

Comments: *with deleting of P/U 36734, WR is entirely rejoined to the land*

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources
M E M O R A N D U M

TO: Files
FROM: Richelle A. Krueger

DATE: November 5, 2018
RE: Water Right
File Nos. 37,664 and 45,540

Paul H. and Jenny L. Niblock filed an application for approval to change the authorized place of use for Water Right, File No. 45,540, authorized groundwater in the Republican River Basin. The referenced change application was filed in conjunction with a Voluntary Waiver of Hearing and Dismissal of Water Right, File No. 37,664, authorized surface water from Spring Creek Trib 1 (NF Solomon).

File No. 45,540 does not appear abandoned as per K.S.A. 82a-718.

File Nos. 37,664 and 45,540, authorized a total of 226.2 acre-feet of water, have no overlaps in their points of diversion but form a complete overlap in the 174-acre place of use located in Sections 8 and 17, Township 2 South, Range 12 West, Smith County. Although Jones Farms Enterprises L.C. owns the 52 acres authorized for irrigation use in the North Half of the Southwest Quarter (N½ SW¼) of Section 8, the non-domestic water rights were severed in the past and are owned by the Niblocks. As indicated in a May 30, 2018 memorandum by Jodie Barker of the Stockton Field Office, File No. 37,664 has not and will not be used, so the water right owners submitted a voluntary dismissal for the referenced file. The change application for File No. 45,540 proposes to drop the 52 acres owned by Jones Farms in Section 8 and pick up 17 new acres for a total of 139 acres to be irrigated in the Northwest Quarter (NW¼) of Section 17. Combined base acres for File Nos. 37,664 and 45,540 were previously determined to be 164 acres so the application complies with K.A.R. 5-5-11. File No. 37,664 will be dismissed.

The 181 acre-feet authorized for irrigation use by File No. 45,540 can irrigate the proposed 139 acres with 1.30 acre-feet per acre, which appears reasonable in Smith County.

No notifications to nearby water right owners were sent since the application proposes acreage of less than 10 acres or 10% of base acres.


The authorized wells for File No. 45,540 will be better described with g.p.s. feet distances as per a May 24, 2018 compliance investigation. The well was found to be approximately 382 feet from the approved location, however it was noted that the well was originally found to be in compliance.

The same local source of supply will not change, previously determined to be Ogallala Formation (211).

Kelly Stewart, Water Commissioner of the Stockton Field Office, recommended approval of the application and dismissal of File No. 37,664 in a November 1, 2018 e-mail.

A water flow meter is required. A check valve is required if any chemical or foreign substance is injected into the water through the diversion works.

Based on the above discussion, that the changes are reasonable, that impairment to existing water rights is unlikely, and that no change in the local source of supply will occur, it has been recommended the change application be approved and File No. 37,664 be dismissed.


Richelle A. Krueger
Environmental Scientist

STATE OF KANSAS

DEPARTMENT OF AGRICULTURE
1320 RESEARCH PARK DRIVE
MANHATTAN, KS 66502
PHONE: (785) 564-6700
FAX: (785) 564-6777



900 SW JACKSON, ROOM 456
TOPEKA, KS 66612
PHONE: (785) 296-3556
www.agriculture.ks.gov

GOVERNOR JEFF COLYER, M.D.
JACKIE McCLASKEY, SECRETARY OF AGRICULTURE

PAUL H & JENNY L NIBLOCK
1880 COUNTY ROAD O
COLBY KS 67701-9173

November 9, 2018
FILE COPY

RE: Water Right, File No. 45,540

Dear Sir or Madam:

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 enclosures and to the terms, conditions, and limitations specified in this approval for change. A condition of this approval is that an acceptable water flow meter must be installed on the diversion works authorized under the referenced file number. Please return the required notification of completion of the diversion works and/or installation of the required meter as soon as these actions are completed.

Since this order modifies the original document referred to above, it should be recorded with the Register of Deeds as other instruments affecting real estate.

If you have any questions, please contact this office. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

Brent A. Turney, P.G.
Change Application Unit Supervisor
Water Appropriation Program

BAT:rak

pc: Stockton Field Office

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

**APPROVAL OF APPLICATION
FOR
CHANGE IN PLACE OF USE AND
ORDER BETTER DESCRIBING
THE LOCATION OF THE
AUTHORIZED POINT OF DIVERSION
WATER RIGHT
FILE NO. 45,540**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Paul H. and Jenny L. Niblock, 1880 County Road O, Colby, Kansas 67701-9173, received in this office on October 5, 2018, for approval of a change in the location of the place of use under the certificate of appropriation issued pursuant to the permit to appropriate water for beneficial use, as modified and amended by the Findings and Order of the Chief Engineer dated May 29, 2014, reducing the authorized place of use, finds that the change is reasonable and will not impair existing rights, and that the application should be and is hereby approved.

