

Kansas Department of Agriculture
 Division of Water Resources
CHANGE: PU WORKSHEET

Document Signature _____

1. File Number: 38,919	2. Status Change Date: 6/20/2017	3. Change Num: 3	4. Field Office: 1	5. GMD: 0
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6. Status: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied by DWR/GMD <input type="checkbox"/> Dismiss by Request/Failure to Return	7. Filing Date of Change: 1/30/17
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8a. Applicant(s) Person ID 18076 Add Seq# _____ <input type="checkbox"/> New to system J DOUGLAS & M MAUREEN TOLL PO BOX 186 CLIFTON KS 66937	8c. Landowner(s) Person ID 54758 Add Seq# _____ <input type="checkbox"/> New to system IRENE A TOLL REVOCABLE TRUST 207 E 2ND ST CLIFTON KS 66937
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8b. Landowner(s) Person ID _____ Add Seq# _____ <input type="checkbox"/> New to system 8a.	8d. Landowners Person ID _____ Add Seq# _____ <input type="checkbox"/> New to system
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9. Documents and Enclosure(s): <input checked="" type="checkbox"/> DWR Meter(s) Date to Comply: 12/31/2018 <input type="checkbox"/> N & P Date to Comply: _____ <input checked="" type="checkbox"/> Check Valve <input type="checkbox"/> N & P Form <input type="checkbox"/> Water Tube <input type="checkbox"/> Driller Copy <input type="checkbox"/> H & E Letter <input type="checkbox"/> Conservation Plan Date Required: _____ Date Approved: _____ Date to Comply: _____
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10. Use Made of Water From: No Change To: _____

	Date Prepared: 6/6/2017 By: DWS Date Entered: 6/22/2017 By: UM
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File No. **38,919** 11. County: **WS** Basin: Republican River Stream: Formation Code: 111 Special Use:

12. Points of Diversion										Rate and Quantity				Overlap PD Files
MOD	DEL	PDIV	Qualifier	S	T	R	ID	'N	'W	Comment	Authorized Rate gpm/cfs	Quantity af/mgy	Additional Rate gpm/cfs	
MOD	20035	SW SW SE		34	5	1E	1	66	2601					17,870

BETTER DESCRIBED PD WITH GPS FEET DISTANCES FROM 3/1/12 COMPLIANCE INVESTIGATION TFO

13. Storage: Rate _____ NF Quantity _____ ac/ft Additional Rate _____ NF Additional Quantity _____ ac/ft

14. Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) _____
 Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) _____

15. 5YR Allocation: Allocation Type _____ Start Year _____ 5 YR Amount _____ Amount Unit _____ Base Acres _____ Comment _____

16. Place of Use							NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg?	NO	Overlap Files		
MOD	DEL	ENT	PUSE	S	T	R	ID	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼						
ENT	3474	32	5	1E	3						4								28	39			40	35	146	8c.	NO	* See Below	
ENT	29381	33	5	1E	2									2			40	32						74	8a.	NO	* See Below		
√	34534	34	5	1E	1											25	30				2	39	20	116	8a.	NO	* See Below		
ENT	68206	3	6	1E	5		6																	6	8a.	NO	* See Below		
																							TOTAL =		342				

Comments: Water Right, File Nos. 17,870 28,133-D1; 38,919; and New Application, File No. 49,769 - Overlap in PLACE OF USE.
NOTE: PU ID 68206 is in CLAY CO. The rest of PU is in Washington Co.

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: June 6, 2017

FROM: Doug Schemm

RE: New Application, File No. 49,769
Change Applications, Water Right, File Nos. 17,870;
28,133-D1; and 38,919

J Douglas & M Maureen Toll have filed the referenced new application (File No. 49,769) to appropriate 63.6 acre-feet of surface water at the rate of 500 gallons per minute from a proposed pump site, located in the Southwest Quarter of Section 34, Township 5 South, Range 1 East, Washington County, Kansas. The source of water is Scribner Creek, in the Republican River basin. The new application will also add additional acres to the overall place of use under the senior files, and the new application and change applications will ensure a complete overlap in place of use.

Please note that prior to processing the above referenced applications, J. Douglas and M. Maureen Toll, and Mark and Debra A. Taddiken, filed a division agreement for Water Right, File No. 28,133. Following the division, File No. 28,133-D1 is owned by J. Douglas and M. Maureen Toll, it has an authorized quantity of 200 acre-feet, from a well located 1,011 feet North and 1,234 feet West of the Southeast corner of Section 32, Township 5 South, Range 1 East, Washington County, for irrigating a total of 173 acres in Sections 32 and 33 of the aforementioned township and range. **The goal of the division and subsequent changes is for File Nos. 17,870; 28,133-D1; 38,919 and 49,769 to form a complete overlap in place of use, which is owned by the Tolls. The pending change application for File No. 28,133 was modified to File No. 28,133-D1, to reflect this division.** Note that File No. 28,133-D2 will have no overlaps in the place of use and will be owned by the Taddikens.

