

# 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.

Water Resources  
Received

DEC 16 2019

KS Dept Of Agriculture



State of Kansas

Submit To: CHIEF ENGINEER  
Division of Water Resources  
Kansas Department of Agriculture  
1320 Research Park Drive  
Manhattan, KS 66502  
[www.ksda.gov/dwr](http://www.ksda.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. 6,938-A

2. Name of applicant: ALMENA IRRIGATION DISTRICT NO 5

Address: PO BOX 275

City, State and Zip: ALMENA, KS 67622

Phone Number: ( ) \_\_\_\_\_ E-mail address: \_\_\_\_\_

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

Name of water use correspondent: SAME AS ABOVE

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 RETIRE IRRIGATION DISTRICT CANAL FROM COUNTY 1000 RD EASTWARD IN PHILLIPS COUNTY AND USE THE PRAIRIE DOG CREEK AS A CONDUIT TO DELIVER WATER TO MULTIPLE SURFACE WATER PUMPSITES OPERATED BY THE DISTRICT

The change(s) (will be) completed by UPON APPROVAL

(Date)

**For Office Use Only:**

F.O. 3 GMD - Meets K.A.R. 5-5-1  YES /  NO Use IRR Source G  S County NT By KJN Date 12/16/19  
Code CGT Fee \$ 200 TR # \_\_\_\_\_ Receipt Date 12/16/19 Check # 13791

12/24/2019  
LMoody

4. The presently authorized place of use is:

Owner of Land — NAME: ALMENA IRRIGATION DISTRICT NO 5

ADDRESS: PO BOX 275 ALMENA, KS 67622

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. 20199046

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. \_\_\_\_\_

5. It is proposed that the place of use be changed to:

Owner of Land — NAME: NO CHANGE IN PU

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 Resources

**IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY**

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6. The presently authorized point(s) of diversion is ONE DIVERSION DAM  
(Provide description and number of points)
7. The proposed point(s) of diversion are ONE DIVERSION DAM PLUS 10 SURFACE WATER DIVERSIONS  
(Provide description and number of points)

**List all presently authorized point(s) of diversion:**

8. **Presently authorized point of diversion:**  
 One in the NC N2 Quarter of the SW Quarter of the NE Quarter of Section 24, Township 2 South, Range 22 W, in NT County, Kansas, 3146 feet North 2339 feet West of Southeast corner of section.  
 Authorized Rate 44,880 GPM Authorized Quantity 11,280 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: (Complete only if change is requested)**  
 One in the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of Section \_\_\_\_\_, Township \_\_\_\_\_ South, Range \_\_\_\_\_ 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 \_\_\_\_\_

9. **Presently authorized point of diversion:**  
 One in the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of Section \_\_\_\_\_, Township \_\_\_\_\_ South, Range \_\_\_\_\_ 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 NW Quarter of the SW Quarter of the SE Quarter of Section 18, Township 1 South, Range 19 W, in PL County, Kansas, 1150 feet North 2150 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 PL22 (ID1)

10. **Presently authorized point of diversion:**  
 One in the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of Section \_\_\_\_\_, Township \_\_\_\_\_ South, Range \_\_\_\_\_ 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 NW Quarter of the SE Quarter of the SW Quarter of Section 33, Township 1 South, Range 20 W, in PL County, Kansas, 834 feet North 3511 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 219

11. Describe the current condition of and future plans for any point(s) of diversion which will no longer be used. N/A

**IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY**

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

(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.

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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.

Water Resources

**IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY**

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KS Dept Of Agriculture

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.

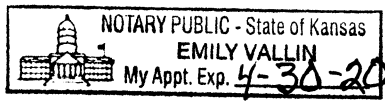
If the request is signed on behalf of any Owner by someone with legal authority to do so (for example, an agent, one who has power of attorney, or an executor, executrix, conservator), it will be necessary to attach proper documents showing such authority.

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 Long Island, Kansas, this 11<sup>th</sup> day of December, 2019.

<u>X</u> <u>Craig Ingram</u> (Owner)	<u>A.I.D. President</u>	_____	(Spouse)
<u>Craig Ingram</u> (Please Print)		_____	(Please Print)
<u>Bradley Cox</u> (Owner)		_____	(Spouse)
<u>Bradley Cox</u> (Please Print)		_____	(Please Print)
<u>Steven Cox</u> (Owner)		_____	(Spouse)
<u>Steven Cox</u> (Please Print)		_____	(Please Print)

X State of Kansas }  
County of Phillips } SS



I hereby certify that the foregoing application was signed in my presence and sworn to before me this 11<sup>th</sup> day of December, 2019.

Emily Vallin  
Notary Public.

