

WATER RESOURCES RECEIVED

SEP 13 2024

14:42

KS Dept. of Agriculture



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

(Check one or more) Point of Diversion

Use Made of Water

File No. 50,269

2. Name of applicant: SCOTT HOWE

Address: 12780 MADISON RD

City, State and Zip: RILEY, KS 66531 - 9521

Phone Number: (785) 556-0280 E-mail address: scott@fallcdorfarms.com

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

Name of water use correspondent: SAME AS APPLICANT

Address: _____

City, State and Zip: _____

Phone Number: () _____ E-mail address: _____

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

To expand the irrigated acreage to include land recently purchased.

The change(s) will be completed by following approval.

(Date)

For Office Use Only:														
F.O.	<u>1</u>	GMD	-	Meets K.A.R. 5-5-1	(YES/NO)	Use	<u>IRR</u>	Source	G/S County	<u>RL</u>	By	<u>KJN</u>	Date	<u>9/16/24</u>
Code	<u>CPU</u>	Fee \$		<u>200</u>	TR #	Receipt Date		<u>9-13-24</u>	Check #	<u>2075</u>				

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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 Paley, Kansas, this 16th day of August, 20 24.

[Signature]
(Owner)

Rose Howe
(Spouse)

Scott Howe
(Please Print)

Rosetta H. Howe
(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

State of Kansas }
County of Kansas } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 16th day of August, 20 24.

GRANT W. DOYEN
Notary Public - State of Kansas
My Appt. Expires 12-8-26

[Signature]
Notary Public

My Commission Expires 12-8-26

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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File No. 50.269

4. The presently authorized place of use is:

Owner of Land — NAME: SCOTT HOWE

KS Dept. of Agriculture

ADDRESS: 12780 MADISON RD RILEY KS 66531 - 9521

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	
2	9S	5E					9.25	14.5										23.75	

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: SCOTT E & ROSE HOWE

ADDRESS: 12780 MADISON RD RILEY KS 66531 - 9521

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	
2	9S	5E					2.5	16	21.5	11								51	

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 is one well
(Provide description and number of points)
7. The proposed point(s) of diversion will not change
(Provide description and number of points)

List all presently authorized point(s) of diversion:

8. **Presently authorized point of diversion:**
One in the NW Quarter of the SW Quarter of the NW Quarter
of Section 2, Township 9 South, Range 5 EAST,
in Riley County, Kansas, 3350 feet North 5159 feet West of Southeast corner of section.
Authorized Rate _____ Authorized Quantity _____
(DWR use only: Computer ID No. 5; PDIV: 87666 GPS 3354 feet North 5227 feet West)
 This point will not be changed This point will be updated with GPS data 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 _____ EAST,
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 _____.

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

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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.
The increased quantity of water needed to serve the expanded acreage will be provided by an accompanying 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 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.
Place of use change only - no water rights will be impaired.

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.
All rules and regulations are met.

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

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Description: (new field) ADD Acres

A tract of land in the Northwest Quarter of Section 2, Township 09 South, Range 05 East of the Sixth Principal Meridian, Riley County, Kansas described as follows:

Beginning at a point that is S 00°34'18" W 421.29 feet and N 89°25'42" W 1,705.89 feet from the Northeast Corner of the Northwest Quarter of said Section 2, said point being on the South right of way line of US 24 Highway; thence

S 71°42'23" E 114.00 feet along the South right of way line of US 24 Highway; thence

S 25°31'27" W 218.43 feet; thence

S 37°06'57" E 235.05 feet; thence

S 69°57'31" E 371.65 feet; thence

S 36°52'51" E 205.28 feet; thence

S 20°34'01" E 161.94 feet; thence

S 25°49'54" E 114.51 feet; thence

S 75°03'52" E 132.39 feet; thence

S 12°17'42" E 422.76 feet; thence

S 79°50'52" W 106.29 feet; thence

S 59°50'53" W 149.99 feet; thence

S 30°43'52" W 400.96 feet; thence

N 66°53'58" W 248.30 feet to the center of Wildcat Creek; thence

Along the center of Wildcat Creek the following 16 courses,

Course 1: N 14°55'47" W 229.72 feet,

Course 2: N 40°01'39" W 102.96 feet,

Course 3: S 65°29'08" W 55.39 feet,

Course 4: S 46°34'05" W 92.46 feet,

Course 5: S 82°03'45" W 106.67 feet,

Course 6: N 72°01'27" W 75.57 feet,

Course 7: N 06°51'26" W 97.24 feet,

Course 8: N 35°20'46" E 91.36 feet,

Course 9: N 01°02'20" E 154.80 feet,

Course 10: N 49°22'17" E 67.85 feet,

Course 11: N 33°12'57" E 56.76 feet,

Course 12: N 03°14'33" E 54.13 feet,

Course 13: N 34°32'45" W 51.10 feet,

Course 14: N 48°15'26" W 76.49 feet,

Course 15: S 52°26'45" W 44.46 feet,

Course 16: S 40°39'16" W 93.44 feet; thence

N 09°58'46" E 1082.03 feet to the point of beginning, containing 24.3 acres.

