

WATER RESOURCES
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DEC 09 2021
11:45
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. 43349

2. Name of applicant: GERALD SHAWN & KATHY JACOBS

Address: 12145 4 RD

City, State and Zip: PLAINS KS 67869

Phone Number: (620) 629-3528 E-mail address: KS5jacobs@gmail.com

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

Name of water use correspondent: GERALD SHAWN & KATHY JACOBS

Address: 12145 4 RD

City, State and Zip: PLAINS KS 67869

Phone Number: (620) 629 3528 E-mail address: KS5jacobs@gmail.com

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

do add an addiitonal quarter tract of land to the current authorized place of use and enter into an agreement with GMD3 for monitoring and be limited to base acres per calendar year.

The change(s) (was) (will be) completed by 2022 (Date)

For Office Use Only:								
F.O. Code	<u>4</u>	GMD	<u>3</u>	Meets K.A.R. 5-5-1 (YES / NO)	Use	<u>IRR</u>	Source	<input type="checkbox"/> G / <input type="checkbox"/> S
			<u>CPU</u>				County	<u>ME</u>
				Fee \$	<u>200</u>	TR #	Receipt Date	<u>12/6/21</u>
							By	<u>BMM</u>
							Date	<u>12/6/21</u>
							Check #	<u>16364</u>

4. The presently authorized place of use is:

Owner of Land — NAME: GERALD SHAWN & KATHY JACOBS

ADDRESS: 12145 4 RD PLAINS KS 67869

KS DEPT OF AGRICULTURE

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	
22	32S	29W													31	31	31	31	124

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

Owner of Land — NAME: ~~IRVIN ATKINSON~~ Linda Burris + Galen Atkinson

ADDRESS: ~~602 WEST B PLAINS KS 67869~~ 2813 N 14th, Dodge City KS 67801

3606 Graystone Rd.
Burleson TX, 76022

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	
27	32S	29W					31	31	31	31	31	31	31	31					248

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: GERALD SHAWN & KATHY JACOBS

ADDRESS: 12145 4 RD PLAINS KS 67869

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	
22	32S	29W													31	31	31	31	124

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

Owner of Land — NAME: ~~IRVIN ATKINSON~~ Linda Burris + Galen Atkinson

ADDRESS: ~~602 WEST B PLAINS KS 67869~~

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	
27	32S	29W					31	31	31	31	31	31	31	31					248

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

WATER RESOURCES
RECEIVED

DEC 06 2021
File No. 43349

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) (are) 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 _____ 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 _____

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. _____

WATER RESOURCES
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File No. 243349

DEC 06 2021

KS DEPT OF AGRICULTURE

12. The presently authorized use of water is for IRR 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.
FOLLOWING KAR 5-5-11 ON ROTATION OF ACRE PER CALENDAR YEAR. ONLY
372 ACRES PER CALENDAR YEAR WOULD BE IRRIGATED

(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 IN LOCAL SOURCE OF SUPPLY OR SOURCE OF SUPPLY

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.

NONE

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DEC 07 2021 File No. 43349

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.

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 Plains, Kansas, this 2nd day of December, 20 21.

Gerald Shawn Jacobs
(Owner)

(Spouse)

Gerald Shawn Jacobs
(Please Print)

(Please Print)

Kathy Jacobs
(Owner)

(Spouse)

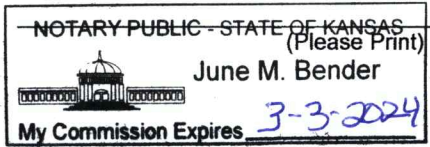
Kathy Jacobs
(Please Print)

(Please Print)

(Owner)

(Spouse)

(Please Print)



State of Kansas }
County of Meade } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 2nd day of December, 20 21.

June M Bender
Notary Public

My Commission Expires 3-3-2024.

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:

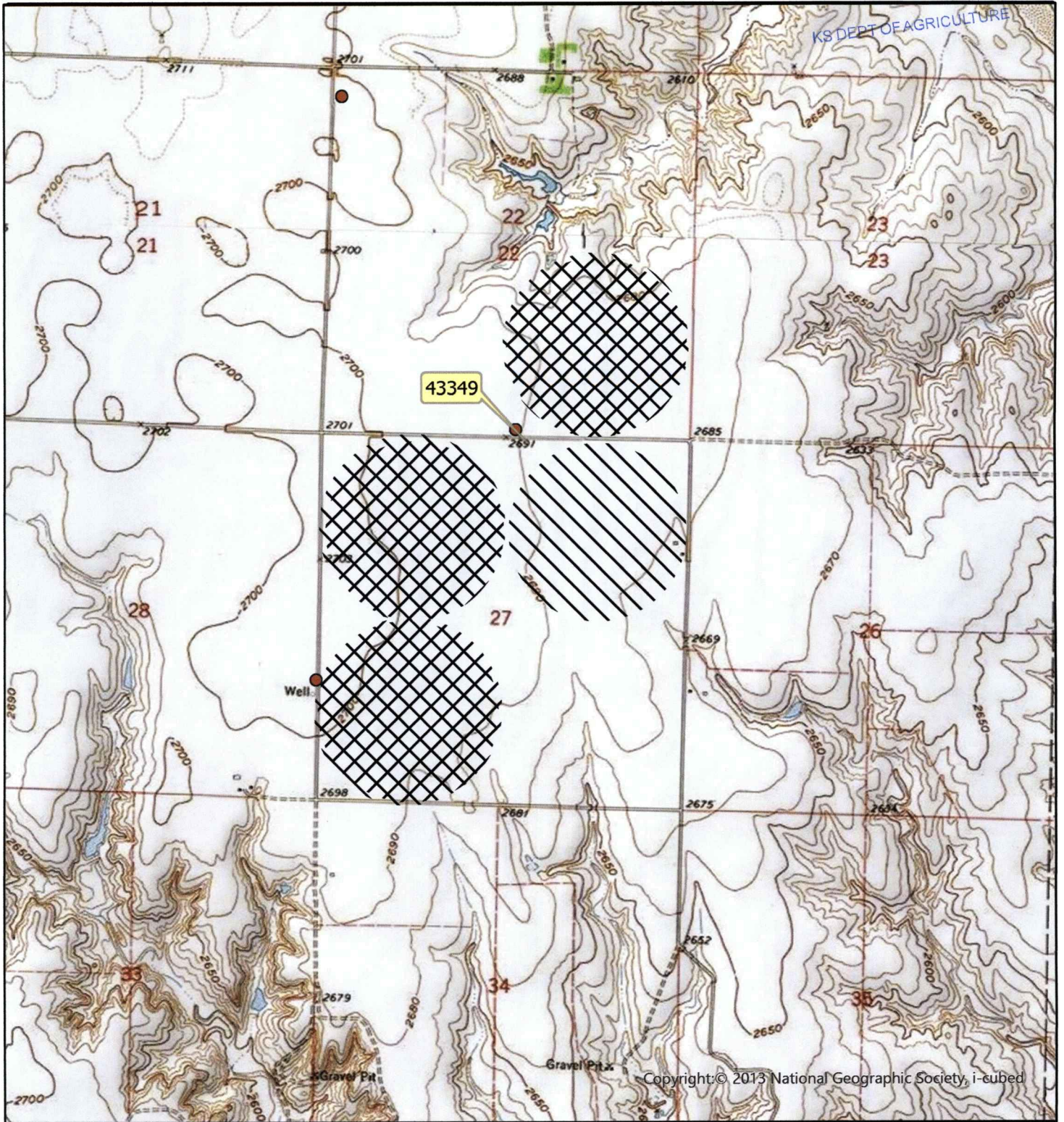
- (1) Application to change a point of diversion 300 feet or less \$100
- (2) Application to change a point of diversion more than 300 feet \$200
- (3) Application to change the place of use \$200
- (4) Application to change the use made of the water \$300

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

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DEC 06 2021

CHANGE IN PLACE OF USE 43349



Township 32 South Range 29 West
ME County

0 0.13 0.25 0.5 Miles



AUTHORIZED PLACE OF USE



POINT OF DIVERSION



PROPOSED PLACE OF USE



Created By: AT/GCFO

DEC 06 2021

STATEMENT OF REVIEW
under K.A.R. 5-5-11(b)(3), (4) and (5)
for a Point of Diversion located within GMD No. 3

The items listed below were reviewed by the undersigned person(s) at _____
Plains, Kansas, on this 2nd day of December,
20 21. This review was related to the proposed *Change in Place of Use Under Water*
Right for File No. 43349.

- (1) Water flow meters will be required on all wells authorized by the above-referenced file number. These flow meter(s) shall be properly installed and maintained on each well to the satisfaction of the Chief Engineer. The metered quantity of water diverted during the past year by each well shall be reported on the annual water use report required by law to be provided to the Division of Water Resources (Division).
- (2) Southwest Kansas Groundwater Management District No. 3 (GMD No. 3) will make at least one visit per calendar year to this farm. The purpose of this visit is to monitor the compliance with conditions under which this change will be approved, if granted. Reports of verification of compliance and status reports will be completed by GMD No. 3 and furnished to the Division.
- (3) The amount of water required to irrigate the acreage proposed under this change application has been reviewed. The five-year allocation, if required, has been reviewed and is understood to be _____ acre-feet. The five-year allocation is the quantity of water that will be authorized for diversion under this water right for each five-year period.
- (4) The approval of this application will be conditioned so that any use of water in excess of the five-year allocation will result in a two-year suspension of all water use under that water right and a subsequent restriction of the authorized place of use to a place of use equivalent to the base acres at a location specifically set forth on the change application approval.
- (5) For an application that proposes an increase in authorized acres solely for the purpose of rotation of the irrigated land within the authorized place of use, the base acres are 372 acres. The acres irrigated in any one calendar year shall not exceed 372 base acres each calendar year. The land to be irrigated will be certified to GMD No. 3 in writing before applying any water in that calendar year.
- (6) The approval of this application will be conditioned so that the use of water on more than the base acres certified to GMD No. 3 in any calendar year will result in a two-year suspension of all water use under this water right and a subsequent restriction of the authorized place of use equivalent to the base acres at a location specifically set forth on the change application approval.

File No. 2021 43349
DEC 05 2021

- (7) Changes in the Memorandum of Understanding between GMD No. 3 and the Division may affect the above-referenced files. If the Memorandum of Understanding related to K.A.R. 5-5-11 between the GMD No. 3 and the Division is rescinded because of the fault of GMD No. 3, the authorized place of use will revert to the equivalent of the base acres at a location specifically set forth in the change approval.

By signing below, I am indicating that I have reviewed and understand the items set forth above and agree that I am willing to abide by those conditions if my application for change in place of use is approved.

Gerald Sham Fuchs
Signature

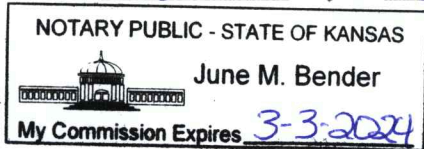
Signature

Kathy Jacobs
Signature

Signature

State of Kansas)
County of Meade)

I hereby certify that the foregoing document was signed in my presence and sworn before me this 2nd day of December, 20 21.



June M Bender
Notary Public

My commission expires 3-3-2024.

Signature, Division of Water Resources' Staff
Person Assisting in the Review