Water Right, File No. 17,870 is authorized 69 acre-feet of groundwater, Water Right, File No. 28,133-D1 is authorized 200 acre-feet of groundwater, and Water Right, File No. 38,919 is authorized 68 acre-feet of groundwater, providing a total combined quantity of 337 acre-feet. The proposed place of use will encompass 342 acres. This quantity is less than the maximum allowable to irrigate the proposed 342 acres of 410.4 acre-feet (1.2 Acre-Foot per acre is the maximum allowed in Washington & Clay Counties). Pending application, File No. 49,769 is requesting 63.6 acre-feet, of which all will be additional water, increasing the total quantity of water to 400.6 acre-feet on the overall place of use.

Please note, that for File Nos. 17,870 and 38,919 (overlap in point of diversion) the authorized point of diversion will be better described with g.p.s. feet distances obtained during the March 1, 2012 compliance investigation:

one (1) well located in the Southwest Quarter of the Southwest Quarter of the Southeast Quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 34, more particularly described as being near a point 66 feet North and 2,601 feet West of the Southeast corner of said section, in Township 5 South, Range 1 East, Washington County, Kansas.

The same local source of supply will not change, which appears to be alluvium/terrace deposits (111).

Notification letters were sent to upstream and downstream landowners on May 10, 2017. No responses of any kind were received. The pump site will provide flexibility in source of water when available, and with proper conditioning (see below) approval of the new application for surface water will not impair existing water rights.

Memorandum

File Nos. 49,769; 17,870; 28,133-D1; and 38,919

Page 2

The applicant has submitted a signed Minimum Desirable Streamflow (MDS) statement, which has been notarized. By completing this statement, the applicant affirms his knowledge that there could be times when the diversion of water may not be allowed under this permit. Additionally, the new permit is conditioned as follows: "That in order to implement the provisions of K.A.R. 5-3-11(d)(6), no water shall be diverted unless the written permission of the Chief Engineer, or an authorized representative of the Chief Engineer, is obtained each time the applicant desires to divert water. The approval of this permit is not an indication that surface water will be available from this source of supply, or that written permission will be granted to divert water." The Lower Republican River is currently open to new appropriations meeting the criteria required by K.A.R. 5-3-11(d)(6), and the approval of this application is consistent with similar applications requesting surface water from the Republican River.

The proposed changes comply with K.A.R. 5-5-11, as the changes are only proposing to create a complete overlap in the place of use with the new application. Application, File No. 49,769 is sufficient to cover any increase in the consumptive use. The referenced change application files (File Nos. 17,870; 28,133-D1; and 38,919) are not abandoned pursuant to K.S.A. 82a-718, as determined by Katie Tietsort, Water Commissioner, Topeka Field Office.

In a June 6, 2017 e-mail, Katie Tietsort, Water Commissioner, Topeka Field Office, recommended approval of the referenced new and change applications.

Based on the above discussion, the area is open to new appropriations, approval of the new application will provide additional flexibility for the proposed irrigation project, and approval of the new application will not impair other water rights nor prejudicially or unreasonably affect the public interest, it is recommended that the referenced new application be approved in conjunction with the changes in place of use under the senior water rights. The changes are reasonable, impairment of existing water rights will not occur, and the additional quantity requested under Application, File No. 49,769, is sufficient to cover any increase in the consumptive use, it is recommended that the referenced change applications also be approved.

Doug Schemm
Environmental Scientist
Topeka Field Office

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

June 22, 2017

FILE COPY

J DOUGLAS & M MAUREEN TOLL
PO BOX 186
CLIFTON KS 66937

Re: Appropriation of Water, File No. 49,769; and
Water Right, File Nos. 17,870; 28,133-D1; and 38,919

Dear Mr. and Mrs. Toll:

There is enclosed a permit (File No. 49,769) to appropriate water authorizing you to proceed with construction of the proposed diversion works (except those dams and stream obstructions regulated by K.S.A. 82a-301 through 305a), to divert such unappropriated water as may be available from the source and at the location specified in the permit, and to use it for the purpose and at the location described in the permit.

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in this permit, with specific reference to **Paragraph No. 18 requiring that you obtain written permission prior to diversion of water.** A water meter is required and you must install it prior to water being put to beneficial use in order for you to maintain accurate records of water use. The meter should be used to provide the information required on the annual water use report. Failure to notify the Chief Engineer of the Division of Water Resources of the completion of the diversion works within the time allowed, or within any authorized extension of time thereof, will result in the dismissal of this permit. Enclosed is a form which may be used to notify the Chief Engineer that the proposed diversion works have been completed.

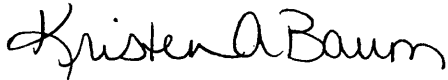
All requests for extensions of time to complete diversion works, or to perfect appropriations, must be submitted to the Chief Engineer before the expiration of time originally set forth in the permit to complete diversion works or to perfect an appropriation. If for any reason, you require an extension of time, you must request it before the expiration of time set forth in this permit. Failure to comply with this regulation will result in the dismissal of your permit or your water right. Any request for an extension of time shall be accompanied by the required statutory fee, which is currently \$100.00. There is also enclosed an information sheet setting forth the procedure to obtain a Certificate of Appropriation which will establish the extent of your water right.