My Commission Expires 4-30-2020

**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.**

- 1. The presently authorized point(s) of diversion are 1 DIVERSION DAM  
(Provide description and number of points)
- 2. The proposed point(s) of diversion are 1 DIVERSION DAM AND 10 SURFACE WATER PUMP DIVERSIONS  
(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 \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter  
 of Section \_\_\_\_\_, Township \_\_\_\_\_ South, Range \_\_\_\_\_ 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 SW Quarter of the NE Quarter of the SE Quarter  
 of Section 27, Township 2 South, Range 22 W,  
 in NT County, Kansas, 1900 feet North 1200 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 1029 (ID2)

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 N2 Quarter of the NW Quarter of the SE Quarter  
 of Section 27, Township 2 South, Range 22 W,  
 in NT County, Kansas, 2550 feet North 2450 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 1029 (ID1)

10. **Presently authorized point of diversion:**  
 One in the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter  
 of Section \_\_\_\_\_, Township \_\_\_\_\_ South, Range \_\_\_\_\_ 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 NW Quarter of the NE Quarter of the NW Quarter  
 of Section 17, Township 1 South, Range 19 W,  
 in PL County, Kansas, 5122 feet North 3354 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 545 & 7860

11. Describe the current condition of and future plans for any point(s) of diversion which will no longer be used, N/A

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- 1. The presently authorized point(s) of diversion are 1 DIVERSION DAM  
(Provide description and number of points)
- 2. The proposed point(s) of diversion are 1 DIVERSION DAM AND 10 SURFACE WATER PUMP DIVERSIONS  
(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 \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter  
 of Section \_\_\_\_\_, Township \_\_\_\_\_ South, Range \_\_\_\_\_ 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 NW Quarter of the NE Quarter of the NW Quarter  
 of Section 8, Township 1 South, Range 19 W,  
 in PL County, Kansas, 5109 feet North 3647 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 9051-D2

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 CS Quarter of the NW Quarter of the NW Quarter  
 of Section 17, Township 1 South, Range 19 W,  
 in PL County, Kansas, 4023 feet North 4610 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 PL12 (ID2)

10. **Presently authorized point of diversion:**  
 One in the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter  
 of Section \_\_\_\_\_, Township \_\_\_\_\_ South, Range \_\_\_\_\_ 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 NE Quarter of the NW Quarter of the SW Quarter  
 of Section 17, Township 1 South, Range 19 W,  
 in PL County, Kansas, 2330 feet North 4526 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 PL12 (ID1)

- 11. Describe the current condition of and future plans for any point(s) of diversion which will no longer be used. N/A

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- 1. The presently authorized point(s) of diversion are 1 DIVERSION DAM  
(Provide description and number of points)
- 2. The proposed point(s) of diversion are 1 DIVERSION DAM AND 10 SURFACE WATER PUMP DIVERSIONS  
(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 \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter  
 of Section \_\_\_\_\_, Township \_\_\_\_\_ South, Range \_\_\_\_\_ 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 NW Quarter of the SE Quarter of the SW Quarter  
 of Section 33, Township 1 South, Range 20 W,  
 in PL County, Kansas, 838 feet North 3609 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 PL16

9. **Presently authorized point of diversion:**  
 One in the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter  
 of Section \_\_\_\_\_, Township \_\_\_\_\_ South, Range \_\_\_\_\_ (EW),  
 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 LOT 2 Quarter of the N2 Quarter of the NW Quarter  
 of Section 3, Township 2 South, Range 20 W,  
 in PL County, Kansas, 5022 feet North 5054 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 PL17-D2

10. **Presently authorized point of diversion:**  
 One in the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter  
 of Section \_\_\_\_\_, Township \_\_\_\_\_ South, Range \_\_\_\_\_ 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 \_\_\_\_\_  
 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. N/A

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COX, CHRISTOPHER C & JODI L  
12676 ROAD E2 NORTON, KS 67654-5580

LOWRY, DONALD E & MARILYN S  
21884 STATE HWY 383 ALMENA, KS 67622-9680

COX, BRADLEY B & ANN M  
1439 W GRANITE RD LONG ISLAND, KS 67647

COX STEVEN ASSOCIATES LLC  
1472 HWY 383 LONG ISLAND, KS 67647

COX, CLINTON T & CORINNE J  
1090 LEAVENWORTH LONG ISLAND, KS 67647-4035

COX CONRAD FARMS INC  
1036 HWY 383 LONG ISLAND, KS 67647

SCHEMPER, JOYCE A  
5820 AVE N #21 KEARNEY, NE 68847

NELSON FARMS INC  
1361 W GRANITE RD LONG ISLAND, KS 67647

KATS, GAIL D & DORIS E  
10185 E LAKE DR ENGLEWOOD, CO 80111

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KS Dept Of Agriculture

WATKINS FAMILY TRUST

8100 E CAMELBACK RD SUITE 42 SCOTTSDALE, AZ 85251

HARDY, LARRY A

770 HWY 383 LONG ISLAND, KS 67647

GRANITE VIEW LLC

221 S KANSAS AVE ORLEANS, NE 68966

SPRING CREEK RANCH INC

25292 ROAD F ALMENA, KS 67622-9857

SHEARER FAMILY TRUST

%SHEARER, GERALD & ANITA 11143 ROAD E5 NORTON, KS 67654-5419

FRISCH, ADAM J & JAMIE

10951 ROAD E5 NORTON, KS 67654-5420

ARFORD FAMILY REVOCABLE TRUST

21270 ROAD H NORTON, KS 67654-5438

DELIMONT, MELISSA

%FISHER, STEVEN 24 COMANCHE RD WINDOM, KS 67491-9336

David Barfield, Chief Engineer

Almena Irrigation District # 5 has received permission from the Bureau of Reclamation to fill in about five miles of canals. The canals that we are wanting to fill in are at the tail end of the main canal system a map is included for viewing. Center pivots have been constructed on the majority of the land and flood irrigation is no longer feasible except for corners of fields.

