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 KS Dept Of Agriculture 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 m (Check one or more)	nade for approval of the Chie Place of Use Point of Diversion	ef Engineer to change the	UNACCEPTABLE			
				H:O	5 2021 D AGRICULTURE		
		File No.	6979				
2.	Name of applicant: TOI	DD ZIMMERMAN		4.5			
	Address: 1550 AVENU	ER					
	City, State and Zip: STI	ERLING KS 67579					
	Phone Number: (620) 562-7056	E-mail address: todd@zi	mmsfeedlot.com			
	What is your relationshi	ip to the water right; ☐ own	ner ⊠ tenant 🗌 agent [other? If other, please	explain		
	Name of water use corr	respondent: SAME					
	Address:						
	City, State and Zip:						
	Phone Number: ()	E-mail address:				
3.	The change(s) propose	d herein are desired for the	following reasons (please b	pe specific):			
	The change(s) proposed herein are desired for the following reasons (please be specific): TO AUTHORIZE A BARROW PIT FOR HIGHWAY CONSTRUCTION RESULTING IN A GROUNDWATER PIT WITH A						
	NEW GEO-CENTER. A PARTIAL CHANGE KAR 5-5-10 FROM IRRIGATION TO INDUSTRIAL AND IRRIGATION USE IS						
	NEEDED TO COVER (GROUNDWATER EVAPOR	ATION.				
	The change(s) will be c	completed by <u>FIRST HALF (</u>	DF 2021	(Date)			
F.	or Office Use Only: O2 GMD5 Meet Ode C-2	ts K.A.R. 5-5-1 (YES) NO) L	Jse Source _G / S 'R # Receip	County RC By Check	4/21/202 MM Date 4/1 6/21 k#11853		

			AD	DRES	SS: 15	50 AV	/ENUE	RS	TERLI	NG K	S 67	579		Wast.					
				N	Ε1/4			NV	N1/4			sv	N1/4		la Maria	SI	=1/4		TOTA
ec.	Twp.	Range	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	ACRE
9	21	8W													40.0	40.0	40.0	40.0	160
any		water				is plac	ce of u	ise. <u>N</u>	ONE										
	Owne	er of La		NAM DRES													10.00	12101	
					=1/4			NV	V¼			SV	V1⁄4			SE	1/4		TOTA
ec.	Twp.	Range	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW¼	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE¼	NW¼	SW1/4	SE¼	ACRE
is	(If the propo		more	than tv	wo lan	downe be ch	ers, att	tach a		nal she	ets as	s nece	ssary)					
t is	(If the propo	ere are	more that the part and —	than two	vo lan of use IE: <u>EL</u>	be ch	ers, att	tach a	RUST				ssary.)					
t is	(If the propo RIGA)	ere are osed that TION er of La	more at the and —	NAM	of use E: EL S: 15	be ch	ers, att	tach a	RUST FERLI	NG K	S 675	579 sw	V/4			SE			
t is	(If the propo	ere are osed tha	more that the part and —	NAM	of use E: EL S: 15	be ch	ers, att	tach a	RUST FERLI			579		SE%	NE½ 34	SB NW½ 16	sw/,	SE¼ 15	TOTA ACRE 70.1
IR	(If the propo	ere are osed the TION er of La	more at the and —	NAM	of use E: EL S: 15	be ch	ers, att	tach a	RUST FERLI	NG K	S 675	579 sw	V/4		DE LE	NW¼	SW1/4	- 265	ACRE
t is IR	(If the propo	ere are osed the TION er of La	nd — AD	NAM DRES	vo lan of use E: EL S: 15 : x sw y	be ch	P EVA	NS TF	RUST FERLI V/A SW/A	NG K	S 675	579 sw	V/4		DE LE	NW¼	SW1/4	- 265	ACRE
IR ny	(If the propo	ere are osed that TION er of La Range 8W	nd — AD	NAM DRES	vo lan of use E: EL S: 15 : x sw y	be ch	P EVA	NS TF	RUST FERLI V/A SW/A	NG K	S 675	579 sw	V/4		DE LE	NW¼	SW1/4	- 265	ACR
t is IR	Owner other	ere are osed that TION er of La Range 8W	nd — AD NE½	NAM DRES NE NW½ hat co	wo land of use IE: EL S: 15 SW1/4 SW	be ch	P EVA	NS TF	RUST FERLI V'A SW'A ONE	NG K	S 675	579 SW NW¼	V/4		DE LE	NW¼	SW1/4	- 265	ACRE
t is IR	Owner other	Range Water I	nd — AD NE½	NAM DRES NE NW½ hat co	wo lan of use E: EL S: 15 SW% over th E: EL ESS:1	be ch	P EVA ENUE	NS TF NW NS TF NV NW Se. NC	RUST FERLI V'4 SW'4 DNE RUST STER	NG K	S 675	579 sw NW¼	V¼ SW¼		DE LE	16	5 SW1/4	- 265	ACRE
t is IR	Owner other	Range Water I	nd — AD NE½	NAM DRES NE NW½ hat co	vo lan of use E: EL S: 15 SW¼ over th E: EL ESS:1	be ch	P EVA	NS TF	RUST FERLI V/A SW/A DNE RUST STER	NG K	S 675	579 sw NW¼	V¼ SW¼		DE LE	NW¼	5 SW1/4	- 265	ACR