J DOUGLAS & MAUREEN TOLL
FILE NOS. 49,769; 17,870; 28,133-D1; and 38,919
PAGE 2

In addition, enclosed are Orders executed by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the Applications for Change in the Place of Use under Water Right, File Nos. 17,870; 28,133-D1; and 38,919. Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in these approvals for change.

Since these orders for the referenced file numbers modify the original documents referred to above they should be recorded with the Register of Deeds as other instruments affecting real estate.

Sincerely,



Kristen A. Baum
New Application Unit Supervisor
Water Appropriation Program

KAB:dws

Enclosures

pc: Topeka Field Office
Irene A Toll Revocable Trust

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

**APPROVAL OF APPLICATION
FOR CHANGE IN
PLACE OF USE AND
ORDER BETTER DESCRIBING THE LOCATION OF THE
AUTHORIZED POINT OF DIVERSION
WATER RIGHT, FILE NO. 38,919**

FILE COPY

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of J Douglas & M Maureen Toll, P.O. Box 186, Clifton, Kansas 66937, received in this office on January 30, 2017, for approval of a change in the location place of use under the certificate of appropriation issued pursuant to the permit to appropriate water for beneficial use, as modified and amended by the order of the Chief Engineer dated February 15, 2006, changing the place of use, and as modified and amended by the order of the Chief Engineer dated April 22, 2009, changing the place of use, finds that the change is reasonable and will not impair existing rights, and that the application should be and is hereby approved.

The effective date of the change shall be the date this order is executed by the Chief Engineer, after which the authorized location of the place of use shall be:

Sec. Twp. Range	NE¼				NW¼				SW¼				SE¼				TOTAL
	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
32 5S 1E				4								28	39		40	35	146
33 5S 1E							2			40	32						74
34 5S 1E										25	30			2	39	20	116
3 6S 1E	6																6

336 acres in Township 5 South, Range 1 East, Washington County Kansas; and 6 acres in Township 6 South, Range 1 East, Clay County, Kansas, located substantially as shown on the topographic map accompanying the application to change the place of use,

and the location of the authorized point of diversion is better described as:

one (1) well located in the Southwest Quarter of the Southwest Quarter of the Southeast Quarter (SW¼ SW¼ SE¼) of Section 34, more particularly described as being near a point 66 feet North and 2,601 feet West of the Southeast corner of said section, in Township 5 South, Range 1 East, Washington County, Kansas.

All diversion works into which any type of chemical or other foreign substance will be injected into the water pumped from the diversion works shall be equipped with an in-line, automatic, quick-closing check valve capable of preventing pollution of the source of the water supply. The type of valve installed shall meet specifications adopted by the Chief Engineer and shall be maintained in an operating condition satisfactory to the Chief Engineer.

The water right owner shall properly install an acceptable water meter on the diversion works authorized under this water right, prior to the use of water, in strict accordance with the Kansas Administrative Regulations 5-1-4 through 5-1-12 adopted by the Chief Engineer. The water right owner shall notify the Chief Engineer when installation of the water meter has been completed. The water right owner shall maintain the water meter in an operating condition satisfactory to the Chief Engineer, at all times during diversion of water and shall maintain records from which the total quantity of water diverted may be determined. The water right owner shall also report the reading of said water meter and the total quantity of water diverted annually to the Chief Engineer. Such records shall be furnished to the Chief Engineer by March 1 following the end of each calendar year.

In all other respects, the Certificate of Appropriation issued pursuant to Approval of Application, File No. 38,919, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated December 6, 1999, and as modified and amended by the aforementioned orders.

This Order shall become a final agency action, as defined by K.S.A. 77-607(b), without further notice to the parties, if a request for hearing or a petition for administrative review is not filed as set forth below.

Request for Hearing. According to K.A.R. 5-14-3(c), any party who desires a hearing must submit a request within 15 days after the date shown on the Certificate of Service attached to this Order. Filing a request for a hearing will give you the opportunity to submit additional facts for consideration, contest any findings made by the Chief Engineer, or present any other information you believe should be considered in this matter. A timely-filed request for hearing will stay the deadline for requesting administrative review of this Order pending the outcome of the hearing.

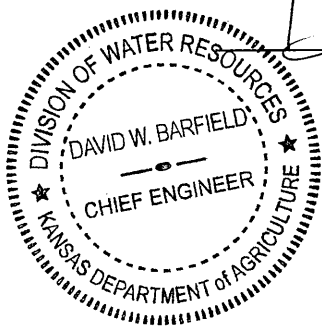
Petition for Review. Any person aggrieved by this Summary Order may petition for administrative review, pursuant to K.S.A. 82a-708b(a) and K.S.A. 82a-1901(a). The petition must be filed within 30 days after the date shown on the Certificate of Service attached to this Order and must set forth the basis for the review, unless stayed by the timely filing of a request for hearing.

Any request for hearing or petition for administrative review shall be in writing and shall be submitted to the attention of: Chief Legal Counsel, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, Fax: (785) 564-6777.

Ordered this 20th day of June, 2017, in Topeka, Shawnee County, Kansas.

David W. Barfield

David W. Barfield, P.E.
Chief Engineer
Division of Water Resources
Kansas Department of Agriculture



State of Kansas)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this 20th day of June, 2017, by David W. Barfield, P.E., Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.