We are requesting to make permanent points of diversion along prairie dog creek to service the area we are removing the canals on. Almena Irrigation District installed a permanent point of diversion from the canal system to discharge directly into Prairie Dog Creek, where the canal abandonment will begin.

We will be abandoning nearly twice as many linear feet of canal as compared to the creek delivery system.

There are a few other points of diversions along the Prairie Dog Creek that we are requesting permission for, that will not be in the canal abandonment area, once again we have places that can directly discharge into Prairie Dog Creek from the main canal system right above these points of diversion that we are requesting to make permanent.

Almena Irrigation District request that our water right 6938-A be modified to allow us to make more beneficial use of our water delivery system. All points of diversion we are requesting to make permanent along Prairie Dog Creek will have meters installed for accurate accounting of water delivered from the creek and all water will go back on BOR lands.

Almena Irrigation will have the ditch rider inspect and record meter readings prior to pumping and after shut off. Accounting will be made available to DWR.

Almena Irrigation District is very much aware of other water rights associated with Prairie Dog Creek as well as compact issues, we will not cause impairment and any issues that might occur will be addressed immediately and corrected by AID.

Almena Irrigation District is trying to get more efficient with water deliveries and making better use through the center pivots. Members are usually using ground water through the pivots so we believe we will make better use of District water while saving ground water.



12-11-19



12-11-19



12-11-19

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AID. Board of Directors

KS Dept Of Agriculture

# Almena Irrigation District # 5

## Operating Plan for Points of Diversion

### In Prairie Dog Creek

1: Upon approval by DWR, the Almena Irrigation District will use Prairie Dog Creek as a conduit to deliver water to reclamation lands by identified points of diversion in the application to modify water right 6938-A.

2: The Almena Irrigation District Board of Directors, Ditch Rider and DWR personal will have access to inspect pump sites at any time.

3: Records of accounting will be kept by the Almena Irrigation District personal and submitted to DWR at the end of the irrigation season by October 1<sup>st</sup> annually.

A: Almena Irrigation will give DWR start pumping and shut off dates in the accounting.

B: All AID points of diversion will have meters installed for accounting, the purposed points of diversion have surface water rights as well. The surface water right meter will be used for the accounting to DWR and AID.

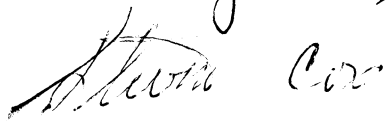
C: AID will relay authorized allocation of water allotment for calendar year to DWR along with total base acres for operators of Prairie Dog Creek points of diversion in the accounting.

D: AID will divert water from Norton Reservoir and make diversions through the AID canals or AID sluice gate at the diversion dam.

E: Under special circumstances of large rainfall events above AID diversion dam, and with DWR approval, AID would divert AID allocated water from Prairie Dog Creek from the purposed points of diversion with the same accounting rules. AID would stop deliveries if Prairie Dog Creek flows drop to 10 cfs at the Woodruff Gage station near the Nebraska state line, or upon DWR request.

4: AID agrees to work with DWR on any issues that might arise and solve issues quickly.

  
Bradley Cox 12-11-19

  
AID Board of Directors 12-11-19

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	A	B	C	D	E	F	G	H	I
1	Almena Irrigation District Pump Station Accounting							Base Acres x 2.5 inch	
2									
3	Pump Station #	Meter ID	Start Pump Date	Start Meter Reading	End Pump Date	End Meter Reading	AF Pumped	2020 Allocation AF	Operator
4	9051 D-2								
5									
6									
7									
8									
9									
10									
11									
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17									
18									
19								Water Resources Received	
20								<b>DEC 16 2019</b>	
21	x								

*AID.*

DEC 16 2019

KS Dept Of Agriculture

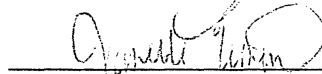
BUREAU OF RECLAMATION – GREAT PLAINS REGION

Categorical Exclusion Checklist

CEC No: CEC-NK-2019-32

While analysis has been completed for impacts to natural resources on these easements, additional documentation and review for abandonment of easements will be required.

