

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.

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
 Point of Diversion
 Use Made of Water

(Check one or more)

Water Resources
Received
AUG 19 2019
12:34
KS Dept Of Agriculture

File No. 16777 (Municipal)

2. Name of applicant: Dan Defore, Water Superintendent, City of Winfield

Address: PO Box 646

City, State and Zip: Winfield KS 67156

Phone Number: (620)221-5642

E-mail address: ddefore@winfieldks.org

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

Name of water use correspondent: City of Winfield, Water Utility Director

Address: PO Box 646

City, State and Zip: Winfield KS 67156

Phone Number: (620) 221-5642

E-mail address: ddefore@winfieldks.org

3. The change(s) proposed herein are desired for the following reasons (please be specific): Modifying the authorized place of use to include the City of Burden and the immediate vicinity.

The change(s) (will be) completed by _____

(Date)

For Office Use Only:

F.O. 2 GMD D Meets K.A.R. 5-5-1 (YES/NO) Use MUN Source G S County CL By DAW Date 8/19/19
Code CRU Fee \$ 200 TR # _____ Receipt Date 8/19/19 Check # 59521

- 6. The presently authorized point(s) of diversion is one (1) surface water diversion site
(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 NW Quarter of the SW Quarter of the SW Quarter of Section 16, Township 31 South, Range 5 E, in Cowley County, Kansas, 1150 feet North 5100 feet West of Southeast corner of section.
 Authorized Rate 3850 GPM Authorized Quantity 2443 AF
 (DWR use only: Computer ID No. 1 GPS 1136 feet North 5070 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 16777 (REC) & 39876

9. **Presently authorized point of diversion:**
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 Authorized Rate _____ Authorized Quantity _____
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 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

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

AUG 19 2019

12. The presently authorized use of water is for Municipal 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.
The City of Winfield's other water right (File No. 39876) is still in its perfection period.

(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.

Impairment is not expected.

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.

No waivers are anticipated.

Water Resources
IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

AUG 19 2019

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.

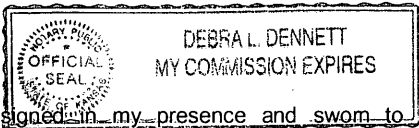
If the request is signed on behalf of any Owner by someone with legal authority to do so (for example, an agent, one who has power of attorney, or an executor, executrix, conservator), it will be necessary to attach proper documents showing such authority.

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 Winfield, Kansas, this 15 day of August, 20 19.

<u>City of Winfield</u> (Owner)	_____	(Spouse)
<u>By DAN A. DeFore</u> (Please Print)	_____	(Please Print)
<u>Dan A. DeFore</u> (Owner)	_____	(Spouse)
_____	_____	(Please Print)
_____	_____	(Please Print)
_____	_____	(Please Print)
_____	_____	(Please Print)

State of Kansas }
County of Cowley } SS



I hereby certify that the foregoing application was signed in my presence and sworn to before me this 15 day of August, 20 19.