Karen Hunter
Notary Public

CERTIFICATE OF SERVICE

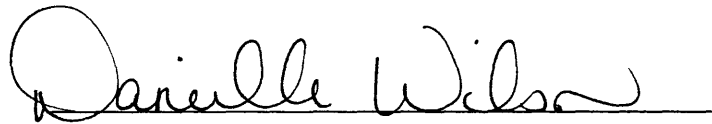
On this 22nd day of June, 2017, I hereby certify that the foregoing Approval of Application for Change in Place of Use, Water Right, File No. 38,919, dated June 20, 2017 was mailed postage prepaid, first class, US mail to the following:

J DOUGLAS & M MAUREEN TOLL
PO BOX 186
CLIFTON KS 66937

With photocopies to:

IRENE A TOLL REVOCABLE TRUST
207 E 2ND ST
CLIFTON KS 66937

Topeka Field Office

A handwritten signature in black ink that reads "Danielle Wilson". The signature is written in a cursive style and is positioned above a horizontal line.

Division of Water Resources

APPLICATION COMPLETE

5/25/2017

Reviewer DWS

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
- Point of Diversion
- Use Made of Water

(Check one or more)

WATER RESOURCES
RECEIVED

JAN 30 2017

1:20
KS DEPT OF AGRICULTURE

File No. 38,919

2. Name of applicant: J DOUGLAS & M MAUREEN TOLL

Address: PO BOX 186

City, State and Zip: CLIFTON KS 66937

Phone Number: (785) 455-2249 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 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): _____

Change will allow for a more efficient irrigation system to be installed, and create a complete overlap with both a new application and other existing files.

The change(s) (was) (will be) completed by Spring 2017

(Date)

For Office Use Only:															
F.O. Code	<u>1</u>	GMD	<u>0</u>	Meets K.A.R. 5-5-1	(YES/NO)	Use	<u>IRR</u>	Source	<u>(G) S</u>	County	<u>WS</u>	By	<u>ASW</u>	Date	<u>1/30/17</u>
Fee \$	<u>200</u>	TR #		Receipt Date	<u>1/30/17</u>	Check #	<u>3049</u>								

2/1/2017 LM

SCANNED

4. The presently authorized place of use is:

Owner of Land — NAME: J DOUGLAS & M MAUREEN TOLL

ADDRESS: PO BOX 186, CLIFTON, KS 66937

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	
34	5S	1E									25	30			2	39	20	116	

List any other water rights that cover this place of use. 17,870

Owner of Land — NAME: _____

ADDRESS: _____

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

List any other water rights that cover this place of use. _____

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

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

Owner of Land — J DOUGLAS & M MAUREEN TOLL

ADDRESS: PO BOX 186, CLIFTON, KS 66937

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	
33	5S	1E						2			40	32						74	
34	5S	1E									25	30			2	39	20	116	
3	6S	1E	6															6	

List any other water rights that cover this place of use. 28,133 & 17,870, and new application.

Owner of Land — NAME: IRENE A TOLL REVOCABLE TRUST

ADDRESS: 207 E 2ND ST, CLIFTON, KS 66937

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	
32	5S	1E				4							28	39		40	35	146	

List any other water rights that cover this place of use. 28,133 & 17,870, and new application.

WATER RESOURCES
RECEIVED

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

JAN 30 2017

5. continued

Owner of Land — NAME: TADIKEN FARM INC %MARK TADDIKEN *

ADDRESS: 2614 HACKBERRY RD CLIFTON KS 66937

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					
33	5S	1E											30					38					68

List any other water rights that cover this place of use. 28,133 & 17,870, and new application.

* Removed from proposed Place of Use under Division of File # 28,133. This land is now authorized under 28,133-D2. DWS / DWR 5/10/17.

WATER RESOURCES RECEIVED

JAN 30 2017

KS DEPT OF AGRICULTURE SCANNED

6. The presently authorized point(s) of diversion (is) (are) ONE WELL
(Provide description and number of points)

7. The proposed point(s) of diversion (is) (are) NO CHANGE
(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 _____ (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 106 feet North 2601 feet West)
 This point will not be changed This point will be changed as follows: 2012 COMMERCE INVESTORS
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 17,870

UPDATE

9. **Presently authorized point of diversion:**
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter
 of Section _____, Township _____ South, Range _____ (E/W),
 in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section.
 Authorized Rate _____ Authorized Quantity _____
 (DWR use only: Computer ID No. _____ GPS _____ feet North _____ feet West)
 This point will not be changed This point will be changed as follows:
Proposed point of diversion: (Complete only if change is requested)
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter
 of Section _____, Township _____ South, Range _____ (E/W),
 in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section.
 Proposed Rate _____ Proposed Quantity _____
 This point is: Additional Well Geo Center List other water rights that will use this point _____

10. **Presently authorized point of diversion:**
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter
 of Section _____, Township _____ South, Range _____ (E/W),
 in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section.
 Authorized Rate _____ Authorized Quantity _____
 (DWR use only: Computer ID No. _____ GPS _____ feet North _____ feet West)
 This point will not be changed This point will be changed as follows:
Proposed point of diversion: (Complete only if change is requested)
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter
 of Section _____, Township _____ South, Range _____ (E/W),
 in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section.
 Proposed Rate _____ Proposed Quantity _____
 This point is: Additional Well Geo Center List other water rights that will use this point _____

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

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY WATER RESOURCES RECEIVED

JAN 30 2017

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.
New Application filed in conjunction with change will address any increase in consumptive use.