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

4/21/2021

Water Resources Received

Unacceptable for Priority

WATER RESOURCES RECEIVED

KS Dept Of Agriculture

KS DEPT OF AGRICULTURE

				F	ile No. <u>6979</u>				
6.	The presently authorize	zed point(s) of diversion (is) (are) ONE WELL (IR	R)					
				(Provide description and num	per of points)				
7.	The proposed point(s)	of diversion (is) (are) ONE WE	LL (IRR) & PIT C	SEOCENTER (IND) (Provide description and num	per of points)	***************************************			
	l jet all presently aut	horized point(s) of diversion:		(,				
0		point of diversion: IRRIGATI	ONWELL						
8.		Quarter of the		Quarter of the	NC SE	Quarte			
		9, Township				Quarter			
		nsas, <u>1320</u> , rownship							
		00 gpm Authorized Quanti		leet west of Southeast c	orner or section.				
		nputer ID No. 1		feet North 130	9 feet We	st)			
		be changed			1000	0.1)			
		version: (Complete only if cha Quarter of the			. CE	Quarter			
		g Quarter of the				Quarter			
		ty, Kansas,, 10Wiship				of section			
		00 gpm Proposed Quantity		1303 ICCL WCSt OF	odd i cast come	or occitori.			
		nal Well Geo Center List other wa		se this point NONE 201705	5-MF WILL BE D	DISMISSED			
ı	This point is		ator righte triat vin d	00 tilo politi <u>110112 20 1700</u>					
9.	Presently authorized	point of diversion: INDUSTR	IAL GROUNDW	ATER PIT					
•	The same of the sa	Quarter of the			Quarter				
	of Section	, Township		South, Range	,				
		County, Kansas,				of section.			
		Authorized Quantit							
	(DWR use only: Con	nputer ID No	GPS	feet North	feet We	st)			
	☐ This point will not	be changed	vill be changed	as follows:					
	Proposed point of di	version: (Complete only if cha	inge is requeste	<u>d)</u>					
	One in the NC V	V 1/2 SW Quarter of the	SW	Quarter of the	SE	Quarter			
	of Section		21	South, Range	8 WEST,				
	in RICE County, K	ansas, 560 feet No	orth 2200 fe	et West of Southeast con	ner of section.				
	Proposed Rate NE Proposed Quantity 47.25 AF or 15.40 mgy								
	This point is: Addit	ional Well 🛛 Geo Center Lis	t other water righ	ts that will use this point					
10.	Presently authorized								
	One in the	Quarter of the		Quarter of the		Quarter			
		, Township							
		County, Kansas,			Southeast corner	of section.			
		Authorized Quantil							
		nputer ID No			feet We	st)			
		be changed This point v							
		version: (Complete only if cha							
	One in the	Quarter of the		Quarter of the	SE	Quarter			
	of Section	, Township		South, Range		(E/W),			
		County, Kansas,			Southeast corner	of section.			
	Proposed Rate	Proposed Quantity	/						
		ional Well Geo Center Lis							

4/21/2021 IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY SOURCES

Water Resources Received

Irrigation well retained for use

Unacceptable for Priority

KS DEPT OF AGRICULTURE

	File No. <u>6979</u>	
oses	S.	
	_ purposes.	

