

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)

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KS DEPT OF AGRICULTURE

2:15 PM

File No. 18968

2. Name of applicant: Allan Hein

Address: 5000 N. 215th St. W.

City, State and Zip: Colwich, KS 67030-9340

Phone Number: (316) 371-5617 E-mail address: heinfinancial@gmail.com

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

Name of water use correspondent: Hein Living Trust

Address: 5000 N. 215th St. W.

City, State and Zip: Colwich, KS 67030-9340

Phone Number: (316) 371-5617 E-mail address: heinfinancial@gmail.com

3. The change(s) proposed herein are desired for the following reasons (please be specific): Change in place of use applications being filed on Water Right No. 18968 & Water Permit No. 48233 to create identical place of use overlap with new application being filed to request additional quantity and acres.

The change(s) (was) (will be) completed by ASAP and when new application is approved
(Date)

For Office Use Only:

F.O. 2 GMD 2 Meets K.A.R. 5-5-1 YES / NO Use IRR Source G / S County SG By KJN Date 11/15/24
Code CPA Fee \$ 200 TR # _____ Receipt Date 11/15/2024 Check # 3007

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File No. 18968

4. The presently authorized place of use is:

Owner of Land — NAME: Hein Living Trust

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ADDRESS: 5000 N. 215th St. W., Colwich, KS 67030-9340

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	
19	26S	2W							21	30.5									51.5

List any other water rights that cover this place of use. Water Permit #48233

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 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: Hein Living Trust

ADDRESS: 5000 N. 215th St. W., Colwich, KS 67030-9340

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	
19	26S	2W							21	30.5	27	23							101.5

List any other water rights that cover this place of use. Water Permit #48233 and 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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(Provide description and number of points)

6. The presently authorized point(s) of diversion (is) (are) 1 well
7. The proposed point(s) of diversion (is) (are) 1 Well

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(Provide description and number of points)

List all presently authorized point(s) of diversion:

8. **Presently authorized point of diversion:**
 One in the NE Quarter of the SE Quarter of the NW Quarter of Section 19, Township 26 South, Range 2W (E/W), in Sedgwick County, Kansas, 3780 feet North 2680 feet West of Southeast corner of section. Authorized Rate 900 GPM Authorized Quantity 40 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:
 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 Water Permit #48233 and Pending App from applicant

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. Not Applicable

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

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File No. 18968

12. The presently authorized use of water is for Irrigation KS DEPT OF AGRICULTURE 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.

Change in place of use is being filed for sole purpose of overlapping the place of proposed by a new application being filed.
Therefore, there will not be an increase in consumptive use when combined with the new application.

(Please show any calculations here.)

14. It is requested that the maximum annual quantity of water be reduced to NO CHANGE (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 Beds Aquifer. The change will not impair existing water rights as minimum well spacing requirements will be met and the new application will have to meet safe yield requirements.

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.

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

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 Andale, Kansas, this 6 day of NOV, 2024.

<u>[Signature]</u> (Owner)	_____ (Spouse)
Allan Hein, Trustee of Hein Living Trust (Please Print)	_____ (Please Print)
_____ (Owner)	_____ (Spouse)
_____ (Please Print)	_____ (Please Print)
_____ (Owner)	_____ (Spouse)
_____ (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 6th day of November, 2024.

My Commission Expires 03-18-2027

[Signature]
Notary Public

ALLIE SCHNEIDER
Notary Public - State of Kansas
My Appt. Expires 03-18-2027

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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Application Map - File No. 18968



I declare that all water wells or diversion sites using the same source of supply and within 1/2 mile of the proposed point of diversion have been plotted on the application map.

Signature

Date

- New Application
- Application No. **18968** To Change:

- Point of Diversion
- Place of Use
- Use Made of Water
- Proposed Point of Diversion
- Existing Points of Diversion
- Proposed Place of Use
- Authorized Place of Use

Water wells within 1/2 mile of proposed point of diversion include: (type use, owner, address)

1) See attached sheet for details

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3) KS DEPT OF AGRICULTURE

Well owners within ½ mile

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- 1) Irrigation Well Water Right Nos. 18968 & 48233
Hein Living Trust
5000 N. 215th St. W.
Colwich, KS 67030-9340
- 2) Pending New Irrigation Application No. 50603
Anthony Spexarth
607 N. 2nd St.
Colwich, KS 67030-9644
- 3) Irrigation Well Water Right No. 33904
Alan J. & Connie J. Smarsh
5161 N. 199th W.
Colwich, KS 67030
- 4) Irrigation Well Water Right Nos. 13514 & 47473
Dennis L. & Susanne M. Gruenbacher Rev. Trusts
24600 NW HedgeCreek Cir.
Andale, KS 67001-4021
- 5) Domestic Well
Alan J. & Connie J. Smarsh
5161 N. 199th W.
Colwich, KS 67030
- 6) Domestic Well
Aaron M. & Sherri A. Brassler
5025 N. 199th St. W.
Colwich, KS 67030-9335
- 7) & 8.) Domestic Wells
James M. Vogeli Living Trust
5007 N. 199th St. w.
Colwich, KS 67030-9335
- 9) Domestic Well – Applicant's
Hein Living Trust
5000 N. 215th St. W.
Colwich, KS 67030-9340
- 10) Domestic Well
Wayne E. Knoblauch
5061 N. 215th St. W.
Colwich, KS 67030-9341
- 11) Domestic Well
Gerald L. & Kimberly A. Deaver
5231 N. 215th St. W.
Colwich, KS 67030-9332
- 12) Domestic Well
Dane K. & Kimberly Becker
21711 W. 52nd St. N.
Andale, KS 67001-8900
- 13) Domestic Well
Holt & Prilliman Rev. Trust
21700 W. 52nd St. N.
Andale, KS 67001-8901

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11/12/20

RE: permits 18968 & 48233

Dear Sirs

Tim Bose and Brad Barton from GMD 2 assisted me in preparing these papers. Application # 50603 for Anthony Spexarth has been denied, so I don't think I need to do all this, but have been advised to. As you can see I am wanting to add irrigated acres to the south side of our farm using water from our existing well. With the reduction paperwork, there is plenty of AF available. Without the reduction and Spexarth application denial there is plenty. GMD 2 did the safe water yield and it looks ok.

Thank you for your help in this.

Respectfully

A handwritten signature in black ink, appearing to be 'AJH', with a long horizontal flourish extending to the right.

Allan J Hein