Debra L. Dennett
Notary Public

My Commission Expires 07-22-21

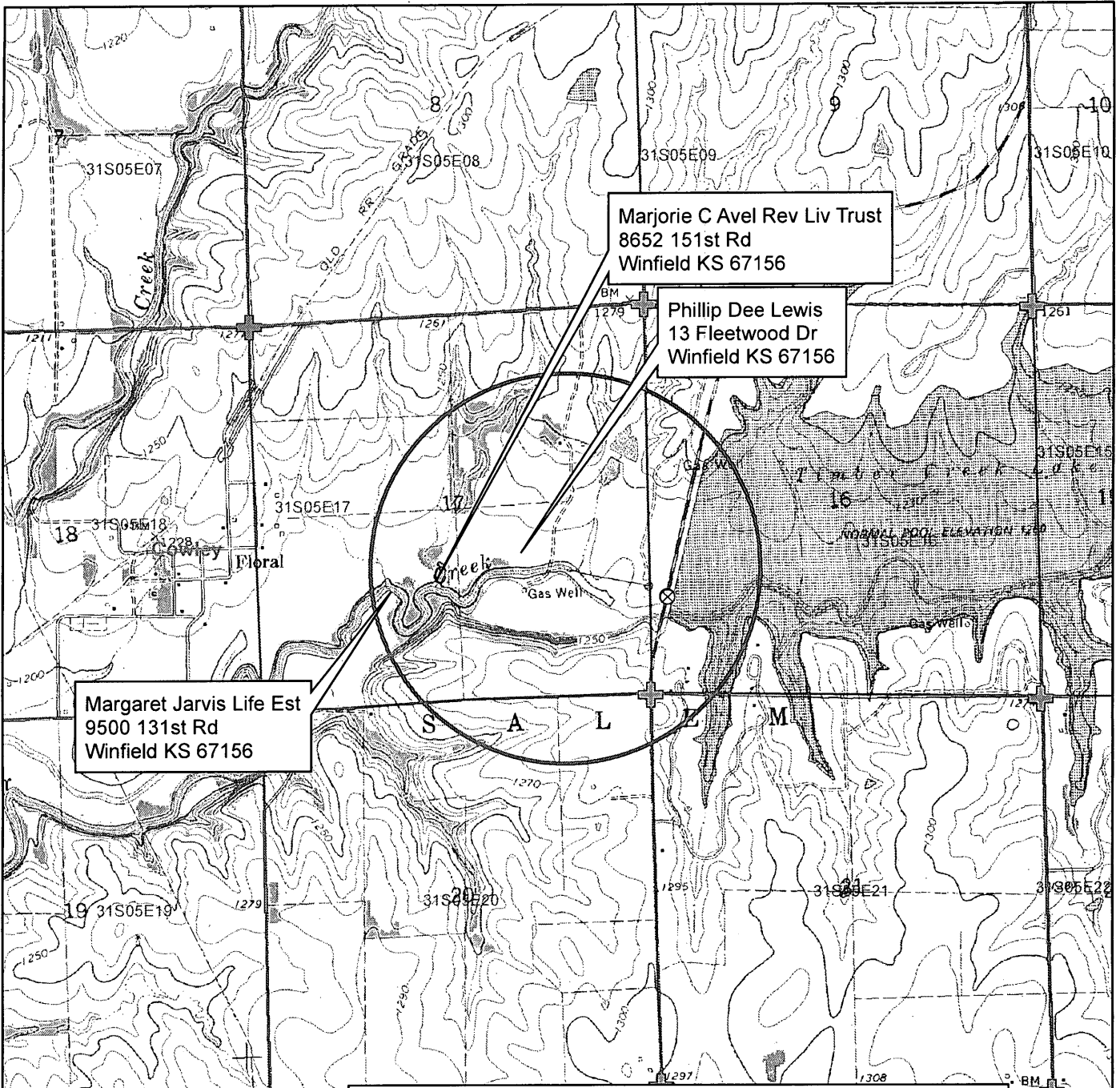
FFF SCHEDULE

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
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AUG 19 2019
KS Dept Of Agriculture



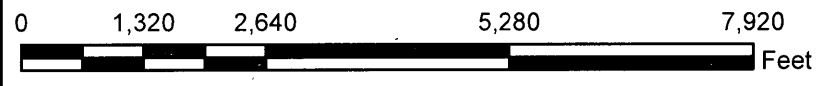
Margaret Jarvis Life Est
9500 131st Rd
Winfield KS 67156

Marjorie C Avel Rev Liv Trust
8652 151st Rd
Winfield KS 67156

Phillip Dee Lewis
13 Fleetwood Dr
Winfield KS 67156

Legend

- ⊗ Authorized P/D:
1150'N, 5100'W
- Water Appropriations
- ▭ 1/2 Mile Buffer
- ▭ Section Line
- ⊕ Section Corner



File Nos. 16777 (MUN) & 39876

Change in Place of Use, Adjacent Owner Map (1 of 2)