12. The presently authorized use of water is for <u>IRRIGATION</u> purposes.

It is proposed that the use be changed to <u>IRRIGATION & INDUSTRIAL</u> purposes.

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

CONSUMPTIVE USE RICE CO IS 82.6% PROPOSED CHANGE PER KAR 5-5-10

CONSUMPTIVE USE IS BEING ADDRESSED BY WATER TO IND USE UNDER THIS FILE FOR.

GROUNDWATER PIT OF 21 ACRES THE EXPOSED 21 ACRES OF GROUNDWATER X 27"/12 = 47.25 AF OF EVAP

FILE # 6979 IS AUTHORIZED 109 AF FOR IRR USE PARTIAL CHANGE IN USE MADE OF WATER THE AUTHORIZED

109 AF X 0.826 = 90.03 AF THAT CAN BE CONVERTED TO ANOTHER USE 47.25/90.03 = 0.524825

1-0.524825= 0.475175 109 x 0.475175 = 51.79 or 51.8AF RETAINED FOR IRR USE

PROPORTIONALLY ALLOWING THE IRRIGATION OF 76 ACRES, AT 0.68 AF/A AS HISTORICALLY DEVELOPED, BUT IS REQUESTING ONLY 70 ACRES REMAINING FOR IRRIGATION WICH WOULD AFFORD 0.74 AF/A OR 8.88 INCHES

WHICH IS MORE THAN HISTORICALLY DEVELOPED, BUT A SMALLER FOOT PRINT SHOULD NOT INCREASE

HISTORIC CONSUMPTIVE USE 47.25 IND AF + 51.8 IRR AF = 99.05 AF RETAINED.

- 14. It is requested that the maximum annual quantity of water be reduced to 99.05 AF (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 ½ 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 ½ 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) ½ mile downstream and ½ 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.

KAR 5-5-10 will be followed for use made of water change.

Change in point of diversion for industrial use is for geographic center of groundwater pit.

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.

It appears all rules will be met.