Prepared by:



Date:

7/24/2019

Jeanette Timm  
Natural Resource Specialist

Cultural Resources  
Concurrence:

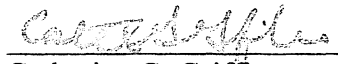


Date:

7/29/2019

Catherine G. Griffin  
Nebraska-Kansas Archaeologist

Indian Trust Asset  
Concurrence:



Date:

7/29/2019

Catherine G. Griffin  
Nebraska-Kansas Archaeologist

Supervisory Program  
Manager Concurrence:



Date:

7/29/2019

Marla Simpson  
Supervisory Programs Manager

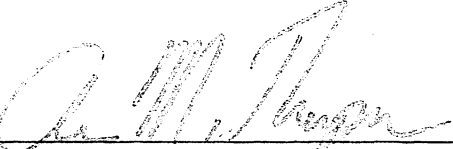
**Authorization**

U.S. Bureau of Reclamation, Nebraska-Kansas Area Office authorizes the modification to Contractual Agreement No. 009D6B0119 for a two-year pilot program for an early spring water delivery release of 160 AF between the months of February to May at a rate of 12 AF/day over a 13-day period, as proposed by the Almena Irrigation District No. 5. Following the two-year pilot, the contract changes would be permanent to allow the District flexibility for early water delivery.

In addition, Almena Irrigation District No. 5 is authorized to implement their proposal of abandoning a portion of the Almena Main Canal and associated laterals, particularly Lateral 16.9, all located in Section 7, 8, 17, 18 in Township 01 South, Range 19 West, Phillips County, Kansas. As proposed, Reclamation would retain the perpetual easements, only the constructed features of the canal and laterals, including turn-outs and structures, would be removed to restore the land for farming practices. It should be noted, if the District chooses to re-establish the canal and laterals in the future, the funding and construction by Reclamation specification would be the sole responsibility of the District.

This decision does not serve as the authorization for Reclamation to release the easements.

Approved:

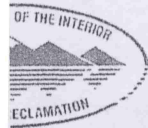


Date:

7/29/2019

Aaron M. Thompson  
Nebraska-Kansas Area Manager

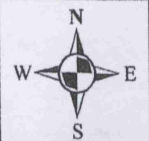




These data are being provided as a public record by the U.S. Bureau of Reclamation. Reclamation makes no warranties, either expressed or implied, with respect to these data, their quality, or fitness for a particular purpose or use. Reclamation makes no warranty with respect to the accuracy of the data provided, and in no event will be liable for direct, indirect, consequential or incidental damages resulting from any inaccuracies in the data. The requestor should review and evaluate the data requested to determine their suitability of use for their activities.

### EXHIBIT A: ALMENA MAIN CANAL AND LATERALS

UNITED STATES DEPARTMENT OF THE INTERIOR  
BUREAU OF RECLAMATION  
PICK-SLOAN MISSOURI BASIN PROGRAM  
GREAT PLAINS REGION / NEBRASKA-KANSAS AREA OFFICE

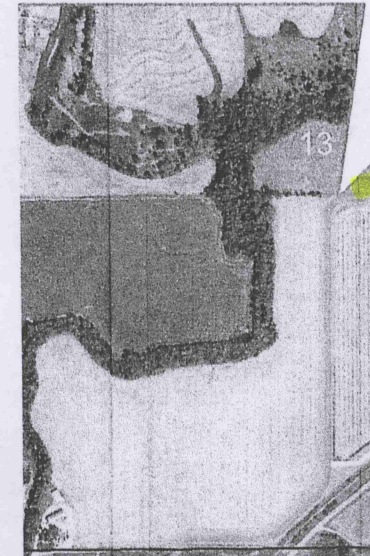


als  
rals  
ement

District requests permission from to fill-in a portion of Almena Main Canal ated laterals and remove any above- cutre to improve farming practices.

17, 18; T01S R19W, Phillips County, KS  
T01S R20W, Phillips County, KS

Proposed point of termination for Almena Main Canal



Elk Creek

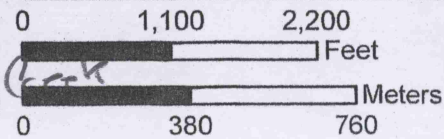
old termination point of the Almena Main Canal

