

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.

Water Resources
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APR 01 2020

1:11

KS Dept Of Agriculture

Submit To: CHIEF ENGINEER
Division of Water Resources
Kansas Department of Agriculture
1320 Research Park Drive
Manhattan, Kansas 66502
http://agriculture.ks.gov/dwr

**APPLICATION FOR APPROVAL TO
CHANGE THE PLACE OF USE, THE
POINT OF DIVERSION OR THE USE
MADE OF THE WATER UNDER AN
EXISTING WATER RIGHT**



State of Kansas

Filing Fee Must Accompany the Application
(Please refer to Fee Schedule on signature page of application form.)

Paragraph Nos. 1, 2, 3, 4 & 8 must be completed. Complete all other applicable portions. A topographic map or detailed plat showing the authorized and proposed points(s) of diversion and /or place of use must accompany this application.

1. Application is hereby made for approval of the Chief Engineer to change the

- Place of Use
- (Check one or more) Point of Diversion
- Use Made of Water

File No. 15273

2. Name of applicant: L & P Properties LLC, Attn: Peter Molitor

Address: 5841 N. Prospect Road, Park City, KS 67204

City, State and Zip: Park City, KS 67204

Phone Number: (316)303-2624 E-mail address: pete@andaleconstruction.com

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

Name of water use correspondent: Kortney L. & Kylee M. Kelley

Address: 18101 W. 117th Street North

City, State and Zip: Sedgwick, KS 67135

Phone Number: (316)613-9374 E-mail address: kortneykelley79@gmail.com

3. The change(s) proposed herein are desired for the following reasons (please be specific): Change the use made of water from irrigation to irrigation and industrial and change the point of diversion from one well to one well and one groundwater pit. The proposed groundwater pit is 35 acres and the proposed irrigation place of use is 69.7 acres.

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

For Office Use Only:							
F.O. Code	<u>2</u>	GMD	<u>2</u>	Meets K.A.R. 5-5-1 (YES/NO)	Use	Source	County
	<u>C-3</u>			<u>YES</u>	<u>IRR</u>	<u>G/S</u>	<u>SG</u>
Fee \$	<u>300</u>	TR #		Receipt Date	<u>4/1/2020</u>	Check #	<u>1502</u>

CK1502 \$7000 KNA

4/8/2020
L Moody

4. The presently authorized place of use is:

Owner of Land — NAME: A) L & P Properties LLC B) Air Capitol Industrial Park LLC

ADDRESS: A) & B) 5841 N. Prospect Road, Park City, KS 67204

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	
A) 22	26S	1W		40	40	37													117
B) 22	26S	1W	40																40

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

Owner of Land — NAME: Peter Molitor

ADDRESS: 3170 N. Ohio Street, Wichita, KS 67219

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	26S	1W				2													2

List any other water rights that cover this place of use. _____ Grand total: 159 Acres

(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: A) L & P Properties LLC B) Air Capitol Industrial Park LLC

IRRIGATION PU ADDRESS: A) & B) 5841 N. Prospect Road, Park City, KS 67204

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	
A) 22	26S	1W		35															35
B) 22	26S	1W	34.7																34.7
																		Total: 69.7	

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

Owner of Land — NAME: L & P Properties LLC

INDUSTRIAL PU ADDRESS: 5841 N. Prospect Road, Park City, KS 67204

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	26S	1W			24	11													35

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

List all presently authorized point(s) of diversion:

8. **Presently authorized point of diversion: IRRIGATION WELL**

One in the _____ Quarter of the _____ Quarter of the NC-NE Quarter of Section 22, Township 26S South, Range 1W (E/W), in Sedgwick County, Kansas, 3960 feet North 1320 feet West of Southeast corner of section. Authorized Rate 780 GPM Authorized Quantity 158 AF
(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) IRRIGATION WELL

One in the _____ Quarter of the _____ Quarter of the NC-NE Quarter of Section 22, Township 26 South, Range 1W (E/W), in Sedgwick County, Kansas, 3960 feet North 1320 feet West of Southeast corner of section. Proposed Rate 780 GPM Proposed Quantity 89.38 AF
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) GROUNDWATER PIT

One in the NE Quarter of the SW Quarter of the NE Quarter of Section 22, Township 26S South, Range 1W (E/W), in Sedgwick County, Kansas, 3427 feet North 1442 feet West of Southeast corner of section. Proposed Rate NA Proposed Quantity 58.33 AF
This point is: Additional Well Geo Center List other water rights that will use this point _____

