

Kansas Department of Agriculture
 Division of Water Resources
CHANGE: P/U WORKSHEET

Document Signature LPL

| | | | | |
|----------------------------------|--|----------------------------|-------------------------------|---------|
| 1. File Number: 29,221 | 2. Status Change Date: 8/30/2018 | 3. Change Num: 1 | 4. Field Office: 01 | 5. GMD: |
|----------------------------------|--|----------------------------|-------------------------------|---------|

| | |
|--|---------------------------|
| 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: |
|--|---------------------------|

| | |
|--|--|
| 8a. Applicant(s) New to system <input type="checkbox"/> | Person ID 22426 Add Seq# _____ |
| KEITH & CHERYL JOST 2168 K15 HWY HILLSBORO KS 67063 | |
| <i>contract purchaser</i> | |

| | |
|--|--|
| 8c. <i>PC</i> New to system <input type="checkbox"/> | Person ID 21577 Add Seq# _____ |
| SCULLY PARTNERS LP 600 ORCHARD DR PO BOX 68 HILLSBORO KS 67063 | |

| | |
|--|--|
| 8b. <i>PC</i> (s) New to system <input checked="" type="checkbox"/> | Person ID 35253 Add Seq# _____ |
| THOMAS J & CAROL A KLENDIA 1239 270TH TAMPA KS 67483 | |
| <i>owner</i> | |

| | |
|--|--|
| 8d. WUC New to system <input checked="" type="checkbox"/> | Person ID 22426 Add Seq# _____ |
| SAME AS 8A | |

| | |
|---|---|
| 9. Documents and Enclosure(s): <input checked="" type="checkbox"/> DWR Meter(s) Date to Comply: 12/31/18 <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: _____ |

| | |
|--------------------------------------|-----------|
| 10. Use Made of Water From: _____ | To: _____ |
|--------------------------------------|-----------|

| |
|--|
| Date Prepared: 8/15/18 By: BAT |
| Date Entered: 9/4/2018 By: LCM |

File No. **29221** 11. County: **MN** Basin: Stream: Formation Code: Special Use:

12. Points of Diversion Rate and Quantity
 T
 MOD Authorized Additional
 DEL PDIV Qualifier S T R ID 'N 'W Comment Rate Quantity Rate Quantity
 ENT gpm/cfs af/mgy gpm/cfs af/mgy Overlap PD Files

MOD 33309 SWNENW 25 18 2E 1 4222 3613 **50059**

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 T MOD DEL ENT | PUSE | S | T | R | ID | NE¼ | | | | NW¼ | | | | SW¼ | | | | SE¼ | | | | Total | Owner | Chg? | Overlap Files |
|--|--------------|-----------|-----------|-----------|----------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|-----------------|--------------------------------|-----------------------------|------|---------------|
| | | | | | | 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 | | | | |
| MOD | 17380 | 25 | 18 | 2E | 2 | 40 | 40 | 40 | 35 | 23 | 40 | 20 | 35 | | | | | | | 273 | 8a8b | YES ^{NO} * | 50059 | | |
| DEL | 11193 | 25 | 2S | 2E | 1 | | | | | | | | | | | | | | | 102 | 8c | NO | NONE | | |
| | | | | | | | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | | | | | * add contract purchaser 8A | | |

Comments:

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: August 15, 2018

FROM: Brent A. Turney

RE: Water Right
File No. 29,221

Doug Sharp on behalf of Scully Partners, L.P., Tom J and Carol A. Klenda, and Keith D. and Cheryl L. Jost, owners of the above referenced water right have filed an application for approval to change the place of use.

The application proposes to change the actual acres irrigated and to increase the existing 178 acres to 273 acres, further the change will create a complete overlap in the place of use with new Application, File No. 55,059.

The referenced file number does not appear to be abandoned as per K.S.A. 82a-718.


The quantity of water when combined with new Application, File No. 50,059, appears to be reasonable to irrigate the proposed place of use with 1.2 acre-feet of water per acre as per KAR 5-3-23, assuming that all of the proposed acres can be irrigated.