(Please show any calculations here.)

14. It is requested that the maximum annual quantity of water be reduced to _____ (acre-feet or million gallons).

15. It is requested that the maximum rate of diversion of water be reduced to _____ 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.

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.

NO CHANGES TO EXISTING WELL

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

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY
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JAN 30 2017

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 manhattan, ks, Kansas, this 30 day of January, 2017.

J Douglas Toll
(Owner)
J Douglas Toll
(Please Print)

[Signature]
(Spouse)
Ms. Maureen Toll
(Please Print)

(Owner)

(Please Print)

(Spouse)

(Please Print)

(Owner)

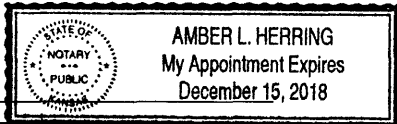
(Please Print)

(Spouse)

(Please Print)

State of Kansas }
County of Riley } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 30th day of January, 2017.



Amber L. Herring
Notary Public

My Commission Expires _____

FEE SCHEDULE

Each application to change the place of use, the point of diversion or the use made of the water under this section shall be accompanied by the application fee set forth in the schedule below:

- (1) Application to change a point of diversion 300 feet or less \$100
- (2) Application to change a point of diversion more than 300 feet \$200
- (3) Application to change the place of use \$200
- (4) Application to change the use made of the water \$300

Make check payable to **Kansas Department of Agriculture.**

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JAN 30 2017

KS DEPT OF AGRICULTURE
SCANNED

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

January 31, 2017

J DOUGLAS & MAUREEN TOLL
PO BOX 186
CLIFTON, KS

RE: File No. 38919

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 PU
- 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,

A handwritten signature in cursive script that reads "Brent A. Turney".

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

BAT: dlw
pc: TOPEKA Field Office GMD

Schemm, Doug

From: Krueger, Richelle
Sent: Thursday, March 16, 2017 8:45 AM
To: Tietsort, Katie
Cc: Schemm, Doug
Subject: RE: Change in PD /Division File No. 28133 Toll/Taddiken

Good Morning!

No problem this gets confusing in a hurry! So, to make sure I understand, Doug is really processing a change in pu for 28133 D1 (Toll); all the pu changes and new app will be for a total of 400.6 AF on 342 acres =1.17 af/ac (with dropping Taddikens 66 AF and 68 acres. Does that sound right?

Richelle

From: Tietsort, Katie
Sent: Thursday, March 16, 2017 8:25 AM
To: Krueger, Richelle <Richelle.Krueger@ks.gov>
Cc: Schemm, Doug <Doug.Schemm@ks.gov>
Subject: RE: Change in PD /Division File No. 28133 Toll/Taddiken

Sorry Richelle!

Katie Tietsort

Kansas Department of Agriculture
6531 SE Forbes Ave Ste B
Topeka, KS 66619
katie.tietsort@ks.gov
Phone 785-296-5733

From: Tietsort, Katie
Sent: Thursday, March 16, 2017 8:25 AM
To: Schemm, Doug <Doug.Schemm@ks.gov>
Subject: RE: Change in PD /Division File No. 28133 Toll/Taddiken

Hi Richelle,

They wanted to do a complete overlap, but then ran into problems with the Taddiken land. SO new plan is:

- 1) Change in PD to move Quantity over from the east well to the west well under File No. 28133.
- 2) Next day Division of 28133 into 28133-D1 and D2.
- 3) Sometime after that, modify the PU on the PU changes that were all filed first to eliminate the Taddiken Land under the Divided file and overlap all the remaining.

Does this help?

Katie Tietsort

Kansas Department of Agriculture
6531 SE Forbes Ave Ste B
Topeka, KS 66619
katie.tietsort@ks.gov
Phone 785-296-5733

From: Schemm, Doug
Sent: Wednesday, March 15, 2017 5:23 PM
To: Tietsort, Katie <Katie.Tietsort@ks.gov>
Subject: FW: Change in PD /Division File No. 28133 Toll/Taddiken

You may be able to help Richelle out. I won't get to these for a bit, probably 2 weeks or so out.

From: Krueger, Richelle
Sent: Wednesday, March 15, 2017 3:33 PM
To: Schemm, Doug <Doug.Schemm@ks.gov>
Subject: Change in PD /Division File No. 28133 Toll/Taddiken

Hiya Doug,

Brent gave me the referenced change in pd and division, I think you have the new app and pu changes? I have begun looking this over, do you know what their ultimate goal is? At first I thought it was to separate out Taddiken pu from Toll pu, but new app and changes in pu keep them all together? At first I thought:

Day 1 PD Change File No. 28,133 transferring quantity only between the files

Day 2 Division Agreement File No. 28133, which assumes pd has happened but not the pu change, separates Toll D1 into 200 AF and 173 acres (173 base acres) 1.16 af/ac; Taddiken D2 into 2 66 AF and 68 acres (66 base acres) 0.97 af/ac. Total base acres was determined 241 ac but they only split 239 base acres?

