

JAN 18 2024

12:04

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
- Point of Diversion
- Use Made of Water

(Check one or more)

File No. 36509-D1

2. Name of applicant: Steve & Sherryl Simon

Address: 6042 N. Ridge Rd.

City, State and Zip: Maize, KS 67101

Phone Number: (316) 680-6017 E-mail address: _____

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

Name of water use correspondent: Blayne Martin, Martin's Central Sand Co. Inc.

Address: 7945 N. Broadway

City, State and Zip: Valley Center, KS 67147

Phone Number: (316) 832-9227 E-mail address: _____

3. The change(s) proposed herein are desired for the following reasons (please be specific): _____

Proposed change is for conversion of existing irrigation right to industrial water right for groundwater pit evaporation loss. Groundwater pit to be excavated through hydraulic dredging.

Conversion will result in changes to Use Made of Water, Place of Use and Point of Diversion.

The change(s) (was) (will be) completed by April 2039 (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 ALB Date 1/19/24
Code C-3 Fee \$ 600 TR # _____ Receipt Date 1-18-24 Check # 9792

1/26/2024
KAnderson

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4. The presently authorized place of use is:

Owner of Land — NAME: Steve & Sherryl Simon
ADDRESS: 6042 N. Ridge Rd., Maize, KS 67101

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	
34	25S	1W									40	40	30	40					150

List any other water rights that cover this place of use. 36509-D2

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: Steve & Sherryl Simon
ADDRESS: 6042 N. Ridge Rd., Maize, KS 67101

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	
34	25S	1W									29	12	10	21					72

Groundwater Pit

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. ~~Water Right File No. 36509-D2~~ Pending reduction to remove overlap

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

9/24/2024
EKF

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 groundwater pit (Provide description and number of points)

List all presently authorized point(s) of diversion:

8. **Presently authorized point of diversion:**
 One in the _____ Quarter of the NC Quarter of the SW Quarter of Section 34, Township 25 South, Range 1 (E/W), in Sedgwick County, Kansas, 1320 feet North 3960 feet West of Southeast corner of section. Authorized Rate 75 Authorized Quantity 141.18 AF (Note: Application to divide water right filed in conjunction with this change application.)
 (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 SW Quarter of the NE Quarter of the SW Quarter of Section 34, Township 25 South, Range 1 (E/W), in Sedgwick County, Kansas, 1455 feet North 3777 feet West of Southeast corner of section. Proposed Rate 75 Proposed Quantity 120 AF (Note: Application to divide water right filed in conjunction with this change application.)
 This point is: Additional Well Geo Center List other water rights that will use this point _____

groundwater pit

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. _____
Existing irrigation well will be removed before excavation process of groundwater pit.

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 Industrial (sand & gravel operation, evap. loss) purposes.

13. If changing the place of use and/or use made of water, describe how the consumptive use will not be increased.
Water right quantity reduced to 85% of authorized quantity to account for change in consumptive use for change application. The adjusted value complies with annual net evaporation loss (20") pursuant to K.A.R. 5-5-9 for proposed pit excavation surface area. Adjusted and applied value will account for proposed 100% consumptive use from evaporation (Attachment B).

(Please show any calculations here.)

14. It is requested that the maximum annual quantity of water be reduced to 120 (acre-feet ~~or million gallons~~).

15. It is requested that the maximum rate of diversion of water be reduced to 75 (evap) natural evaporation 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.

Proposed change application will not impair existing water rights. The proposed point of diversion will be completed in the same local source of supply <300 feet from authorized point of diversion. The average net evaporation loss rate will result in negligible aquifer drawdown impact for this application.

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 noncompliance issues apparent. Well spacing regulatory requirements under K.A.R. 5-22-2 appear met.

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

9/24/2024
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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 JANUARY, Kansas, this 11th day of January, 2024.

Steve C Simon
(Owner)
Steve C Simon
(Please Print)

Sherryl Simon
(Spouse)
Sherryl Simon
(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

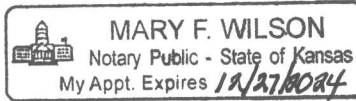
(Owner)

(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 11th day of January, 2024.

Mary F. Wilson
Notary Public

My Commission Expires 12/27/2024.