There is one domestic well owner located within one half mile of the point of diversion. The owners of this well Tom and Carol Klenda actually signed the application, therefore no notifications were sent.

In an email dated today's date, Katie Tietsort, Water Commissioner, Topeka Field Office recommended approval of the referenced change.

A check valve will be required if any chemical or foreign substance is injected into the water through the diversion works.

Based on the above discussion, that the Topeka Field Office recommends approval, that impairment to existing water rights is unlikely, that no change in the local source of supply will occur and that the new application will account for any increase in the consumptive use, the referenced applications should be approved.


Brent A. Turney, P.G.
Change Application Unit Supervisor

STATE OF KANSAS

DEPARTMENT OF AGRICULTURE
1320 RESEARCH PARK DRIVE
MANHATTAN, KS 66502
PHONE: (785) 564-6700
FAX: (785) 564-6777



900 SW JACKSON, ROOM 456
TOPEKA, KS 66612
PHONE: (785) 296-3556
www.agriculture.ks.gov

GOVERNOR JEFF COLYER, M.D.
JACKIE McCLASKEY, SECRETARY OF AGRICULTURE

FILE COPY

KEITH & CHERYL JOST
2168 K15 HWY
HILLSBORO KS 67063

September 5, 2018

RE: Water Right
File No. 29,221

Dear Mr. and Mrs. Jost:

Enclosed is the order executed by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the application for change under the above referenced water right.

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in the approval for change. A condition of the approval is that acceptable water flow meter must be installed on the diversion works authorized under the referenced water right. Please return the required notification of completion of the diversion works and installation of the required meter as soon as this action is completed.

Since the order under Water Right, File No. 29,221, modifies the original document referred to above, it should be recorded with the Register of Deeds as other instruments affecting real estate.

If you have any questions, please contact this office. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

Brent A. Turney, P.G.
Change Application Unit Supervisor
Water Appropriation Program

BAT
Enclosures
pc: Topeka Field Office
Tom J. and Carol A. Klenda
Scully Partners, L.P.



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 DEFINING THE
LOCATION OF THE POINT OF DIVERSION
WATER RIGHT
FILE NO. 29,221**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Doug Sharp on behalf of Scully Partners, L.P., PO Box 68, Hillsboro, Kansas 67063, Tom J. and Carol A. Klenda, 1239 270th, Tampa, Kansas 67843, and Keith D. and Cheryl L. Jost, 2168 K15, Hillsboro, Kansas 67063, received in this office on July 2, 2018, for approval of a change in the location of the place of use under the certificate of appropriation issued pursuant to the application for permit to appropriate water for beneficial 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, the authorized place of use shall be described as:

| Sec Twp. Range | NE ¹ / ₄ | | | | NW ¹ / ₄ | | | | SW ¹ / ₄ | | | | SE ¹ / ₄ | | | | TOTAL |
|----------------|--------------------------------|--------------------------------|--------------------------------|--------------------------------|--------------------------------|--------------------------------|--------------------------------|--------------------------------|--------------------------------|--------------------------------|--------------------------------|--------------------------------|--------------------------------|--------------------------------|--------------------------------|--------------------------------|-------|
| | NE ¹ / ₄ | NW ¹ / ₄ | SW ¹ / ₄ | SE ¹ / ₄ | NE ¹ / ₄ | NW ¹ / ₄ | SW ¹ / ₄ | SE ¹ / ₄ | NE ¹ / ₄ | NW ¹ / ₄ | SW ¹ / ₄ | SE ¹ / ₄ | NE ¹ / ₄ | NW ¹ / ₄ | SW ¹ / ₄ | SE ¹ / ₄ | |
| 25 18S 2E | 40 | 40 | 40 | 35 | 23 | 40 | 20 | 35 | | | | | | | | | 273 |

a total of 273 acres in Township 18 South, Range 2 East, Marion County, Kansas,

and the location of the point of diversion shall be better defined as being:

one (1) well located in the Southwest Quarter of the Northeast Quarter of the Northwest Quarter (SW¹/₄NE¹/₄NW¹/₄) of Section 25, more particularly described as being near a point 4,222 feet North and 3,613 feet West of the Southeast corner of said section, in Township 18 South, Range 2 East, Marion County, Kansas,

located substantially as shown on the topographic map accompanying the application to change the place of use.