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

4/21/2021

Water Resources Received Unacceptable for Priority

KS DEPT OF AGRICULTURE

KS Dept Of Agriculture

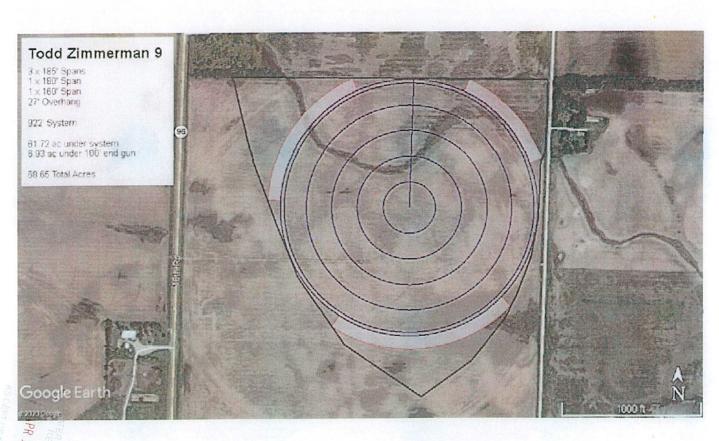
4/21/2021

Water Resources Received

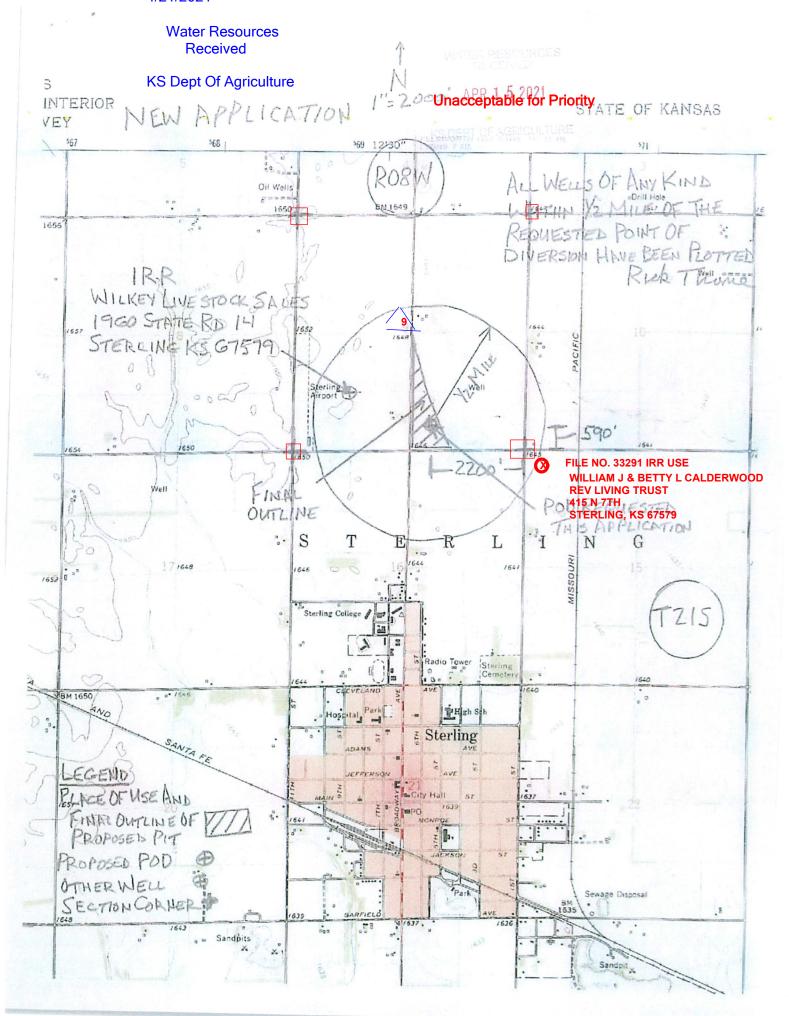
KS Dept Of Agriculture

PROPOSED CHANGE IN POINT OF DIVERSION - GEOGRAPHIC CENTER OF BARROW PIT WATER RIGHT FILE NO. 6979 **ELLEN EVANS TRUST** 1006+84 AVET@K14 S09 T21S R08W PORTION OF W1/2 OF SE1/4 RICE COUNTY 560 N 2200 W 946+60 BROADWAY, AVE:U/BR056 Google Earth

KS Dept Of Agriculture



Unacceptable for Priority



Signature Page for Existing Change Application

KS Dept Of Agriculture

File No. 6979

Any use of water that is not as authorized by the water right or permit to authorize water <u>before</u> 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 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, executor, 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 authorized to make this application on their behalf, and declare furnishments. By filing this application I authorize the chief engineer to pas specified in sections 14 and 15 of this application.	as identified herein, or that I represent all such owners and am ther that the statements contained herein are true, correct, and permanently reduce the quantity of water and/or rate of diversion
Dated at CALTERAL Assess, this	20 day of ADRIC 2021
Alach (Owner)	Haven Evan
A.1	(Spouse)
(Please Print)	Maren Evans
(Floase Finit)	(Please Print)
(Owner)	(Spouse)
(Please Print)	(Please Print)
(Owner)	(Spouse)
(Please Print)	(Please Print)
State of Kansas County of	
I hereby certify that the foregoing application was signed in my p	resence and sworn to before me this day of
My Commission Expires	
My Commission Expires	Notary Public
PAID FEE SCHEDU	PAID
Each application to change the place of use, the point of diversion or the use application fee set forth in the schedule below:	made of the water-under this section shall be accompanied by the
(1) Application to change a point of diversion 300 feet or less (2) Application to change a point of diversion more than 300 feet (3) Application to change the place of use (4) Application to change the use made of the water	\$100 \$200 \$200 \$300
Sake Check payable to Kansas Department of Agriculture.	

KS Dept Of Agriculture

CALIFORNIA JURAT WITH AFFIANT STATEMENT

GOVERNMENT CODE § 8202

See Attached Document (Notary to cross out lines 1-6 below) See Statement Below (Lines 1-6 to be completed only by document signer(s), not Notary) Signature of Document Signer No. 1 Signature of Document Signer No. 2 (if any) A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document. State of California Subscribed and sworn to (or affirmed) before me County of Du kene m. Evans de (and e) Kapen E FUENC) Name(s) of Signer's. proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me Signature Signature of Notan, Public Seal Place Notary Seal Above - OPTIONAL . Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document. Description of Attached Document Title or Type of Document ______ Document Date: Number of Pages: Signer(s) Other Than Named Above:

02014 National Notary Association - www.NationalNotary.org - 1-800-US NOTARY (1-900-975-5807) - Mem 45910

KS	Dept	Of A	aric	ulture

File No	6979
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Any use of water that is not as authorized by the water right or permit to authorize water <u>before</u> 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.