Tim Sloan, PS 783, September 10, 2024.

Subject to easements and restrictions of record.

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PRINTER

Prepared by: Sloan & Meier Surveyors #CGDS08939
Area-Summary 0278ASSU 9/10/24 15:28:05 Factor: 1.0000000

TEMPFILE.PTS: TRACT 1

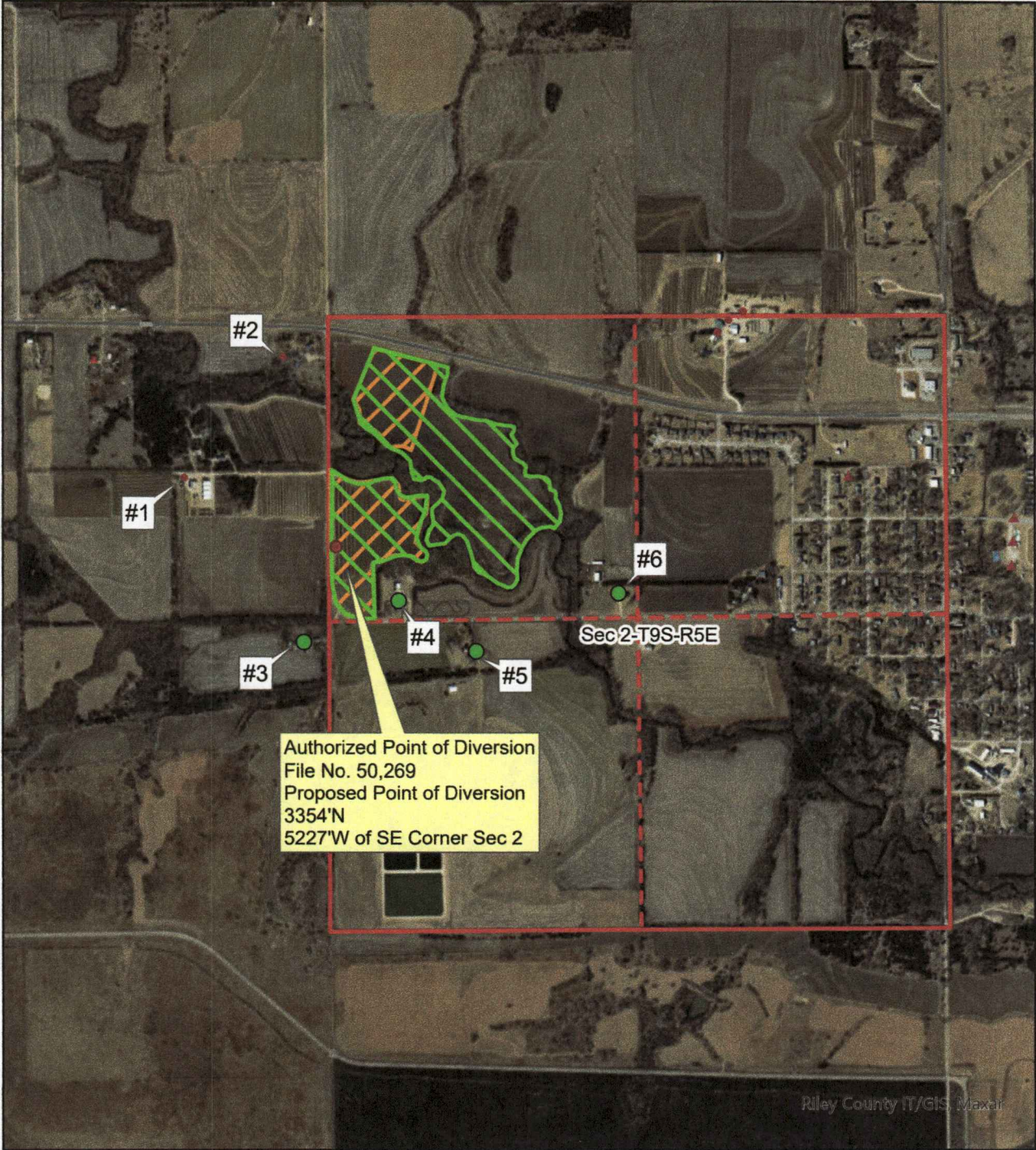
Point	Int-Angle	Bearing	Distance	Point	North	East
208		S 71-42-23 E	114.00	100	355976.409	1639101.354
100	82-46-10	S 25-31-27 W	218.43	250	355779.297	1639007.235
250	242-38-24	S 37-06-57 E	235.05	251	355591.864	1639149.071
251	212-50-34	S 69-57-31 E	371.65	252	355464.500	1639498.215
252	146-55-20	S 36-52-51 E	205.28	253	355300.300	1639621.415
253	163-41-10	S 20-34-01 E	161.94	254	355148.681	1639678.305
254	185-15-53	S 25-49-54 E	114.51	255	355045.613	1639728.200
255	229-13-58	S 75-03-52 E	132.39	256	355011.492	1639856.117
256	117-13-50	S 12-17-42 E	422.76	259	354598.428	1639946.142
259	87-51-26	S 79-50-52 W	106.29	260	354579.693	1639841.516
260	199-59-59	S 59-50-53 W	149.99	261	354504.354	1639711.820
261	209-07-01	S 30-43-52 W	400.96	262	354159.699	1639506.926
262	97-37-50	N 66-53-58 W	248.30	152	354257.119	1639278.535
152	128-01-49	N 14-55-47 W	229.72	151	354479.084	1639219.351
151	205-05-52	N 40-01-39 W	102.96	150	354557.924	1639153.132
150	254-29-13	S 65-29-08 W	55.39	149	354534.941	1639102.735
149	198-55-03	S 46-34-05 W	92.46	148	354471.376	1639035.591
148	144-30-20	S 82-03-45 W	106.67	147	354456.645	1638929.943
147	154-05-12	N 72-01-27 W	75.57	146	354479.968	1638858.062
146	114-49-59	N 06-51-26 W	97.24	145	354576.512	1638846.452
145	137-47-48	N 35-20-46 E	91.36	144	354651.032	1638899.305
144	214-18-26	N 01-02-20 E	154.80	143	354805.806	1638902.112
143	131-40-03	N 49-22-17 E	67.85	142	354849.987	1638953.606
142	196-09-20	N 33-12-57 E	56.76	141	354897.473	1638984.699
141	209-58-24	N 03-14-33 E	54.13	140	354951.517	1638987.761
140	217-47-18	N 34-32-45 W	51.10	139	354993.606	1638958.784
139	193-42-41	N 48-15-26 W	76.49	138	355044.532	1638901.712
138	259-17-49	S 52-26-45 W	44.46	137	355017.433	1638866.465
137	191-47-29	S 40-39-16 W	93.44	136	354946.545	1638805.589
136	30-40-30	N 09-58-46 E	1082.03	208	356012.204	1638993.099
208	81-41-09					