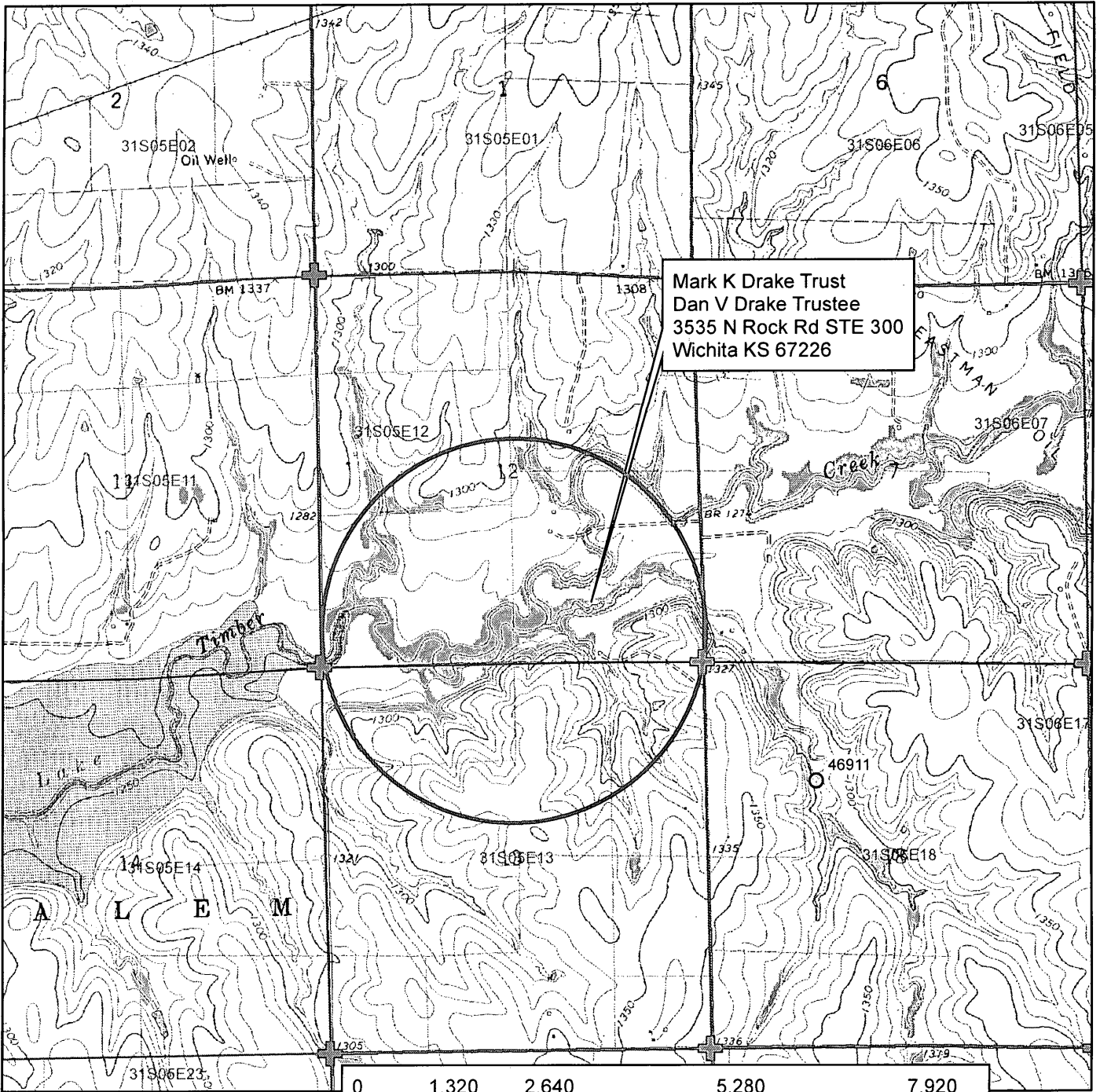
16-31S-5E // Cowley County

To the best of my knowledge, all property owners adjacent to the stream within 1/2 mile of land owned by the City of Winfield have been identified.

Received

AUG 19 2019

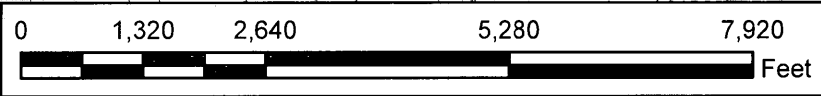
Signature



Mark K Drake Trust
 Dan V Drake Trustee
 3535 N Rock Rd STE 300
 Wichita KS 67226

Legend

- Water Appropriations
- ▭ 1/2 Mile Buffer
- ▭ Section Line
- ⊕ Section Corner



File Nos. 16777 (MUN) & 39876
 Change in Place of Use, Adjacent Owner Map (2 of 2)
 16-31S-5E // Cowley County

To the best of my knowledge, all property owners adjacent to the stream within 1/2 mile of land owned by the City of Winfield Water Resources have been identified.