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. 29,221, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated June 12, 1987.

RIGHT TO A HEARING AND TO ADMINISTRATIVE REVIEW

If you are aggrieved by this Order, then pursuant to K.S.A. 82a-1901, you may:

- 1) request an evidentiary hearing before the Chief Engineer, or
- 2) request administrative review by the Secretary of Agriculture.

Failure to request an evidentiary hearing before the Chief Engineer does not preclude your right to administrative review by the Secretary.

To obtain an evidentiary hearing before the Chief Engineer, a written request for hearing must be filed within 15 days after service of this Order as provided in K.S.A. 77-531 (**i.e., within a total of 18 days after this Order was mailed to you**), with: Kansas Department of Agriculture, Attn: Legal Section, 1320 Research Park Drive, Manhattan, KS 66502, FAX (785) 564-6777.

If you do not file a request for an evidentiary hearing before the Chief Engineer, you may petition for administrative review of the Order by the Secretary of Agriculture. A petition for review shall be in writing and state the basis for requesting administrative review. The request for hearing may be denied if the request fails to clearly establish factual or legal issues for review. See K.S.A. 77-527. The petition must be filed within 30 days after service of this Order as provided in K.S.A. 77-531 (**i.e., within a total of 33 days after this Order was mailed to you**), and be filed with: Secretary of Agriculture, Attn: Legal Division, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, KS 66502, FAX (785) 564-6777.

If neither a request for an evidentiary hearing nor a petition for administrative review is filed as set forth above, then this Order shall be effective and become a final agency action as defined in K.S.A. 77-607(b). Failure to timely request either an evidentiary hearing or administrative review may preclude further judicial review under the Kansas Judicial Review Act.

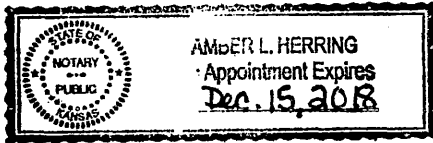
Any request for hearing or petition for administrative review shall be in writing and shall be submitted to the attention of: Chief Legal Counsel, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, Fax: (785) 564 – 6777.

Ordered this 30th day of August, 2018, in Topeka, Shawnee County, Kansas.

Lane P. Letourneau
Lane P. Letourneau, P.G.,
Program Manager
Water Appropriation Program
Division of Water Resources
Kansas Department of Agriculture

State of Kansas)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this 30th day of August, 2018, by Lane P. Letourneau, P.G., Program Manager, Water Appropriation Program, Division of Water Resources, Kansas Department of Agriculture.



Amber L. Herring
Notary Public

CERTIFICATE OF SERVICE

On this 5th day of September, 2018, I hereby certify that the attached original Approval of Change in Place of Use, File No. 29,221, dated August 30th, 2018, was mailed postage prepaid, first class, US mail to the following:

KEITH & CHERYL JOST
2168 K15 HWY
HILLSBORO KS 67063

With photocopies to:

Stockton Field Office
Tom J. and Carol A. Klenda
Scully Partners, L.P

Danielle Wilson
Staff

Turney, Brent [KDA]

From: Tietsort, Katie [KDA]
Sent: Wednesday, August 15, 2018 3:20 PM
To: Turney, Brent [KDA]
Subject: RE: Change in PU File No. 29221

Brent,

TFO has no objections to approval of the change application as proposed.