Perimeter: 5413.98 Accum.Perimeter: 5413.98

Approx: Sq.Feet: 1058766 Acres: 24.31
Approx: Accum. - Sq.Feet: 1058766 Acres: 24.31

Correct End - N: 356012.192 E: 1638993.116
Calc. End - N: 356012.204 E: 1638993.099
Error - N: 0.01 E: -0.02 Total: 0.02 Brg: S 54-50-33 E
Distance Traversed: 5413.98 Closure: 265220

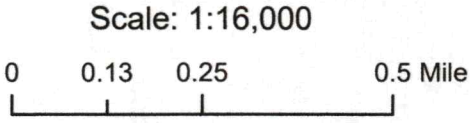
NEW APPLICATION AND CHANGE IN PLACE OF USE - FILE NO. 50,269



Riley County IT/GIS, Maxair

Water well owners within one-half mile of the proposed point of diversion are identified on this map and on an attached page.

- Proposed Place of Use
- Authorized Place of Use
- Potential Domestic Wells



Map prepared by: LHH/TFO 8.15.2024

Well owners within ½ mile of the proposed/existing point of diversion

1. FILE NO. 50,598 (Irrigation)
CROOKED CREEK PROPERTIES LLC
3266 KIMBALL AVE
MANHATTAN, KS 66503

2. FILE NO. 50,608 (Irrigation)
DEREK MARTENEY
7545 CROOKED CREEK RD
RILEY, KS 66531

3. POTENTIAL DOMESTIC WELL
ALAN K & LACEY D YORDY
7169 CROOKED CRK RD
RILEY, KS 66531-9789

4. POTENTIAL DOMESTIC WELL
STEVEN R & SANDRA K HAAS
13100 KANSAS AVE
RILEY, KS 66531-9787

5. POTENTIAL DOMESTIC WELL
KRISTINA D WYATT
1011 OSAGE
MANHATTAN, KS 66502

6. POTENTIAL DOMESTIC WELL
WADE A WALTERS
12820 W KANSAS AVE
RILEY KS 66531