

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

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

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11:42

KS DEPT OF AGRICULTURE

File No. 27485

2. Name of applicant: NUNEMAKER-ROSS INC

Address: 1687 E 1600 RD

City, State and Zip: LAWRENCE KS 66044

Phone Number: (785) 423-2746 (PAT ROSS) E-mail address: mnunross@aol.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): _____

THE ONE AUTHORIZED WELL NEEDS TO BE RE-DRILLED BECAUSE OF A DECREASE IN PUMPING CAPACITY. DRILLING RESULTS REVEALED LESS THAN ADEQUATE YIELD RESULTS WHICH HAS PROVIDED THE NEED FOR A BATTERY OF 2 WELLS TO ACHIEVE THE ORIGINAL PUMPING RATE OF 575 GPM

The change(s) (was) (will be) completed by _____ (Date)

For Office Use Only	
F.O. <u>1</u>	GMD <u>0</u>
Code <u>01</u>	Meets K.A.R. 5-5-1 (YES/NO) Use <u>FRR</u> Source <u>G</u> S County <u>Dg</u>
Fee \$ <u>100</u>	TR # _____ Receipt Date <u>11/29/17</u>
	By <u>AW</u> Date <u>11/29/17</u> Check # <u>2003</u>

12/4/17 DWJ

4. The presently authorized place of use is:

Owner of Land — NAME: **NUNEMAKER-ROSS INC**

ADDRESS: **1687 E 1600 RD LAWRENCE KS 66044**

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		
20	12	20E																		82

List any other water rights that cover this place of use. **NONE**

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. _____

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(If there are more than two landowners, attach additional sheets as necessary.)

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

Owner of Land — NAME: **NO CHANGES**

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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. _____

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

6. The presently authorized point(s) of diversion IS ONE WELL

(Provide description and number of points)

7. The proposed point(s) of diversion (is) (are) A BATTERY OF 2 WELLS

(Provide description and number of points)

List all presently authorized point(s) of diversion:

8. **Presently authorized point of diversion:**
 One in the SW Quarter of the NE Quarter of the SW Quarter of Section 20, Township 12 South, Range 20E (E/W), in DOUGLAS County, Kansas, 1800 feet North 3650 feet West of Southeast corner of section.
 Authorized Rate _____ Authorized Quantity _____
 (DWR use only: Computer ID No. _____ GPS 1792 feet North 3671 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) (GEO CENTER)
 One in the SW Quarter of the NE Quarter of the SW Quarter of Section 20, Township 12 South, Range 20E (E/W), in DOUGLAS County, Kansas, 1792 feet North 3671 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 WELL OF BATTERY OF 2
 One in the SW Quarter of the NE Quarter of the SW Quarter of Section 20, Township 12 South, Range 20E (E/W), in DOUGLAS County, Kansas, 1792 feet North 3656 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 WELL OF BATTERY OF 2
 One in the SW Quarter of the NE Quarter of the SW Quarter of Section 20, Township 12 South, Range 20E (E/W), in DOUGLAS County, Kansas, 1792 feet North 3686 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. THE OLD WELL WILL BE PLUGGED IN ACCORDANCE WITH KDHE SPECIFICATIONS

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.
N/A
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.
- If a change in the location of the point(s) of diversion is proposed, show:
 - 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.
 - 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.
 - 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.
 - 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.

IMPAIRMENT SHOULD NOT BE AN ISSUE BECAUSE THE NET CHANGE IN DISTANCE BETWEEN THE AUTHORIZED POINT OF DIVERSION AND THE PROPOSED POINT OF DIVERSION IS ZERO. THE ONLY CHANGE IS THE FACT THAT A SECOND WELL IS BEING ADDED TO CREATE A BATTERY OF 2 WELLS

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.

TO CREAT A BATTERY OF WELLS, K.A.R. 5-2-3 REQUIRES THAT SAFE YIELD BE MET AT THE GEOCENTER OF THE PROPOSED BATTERY. IN THIS CASE, SAFE YIELD CANNOT BE MET. IT IS REQUESTED THAT THIS REGULATION BE WAIVED BECAUSE THE NET CHANGE IN THE POINT OF DIVERSION IS ZERO AND BECAUSE THIS IS NOT AN ATTEMPT TO ADD A SECOND WELL TO MAKE UP FOR A DECREASE IN PUMPING RATE DUE TO A DECLINING AQUIFER SITUATION. THERE ARE MONITORING WELLS WITHIN THE KANSAS RIVER VALLEY THAT HAVE DATA TO SUPPORT THE FACT THAT THE KANSAS RIVER VALLEY ALLUVIAL AQUIFER IS RELATIVELY STABLE. DRILLING RESULTS HAVE REVEALED THAT IT WILL TAKE TWO WELLS TO ACHIEVE THE AUTHORIZED RATE OF 575 GPM.

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IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY. DEPT. OF AGRICULTURE

1320 Research Park Drive
Manhattan, Kansas 66502
(785) 564-6700



900 SW Jackson, Room 456
Topeka, Kansas 66612
(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

NUNEMAKER-ROSS, INC 12/4/17
1687 E 1600 RD
LAWRENCE, KS 66044

RE: File No 27485

FILE COPY

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 PD
 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 Tourney, L.G.
Change Applications Unit Supervisor
Water Appropriation Program

BAT: DLW
pc: TOPEKA Field Office GMD

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Application to Change the Point of Diversion File No. 27485

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18

17

16

12 South

20

21

20 East

11

Authorized & Proposed Point of Diversion
Geocenter of Battery of 2 Wells

30

29

28

