

NOTICE

This scan only represents the application as filed. The information contained herein meets the requirements of K.A.R. 5-3-1 or K.A.R. 5-5-1, and has been found acceptable for filing in the office of the Chief Engineer. The application should not be considered to be a complete application as per K.A.R. 5-3-1b or K.A.R. 5-5-2a.

DEC 09 2016

12:59

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. 17913

2. Name of applicant: Jason Black

Address: KDWP&T, 967 Mohawk Rd

City, State and Zip: McPherson KS 67460

Phone Number: (620)241-7669 E-mail address: jason.black@ksoutdoors.com

What is your relationship to the water right; owner tenant agent other? If other, please explain. McPherson Wetland Public Lands Manager/KDWP&T employee

Name of water use correspondent: Kansas Dept of Wildlife Parks & Tourism

Address: Active Diversions (SFO), 1020 S Kansas Ave Fl 2

City, State and Zip: Topeka KS 66612-1389

Phone Number: () E-mail address: _____

3. The change(s) proposed herein are desired for the following reasons (please be specific): To convert the entire irrigation portion of the water right to recreation in order to a reliable supply of water to some existing marshes at the McPherson Wetlands.

The change(s) will be completed by Well not being used until conversion is complete.
(Date)

For Office Use Only:					
F.O. <u>L</u>	GMD <u>L</u>	Meets K.A.R. 5-5-1 (YES/NO) <u>(YES)</u>	Use <u>FR</u>	Source <u>(G)</u>	County <u>MP</u>
Code <u>CL</u>	Fee \$ <u>500</u>	TR # _____	Receipt Date <u>12/9/16</u>	By <u>AWJ</u>	Date <u>12/9/16</u>
			Check # <u>Subfund</u>		

12/14/2016 LLM

4. The presently authorized place of use is:

Owner of Land — NAME: Kansas Dept of Wildlife Parks & Tourism

ADDRESS: 1020 S Kansas Ave Fl 2, Topeka KS 66612-1389

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		
15	19	4W	18	13	13	40										40	13			137

List any other water rights that cover this place of use. Partial overlap w/ 16697 (GW) & 40503, 47491 & 46263 (surface rights)

Owner of Land — NAME: Larry Kubin (land ownly—KDWP&T owns water right—see contract)

ADDRESS: 1591 10th Ave, McPherson KS 67460

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		
15	19	4W	17																	17

List any other water rights that cover this place of use. none

(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: Kansas Dept of Wildlife Parks & Tourism

ADDRESS: 1020 S Kansas Ave Fl 2, Topeka KS 66612-1389

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		
15	19	4W	Two marshes located in the East Half of Section																	

List any other water rights that cover this place of use. Partial ovlp w/ pending new application.

Owner of Land — NAME: _____

ADDRESS: _____

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES	
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼		

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

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

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- 6. The presently authorized point(s) of diversion is 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 SW Quarter of the NE Quarter of the NE Quarter of Section 15, Township 19 South, Range 4 W, in McPherson County, Kansas, 3,970 feet North 850 feet West of Southeast corner of section.
 Authorized Rate 1,500 gpm Authorized Quantity 226 AF
 (DWR use only: Computer ID No. 2 GPS 4,016 feet North 783 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): Change in quantity only
 One in the SW Quarter of the NE Quarter of the NE Quarter of Section 15, Township 19 South, Range 4 W, in McPherson County, Kansas, 4,016 feet North 783 feet West of Southeast corner of section.
 Proposed Rate no change Proposed Quantity 135 AF
 This point is: Additional Well Geo Center List other water rights that will use this point none

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. N/A

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12. The presently authorized use of water is for Irrigation purposes.
It is proposed that the use be changed to Recreation purposes.

13. If changing the place of use and/or use made of water, describe how the consumptive use will not be increased.
Please see attached documentation for consumptive use calculations.

(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 changes to the source. Impairment is not anticipated.

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.

Waivers are not anticipated at this time unless it is in regards to questions on the consumptive use.

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

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

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

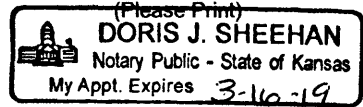
If the request is signed on behalf of any Owner by someone with legal authority to do so (for example, an agent, one who has power of attorney, or an executor, executrix, conservator), it will be necessary to attach proper documents showing such authority.