Thanks, Katie

Katie Tietsort

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

Achiever~Responsibility~Input~Relator~Arranger

From: Turney, Brent [KDA]
Sent: Wednesday, August 15, 2018 2:38 PM
To: Tietsort, Katie [KDA] <Katie.Tietsort@ks.gov>
Subject: Change in PU File No. 29221

Katie,
Can you please review an give me a recommendation.
Brent

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. 29,221

RECEIVED

JUL 02 2018
 2:01 PM
 Topeka Field Office
 DIVISION OF WATER RESOURCES

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

WATER RESOURCES
 RECEIVED

2. Name and address of Applicant: KEITH JOST 2168 K 15 HWY HILLSBORO, KS 67063

Phone Number: (620) 382-4752 Email address: _____

JUL 31 2018

Name and address of Water Use Correspondent: SAME AS APPLICANT

KEITH IS CONTRACT PURCHASER OF TOM & CAROL KLENDIA PROPERTY KS DEPT OF AGRICULTURE

Phone Number: () Email address: _____

3. The presently authorized place of use is:

Owner of Land ---- NAME: SCULLY PARTNERS LP

ADDRESS: 600 ORCHARD DR, PO BOX 68, HILLSBORO KS 67063

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

| 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 | 18 | 2E | | | | | | | | | | | | | | | | | 22 | 22 | 18 | 40 | 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: KEITH JOST

ADDRESS: 2168 K 15 HWY, HILLSBORO, KS 67063

(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 | 18 | 2E | 40 | 40 | 40 | 35 | 23 | 40 | 20 | 35 | | | | | | | | | | | | | 273 |
| | | | | | | | | | | | | | | | | | | | | | | | |

For Office Use Only: Code _____ Fee \$ 200.00 TR # _____ Receipt Date _____ Check # 12214

APPLICATION COMPLETE
 Page 101510
 Reviewer DAT

8/1/2018 LLM

5. **Presently authorized point of diversion:**
 One in the SW Quarter of the NE Quarter of the NW Quarter
 of Section 25, Township 18 South, Range 2E,
 in MARION County, Kansas, 4,150 feet North 3,560 feet West of Southeast corner of section.
 Authorized Rate 645 gpm Authorized Quantity 40 Acre-Feet 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 SW Quarter of the NE Quarter of the NW Quarter
 of Section 25, Township 18 South, Range 2E,
 in MARION County, Kansas, 4,222 feet North 3,613 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 50,059

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: 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 _____

7. The changes herein are desired for the following reasons?
 (please be specific)
TO CREATE A COMPLETE OVERLAP IN PLACE OF USE
WITH APPLICATION FILE NO. 50,059

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

9. The change(s) (was)(will be) completed by?
SUMMER 2018

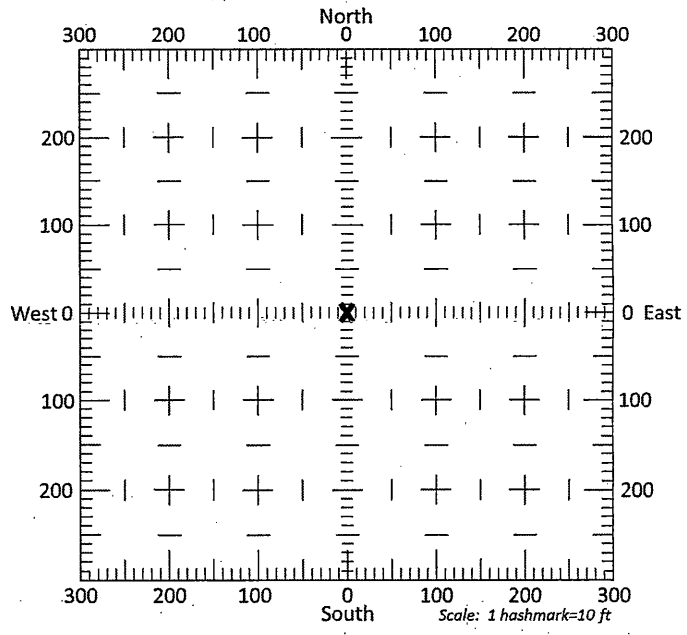
10. If the point of diversion is a well:
 (a) What are you going to do with the old well?

 (b) When will this be done? _____

11. Groundwater Management District recommendation attached?
 Yes No

12. Assisted by DWS/TFO

13a. If the proposed point of diversion will be relocated more than 300 feet but within 2,640 feet of 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



13b. If the proposed point of diversion will be relocated within 300 feet of the existing point of diversion, indicate its location on the diagram shown above in relation to the existing point of diversion. (PLEASE NOTE: The "X" in center of diagram above represents the presently authorized point of diversion.)