The effective date of the change shall be the date this order is executed by the Chief Engineer, after which the authorized location of the place of use shall be:

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	
17	2S	12W					39.00	39.00	30.50	30.50									139.00

a total of 139.00 acres in Township 2 South, Range 12 West, Smith County, Kansas,

located substantially as shown on the map accompanying the application to change the place of use, and the location of the authorized point of diversion is more accurately described as:

one(1) well located in the Northeast Quarter of the Northeast Quarter of the Northwest Quarter (NE¼ NE¼ NW¼) of Section 16, more particularly described as being near a point 5,258 feet North and 3,146 feet West of the Southeast corner of said section, in Township 2 South, Range 12 West, Smith County, Kansas.

All diversion works shall be equipped with an in-line, automatic, quick-closing check valve capable of preventing pollution of the source of the water supply. The type of valve installed shall meet specifications adopted by the Chief Engineer and shall be maintained in an operating condition satisfactory to the Chief Engineer.

The water right owner shall properly install an acceptable water meter on the diversion works authorized under this water right, prior to the use of water, in strict accordance with the Kansas Administrative Regulations 5-1-4 through 5-1-12 adopted by the Chief Engineer. The water right owner shall notify the Chief Engineer when installation of the water meter has been completed. The water right owner shall maintain the water meter in an operating condition satisfactory to the Chief Engineer, at all times during diversion of water and shall maintain records from which the total quantity of water diverted may be determined. The water right owner shall also report the reading of said water meter and the total quantity of water diverted annually to the Chief Engineer. Such records shall be furnished to the Chief Engineer by March 1 following the end of each calendar year.

In all other respects, the Certificate of Appropriation issued pursuant to Approval of Application, File No. 45,540, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated June 17, 2005, as modified and amended by the aforementioned order.

RIGHT TO A HEARING AND TO ADMINISTRATIVE REVIEW

If you are aggrieved by this Order, then pursuant to K.S.A. 82a-1901, you may:

- 1) request an evidentiary hearing before the Chief Engineer, or
- 2) request administrative review by the Secretary of Agriculture.

Failure to request an evidentiary hearing before the Chief Engineer does not preclude your right to administrative review by the Secretary.

To obtain an evidentiary hearing before the Chief Engineer, a written request for hearing must be filed within 15 days after service of this Order as provided in K.S.A. 77-531 (i.e., within a total of 18 days after this Order was mailed to you), with the Kansas Department of Agriculture, Attn: Legal Section, 1320 Research Park Drive, Manhattan, Kansas 66502, or by FAX (785) 564-6777.

If you do not file a request for an evidentiary hearing before the Chief Engineer, you may petition for administrative review of the Order by the Secretary of Agriculture. A petition for review shall be in writing and state the basis for requesting administrative review. The request for review may be denied if the request fails to clearly establish factual or legal issues for review. See K.S.A. 77-527. The petition must be filed within 30 days after service of this Order as provided in K.S.A. 77-531 (i.e., within a total of 33 days after this Order was mailed to you), and be filed with the Secretary of Agriculture, Attn: Legal Division, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, or by FAX (785) 564-6777.

If neither a request for an evidentiary hearing nor a petition for administrative review is filed as set forth above, then this Order shall be effective and become a final agency action as defined in K.S.A. 77-607(b). Failure to timely request either an evidentiary hearing or administrative review may preclude further judicial review under the Kansas Judicial Review Act.

Any request for hearing or petition for administrative review shall be in writing and shall be submitted to the attention of: Chief Legal Counsel, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, Fax: (785) 564 - 6777.

Ordered this 7th day of November, 2018, in Manhattan, Riley County, Kansas.

Lane P. Letourneau

Lane P. Letourneau, P.G.
Program Manager
Water Appropriation Program
Division of Water Resources
Kansas Department of Agriculture

State of Kansas)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this 7th day of November, 2018, by Lane P. Letourneau, P.G., Program Manager, Water Appropriation Program, Division of Water Resources, Kansas Department of Agriculture.