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

Dated at Inman, Kansas, this 6th day of December, 20 16.

<u>Jason K. Buack</u> (Owner)	_____ (Spouse)
<u>[Signature]</u> (Please Print)	_____ (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 6th day of December, 20 16.

Doris J. Sheehan
Notary Public

My Commission Expires 3-16-19.

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

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

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**RECREATIONAL USE
CHANGE APPLICATION SUPPLEMENTAL SHEET**

File No. 17913

Name of Applicant (Please Print): KDWP&T

1. Please indicate type of recreational use (boating, fishing, swimming, etc.): Seasonal filling of two marsh/wetland areas. The marshes are part of water fowl migration through Kansas and the areas are open to the public for hunting in season.

2. Please summarize how the water will be used and justify the quantity of water requested: The proposed quantity is 135 AF on roughly 34 acres of marsh/wetland. The marshes average about 16 inches in depth. The initial fill volume of the marshes is 45 AF, as the marshes are drained and refilled once a year. The evaporation for eight months is approximately 45 AF. The remaining 45 acre feet will be used in maintaining the volume of the marshes due to loss from evaporation and seepage.

3. Please complete the following table showing estimated future water requirements:

ESTIMATED FUTURE WATER DIVERTED/STORED	
NEXT 5 YEARS	WATER TO BE DIVERTED (ACRE-FEET OR GALLONS)
Year 1	135
Year 2	135
Year 3	135
Year 4	135
Year 5	135

Please attach any additional information, tables, or curves showing past, present and estimated future water requirements to substantiate the amount of water requested.

4. Please designate the legal description of the location where the water is to be used by providing the fractional part of the Section, Township and Range.

See change application

You may attach any additional information you believe will assist in informing the Division of **WATER RESOURCES** need for your request. **RECEIVED**

File No. 17913 Consumptive Use math

Per K.A.R. 5-2-15

Authorized Quant. =	226 AF
Perfection Acres =	150 acres
PN Co. 50% NIR =	0.90 feet

Calculation

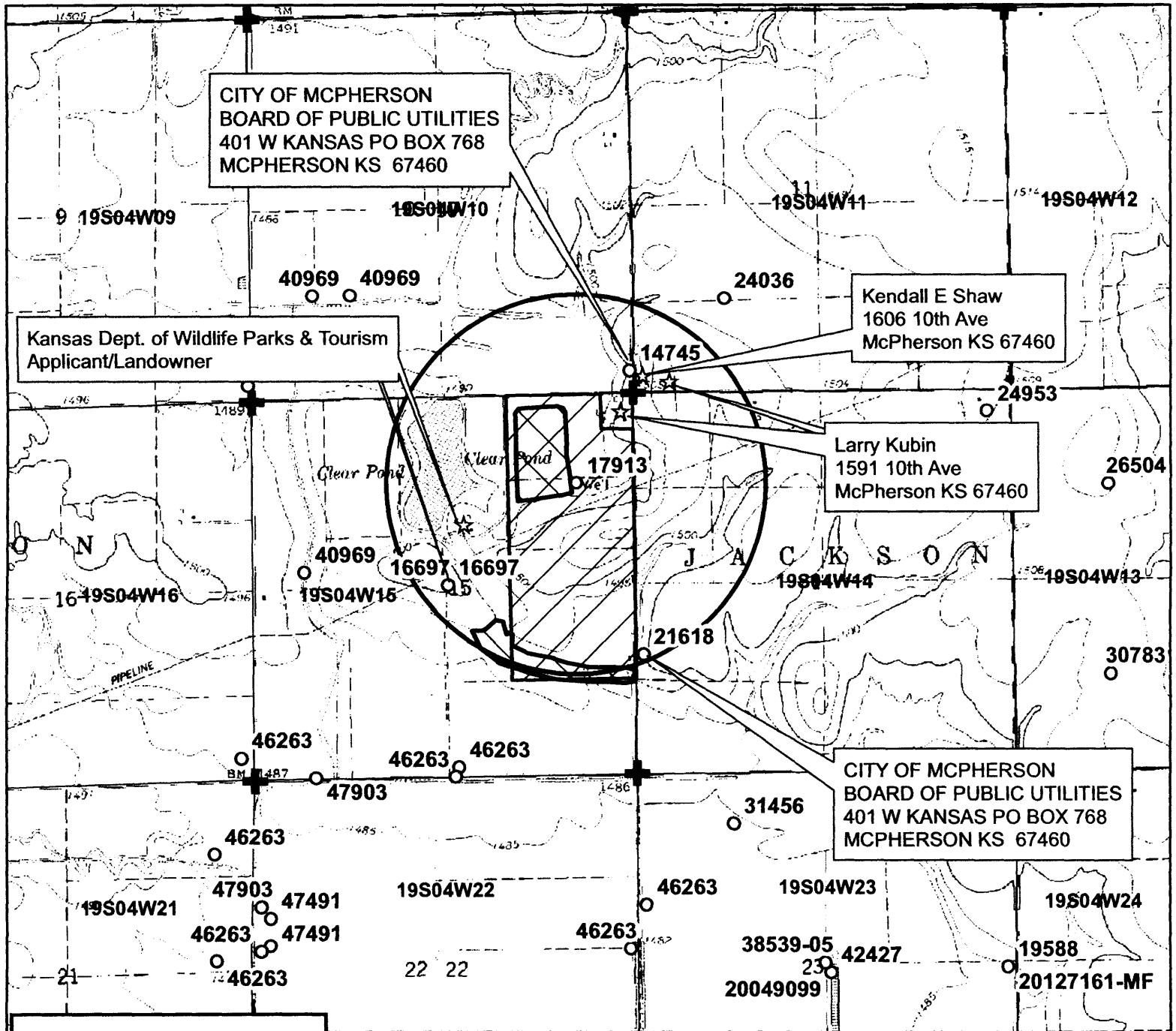
Perfection acres x 50% NIR = Max Q for entire right that can be converted

