

Submit completed application to:
 Kansas Department of Agriculture
 Division of Water Resources
 Field Office for your area.
 Call for address:

Topeka -- (785) 296-5733
 Stafford -- (620) 234-5311
 Stockton -- (785) 425-6787
 Garden City -- (620) 276-2901
<http://agriculture.ks.gov/dwr>

DWR FIELD OFFICE APPLICATION FOR APPROVAL TO CHANGE THE PLACE OF USE AND/OR THE POINT OF DIVERSION



STATE OF KANSAS

Filing Fee Must Accompany the Application, K.S.A. 82a-708b(b), as amended.

Fee Schedule is on the third page of this application form.

Paragraph Nos. 1, 2, 3 & 5 must be completed. Complete all other applicable portions. If change in point of diversion is greater than 100 feet, or if place of use will be changed, include a topographic map or detailed plat showing the authorized and proposed point(s) of diversion and/or place of use.

File No. 40545

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 11:45 a.m.
 JUL 11 2016

1. Application is hereby made for approval of the Chief Engineer to change the (check one or both):

☒ Place of Use ☐ Point of Diversion

under the water right which is the subject of this application in accordance with the conditions described below.

The source of supply is: ☒ Groundwater ☐ Surface water

Topeka Field Office
 DIVISION OF WATER RESOURCES

2. Name and address of Applicant: JOHN & SHARON ROOT / MARY LOU & BOBBY D HOLMES / EUGENE E ROOT TRUST

7841 NW 13TH ST TOPEKA KS 66618-5712 / 8221 NW 1ST ST TOPEKA KS 66618 / 7841 NW 13TH ST TOPEKA KS 66618-5712

Phone Number: () Email address: _____

Name and address of Water Use Correspondent: JOHN & SHARON ROOT

7841 NW 13TH ST TOPEKA KS 66618-5712

Phone Number: () Email address: _____

3. The presently authorized place of use is:

Owner of Land ---- NAME: JOHN & SHARON ROOT / MARY LOU & BOBBY D HOLMES / EUGENE E ROOT TRUST

ADDRESS: 7841 NW 13TH ST TOPEKA KS 66618-5712 / 8221 NW 1ST ST TOPEKA KS 66618 / 7841 NW 13TH ST TOPEKA KS 66618-5712

(If there is more than one landowner, attach supplemental sheets as necessary.)

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	
25	11	14E		10	19					40	19 L-2	11 L-3				3 L-1			102

4. If this application is for a change in place of use, it is proposed that the place of use be changed to:

Owner of Land ---- NAME: JOHN & SHARON ROOT / MARY LOU & BOBBY D HOLMES / EUGENE E ROOT TRUST

ADDRESS: 7841 NW 13TH ST TOPEKA KS 66618-5712 / 8221 NW 1ST ST TOPEKA KS 66618 / 7841 NW 13TH ST TOPEKA KS 66618-5712

(If there is more than one landowner, attach supplemental sheets as necessary.)

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	
25	11	14E		26	40					30	18.5 L-2	1.5 L-3				7 L-1			123

For Office Use Only: Code _____ Fee \$ _____ TR # _____ Receipt Date _____ Check # _____

5. **Presently authorized point of diversion:**
 One NC W1/2 of the W1/2 of the NE Quarter
 of Section 25, Township 11 South, Range 14E (E/W),
 in SHAWNEE County, Kansas, 3960 feet North 2440 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:
Proposed point of diversion: (Complete only if change is requested) BETTER DESCRIPTION AS PER GPS DATA
 One NC W1/2 of the W1/2 of the NE Quarter
 of Section 25, Township 11 South, Range 14E (E/W),
 in SHAWNEE County, Kansas, 3977 feet North 2527 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 _____

6. **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:
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 _____ Proposed well depth (feet) _____
 This point is: ☐ Additional Well ☐ Geo Center List other water rights that will use this point _____

7. Why do you need a new point of diversion? _____

N/A

8. If a well, is the test hole log attached? ☐ Yes ☐ No

9. When do you propose to complete the new point of diversion?
N/A

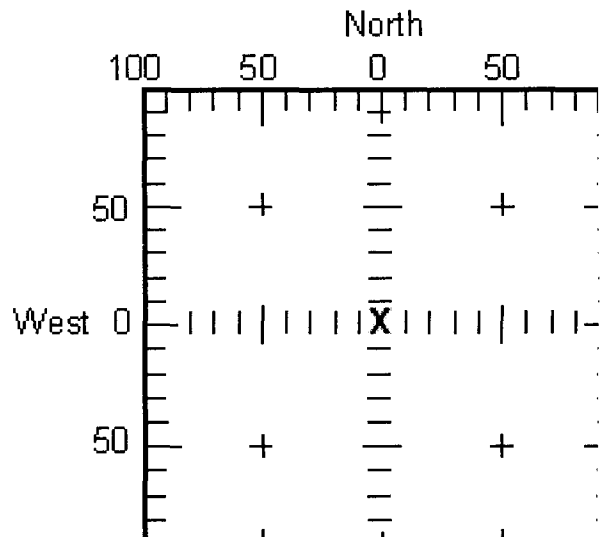
10. If the point of diversion is a well:
 (a) What are you going to do with the old well?