Danielle Wilson

Notary Public

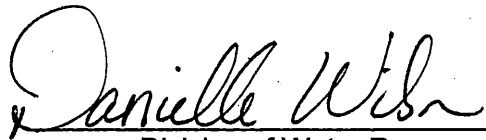
CERTIFICATE OF SERVICE

On this 9th day of November, 2018, I hereby certify that the attached Approval of Application for the Change in Place of Use, File No. 45,540, dated November 7th, 2018 was mailed postage prepaid, first class, US mail to the following:

PAUL H & JENNY L NIBLOCK
1880 COUNTY ROAD O
COLBY KS 67701-9173

With photocopies sent to:

Stockton Field Office



Division of Water Resources

Submit To: CHIEF ENGINEER
Division of Water Resources
Kansas Department of Agriculture
1320 Research Park Drive
Manhattan, KS 66502
www.ksda.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
 Point of Diversion
 Use Made of Water

(Check one or more)

Water Resources
Received
OCT 05 2018
11:28
KS Dept Of Agriculture

File No. 45,540

2. Name of applicant: Paul H. & Jenny L. Niblock

Address: PO Box 488 * 1880 County Road O

City, State and Zip: Colby, KS 67701-0488 67701-9173

Phone Number: (785)443-0518 E-mail address: _____

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

Name of water use correspondent: Paul H. & Jenny L. Niblock

Address: PO Box 488 * 1880 County Road O

City, State and Zip: Colby, KS 67701-0488 67701-9173

Phone Number: (785)443-0518 E-mail address: _____

3. The change(s) proposed herein are desired for the following reasons (please be specific): To change the place of use under this water right as the owner will be dismissing file number 37,664, which overlaps file no. 45,540 in place of use.

The change(s) (was) (will be) completed by already complete. (Date)

For Office Use Only:					
F.O. Code	<u>3</u>	GMD	<u>0</u>	Meets K.A.R. 5-5-1 (YES / NO)	Use <u>12R</u> Source <u>G/S</u> County <u>SM</u> By <u>DAW</u> Date <u>10/8/18</u>
Code	<u>CPU</u>	Fee \$	<u>200</u>	TR #	Receipt Date <u>10/5/18</u> Check # <u>1890</u>

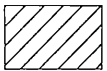
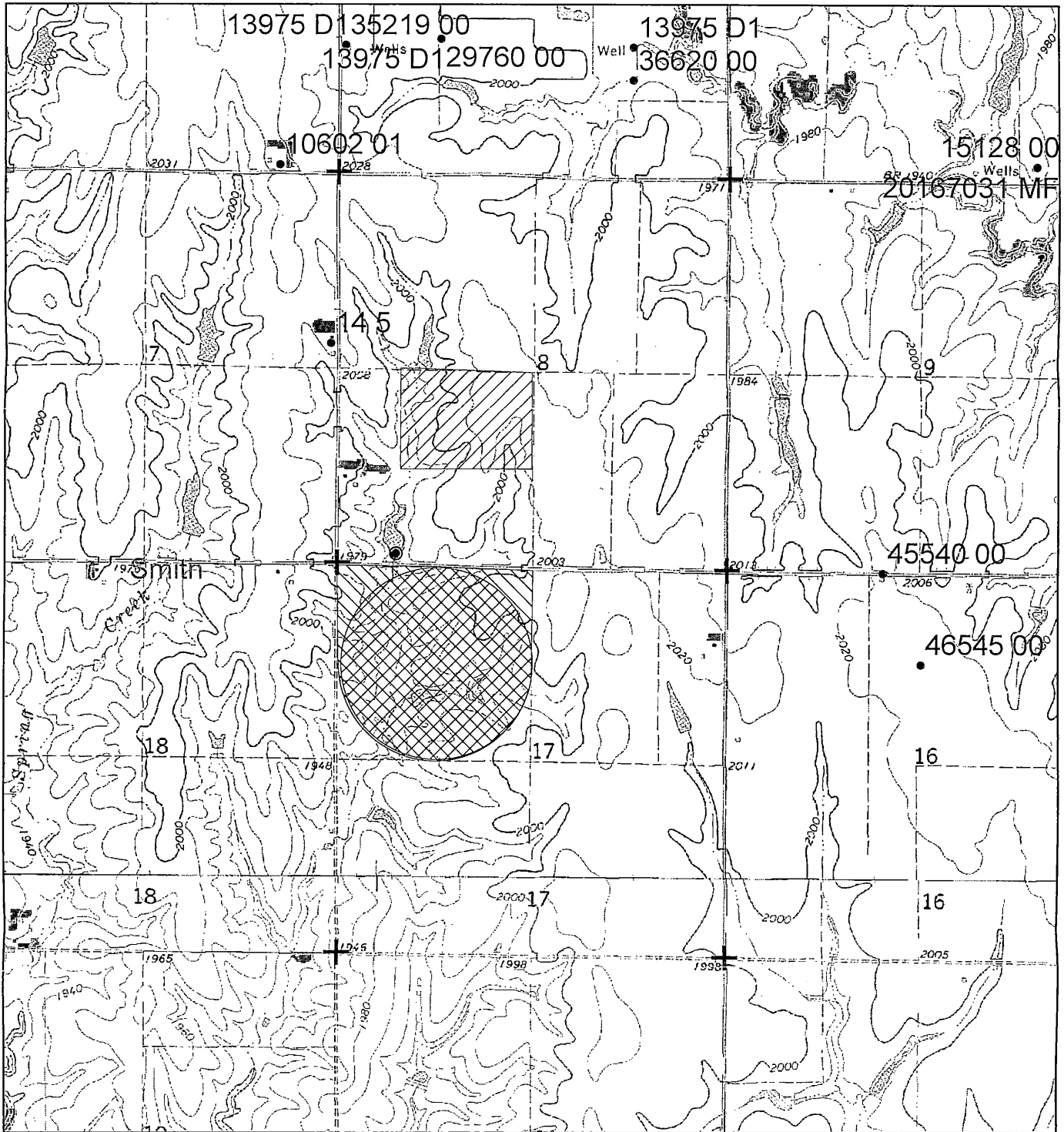
* per WRS
RAK/awn
11/5/18