Day 3 New App File No. 49769 requesting 63.6 AF (surface water) Change in PU File Nos. 17870 & 38919 and File No. 28133(not a D1 or D2 filed). All propose to go to 410 acres (picking up new acres and still keeping Taddiken 68 acres) 466.6 AF on 410 acres =1.14 af/ac.

I guess I am wondering either: a second change in pu needs to be filed for either the D1 and D2 since they are separated after division; or Taddikens 68 acres were not intended to be on the new app File No. 49769 and changes in pu for file nos. 17870, 28133 and 38919?

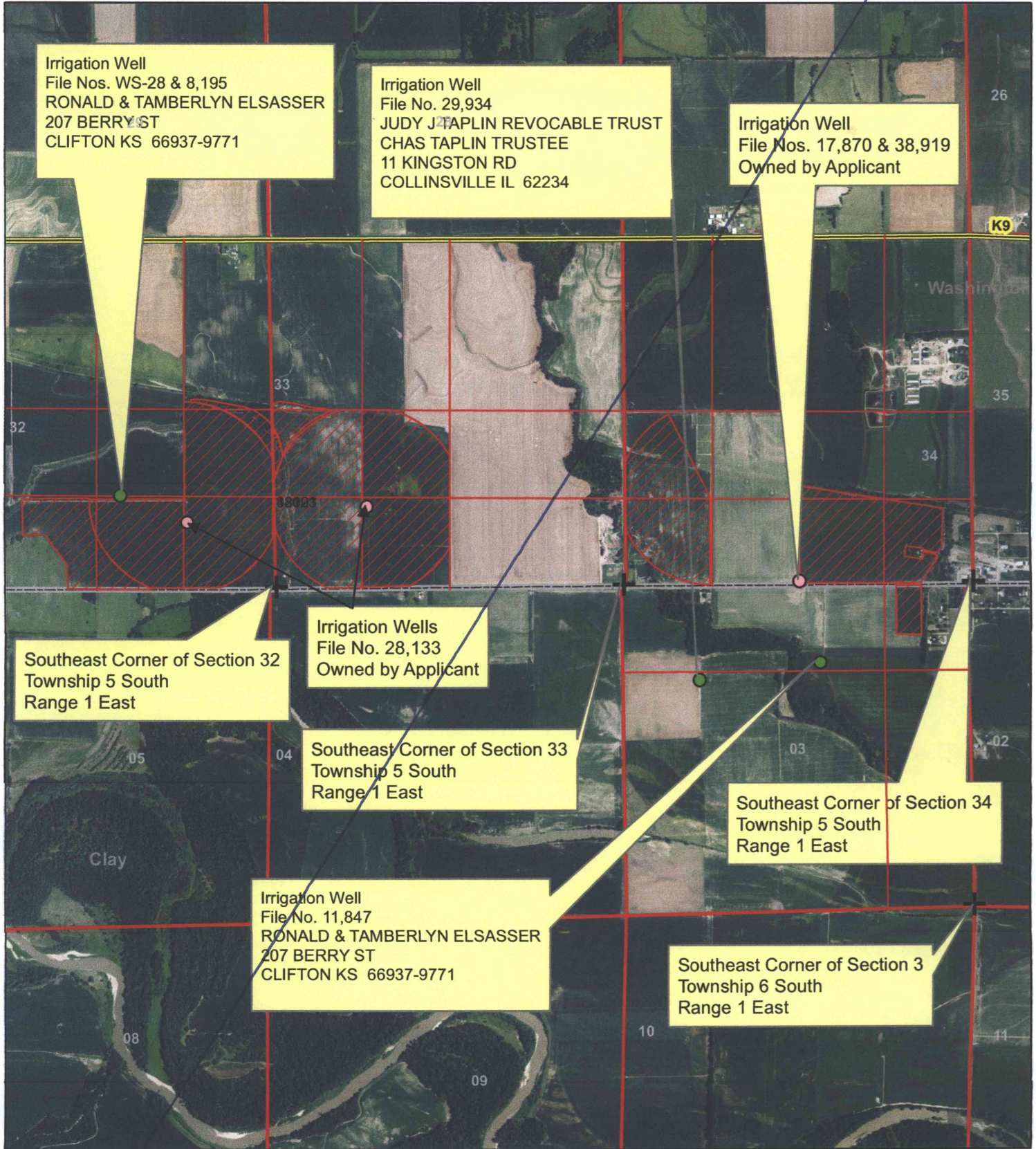
OR, there is a third option here I am missing?

Thanks for any info you have on this one!