Dated at 5	ons 14 and 15 of this applicat	. Kansas, this	day of April	.202/
Tald &				
Todal 2 in	(Owner) Meruda		(Spouse)	
	(Please Print)	4	(Please Print)	A.
	(Owner)		(Spouse)	
	(Please Print)		(Please Print)	
	(Owner)		(Spouse)	
	(Please Print)		(Please Print)	
County of	SS SS			
APKIL	. 20 21 .	was signed in my presen-	ce and sworn to before me this	day o
My Commission Expre	TAMMY DAF NOTARY PU STATE OF KA	BLIC	Demon Rotary Public	es

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.

Unacceptable for Priority

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

April 21, 2021

TODD ZIMMERMAN 1550 AVENUE R STERLINE KS 67579

RE:

File No(s). 6979

Dear Sir or Madam:

The Division of Water Resources (Division) has received your application(s) to change the place of use, point of diversion or use made of water for the file number(s) referenced above. Please be aware that the Division may have a large number of pending applications on hand at times and makes every attempt to process them in the order in which they are received. You will be contacted if additional information is required.

Please note, this letter only acknowledges receipt of your application(s) and does not guarantee approval. In accordance with the provisions of the Kansas Water Appropriation(s) Act, the use of water as proposed prior to approval of the application(s) is unlawful.

Additional information about the process may be found on our website at <u>agriculture.ks.gov/divisions-programs/dwr</u>. If you have any other questions, please contact our office at 785-564-6640 or your local Stafford Field Office at 620-234-5311. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

Kristen Baum

New Applications and Changes Supervisor

Water Appropriation Program

Krister a Baum

Date: 05-04-2021

KANSAS DEPARTMENT OF AGRICULTURE **DIVISION OF WATER RESOURCES** EARL D. LEWIS JR., P.E., CHIEF ENGINEER 1320 RESEARCH PARK DRIVE MANHATTAN KS 66502

RE:

Water Right File No. 6979

Dear Mr. Lewis, P. E.:

This is to advise you that we, as the owners of a nearby water well, have no objectional comments to the proposed change, as allowed by K.A.R 5-5-10, to the referenced file that will authorize a reduced irrigation diversion quantity and place of use to add industrial use for a sand and gravel operation to the referenced file, in summary to authorize:

> one (1) irrigation well located near the center of the Southeast Quarter (SE1/4) of Section 9, more particularly described as being near a point 1,321 feet North and 1,309 feet West of the Southeast corner of said section, at a maximum rate of 800 gallons per minute to divert 51.8 acre-feet per calendar year for irrigation use on 70 acres in the Southeast Quarter (SE1/4) of Section 9 and an industrial use authorized 47.25 acre-feet at the rate of natural evaporation at a sand and gravel pit not to exceed 21 acres of surface water with one (1) geographical center located near the center of the West Half of the Southeast Quarter (W½ SE¼) of Section 9, particularly described as being near a point 560 feet North and 2,200 feet West of the Southeast corner of said section.

all in Township 21 South, Range 8 West, Rice County, Kansas.

Signature

WILLIAM J & BETTY L CALDERWOOD

REV LIVING TRUST 415 N 7TH STERLING, KS 67579

<u>L20 - 204 -</u> 0476 Telephone

Date: 5/4/2/

KANSAS DEPARTMENT OF AGRICULTURE **DIVISION OF WATER RESOURCES** EARL D. LEWIS JR., P.E., CHIEF ENGINEER 1320 RESEARCH PARK DRIVE MANHATTAN KS 66502

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Water Right File No. 6979

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all in Township 21 South, Range 8 West, Rice County, Kansas.

BOB WILKEY

WILKEY LIVESTOCK SALES

410 SARATOGA CT PRATT, KS 67124

620-450-7488 Telephone