10. **Presently authorized point of diversion:**

One in the _____ Quarter of the _____ Quarter of the _____ Quarter of Section _____, Township _____ South, Range _____ (E/W), in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section. Authorized Rate _____ Authorized Quantity _____
(DWR use only: Computer ID No. _____ GPS _____ feet North _____ feet West)
 This point will not be changed This point will be changed as follows:

Proposed point of diversion: (Complete only if change is requested)

One in the _____ Quarter of the _____ Quarter of the _____ Quarter of Section _____, Township _____ South, Range _____ (E/W), in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section. Proposed Rate _____ Proposed Quantity _____
This point is: Additional Well Geo Center List other water rights that will use this point _____

- 11. Describe the current condition of and future plans for any point(s) of diversion which will no longer be used. NA

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

It is proposed that the use be changed to irrigation and industrial purposes.

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

Proposed change will not increase consumptive use. The groundwater pit will be authorized as a "Project Permit".

Per K.A.R. 5-5-10: If entire right changed to industrial: 158 AF X 0.85 = 134.3 AF. Proposed groundwater pit of 35 acres requires 58.33 AF for net evap (35 acres X 20" / 12"/ft = 58.33 AF). 58.33 AF / 134.3 AF = 43.4326% for industrial use.

1-0.434326 = 56.5674% retained for irrigation. 158 AF X 0.565674 = 89.38 AF retained for irrigation.

Per K.A.R. 5-5-11(b)(2)(B)(ii), the maximum acres for irrigation is 89.38 AF X 0.85 / 1.09 AF/Acre = 69.7 acres. (Please show any calculations here.)

14. It is requested that the maximum annual quantity of water be reduced to Irr: 89.38 AF; Ind: 58.33 AF (acre-feet or million gallons).

15. It is requested that the maximum rate of diversion of water be reduced to No change 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.

Change relates to the same local source of supply – Equus Reds Aquifer. Existing water rights will not be impaired as consumptive use is not being increased. See calculations in Paragraph No. 13 above.

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.

See spacing consent forms for nearby groundwater pits that the application does not meet spacing requirements to.

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KS Dept Of Agriculture

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

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Application Map - File No. 15273

KS Dept Of Agriculture



I declare that all water wells or diversion sites using the same source of supply and within 1000 feet of the proposed point of diversion have been plotted on the application map.

Signature

Date

Application No. 15273 To Change:

- Point of Diversion
- Place of Use
- Use Made of Water
- Proposed GW Pit Geo-Center
- No. 15273 Existing Irrigation Well
- Currently Authorized Place of Use
- Proposed Irrigation Place of Use
- Proposed Industrial Place of Use

Water wells within 1,000 feet of proposed point of diversion include: (type use, owner, address)

- 1) Domestic Well - Peter Molitor
3170 N. Ohio, Wichita, KS 67219
- 2) Domestic Well - L & P Properties LLC
5841 N. Prospect Rd., Park City, KS 67204
- 3) Due to the large number of wells within 1/2 mile, applicant request a public notice be published in the area newspaper. All wells with 1000 feet of the proposed PD are identified above.

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 Park City, Kansas, this 25 day of March, 2020.

Peter J. Molitor
(Owner)

(Spouse)

Peter Molitor, L & P Properties LLC
(Please Print)

(Please Print)

Lou Robelli
(Owner)

(Spouse)

Lou Robelli
Peter Molitor, Air Capitol Industrial Park LLC
(Please Print)

(Please Print)

(Owner)

(Spouse)

Peter Molitor
(Please Print)

(Please Print)

State of Kansas }
County of Sedgwick } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 26 day of March, 2020.

Debbie A. Goebel
Notary Public

My Commission Expires 11-26-23.

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.

\$700

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KS Dept Of Agriculture



1320 Research Park Drive
Manhattan, KS 66502
785-564-6700
www. agriculture.ks.gov



900 SW Jackson, Room 456
Topeka, KS 66612
785-296-3556

Mike Beam, Secretary

Laura Kelly, Governor

L&P Properties ATTN: Peter Molitor
5841 N. PROSPECT RD
PARK CITY, KS 67204

April 9, 2020

RE: File No **15273**

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, PD, 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,

Kristen A. Baum
New Applications Unit Supervisor
Water Appropriation Program