Richelle

FILE NOS. 17,870; 28,133; & 38,919
 PROPOSED PLACE OF USE
 WASHINGTON & CLAY COUNTIES

Revised Map



Irrigation Well
 File Nos. WS-28 & 8,195
 RONALD & TAMBERLYN ELSASSER
 207 BERRY ST
 CLIFTON KS 66937-9771

Irrigation Well
 File No. 29,934
 JUDY J. TAPLIN REVOCABLE TRUST
 CHAS TAPLIN TRUSTEE
 11 KINGSTON RD
 COLLINSVILLE IL 62234

Irrigation Well
 File Nos. 17,870 & 38,919
 Owned by Applicant

Southeast Corner of Section 32
 Township 5 South
 Range 1 East


Irrigation Wells
 File No. 28,133
 Owned by Applicant

Southeast Corner of Section 33
 Township 5 South
 Range 1 East

Southeast Corner of Section 34
 Township 5 South
 Range 1 East

Irrigation Well
 File No. 11,847
 RONALD & TAMBERLYN ELSASSER
 207 BERRY ST
 CLIFTON KS 66937-9771

Southeast Corner of Section 3
 Township 6 South
 Range 1 East

 Proposed Place of Use

All known wells within one-half mile of the existing wells are identified on this site map.

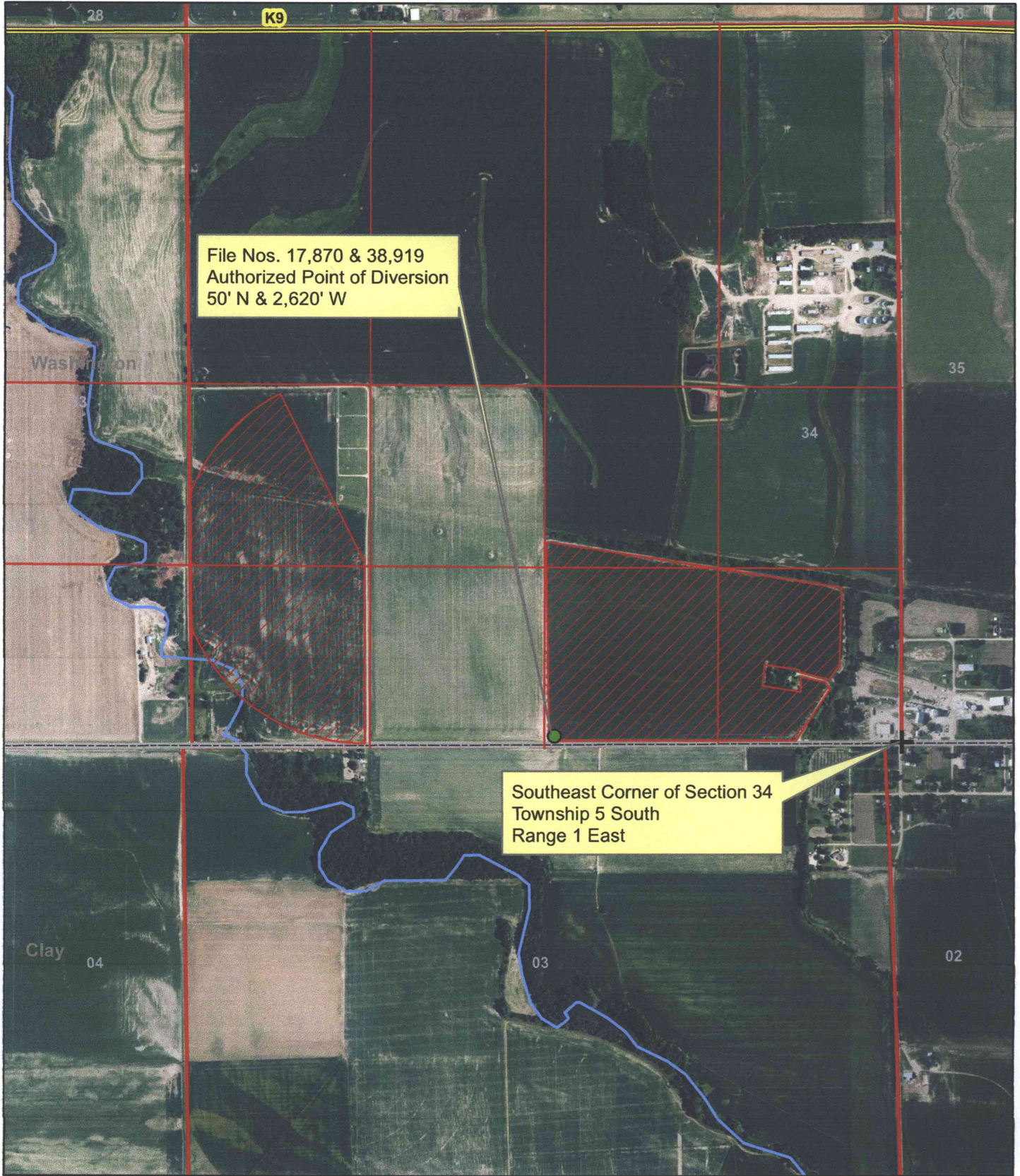
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JAN 30 2017

SCANNED

KS DEPT OF AGRICULTURE

TOLL - FILE NOS. 17,870 & 38,919
AUTHORIZED PLACE OF USE
Section 34, T5S, R1E - Washington County