APPLICATION FOR APPROVAL TO CHANGE
THE PLACE OF USE AND/OR POINT OF DIVERSION
SUPPLEMENTAL SHEET

FILE NO. 29,221

MAKE ADDITIONAL COPIES AS NECESSARY

*Continued
(presently authorized)*

3. *Continued:* The presently authorized place of use is:

Owner of Land ---- NAME: THOMAS J & CAROL A KLEND
ADDRESS: 1239 270TH TAMPA KS 67483

| 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 | 18 | 2E | | | | | 11 | 40 | 20 | 5 | | | | | | | | | 76 |
| | | | | | | | | | | | | | | | | | | | |

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 | |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |

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 | |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |

4. *Continued:* 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: _____
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 | |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |

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 | |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |

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 | |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |

I acknowledge that
and give permission to Keith Jost
to apply for more water
on permit # ~~29221~~ 29221. I sold
the land on $\frac{2}{4}$ NW $\frac{1}{4}$ and NE $\frac{1}{2}$
25-18-2 to Keith Jost

5-22-2018

Tom Klenda

Tom J. Klenda

WATER RESOURCES
RECEIVED

MAY 22 2018

KS DEPT OF AGRICULTURE

14. If the proposed groundwater point of diversion is 300 or fewer feet from the 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 regards 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 Hillsboro, Kansas, this 28th day of June, 2018

| | |
|--|--|
| <u>Keith D. Jost</u> (Owner) | <u>Cheryl L. Jost</u> (Spouse) |
| <u>Keith D. Jost</u> (Please Print) | <u>Cheryl L. Jost</u> (Please Print) |
| <u>Tom J. Klenda</u> (Owner) | <u>Carol A. Klenda</u> (Spouse) |
| <u>Tom J. Klenda</u> (Please Print) | <u>Carol A. Klenda</u> (Please Print) |
| <u>Scully Partners L.P. Doug Sharp POA</u> (Owner) | <u>(Spouse)</u> |
| <u>Scully Partners LP Mylene Sharp POA</u> (Please Print) | <u>(Please Print)</u> |

State of Kansas }
County of Marion } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 28th day of June, 2018

LAURA K. ENSEY
 Notary Public - State of Kansas
 My Appt. Expires 07/14/2018

Laura K. Ensey
Notary Public

My Commission Expires 07/14/2018

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 |

STATE OF KANSAS

DEPARTMENT OF AGRICULTURE
DIVISION OF WATER RESOURCES
TOPEKA FIELD OFFICE
6531 SE FORBES AVE., SUITE B
TOPEKA, KS 66619



PHONE: (785) 296-5733
FAX: (785) 296-8298
www.agriculture.ks.gov

GOVERNOR JEFF COLYER, M.D.
JACKIE McCLASKEY, SECRETARY OF AGRICULTURE

June 21, 2018

2168 KEITH JOST
2156 K15 HWY
HILLSBORO KS 67063

my address now is 2168 K15 Hwy

RE: Change Application, Water Right, File No. 29,221

Dear Mr. Jost:

As we discussed, enclosed is an application form related to completing a change in place of use under Water Right, File No. 29,221. This change will modify your place of use to create a complete overlap with your new pending application, File No. 50,059. The change application must be **signed by all owners and spouses, and the signatures must be notarized.** For the requested change in place of use, the required filing fee would be \$200. Please submit the Change Application to:

**Kansas Department of Agriculture
6531 SE Forbes Avenue, Suite B
Topeka, KS 66619**

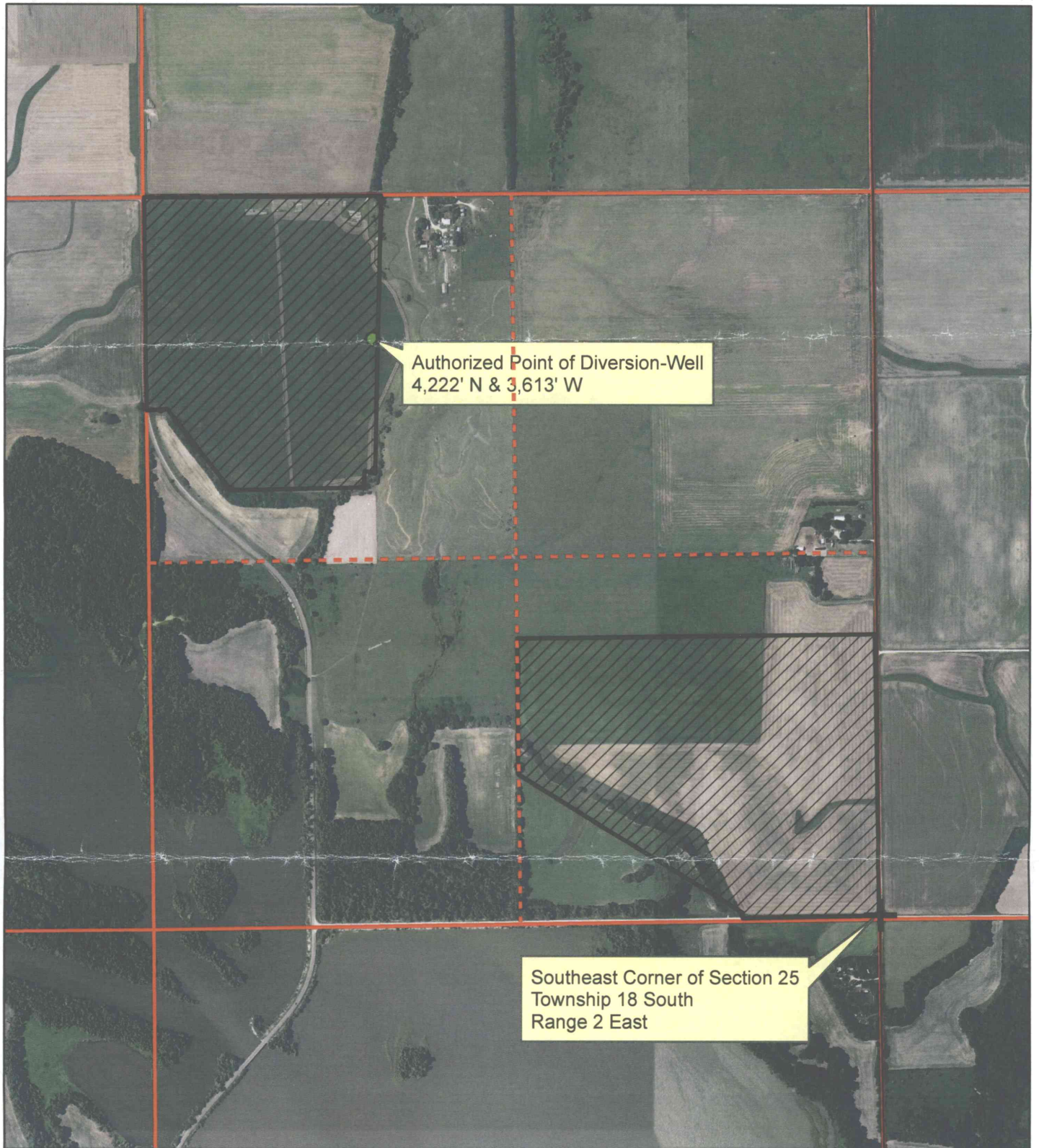
You may contact the Topeka Field Office at (785) 296-5733, or myself at (785) 296-3495, for any additional assistance in completing this application form.