Don L. Drake
 Signature

Received

AUG 19 2019

Water Resources
Received
April 19, 2018
AS Digital Architecture

THIS
IS A
DIVIDER
PAGE

27219

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
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State of Kansas

Filing Fee Must Accompany the Application
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- Place of Use
 Point of Diversion
 Use Made of Water

(Check one or more)

Water Resources
Received
AUG 19 2019
12:33
KS Dept Of Agriculture

File No. 39876

2. Name of applicant: Dan Defore, Water Superintendent, City of Winfield

Address: PO Box 646

City, State and Zip: Winfield KS 67156

Phone Number: (620)221-5642

E-mail address: ddefore@winfieldks.org

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

Name of water use correspondent: City of Winfield, Water Utility Director

Address: PO Box 646

City, State and Zip: Winfield KS 67156

Phone Number: (620) 221-5642

E-mail address: ddefore@winfieldks.org

3. The change(s) proposed herein are desired for the following reasons (please be specific): Modifying the authorized place of use to include the City of Burden and the immediate vicinity.

The change(s) (will be) completed by _____

(Date)

For Office Use Only:

F.O. 2 GMD 0 Meets K.A.R. 5-5-1 (YES/NO) Use MUN Source G(S) County CL By DAW Date 8/19/19
Code CFO Fee \$ 200 TR # _____ Receipt Date 8/19/19 Check # 59521

4. The presently authorized place of use is:

Owner of Land — NAME: City of Winfield, Water Utility Director (only owners of water right) // City of Oxford*

ADDRESS: PO Box 646, Winfield KS 67156

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	
within the City of Winfield, Kansas and immediate vicinity																			
within the City of Oxford, Kansas and immediate vicinity																			

List any other water rights that cover this place of use. 16777 (MUN)

Owner of Land — NAME: Cowley County Rural Water District Nos. 2, 4, 5, 7, and 8*

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	
within the boundaries of Rural Water District Nos. 2, 4, 5, 7, and 8, Cowley County, Kansas																			

List any other water rights that cover this place of use. 16777 (MUN)

(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: City of Winfield, Water Utility Director (only owners of water right) // City of Oxford*, City of Burden*

ADDRESS: PO Box 646, Winfield KS 67156

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	
within the City of Winfield, Kansas and immediate vicinity																			
within the City of Oxford, Kansas and immediate vicinity																			
within the City of Burden, Kansas and immediate vicinity																			

List any other water rights that cover this place of use. 16777 (MUN)

Owner of Land — NAME: Cowley County Rural Water District Nos. 2, 4, 5, 7, and 8*

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	
within the boundaries of Rural Water District Nos. 2, 4, 5, 7, and 8, Cowley County, Kansas																			

List any other water rights that cover this place of use. 16777 (MUN)

*Additional contact information and addresses for each entity can be found on file.

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

Water Resources

AUG 19 2019

- 6. The presently authorized point(s) of diversion is one (1) surface water diversion site
(Provide description and number of points)
- 7. The proposed point(s) of diversion (is) (are) No Change
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List all presently authorized point(s) of diversion:

8. **Presently authorized point of diversion:**
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(DWR use only: Computer ID No. 1 GPS 1136 feet North 5070 feet West)
 This point will not be changed This point will be changed as follows:
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 This point is: Additional Well Geo Center List other water rights that will use this point 16777 (MUN) & 16777 (REC).

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- 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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Water Resources
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12. The presently authorized use of water is for Municipal 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.
This water appropriation (File No. 39876) is still in its perfection period.

(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.

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Impairment is not expected.

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.

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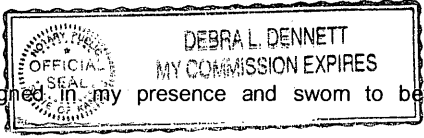
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Dated at Winfield, Kansas, this 15 day of August, 20 19.

<u>City of Winfield</u> (Owner)	_____	(Spouse)
<u>By Dan A DeFore</u> (Please Print)	_____	(Please Print)
<u>Dan A. DeFore</u> (Owner)	_____	(Spouse)
_____	_____	(Please Print)
_____	_____	(Please Print)
_____	_____	(Please Print)
_____	_____	(Please Print)

State of Kansas }
 County of Cherokee } SS
 I hereby certify that the foregoing application was signed in my presence and sworn to before me this 15 day of August, 20 19.