APPLICATION COMPLETE
11/5/18
RAK

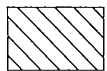
10/10/2018
UM

SCANNED

Application to Change the Place of Use,
Water Right, File No. 45,540



Present Place of Use



Proposed Place of Use

1:24,000



All water wells of any kind within 1/2 mile of the proposed points of diversion are shown: Water Resources Received

OCT 05 2018

SCANNED

Signature

KS Dept Of Agriculture
Date

4. The presently authorized place of use is:

Owner of Land — NAME: Jones Farms Enterprises LC - NO CLAIM TO THE WATER RIGHT-SEE FILE

ADDRESS: PO Box 367 Smith Center, KS 66967-0367

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		
8	2 S	12W																		52

List any other water rights that cover this place of use. 37,664

Owner of Land — NAME: Paul H. & Jenny L. Niblock

ADDRESS: PO Box 488 Colby, KS 67701-0488

* 1880 County Road O
67701-9173

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		
17	2 S	12W					30.5	30.5	30.5	30.5										122

List any other water rights that cover this place of use. 37,664

(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: Paul H. & Jenny L. Niblock

ADDRESS: PO Box 488 Colby, KS 67701-0488

* 1880 County Road O
67701-9173

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		
17	2 S	12W					39	39	30.5	30.5										139

List any other water rights that cover this place of use. None. (37,664 will be dismissed)

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		

Water Resources Received

OCT 05 2010

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

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

* per WRIIS * Paul/own 11/5/11

SCANNED

- 6. The presently authorized point(s) of diversion is one well
(Provide description and number of points)
- 7. The proposed point(s) of diversion is one well (no change requested)
(Provide description and number of points)

List all presently authorized point(s) of diversion:

8. **Presently authorized point of diversion:**
 One in the Northeast Quarter of the Northeast Quarter of the Northwest Quarter of Section 16, Township 2 South, Range 12 W, in Smith County, Kansas, 5,226 feet North 2,765 feet West of Southeast corner of section.
 Authorized Rate 555 gpm Authorized Quantity 181 AF
 (DWR use only: Computer ID No. 1 * GPS 5258 feet North 3146 feet West)
 This point will not be changed This point will be changed as follows: ** per WRS & 5/24/18 Compliance investigation Stuckler to*
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 _____ 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 _____ 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 _____ 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 _____ 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 _____ 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. _____

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

** RAK/WR 11/5/18*

12. The presently authorized use of water is for irrigation 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.
Proposed place of use is decreasing from 174 acres to 139 acres. File no. 37,664 will be dismissed. This leaves 181 AF from file no. 45,540 to irrigate 139 acres, which equates to 1.3 AF/AC, the maximum allowed in Smith County. File nos. 37664 & 45540 previously authorized 226.2 AF on 174 acres, or 1.3 AF/AC..

