

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.

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

WATER RESOURCES
RECEIVED
JUN 16 2023
1143
KS DEPT OF AGRICULTURE

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. 17,283

2. Name of applicant: JEFF & JENNIFER WEILERT

Address: 1550 HILLTOP DR

City, State and Zip: HAYS, KS 67601

Phone Number: (785)623-0312

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 OVERLAP PLACE OF USE

WITH FILES 17283, 50042 & NEW APPLICATION (UPON APPROVAL OF NEW APPLICATION)

The change(s) (was) (will be) completed by WHEN NEW APPLICATION IS APPROVED

(Date)

For Office Use Only:

F.O. **3** GMD Meets K.A.R. 5-5-1 (YES) / NO Use **IRR** Source G / S County **EL** By **ALB** Date **6/16/23**

6/20/2023
KAnderson

Code **CPM** Fee \$ **200** TR #

Receipt Date **6/16/23** Check # **6584**

4. The presently authorized place of use is:

Owner of Land $\frac{3}{4}$ NAME: JEFF & JENNIFER WEILERT

ADDRESS: 1550 HILLTOP DR HAYS, KS 67601

Sec	Twp	Range	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTAL ACRES
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
24	11S	20W	22		25	37.5					25.5	29	3.8	24.5	4.6	3.8	0.5		176.20

WATER RESOURCES RECEIVED

JUN 16 2023

KS DEPT OF AGRICULTURE

List any other water rights that cover this place of use. 17283, 50042 & NEW APPLICATION (UPON APPROVAL)

Owner of Land $\frac{3}{4}$ NAME: _____

ADDRESS: _____

Sec	Twp	Range	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTAL ACRES	
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$		

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 $\frac{3}{4}$ NAME: JEFF & JENNIFER WEILERT

ADDRESS: 1550 HILLTOP DR HAYS, KS 67601

Sec	Twp	Range	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTAL ACRES	
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$		
24	11S	20W	22		29	37			12	26	30	4	25	6	11					202

List any other water rights that cover this place of use. 17283, 50042 & NEW APPLICATION (UPON APPROVAL)

Owner of Land $\frac{3}{4}$ NAME: JEANNE M WEILERT LV TR

ADDRESS: 2161 HYACINTH AVE HAYS, KS 67601

Sec	Twp	Range	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTAL ACRES	
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$		
25	11S	20W					5.5													5.5

List any other water rights that cover this place of use. 17283, 50042 & NEW APPLICATION (UPON APPROVAL)

Owner of Land $\frac{3}{4}$ NAME: FRED L WEILERT LV TR

ADDRESS: 2161 HYACINTH AVE HAYS, KS 67601

Sec	Twp	Range	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTAL ACRES		
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$			
25	11S	20W			14.5																14.5

List any other water rights that cover this place of use. 17283, 50042 & NEW APPLICATION (UPON APPROVAL)

6. The presently authorized point(s) of diversion ONE POINT OF DIVERSION

(Provide description and number of points)

7. The proposed point(s) of diversion NO CHANGE

(Provide description and number of points)

WATER RESOURCES
RECEIVED

JUN 16 2023

KS DEPT OF AGRICULTURE

List all presently authorized point(s) of diversion:

Presently authorized point of diversion:

One in the SW Quarter of the SW Quarter of the NE Quarter

of Section 24, Township 11 South, Range 20 W,

in ELLIS County, Kansas, 2920 feet North 2370 feet West of Southeast corner of section.

Authorized Rate 810 GPM Authorized Quantity 92 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 _____ (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 _____

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 _____

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 _____

WATER RESOURCES RECEIVED

JUN 16 2023

KS DEPT OF AGRICULTURE

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

File No. 17,283

12. The presently authorized use of water is for IRRIGATION purposes.

It is proposed that the use be changed to NO CHANGE IN UMW purposes.

13. If changing the place of use and/or use made of water, describe how the consumptive use will not be increased.

THIS CHANGE IS CONTINGENT UPON APPROVAL OF NEW APPLICATION, ONCE THE NEW APPLICATION IS APPROVED IT IS PROPOSED THE PLACE OF USE OF THESE FILES WILL BE COMPLETELY OVERLAPPED

(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). 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.

8.

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.

THIS CHANGE IS TO PROPOSE COMPLETE OVERLAP OF PLACE OF USE ONLY

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.

N/A NO WAIVER IS NECESSARY IF NEW APPLICATION ACCOMPANYING THIS PU CHANGE IS APPROVED

WATER RESOURCES RECEIVED

JUN 16 2023

KS DEPT OF AGRICULTURE

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.

N/A NO WAIVER IS NECESSARY IF NEW APPLICATION ACCOMPANYING THIS PU CHANGE IS APPROVED

File No. 50,042

9.

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 HAYS, Kansas, this 13 day of June, 2023

10.


<u>Jeff Weiler</u> (Owner) (Please Print)	<u>Jennifer Weiler</u> (Spouse) (Please Print)
<u>Fred Weiler</u> (Owner) (Please Print)	<u>Jeanne Weiler</u> (Spouse) (Please Print)
<u>Fred Weiler</u> (Please Print)	<u>Jeanne Weiler</u> (Please Print)
(Owner)	(Spouse)
(Please Print)	(Please Print)

State of Kansas)
) SS
County of Ellis)

I hereby certify that the foregoing application was signed in my presence and sworn to before me this June, 2023

Laurie A Pfannenstiel

13th

	LAURIE A. PFANNENSTIEL NOTARY PUBLIC STATE OF KANSAS My App. Exp. <u>3/24/2024</u>
---	--

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**.

WATER RESOURCES
RECEIVED

JUN 16 2023

KS DEPT OF AGRICULTURE