Sincerely,

Douglas Schemm
Environmental Scientist
Topeka Field Office

Enclosures

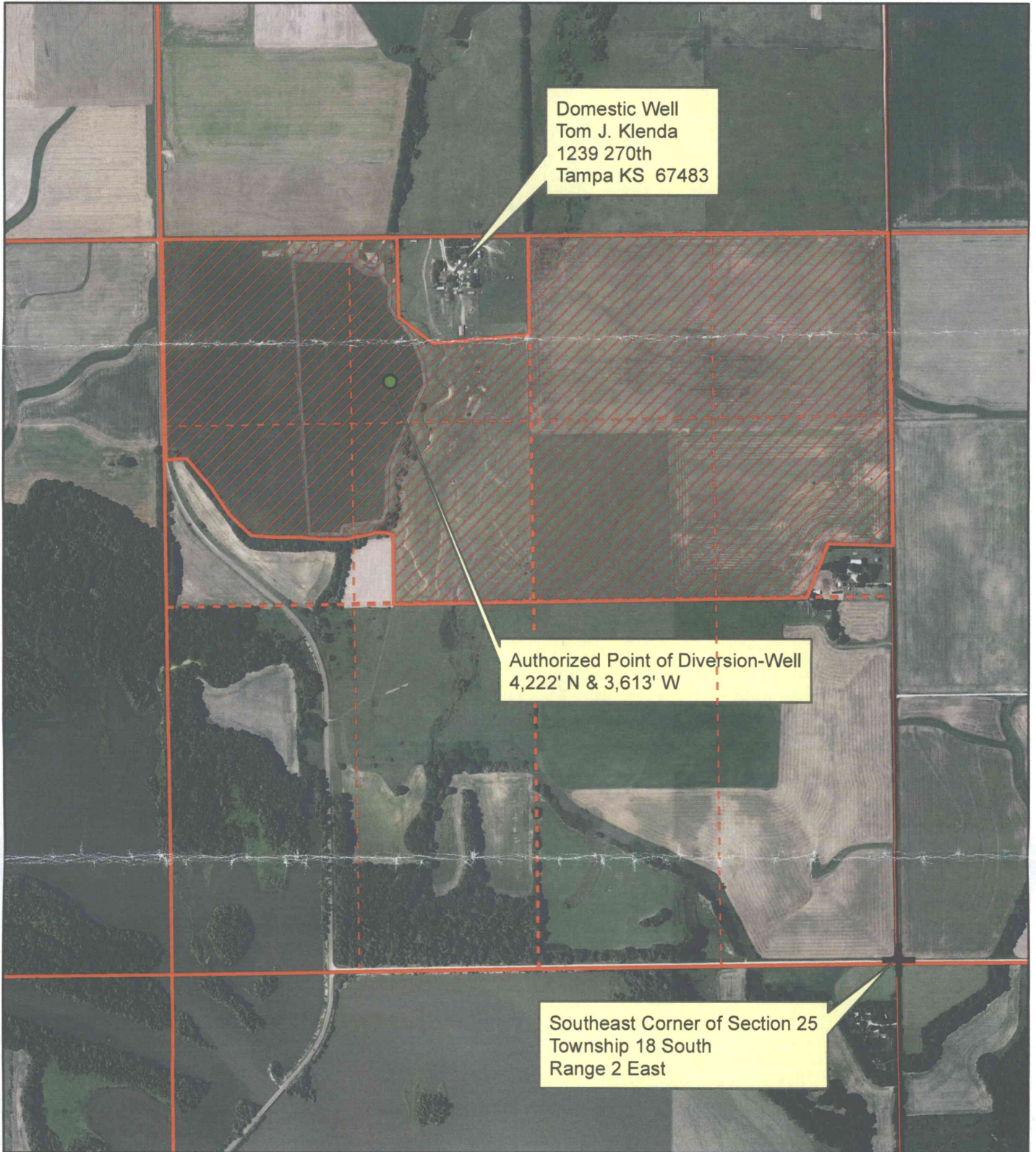
FILE NO. 29,221 - SITE MAP
AUTHORIZED PLACE OF USE



1:12,000

- Authorized Point of Diversion
- ▨ Authorized Place of Use

FILE NO. 29,221 - SITE MAP
PROPOSED PLACE OF USE



1:12,000

- Authorized Point of Diversion
- ▨ Proposed Place of Use

All known wells of any kind within 1/2 mile of the authorized point of diversion have been identified.

Reth Dyost