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

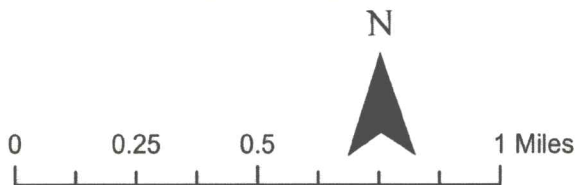
Make check payable to Kansas Department of Agriculture.

Application 36509 Map



Legend

-  Surrounding Groundwater Rights
-  PLSS Sections
-  Proposed Groundwater Pit
-  Domestic Well



Refer to Attachment A for details regarding domestic and non-domestic wells within 1/2 mile

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Attachment A

Change Application No. 36509

Non-Domestic Water Rights within 2,640 feet of proposed point of diversion

Water Right No.	Owner	Address	City	Postal Code
36508	Leeker Real Estate Partnership	3772 N. Jeanette Ave.	Wichita	67204

There are no apparent domestic wells located within 330 feet of proposed groundwater pit edge

Domestic Wells within 2,640 feet of proposed point of diversion

Domestic Well ID No.	Owner	Address	City	Postal Code
1	Jose Correa	1022 S. Beech St.	Wichita	67207
2	Galindo Maldonado, Lourdes Rios, Marisa Maldonado	7020 W. 77th St. N	Valley Center	67147
3	Jamie & Tammie Moler	8602 N. Ridge Rd.	Valley Center	67147
4	Faye Galliard	7325 W. 77th St. N	Valley Center	67147
5	Rodolfo Vargas	15508 NW Parallel Rd.	Benton	67017
6	Gamboa Guadalupe	7207 W. 77th St. N	Valley Center	67147
7	Gerold & Thomas Briley	7611 N. Ridge Rd.	Valley Center	67147
8	Victor Armando Villarreal & Jacqueline Villarreal	7756 N. Ridge Rd.	Valley Center	67147
9	Richard & Helena Arnold Lv Tr	PO Box 264	Kingman	67068
10	Rosario Raymundo	6331 W. 77th St. N	Valley Center	67147
11	Jose Luis & Maria Raymundo	2044 N. Fairview Ave.	Wichita	67203
12	Roberto & Kenia Robledo	6330 W. 77th St. N	Valley Center	67147
13	Billie Stark	PO Box 41	Valley Center	67147
14	Judy K Montague	7936 N. 63rd St. W	Valley Center	67147
15	Denise E Spivey	8050 N. 63rd St. W	Valley Center	67147
16	Edward & Deana Bushell	8032 N. 63rd St. W	Valley Center	67147
17	David & Jo Ann Hessler	8042 N. 63rd St. W	Valley Center	67147
18	Patsy A Miller Etal	1573 N. 1100 Rd	Lawrence	66046
19	Jose Raymundo & Maria Lopez Paredes	2044 N. Fairview Ave.	Wichita	67203
20	Alvaro & Ernestina Martinez	2009 W. 53rd St. N	Wichita	67204
21	Ruth Ann Herman	8325 N. Ridge Rd.	Valley Center	67147
22	B E Carruth Etux	8321 N. Ridge Rd.	Valley Center	67147
23	Darren Lynn Cooper	8301 N. Ridge Rd.	Valley Center	67147
24	Eric Roach	8265 N. Ridge Rd.	Valley Center	67147
25	Eric Roach	8265 N. Ridge Rd.	Valley Center	67147
26	Vital Albino	8200 N. Ridge Rd.	Valley Center	67147
27	Laura Faulkner	428 N. Eisenhower St.	Wichita	67212

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Attachment B - File No. 36509-D1

Change inputs / Assumptions

Calculated Value Only

*Assumes 20 inches of potential net evaporation according to DWR

	Quantity	Units
Proposed Groundwater Pit Acres:	72	Acres
Water Right #36509, Authorized 225 AF x 85% Available (K.A.R. 5-5-9):	191.25	Acre Feet
*Calculated Evaporation From Groundwater Pit for 36509-D1:	120.00	Acre Feet
Remaining Subdivided Water Available for Water Right 36509-D2 (@85% of Original Irrigation Right):	71.25	Acre Feet