Prairie Dog Creek

new proposed point of termination for Lateral 16.9

*NEW Discharge Pipe to Prairie Dog Creek  
Installed Spring 2019*

Furnas	Harden
Norton	Phillips



Water Resources

Received

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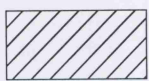
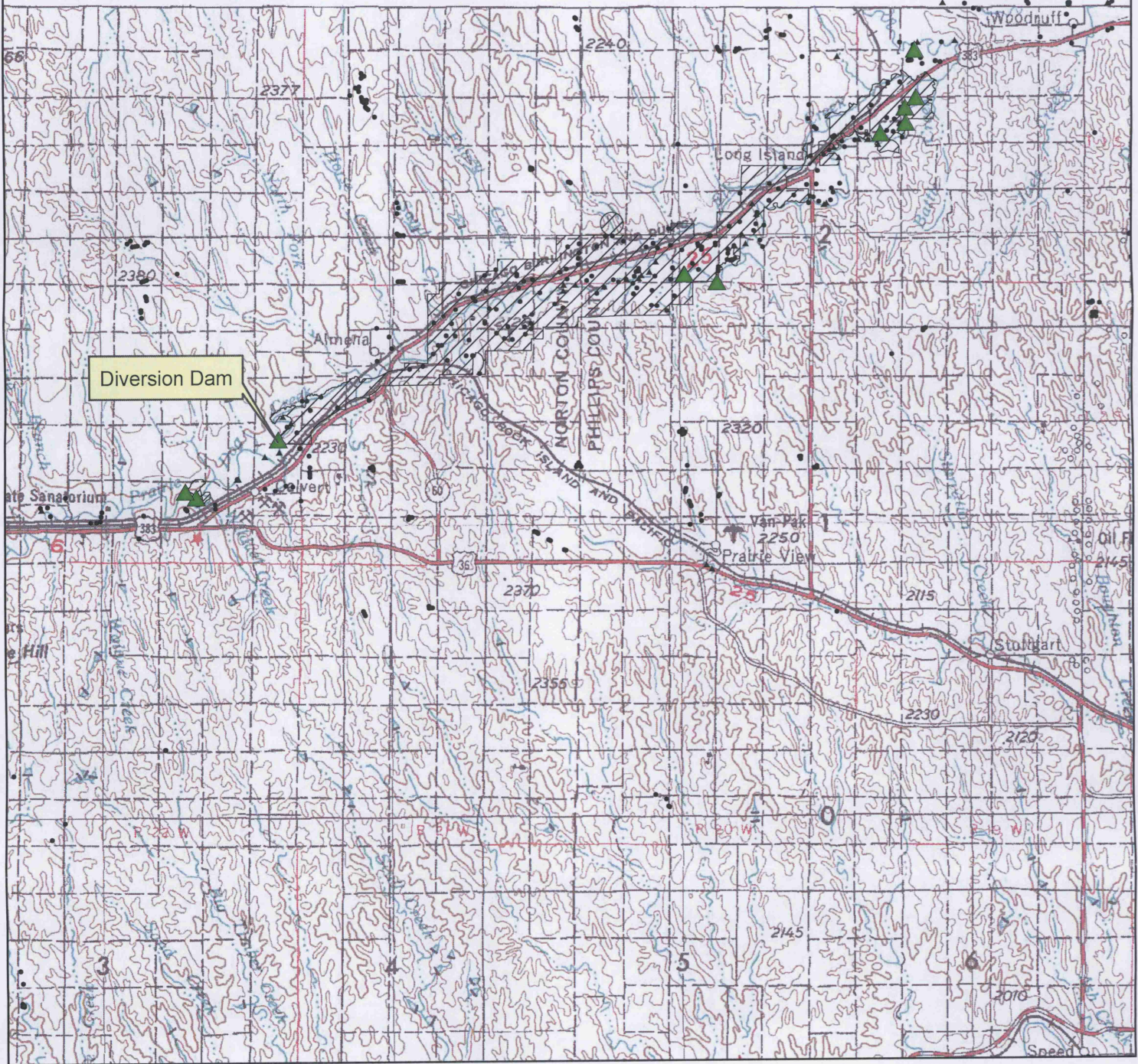
*Yellow canal to be abandoned*



Application to Change the Point of Diversion Water Resources  
 For Water Right File # 6938-A Received

DEC 16 2019

KS Dept Of Agriculture



Authorized Place of Use

- ▲ Surface Water Point of Diversion
- Groundwater Point of Diversion

1:200,000

- ▲ Proposed Points of Diversion

Signature Required

*[Handwritten Signature]*

By signing this I am stating that to the best of my knowledge that all landowners 1/2 mile upstream and downstream of the proposed points of diversion are identified on the enclosed attachment.





APPLICATION FOR APPROVAL TO CHANGE  
THE PLACE OF USE AND/OR POINT OF DIVERSION  
SUPPLEMENTAL SHEET  
FILE NO. 6,938-A

**Presently authorized point of diversion:**

One in the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter  
of Section \_\_\_\_\_, Township \_\_\_\_\_ South, Range \_\_\_\_\_ W,  
in \_\_\_\_\_ County, Kansas, \_\_\_\_\_ feet North \_\_\_\_\_ feet West of Southeast corner of section.

Authorized Rate \_\_\_\_\_ Authorized Quantity \_\_\_\_\_ Depth of well \_\_\_\_\_ (feet)

**(DWR use only: Computer ID No. \_\_\_\_\_ GPS \_\_\_\_\_ feet North \_\_\_\_\_ feet West)**

This point will not be changed  This point will be changed as follows:  No change, point better described with GPS as follows:

**Proposed point of diversion: (Complete only if change is requested or if existing point is better described by GPS)**

One in the \_\_\_\_\_ NW Quarter of the \_\_\_\_\_ NW Quarter of the \_\_\_\_\_ SW Quarter  
of Section \_\_\_\_\_ 2 \_\_\_\_\_, Township \_\_\_\_\_ 2 \_\_\_\_\_ South, Range \_\_\_\_\_ 21 \_\_\_\_\_ W,  
in Norton \_\_\_\_\_ County, Kansas, \_\_\_\_\_ 2,570 feet North \_\_\_\_\_ 5,155 feet West of Southeast corner of section.