150 acres x 0.90' = 135 AF

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KS DEPT OF AGRICULTURE



CITY OF MCPHERSON
 BOARD OF PUBLIC UTILITIES
 401 W KANSAS PO BOX 768
 MCPHERSON KS 67460

Kendall E Shaw
 1606 10th Ave
 McPherson KS 67460

Larry Kubin
 1591 10th Ave
 McPherson KS 67460

CITY OF MCPHERSON
 BOARD OF PUBLIC UTILITIES
 401 W KANSAS PO BOX 768
 MCPHERSON KS 67460

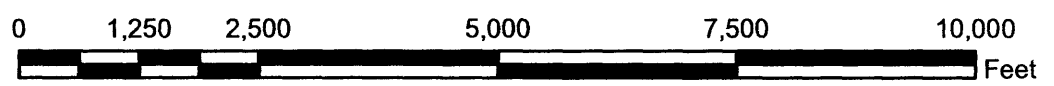
Kansas Dept. of Wildlife Parks & Tourism
 Applicant/Landowner

Legend

- Water Appropriations
- ☆ Domestic Well
- ⊕ Section Corner
- Half Mile Circle
- ▭ Section Line

Place of Use

- ▨ Proposed

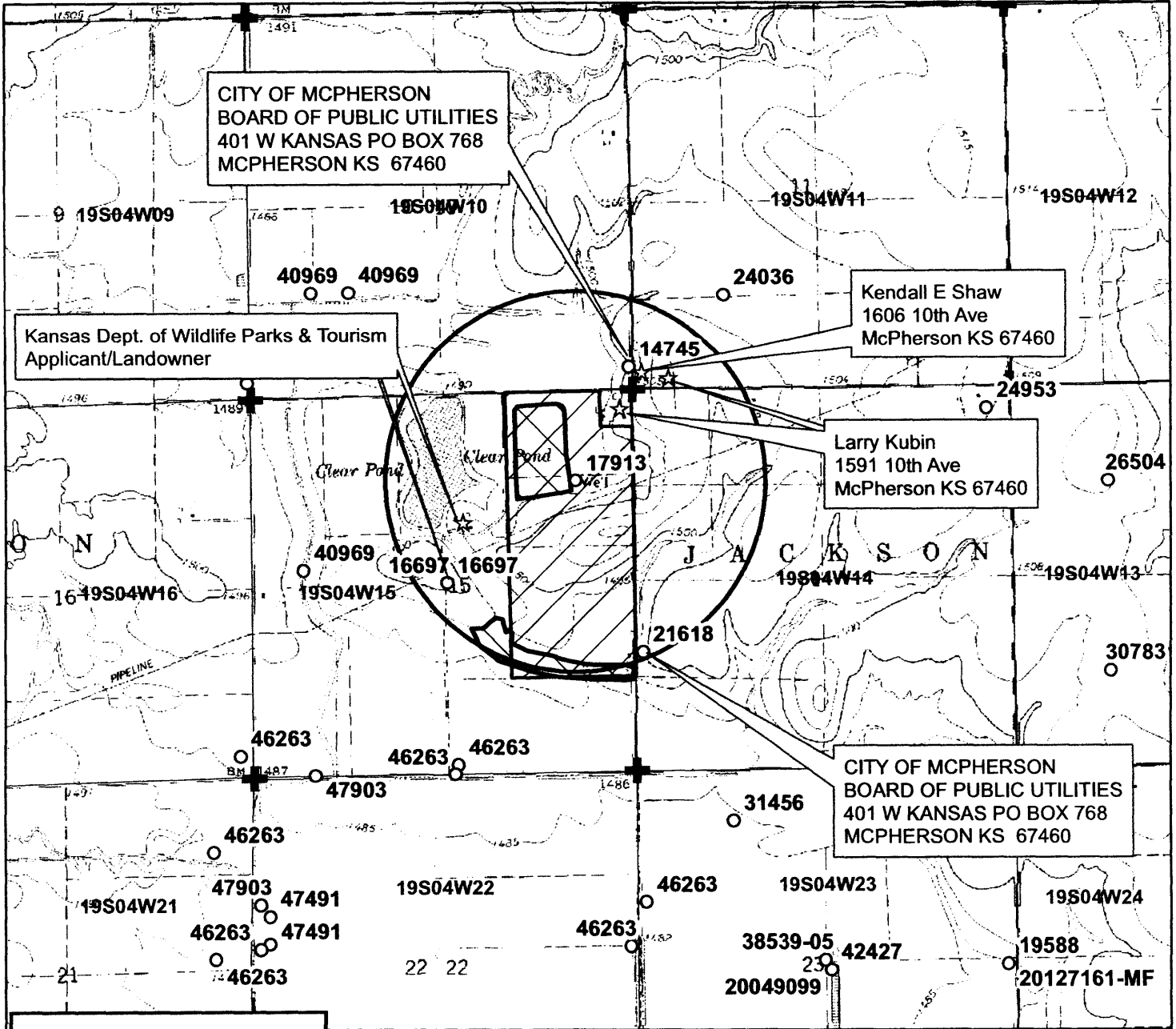


Water Right, File No. 17913
 Change in Use Made of Water and
 Change in Place of Use Application Map
 15-19-4W // McPherson County

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 KS DEPT OF AGRICULTURE

Due to the concentration of domestic wells within 1/2 mile,
 it is requested that assistance be provided in issuing a public notice.

[Handwritten signature] 06 DEC 16



CITY OF MCPHERSON
 BOARD OF PUBLIC UTILITIES
 401 W KANSAS PO BOX 768
 MCPHERSON KS 67460

Kendall E Shaw
 1606 10th Ave
 McPherson KS 67460

Larry Kubin
 1591 10th Ave
 McPherson KS 67460

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 BOARD OF PUBLIC UTILITIES
 401 W KANSAS PO BOX 768
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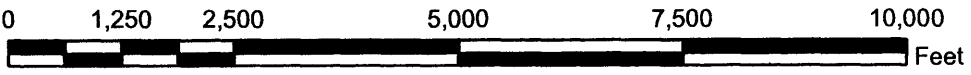
Kansas Dept. of Wildlife Parks & Tourism
 Applicant/Landowner

Legend

- Water Appropriations
- ☆ Domestic Well
- ⊕ Section Corner
- Half Mile Circle
- Section Line

Place of Use

- ▨ Proposed
- ▩ Authorized



Water Right, File No. 17913

Change in Use Made of Water and
 Change in Place of Use Application Map
 15-19-4W // McPherson County

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KS DEPT OF AGRICULTURE



Due to the concentration of domestic wells within 1/2 mile,
 it is requested that assistance be provided in issuing a public notice.

Jul 05 December 2016

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

JASON BLACK
1020 S KANSAS AVE FL 2
TOPEKA, KS

December 12, 2016

FILE COPY

RE: File No. 17913

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/UMW
- 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

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

pc: STAFFORD Field Office GMD 2