

NOV 06 2024

KS DEPT OF AGRICULTURE 10:57 AM



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
Point of Diversion
Use Made of Water

File No. 21,270

2. Name of applicant: Jacob J Martin

Address: 5847 N 231st St

City, State and Zip: Andale, Kansas 67001-9527

Phone Number: (316)641-4868 E-mail address: jakemartin2205@gmail.com

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

Name of water use correspondent: Jacob J Martin

Address: 5847 N 231st St

City, State and Zip: Andale, Kansas 67001-9527

Phone Number: (316) 641-4868 E-mail address: jakemartin2205@gmail.com

3. The change(s) proposed herein are desired for the following reasons (please be specific): No new well being drilled. Moving 31.5 acre-feet from the West well to the East well to evenly distribute the authorized quantities between the two wells.

The change(s) will be completed by as soon as 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 HV By KJN Date 11/7/24 Code CGT Fee \$ 200 TR # Receipt Date 11/6/2024 Check # 1774

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4. The presently authorized place of use is:

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Owner of Land — NAME: KEGB LLC, Attn: Brian E Eck

ADDRESS: 1651 N 215th W, Goddard, Kansas 67052-9106

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	
35	24S	3W	29.5	29.5	29.5	29.5	29.5	29.5	29.5	29.5	29.5	29.5	29.5	29.5	29.5	29.5	29.5	29.5	236.0

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

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: \_\_\_\_\_

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. \_\_\_\_\_

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 are two (2) wells with individual rate and quantities  
(Provide description and number of points)
- 7. The proposed point(s) of diversion are two (2) wells with individual rate and quantities  
(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 SW Quarter of the NE Quarter of Section 35, Township 24 South, Range 3 WEST, in Harvey County, Kansas, 3952 feet North 1312 feet West of Southeast corner of section.  
 Authorized Rate 770 Authorized Quantity 66  
 (DWR use only: Computer ID No. 7 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 NE Quarter of the SW Quarter of the NE Quarter of Section 35, Township 24 South, Range 3 WEST, in Harvey County, Kansas, 3952 feet North 1312 feet West of Southeast corner of section.  
 Proposed Rate 770 Proposed Quantity 97.5  
 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 SW Quarter of the NW Quarter of the NW Quarter of Section 35, Township 24 South, Range 3 WEST, in Harvey County, Kansas, 3970 feet North 5250 feet West of Southeast corner of section.  
 Authorized Rate 1130 Authorized Quantity 129  
 (DWR use only: Computer ID No. 1 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 SW Quarter of the NW Quarter of the NW Quarter of Section 35, Township 24 South, Range 3 WEST, in Harvey County, Kansas, 3970 feet North 5250 feet West of Southeast corner of section.  
 Proposed Rate 1130 Proposed Quantity 97.5  
 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. \_\_\_\_\_

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

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

No change in place of use or use made of water, and no increase in consumptive use.

(Please show any calculations here.)

14. It is requested that the maximum annual quantity of water be reduced to n/a (acre-feet or million gallons).

15. It is requested that the maximum rate of diversion of water be reduced to n/a 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](http://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 new well will be drilled. No change in source of supply

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.

The proposed change requests a waiver of K.A.R. 5-22-8(1). The wells are 3,938 feet apart which exceeds the regulation's maximum of 2,640 feet.



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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 11-9-24, Kansas, this 4 day of November, 20 24.

KEGO LLC [Signature]
(Owner)

(Spouse)

[Signature]
(Please Print)

(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

State of Kansas }
County of Sedgewick } SS



I hereby certify that the foregoing application was signed in my presence and sworn to before me this 4th day of November, 20 2024.

[Signature]
Notary Public

My Commission Expires 04/18/2027

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:

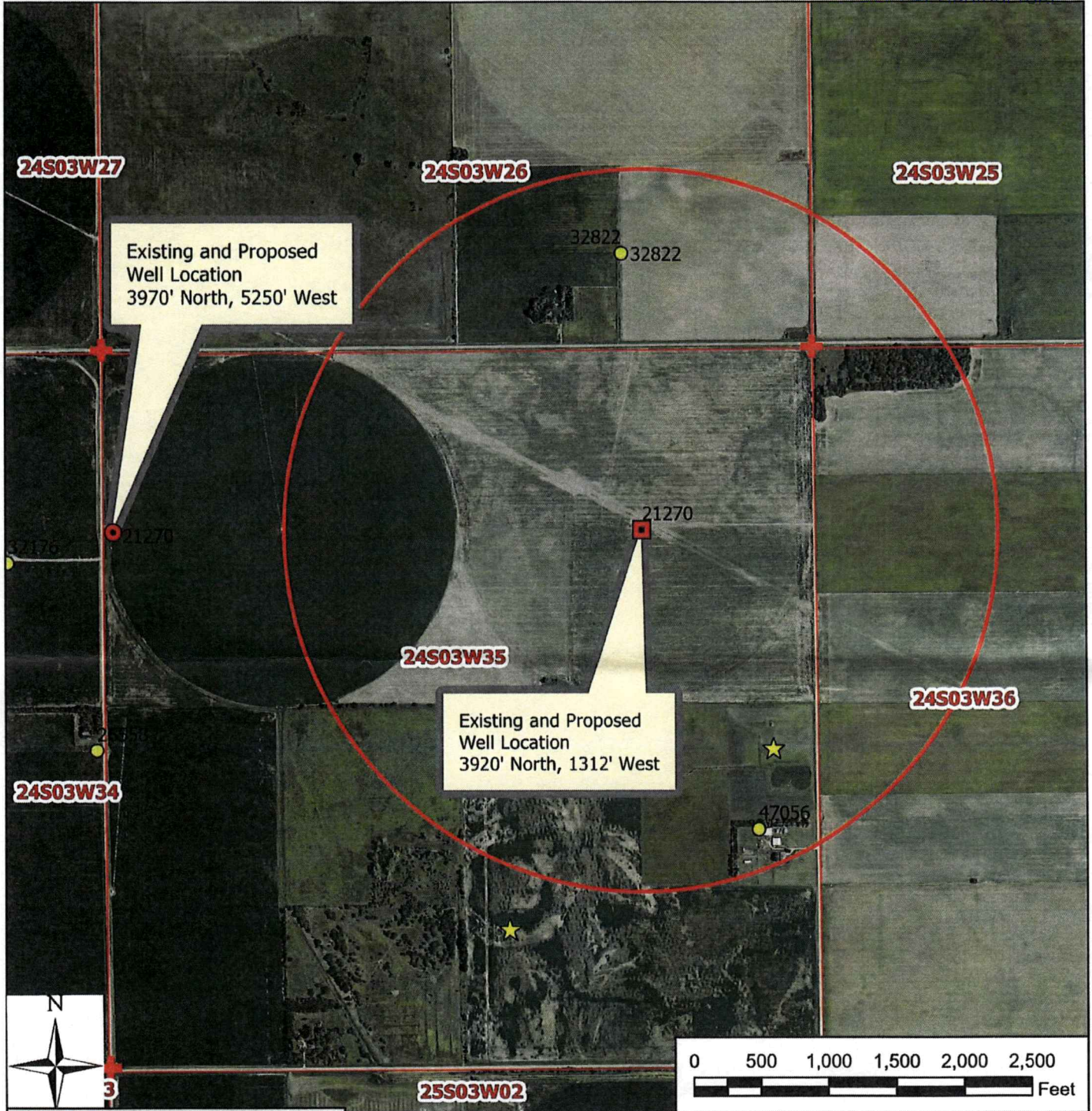
- (1) Application to change a point of diversion 300 feet or less \$100
(2) Application to change a point of diversion more than 300 feet \$200
(3) Application to change the place of use \$200
(4) Application to change the use made of the water \$300

Make check payable to Kansas Department of Agriculture.



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Legend

- Water Appropriation
- ★ Domestic Well
- Existing/Proposed East Well
- Existing/Proposed West Well
- + Section Corner
- Section Line
- Half-Mile

## Point of Diversion Change, File No. 21,270 East Well

35-24-3W // Harvey County

To the best of my knowledge, all points of diversion within one-half mile of the proposed point of diversion have been shown.