Debra L. Dennett
 Notary Public

My Commission Expires 07-22-21

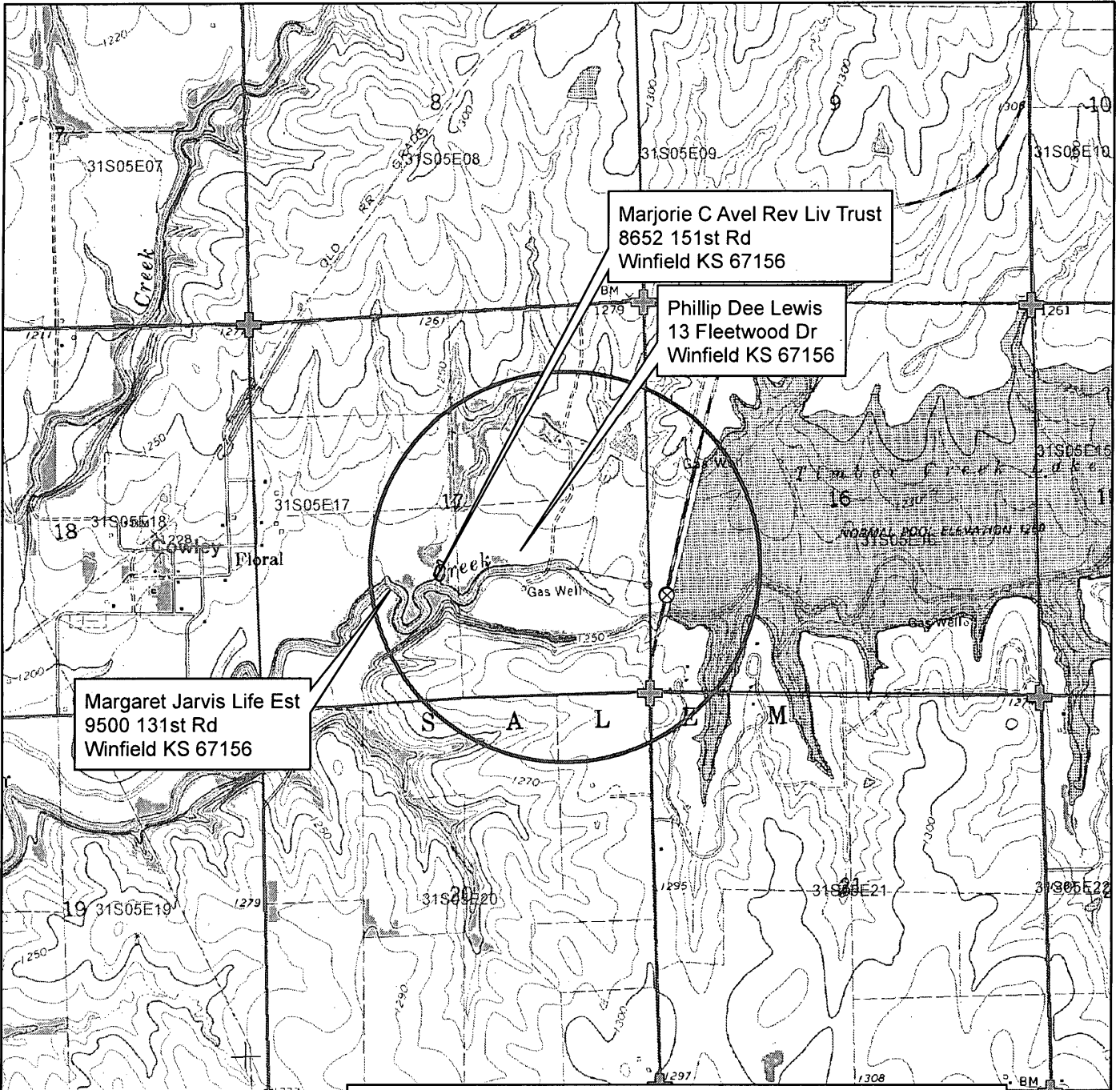
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Make check payable to **Kansas Department of Agriculture.**

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Margaret Jarvis Life Est
9500 131st Rd
Winfield KS 67156

Marjorie C Avel Rev Liv Trust
8652 151st Rd
Winfield KS 67156

Phillip Dee Lewis
13 Fleetwood Dr
Winfield KS 67156



Legend

- ⊗ Authorized P/D:
1150'N, 5100'W
- ⊙ Water Appropriations
- ▭ 1/2 Mile Buffer
- ▭ Section Line
- ⊕ Section Corner