Proposed Rate \_\_\_\_\_ Proposed Quantity \_\_\_\_\_ Proposed well depth (feet) \_\_\_\_\_

This point is:  Additional Well  Geo Center List other water rights that will use this point None \_\_\_\_\_

**Presently authorized point of diversion:**

One in the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter  
of Section \_\_\_\_\_, Township \_\_\_\_\_ South, Range \_\_\_\_\_ W,  
in \_\_\_\_\_ County, Kansas, \_\_\_\_\_ feet North \_\_\_\_\_ feet West of Southeast corner of section.

Authorized Rate \_\_\_\_\_ Authorized Quantity \_\_\_\_\_ Depth of well \_\_\_\_\_ (feet)

**(DWR use only: Computer ID No. \_\_\_\_\_ GPS \_\_\_\_\_ feet North \_\_\_\_\_ feet West)**

This point will not be changed  This point will be changed as follows:  No change, point better described with GPS as follows:

**Proposed point of diversion: (Complete only if change is requested or if existing point is better described by GPS)**

One in the \_\_\_\_\_ SE Quarter of the \_\_\_\_\_ NE Quarter of the \_\_\_\_\_ NE Quarter  
of Section \_\_\_\_\_ 2 \_\_\_\_\_, Township \_\_\_\_\_ 2 \_\_\_\_\_ South, Range \_\_\_\_\_ 21 \_\_\_\_\_ W,  
in Norton \_\_\_\_\_ County, Kansas, \_\_\_\_\_ 4,500 feet North \_\_\_\_\_ 30 feet West of Southeast corner of section.

Proposed Rate \_\_\_\_\_ Proposed Quantity \_\_\_\_\_ Proposed well depth (feet) \_\_\_\_\_

This point is:  Additional Well  Geo Center List other water rights that will use this point None \_\_\_\_\_

**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 \_\_\_\_\_ Depth of well \_\_\_\_\_ (feet)

**(DWR use only: Computer ID No. \_\_\_\_\_ GPS \_\_\_\_\_ feet North \_\_\_\_\_ feet West)**

This point will not be changed  This point will be changed as follows:  No change, point better described with GPS as follows:

**Proposed point of diversion: (Complete only if change is requested or if existing point is better described by GPS)**

One in the \_\_\_\_\_ SE Quarter of the \_\_\_\_\_ NE Quarter of the \_\_\_\_\_ NE Quarter  
of Section \_\_\_\_\_ 2 \_\_\_\_\_, Township \_\_\_\_\_ 2 \_\_\_\_\_ South, Range \_\_\_\_\_ 21 \_\_\_\_\_ W,  
in Norton \_\_\_\_\_ County, Kansas, \_\_\_\_\_ 4,500 feet North \_\_\_\_\_ 10 feet West of Southeast corner of section.

Proposed Rate \_\_\_\_\_ Proposed Quantity \_\_\_\_\_ Proposed well depth (feet) \_\_\_\_\_

This point is:  Additional Well  Geo Center List other water rights that will use this point None \_\_\_\_\_

**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 \_\_\_\_\_ Depth of well \_\_\_\_\_ (feet)

**(DWR use only: Computer ID No. \_\_\_\_\_ GPS \_\_\_\_\_ feet North \_\_\_\_\_ feet West)**

This point will not be changed  This point will be changed as follows:  No change, point better described with GPS as follows:

**Proposed point of diversion: (Complete only if change is requested or if existing point is better described by GPS)**

One in the \_\_\_\_\_ NW Quarter of the \_\_\_\_\_ NW Quarter of the \_\_\_\_\_ NW Quarter  
of Section \_\_\_\_\_ 6 \_\_\_\_\_, Township \_\_\_\_\_ 2 \_\_\_\_\_ South, Range \_\_\_\_\_ 20 \_\_\_\_\_ W,  
in Phillips \_\_\_\_\_ County, Kansas, \_\_\_\_\_ 4,780 feet North \_\_\_\_\_ 5,060 feet West of Southeast corner of section.

Proposed Rate \_\_\_\_\_ Proposed Quantity \_\_\_\_\_ Proposed well depth (feet) \_\_\_\_\_

This point is:  Additional Well  Geo Center List other water rights that will use this point Possibly 523 \_\_\_\_\_

APPLICATION FOR APPROVAL TO CHANGE  
THE PLACE OF USE AND/OR POINT OF DIVERSION  
SUPPLEMENTAL SHEET  
FILE NO. 6,938-A

**Presently authorized point of diversion:**

One in the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter  
of Section \_\_\_\_\_, Township \_\_\_\_\_ South, Range \_\_\_\_\_ W,  
in \_\_\_\_\_ County, Kansas, \_\_\_\_\_ feet North \_\_\_\_\_ feet West of Southeast corner of section.