(Please show any calculations here.)

14. It is requested that the maximum annual quantity of water be reduced to _____ (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.

No change is source of supply. Impairment will not occur. Voluntary dismissal of file no. 37,664 will be filed concurrently.

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.

All regs met.

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

Water Resources
Received

OCT 05 2018

KS Dept Of Agriculture

SCANNED

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 Bellevue, Kansas, this 2nd day of October, 2018.

Paul H. Wilblock
(Owner)

Jenny L. Niblak
(Spouse)

Paul H. Wilblock
(Please Print)

Jenny L. Niblak
(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

(Owner)

(Spouse)

(Please Print)

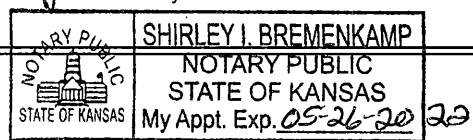
(Please Print)

State of Kansas }
County of Thomas } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 2nd day of October, 2018.

My Commission Expires May 26, 2022

Shirley I. Bremenkamp
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.**

Krueger, Richelle [KDA]

From: Stewart, Kelly [KDA]
Sent: Thursday, November 1, 2018 3:40 PM
To: Krueger, Richelle [KDA]
Cc: Hageman, Rebecca [KDA]
Subject: RE: Request for Recommendation Change in PU File No. 45540 and Voluntary Dismissal File No. 37664 Paul and Jenny Niblock

Richelle,

I recommend approval.

Kelly

From: Krueger, Richelle [KDA]
Sent: Thursday, November 1, 2018 12:28 PM
To: Stewart, Kelly [KDA] <Kelly.Stewart@ks.gov>
Cc: Billinger, Mark [KDA] <Mark.Billinger@ks.gov>; Hageman, Rebecca [KDA] <Rebecca.Hageman@ks.gov>
Subject: Request for Recommendation Change in PU File No. 45540 and Voluntary Dismissal File No. 37664 Paul and Jenny Niblock

Hi Kelly,

Attached is a draft memo for the referenced change in pu and dismissal, do you recommend approval?

Thanks,
Richelle

Property Details for PID: 0920930800000003000

QuickRef ID :	R1201
Owner Name :	JONES FARMS ENTERPRISES LC
Location:	00000 T RD, Lebanon, KS 66952
Abbreviated Boundary Description:	S08, T02, R12W, ACRES 79.9, N2 SW4 LESS R/W
Owner Information:	
Owner	JONES FARMS ENTERPRISES LC
Mailing Address	PO BOX 367 SMITH CENTER, KS 66967-0367
Property Information:	
Type	Agricultural Use
Status	Active
Taxing Unit	090 - CORA TOWNSHIP
Neighborhood Code	204

No Secondary Address Details found

Market Land Details:

Actual Width:	0
Eff. Width	0
Eff. Depth	0
Acres	0
Square Feet	0

Permit Details

Number	Date	Amount	Purpose
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A35219

A45540

A37664

Deed Book Page Details

Book	Page
195	007
196	002
203	643

Additional Deed Book Page Details

Deed Book/Page 203/643; 196/436; 196/002; 195/301;195/007; 0163/0248 0163/0250

Value Details

	Year	2018
Current Final Value (Agricultural)	Land	\$23,100.00
	Building	\$0.00
	Total	\$23,100.00

No Dwelling Details found

No Manufactured Home Details found

No Additional Dwelling Details found

STATE OF KANSAS

DEPARTMENT OF AGRICULTURE
1320 RESEARCH PARK DRIVE
MANHATTAN, KS 66502
PHONE: (785) 564-6700
FAX: (785) 564-6777



900 SW JACKSON, ROOM 456
TOPEKA, KS 66612
PHONE: (785) 296-3556
www.agriculture.ks.gov

GOVERNOR JEFF COLYER, M.D.
JACKIE McCLASKEY, SECRETARY OF AGRICULTURE

PAUL H & JENNY L NIBLOCK
PO BOX 488
COLBY, KS 67701

October 10, 2018

RE: File No 45540

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 PU
- 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,

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

BAT: DLW
pc: STOCKTON Field Office GMD