File Nos. 16777 (MUN) & 39876

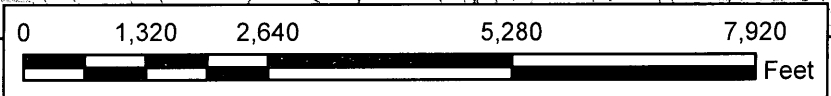
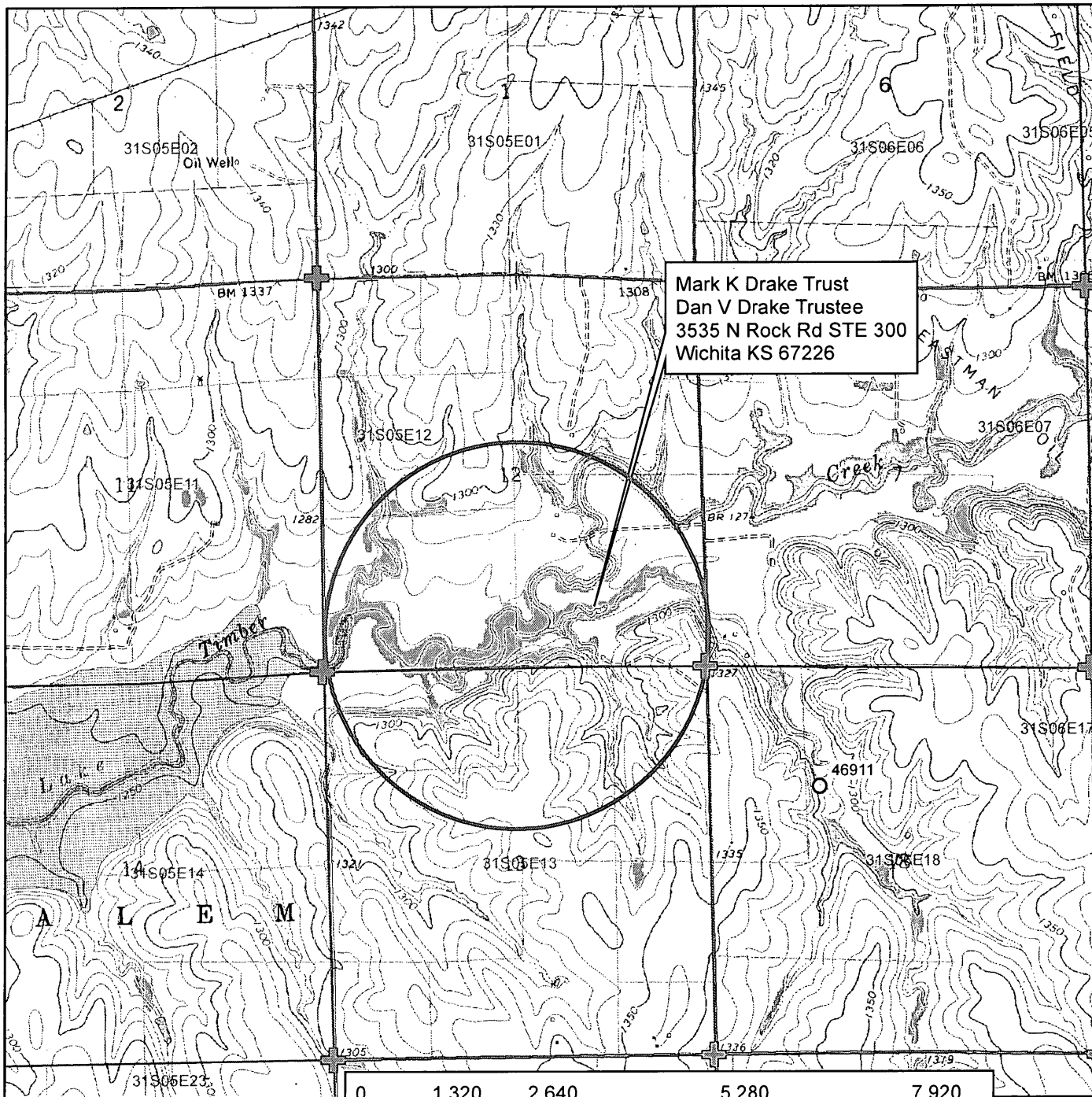
Change in Place of Use, Adjacent Owner Map (1 of 2)
16-31S-5E // Cowley County

To the best of my knowledge, all property owners adjacent to the stream within 1/2 mile of land owned by the City of Winfield have been identified.

Don C. DeFore

Signature

AUG 19 2019



Legend

- Water Appropriations
- ▭ 1/2 Mile Buffer
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- ⊕ Section Corner

File Nos. 16777 (MUN) & 39876

Change in Place of Use, Adjacent Owner Map (2 of 2)
 16-31S-5E // Cowley County

To the best of my knowledge, all property owners adjacent to the stream within 1/2 mile of land owned by the City of Winfield have been identified.

Dan A. DeFore
 Signature

AUG 19 2019