Authorized Rate \_\_\_\_\_ Authorized Quantity \_\_\_\_\_ Depth of well \_\_\_\_\_ (feet)

**(DWR use only: Computer ID No. \_\_\_\_\_ GPS \_\_\_\_\_ feet North \_\_\_\_\_ feet West)**

This point will not be changed  This point will be changed as follows:  No change, point better described with GPS as follows:

**Proposed point of diversion: (Complete only if change is requested or if existing point is better described by GPS)**

One in the NW Quarter of the NW Quarter of the NW Quarter  
of Section 6, Township 2 South, Range 20 W,  
in Phillips County, Kansas, 4,780 feet North 5,040 feet West of Southeast corner of section.

Proposed Rate \_\_\_\_\_ Proposed Quantity \_\_\_\_\_ Proposed well depth (feet) \_\_\_\_\_

This point is:  Additional Well  Geo Center List other water rights that will use this point None

**Presently authorized point of diversion:**

One in the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter  
of Section \_\_\_\_\_, Township \_\_\_\_\_ South, Range \_\_\_\_\_ W,  
in \_\_\_\_\_ County, Kansas, \_\_\_\_\_ feet North \_\_\_\_\_ feet West of Southeast corner of section.

Authorized Rate \_\_\_\_\_ Authorized Quantity \_\_\_\_\_ Depth of well \_\_\_\_\_ (feet)

**(DWR use only: Computer ID No. \_\_\_\_\_ GPS \_\_\_\_\_ feet North \_\_\_\_\_ feet West)**

This point will not be changed  This point will be changed as follows:  No change, point better described with GPS as follows:

**Proposed point of diversion: (Complete only if change is requested or if existing point is better described by GPS)**

One in the SE Quarter of the SE Quarter of the SE Quarter  
of Section 31, Township 1 South, Range 20 W,  
in Phillips County, Kansas, 400 feet North 40 feet West of Southeast corner of section.

Proposed Rate \_\_\_\_\_ Proposed Quantity \_\_\_\_\_ Proposed well depth (feet) \_\_\_\_\_

This point is:  Additional Well  Geo Center List other water rights that will use this point Possibly 1476 & 7360

**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 \_\_\_\_\_ Depth of well \_\_\_\_\_ (feet)

**(DWR use only: Computer ID No. \_\_\_\_\_ GPS \_\_\_\_\_ feet North \_\_\_\_\_ feet West)**

This point will not be changed  This point will be changed as follows:  No change, point better described with GPS as follows:

**Proposed point of diversion: (Complete only if change is requested or if existing point is better described by GPS)**

One in the NE Quarter of the SE Quarter of the SW Quarter  
of Section 32, Township 1 South, Range 20 W,  
in Phillips County, Kansas, 720 feet North 3,160 feet West of Southeast corner of section.

Proposed Rate \_\_\_\_\_ Proposed Quantity \_\_\_\_\_ Proposed well depth (feet) \_\_\_\_\_

This point is:  Additional Well  Geo Center List other water rights that will use this point Possibly 2147 & 5249

**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 \_\_\_\_\_ Depth of well \_\_\_\_\_ (feet)

**(DWR use only: Computer ID No. \_\_\_\_\_ GPS \_\_\_\_\_ feet North \_\_\_\_\_ feet West)**

This point will not be changed  This point will be changed as follows:  No change, point better described with GPS as follows:

**Proposed point of diversion: (Complete only if change is requested or if existing point is better described by GPS)**

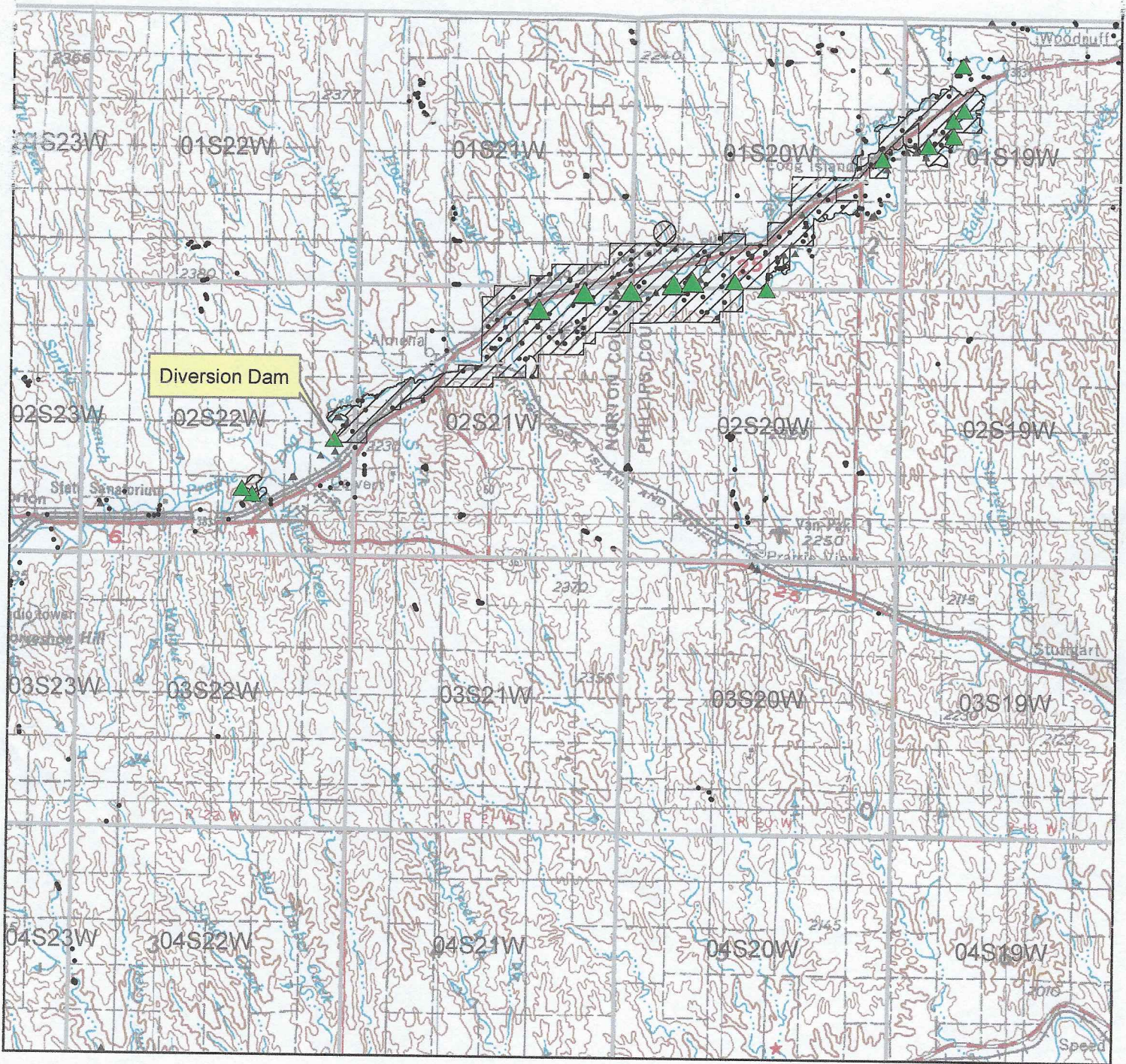
One in the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter  
of Section \_\_\_\_\_, Township \_\_\_\_\_ South, Range \_\_\_\_\_ (E/W),  
in \_\_\_\_\_ County, Kansas, \_\_\_\_\_ feet North \_\_\_\_\_ feet West of Southeast corner of section.

Proposed Rate \_\_\_\_\_ Proposed Quantity \_\_\_\_\_ Proposed well depth (feet) \_\_\_\_\_

This point is:  Additional Well  Geo Center List other water rights that will use this point \_\_\_\_\_



Application to Change the Point of Diversion  
For Water Right File # 6938-A



Authorized Place of Use

- ▲ Surface Water Point of Diversion
- Groundwater Point of Diversion

1:200,000

- ▲ Proposed Points of Diversion

2/10/2021

Received

Stockton Field Office  
Division of Water Resources

Signature Required

*[Handwritten Signature]* A. F. D. Res...

By signing this I am stating that to the best of my knowledge that all landowners 1/2 mile upstream and downstream of the proposed points of diversion are identified on the enclosed attachment.





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

ALMENA IRRIGATION DISTRICT NO 5  
PO BOX 275  
ALMENA, KS 67622

December 17, 2019

RE: File No. **6,938-A**

Dear Sir or Madam:

An application for approval of the Chief Engineer to change the following condition or conditions of the file number referred to above has been received:

- place of use
- point of diversion
- use made of water

As a matter of record, the Division of Water Resources has on hand a large number of applications awaiting processing. Therefore, to be fair to all concerned, and so that we can process those applications on hand in the order they were received, we intend to concentrate on the backlog of applications until the issue is resolved. You will be contacted regarding this application as soon as it has been examined.

In accordance with the provisions of the Kansas Water Appropriation Act, a portion of which is included below, the use of water prior to approval of the application is unlawful. You should not proceed and divert water as indicated by your plans in your application for a change for this file until you receive approval for this change from the Chief Engineer. Once approved, compliance with the terms, conditions and limitations of the permit is necessary. Conservation of the water resources of Kansas is required.

**Section 82a-728 of the Kansas Water Appropriation Act, provides (a) except for the appropriation of water for the purpose of domestic use, . . . it shall be unlawful for any person to appropriate or threaten to appropriate water from any source without first applying for and obtaining a permit to appropriate water in accordance with the provisions of the Water Appropriation Act or for any person to violate any condition of a vested right, appropriation right or an approved application for a permit to appropriate water for beneficial use.**

**(b) (1) The violation of any provision of this section by any person is a class C misdemeanor...**

**A class C misdemeanor is punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. Each day that the violation occurs constitutes a separate offense.**

If you have any questions, please contact me at (785) 564-6645. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

Brent Turney, L.G.  
Change Applications Unit Supervisor  
Water Appropriation Program

BAT: kjn