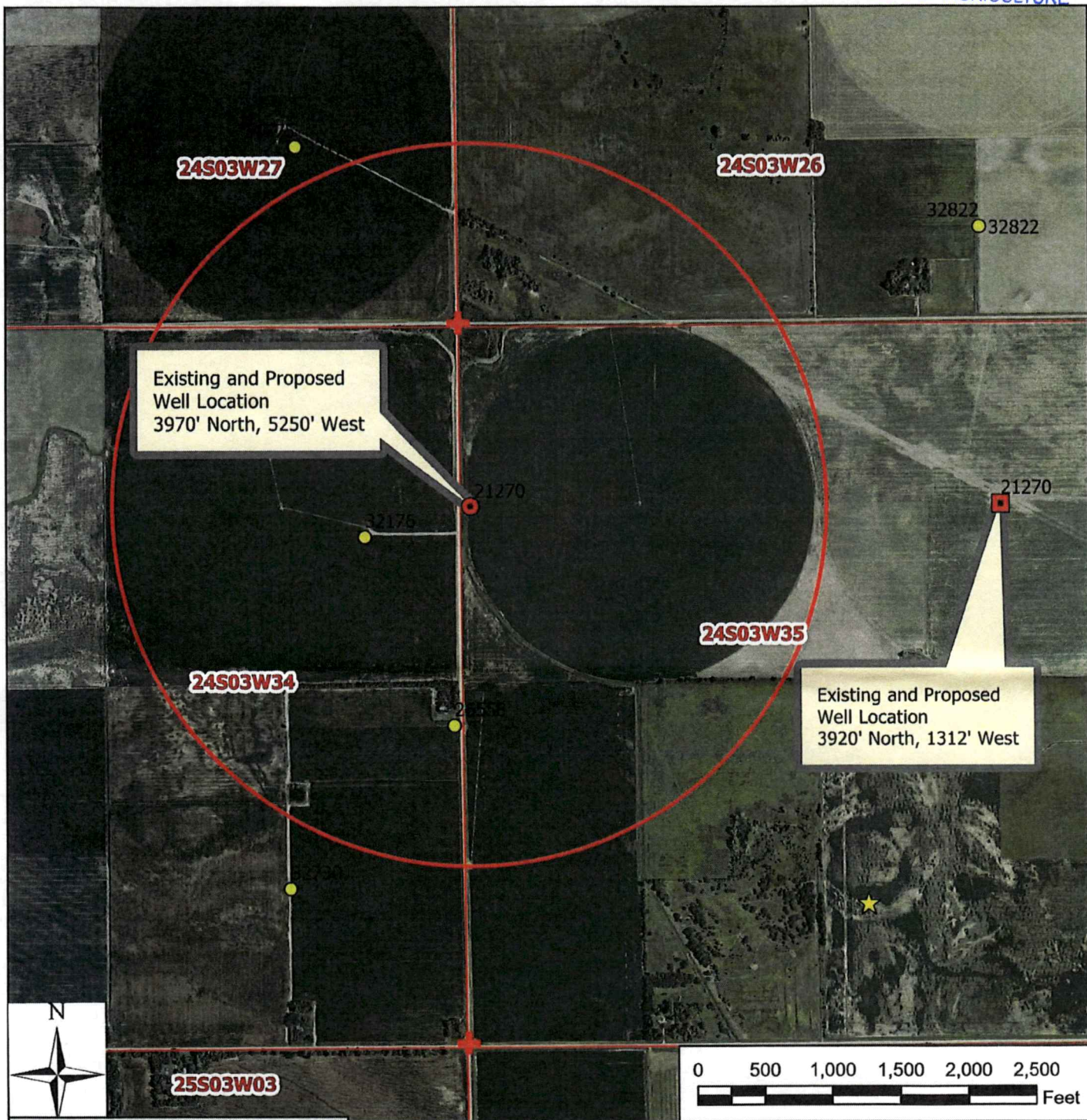
Signature / Date

02/24/2024 JNE/SFFO 1:12,000



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Legend

- Water Appropriation
- ★ Domestic Well
- Existing/Proposed East Well
- Existing/Proposed West Well
- ⊕ Section Corner
- Section Line
- Half-Mile

## Point of Diversion Change, File No. 21,270 West Well

35-24-3W // Harvey County

To the best of my knowledge, all points of diversion within one-half mile of the proposed point of diversion have been shown.