(b) When will this be done? _____

11. Groundwater Management District recommendation attached? ☐ Yes ☒ No

12. Assisted by BRETT BUNGER 6-21-16

13a. If the proposed point of diversion will be relocated within 100 feet of the existing point of diversion, indicate its location on the diagram below in relation to the existing point of diversion. (PLEASE NOTE: The "X" in center of diagram below represents presently authorized point of diversion.)



13b. If the proposed point of diversion will be relocated more than 100 feet but within 1320 feet from the existing point of diversion, attach a topographic map or aerial photograph. For groundwater sources, show all wells (including domestic) within one-half mile of the proposed point of diversion and the names and mailing addresses of the owners. For surface water sources, show the names and addresses of the landowner(s) one-half mile downstream and one-half mile upstream from your property lines.

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14. If the proposed groundwater point of diversion is 300 or fewer feet from existing point of diversion, complete the following:

- (a) Does the undersigned represent all owners of the currently authorized place(s) of use identified in this application?
☐ Yes ☐ No (If no, all owners must sign this application.)
- (b) Will the ownership interest of any owner of the currently authorized place(s) of use identified in this application be adversely affected if this application is approved as requested?
☐ Yes ☐ No (If yes, all owners must sign this application.)
- (c) If this application is not approved expeditiously, will there be substantial damage to property, public health or safety?
☐ Yes ☐ No (If no, all owners must sign this application.)

If the application proposes a surface water change in point of diversion, a groundwater change in point of diversion greater than 300 feet, or a change in place of use, the application must be signed by all owners of the currently authorized place of use, or their duly authorized agent (attach notarized statement authorizing representation).

I hereby verify, being first duly sworn upon my oath or affirmation and under penalty of perjury, that I am of lawful age and the owner, the spouse of the owner, or a duly authorized agent of the owner(s) to make this application on their behalf, in regard to the water right(s) to which this application pertains. I further verify that the statements contained in this application are true, correct and complete.

Dated at _____, Kansas, this _____ day of _____, 20_____.

(Owner)

(Please Print)

(Owner)

(Please Print)

(Owner)

(Please Print)

State of Kansas }
County of _____ } SS

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

My Commission Expires _____.

Notary Public

ONLY COMPLETE APPLICATIONS WILL BE PROCESSED. To be complete, all of the applicable portions of the application form must be completed with accurate information; maps, if necessary, must be included; signatures of all the appropriate owners' must be affixed to the application and notarized; and the appropriate fee must be paid.

FEE SCHEDULE

Each application to change the place of use or the point of diversion under this section shall be accompanied by the application fee set forth in the schedule below: Make checks payable to: **Kansas Department of Agriculture**

- | | |
|---|-------|
| (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 |

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SUMMARY ORDER APPROVING APPLICATION FOR CHANGE AND IMPOSING CONDITIONS

This Summary Order is issued under authority of K.S.A. 82a-708b, as amended, and K.A.R. 5-14-3 and other applicable provisions of the *Kansas Water Appropriation Law, K.S.A. 82a-701 et. seq.*, and rules and regulations promulgated thereunder, K.A.R. 5-1-1 *et. seq.* With the exception of those conditions expressly contained herein, this Summary Order does not change the terms, conditions and limitations of File No. _____.