Authorized Place of Use



Authorized Point of Diversion

1:12,000

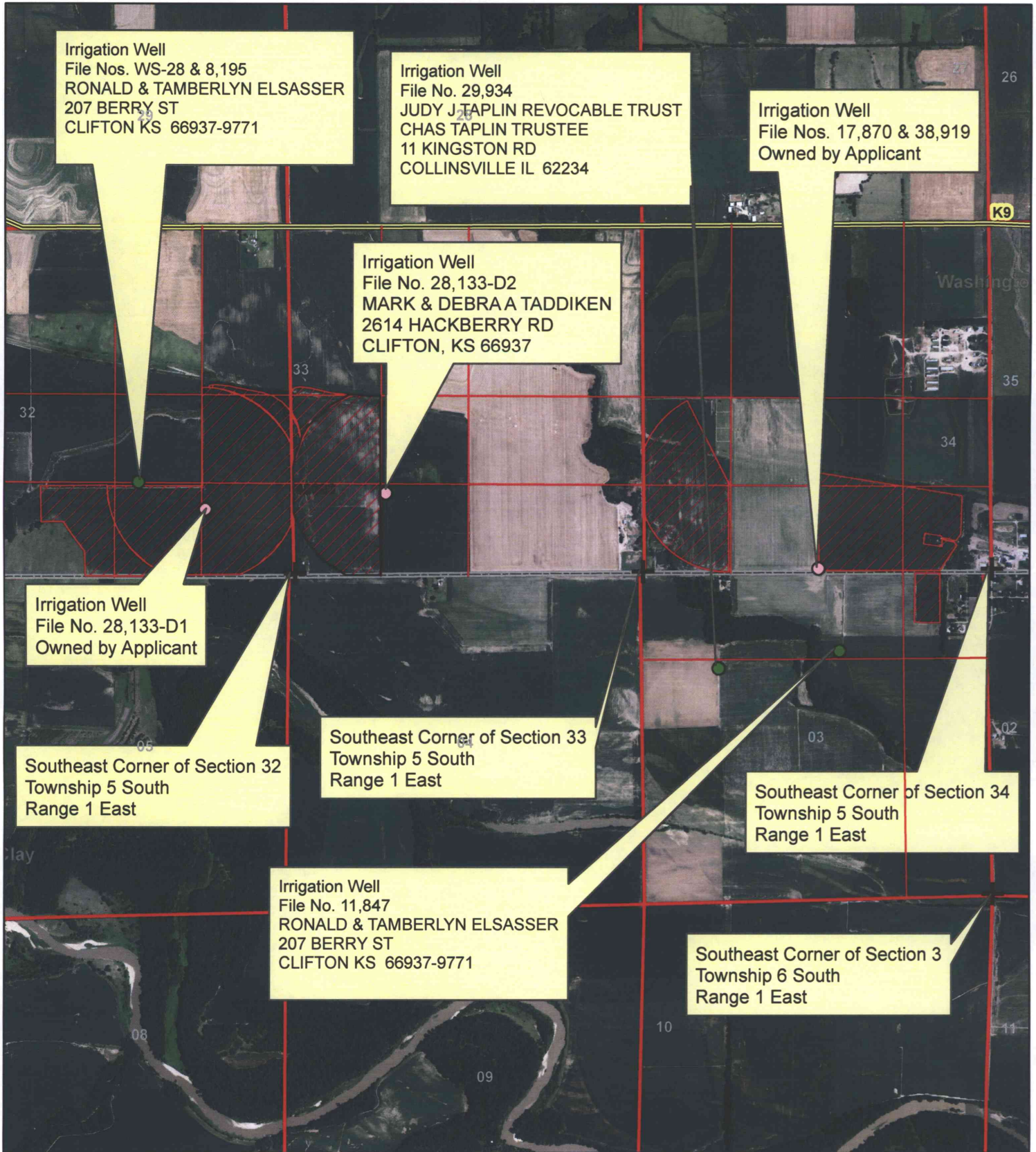
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KS DEPT OF AGRICULTURE SCANNED



FILE NOS. 17,870; 28,133-D1; & 38,919
 PROPOSED PLACE OF USE
 WASHINGTON & CLAY COUNTIES



Irrigation Well
 File Nos. WS-28 & 8,195
 RONALD & TAMBERLYN ELSASSER
 207 BERRY ST
 CLIFTON KS 66937-9771

Irrigation Well
 File No. 29,934
 JUDY J. TAPLIN REVOCABLE TRUST
 CHAS TAPLIN TRUSTEE
 11 KINGSTON RD
 COLLINSVILLE IL 62234

Irrigation Well
 File Nos. 17,870 & 38,919
 Owned by Applicant

Irrigation Well
 File No. 28,133-D2
 MARK & DEBRA A TADDIKEN
 2614 HACKBERRY RD
 CLIFTON, KS 66937

Irrigation Well
 File No. 28,133-D1
 Owned by Applicant

Southeast Corner of Section 32
 Township 5 South
 Range 1 East

Southeast Corner of Section 33
 Township 5 South
 Range 1 East

Southeast Corner of Section 34
 Township 5 South
 Range 1 East

Irrigation Well
 File No. 11,847
 RONALD & TAMBERLYN ELSASSER
 207 BERRY ST
 CLIFTON KS 66937-9771

Southeast Corner of Section 3
 Township 6 South
 Range 1 East



Proposed Place of Use

All known wells within one-half mile of the existing wells are identified on this site map.

1:24,000