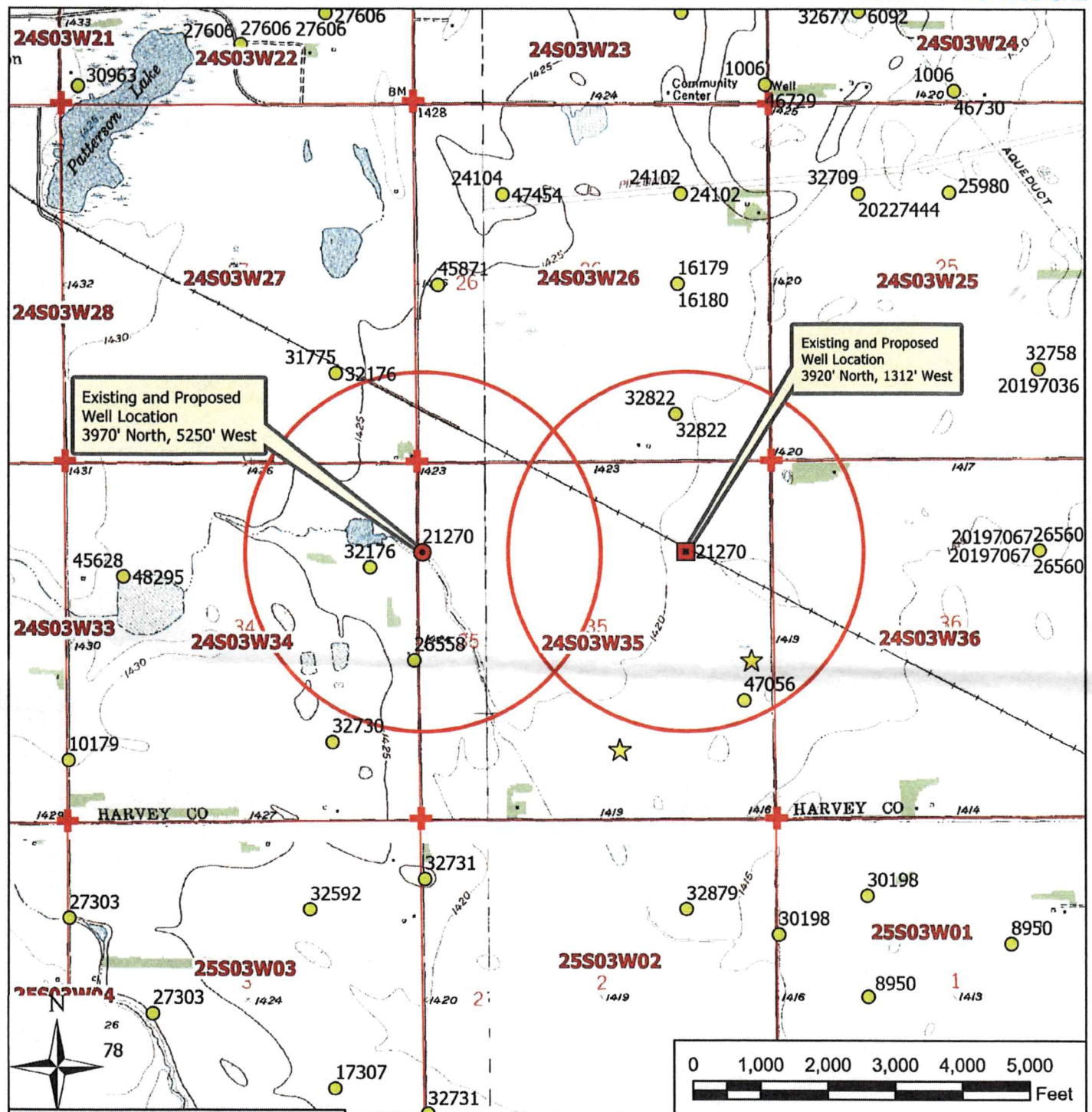
Signature / Date

02/24/2024 JNE/SFFO 1:12,000



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Existing and Proposed Well Location  
3970' North, 5250' West

Existing and Proposed Well Location  
3920' North, 1312' West

- Legend**
- Water Appropriation
  - ★ Domestic Well
  - Existing/Proposed East Well
  - Existing/Proposed West Well
  - ⊕ Section Corner
  - Section Line
  - Half-Mile

## Point of Diversion Change, File No. 21,270 35-24-3W // Harvey County

To the best of my knowledge, all points of diversion within one-half mile of the proposed point of diversion have been shown.

Signature / Date 02/24/2024 JNE/SFFO 1:24,000



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Point of Diversion Change, File No. 21,270

Nearby Well Owners

1. HARLAN FORAKER (Water Right, File No. 47,056)  
10415 S WILLOW LAKE RD  
BURRTON, KS 67020
  
2. COMANCHE WEST INC (Water Right, File No. 32,176)  
Attn: FRED J SOPER  
2541 W BOBWHITE LN  
WICHITA, KS 67204-5527
  
3. REGIER INC  
Attn: DUANE REGIER  
19801 SW 72ND ST  
BURRTON, KS 67020
  
4. JUDY YOUNG ETAL  
28817 W 125TH ST N  
BURRTON, KS 67020-9262

WATER RESOURCES  
RECEIVED

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Distance between Two Points

	<b>Feet N</b>	<b>Feet W</b>
<b>Point 1</b>	3952	1312
<b>Point 2</b>	3970	5250
	<hr/>	<hr/>
	-18	-3938
<b>Distance:</b>	3938.0 feet	
	0.74429 mile	



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

November 15, 2024

JACOB J MARTIN  
5847 N 231ST ST  
ANDALE KS 67001-9527

RE: File No(s). **21270**

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 [agriculture.ks.gov/divisions-programs/dwr](http://agriculture.ks.gov/divisions-programs/dwr). 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