1. A change application was received on _____ requesting that the place of use and / or point of diversion authorized under the above-referenced file number be changed as described in the application.
2. On and after the effective date of this summary order, the authorized place(s) of use shall be located substantially as shown on the topographic map accompanying the application to change the place of use. ☐ Applicable ☐ Not Applicable
3. The change in point of diversion shall not impair existing rights and shall be limited to the same source or sources of water as previously authorized. The point of diversion authorized by this summary order shall be located within a _____ foot radius of the authorized point(s) of diversion. ☐ Applicable ☐ Not Applicable
4. The point(s) of diversion authorized herein shall not actually be located more than _____ feet from the previously authorized point(s) of diversion. ☐ Applicable ☐ Not Applicable
5. As required by K.A.R. 5-3-5d, if the works for diversion is a well with a diversion rate of 100 gallons per minute or more, a tube or other device suitable for making water level measurements shall be installed, operated and maintained in accordance with K.A.R. 5-6-13. ☐ Applicable ☐ Not Applicable
6. The owner of the authorized place(s) of use shall properly install an acceptable water flow meter on or before December 31, 20____, or before the first use of water, whichever occurs first. The water flow meter shall be installed, operated and maintained in accordance with K.A.R. 5-1-4 through 5-1-12. As required by K.S.A. 82a-732, as amended, and K.A.R. 5-3-5e, the owner shall maintain records and report the reading of the water flow meter and the total quantity of water diverted annually to the Chief Engineer by March 1 following the end of each calendar year.
☐ Applicable ☐ Not Applicable
7. Installation of the works for diversion of water shall be completed on or before December 31, 20____, or within any authorized extension of time. By March 1, 20____ the applicant shall notify the Chief Engineer that construction of the works for diversion has been completed, on the form provided by the Chief Engineer, as required by K.A.R. 5-8-4e.
☐ Applicable ☐ Not Applicable
8. The completed well log shall be submitted with the required notice. ☐ Applicable ☐ Not Applicable
9. All diversion works into which any type of chemical or other foreign substance will be injected into the water shall be equipped with an in-line, automatic, quick-closing check valve capable of preventing pollution of the source of the water supply. The check valve(s) shall be installed, operated and maintained in accordance with K.A.R. 5-3-5c. ☐ Applicable ☐ Not Applicable
10. Additional Conditions are attached. ☐ Yes ☐ No
11. In accordance with K.S.A. 82a-708a, as amended, and K.A.R. 5-5-14, all of the owners of the authorized place(s) of use of water appropriated under the above-referenced file number are responsible for compliance with its terms, conditions and limitations, as amended and/or supplemented by this Summary Order, and with applicable provisions of the *Kansas Water Appropriation Law* and the *Rules and Regulations* promulgated thereunder. Failure to comply with these provisions may result in civil penalties pursuant to K.S.A. 82a-737, as amended, and/or the suspension or revocation and dismissal of the water or appropriation right or any other enforcement actions authorized by law.

Administrative Appeal and Effective Date of Order

You have the right to a hearing in accordance with K.A.R. 5-14-3 before this Summary Order becomes final action of the Kansas Department of Agriculture. Any request for a hearing must be filed with the **Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, 1320 Research Park Drive, Topeka, Kansas 66502**, within 15 days after the date shown on the Certificate of Service attached hereto. If a hearing is not requested in accordance with K.A.R. 5-14-3, this Summary Order will become effective on the 15th day after the date shown on the Certificate of Service.

For Use by Register of Deeds

FOR OFFICE USE ONLY APPLICATION APPROVED AND SUMMARY ORDER ISSUED

By: _____
Duly Authorized Designee of the Chief Engineer

(Print Name): _____
Division of Water Resources - Kansas Department of Agriculture

Date of Issuance: _____

State of Kansas)
) SS
County of _____)

Acknowledged before me on _____
by _____

Signature: _____
Notary Public

My commission expires: _____
(Notary Seal)

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Topeka Field Office
DIVISION OF WATER RESOURCES

14. If the proposed groundwater point of diversion is 300 or fewer feet from existing point of diversion, complete the following:

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I hereby verify, being first duly sworn upon my oath or affirmation and under penalty of perjury, that I am of lawful age and the owner, the spouse of the owner, or a duly authorized agent of the owner(s) to make this application on their behalf, in regard to the water right(s) to which this application pertains. I further verify that the statements contained in this application are true, correct and complete.

Dated at Topeka, Kansas, this 27 day of June, 2016.

Eugene E Root Trust (John Root (Trustee))
(Owner)

(Spouse)

John Root
(Please Print)

(Please Print)

John Root
(Owner)

Sharon K Root
(Spouse)

John Root
(Please Print)

Sharon K. Root
(Please Print)

(Owner)

(Spouse)

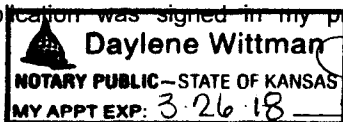
(Please Print)

(Please Print)

State of Kansas

County of Shawnee } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 27 day of June, 2016.



My Commission Expires 3.26.18

Daylene Wittman
Notary Public

ONLY COMPLETE APPLICATIONS WILL BE PROCESSED. To be complete, all of the applicable portions of the application form must be completed with accurate information; maps, if necessary, must be included; signatures of all the appropriate owners' must be affixed to the application and notarized; and the appropriate fee must be paid.

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Topeka Field Office
DIVISION OF WATER RESOURCES

SUBSCRIBED & SWORN BEFORE ME

THIS 29th DAY OF

June, 2016

Kim Mick

NOTARY PUBLIC



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Topeka Field Office
DIVISION OF WATER RESOURCES

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Dated at Topeka, Kansas, this 27 day of June, 2016.

Mary Lou Holmes
(Owner)

(Spouse)

MARY LOU HOLMES
(Please Print)

(Please Print)

Bobby Dean Holmes
(Owner)

(Spouse)

Bobby Dean Holmes
(Please Print)

(Please Print)

(Owner)

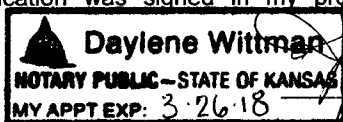
(Spouse)

(Please Print)

(Please Print)

State of Kansas }
County of Shawnee } SS

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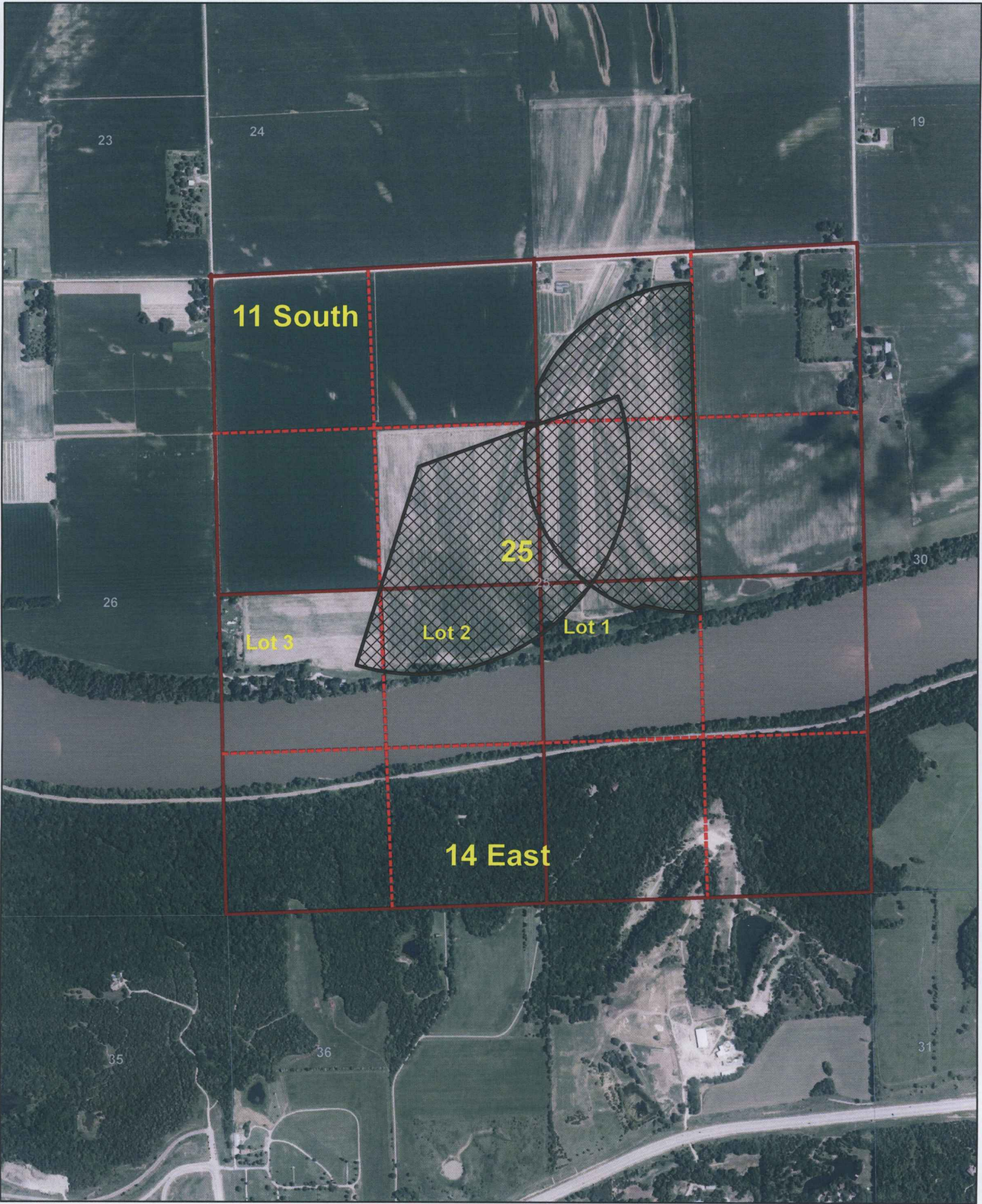
- | | |
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1:12,000

Proposed Place of Use
File No. 40545



1:12,000

Authorized Place of Use
File No. 40545

