

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

Document Signature LPL _____

1. File Number: 34,069	2. Status Change Date: 2/27/2019	3. Change Num: 3	4. Field Office: 1	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: 12/6/2018	
8a. Applicant(s) New to system <input type="checkbox"/> THOMAS L WAIT 100 MONROE HILL CT HERNDON VA 20170 Hook Farms LLC 8920 NW US Hwy 24 Silver Lake KS (605) 39-9471		8c. pc landowner New to system <input type="checkbox"/> THOMAS L WAIT 100 MONROE HILL CT HERNDON VA 20170		Person ID 34305 Add Seq# _____	Person ID 65830 Add Seq# _____
8b. Landowner(s) New to system <input type="checkbox"/>		8d. WUC New to system <input type="checkbox"/> SAME AS 8a Hook Farms LLC		Person ID 34305 Add Seq# _____	
9. Documents and Enclosure(s): <input checked="" type="checkbox"/> DWR Meter(s) Date to Comply: 12/31/2019 <input checked="" type="checkbox"/> N & P Date to Comply: 12/31/2019					
<input checked="" type="checkbox"/> Check Valve <input checked="" 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: _____					
BAT 2/27/2019 Entered 2/28/2019 CLM					

File No. 34069 11. County: SN Basin: Stream: Formation Code: 113 Special Use:

12. Points of Diversion										Rate and Quantity					
MOD	DEL	PDIV	Qualifier	S	T	R	ID	'N	'W	Comment	Authorized		Additional		Overlap PD Files
ENT											Rate gpm/cfs	Quantity af/mgy	Rate gpm/cfs	Quantity af/mgy	
ENT	2447		SW NW NE	21	11	15E	7	4470	2090	(Batt 1 of 2)					50167
MOD	86431		SW NW NE	21	11	15E 15		4446	2164	(Batt 1 of 2)					50167
ENT	87177		SW NW NE	21	11	15E 16		4433	2113	(Geo-Ctr)					50167

All in TRACT 1162 POTTAWATOMIE RESERVE LANDS

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?	Overlap Files
MOD	DEL	ENT	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				

Comments: **wris ONLY --- Place of Use acreage: 7 acres in SE SW of Sec. 16 is in TRACT 760; 16 acres in SW SE of Sec. 16 is in TRACT 764; 50 acres in NE of 21 is in TRACT 1162; and 43 acres in NW of 21 is in Tract 771; all in POTTAWATOMIE RESERVE LANDS**

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: February 25, 2019

FROM: Brent A. Turney

RE: Appropriation of Water
File No. 34,069

On December 6, 2018, an application to change the authorized point of diversion was filed under the above referenced appropriation right. The water right is currently authorized single well and the change proposes to create a battery of two wells using a previously authorized well. No new points of diversion will be drilled.

The source of supply for the existing wells appears to be the alluvium of the Kansas River. Since no new wells will be drilled there will be no change in the local source of supply.

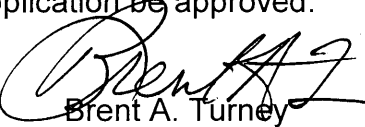
The proposed change to create a battery of two wells from the two existing wells is subject to KAR 5-2-3. The water right owner has filed Application File No. 50,167, which appears to meet the applicable rules and regulations and is proposed to be approved, therefore a waiver of K.A.R. 5-2-3 is not required.

There are numerous domestic wells and four irrigation wells located within one half mile of the proposed geographic center of two wells. Notifications were sent to the owners of these wells during the processing of new Application, File No. 50,167. Based upon the memorandum to the by Doug Schemm, dated January 24, 2019, there was one domestic owner that contacted Mr. Schemm. No notifications were sent to these owners as a result of the change application, because, the move to the geographic center of the two wells constitutes a change of less than 300 feet.

In an e-mail dated February 22, 2019, Katie Tietsort, Water Commissioner of the Topeka Field Office, indicated that she is not opposed to approval of the application.

A water flow meter will be required on the battery of wells. 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 change is reasonable, that impairment to existing water rights is unlikely, and that no change in the local source of supply will occur, it is recommended that the referenced application be approved.


Brent A. Turney
Change Application Unit Supervisor

1320 Research Park Drive
Manhattan, KS 66502
785-564-6700
www.agriculture.ks.gov



900 SW Jackson, Room 456
Topeka, KS 66612
785-296-3556

Mike Beam, Acting Secretary

Laura Kelly, Governor

HOOK FARMS LLC
8920 NW US HIGHWAY 24
SILVER LAKE KS 66539-9471

FILE COPY

March 4, 2019
RE: Water Right
File No. 34,069

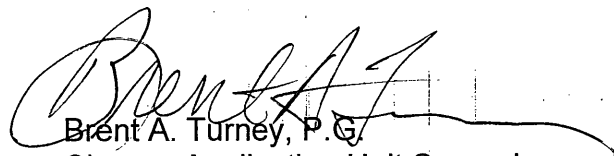
Dear Sir or Madam:

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 file number.

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

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.E.
Change Application Unit Supervisor
Water Appropriation Program

BAT
Enclosures
pc: Topeka Field Office
Thomas L. Wait

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE
Mike Beam, Acting Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

APPROVAL OF APPLICATION FOR CHANGE IN POINT OF DIVERSION AND ORDER TO BETTER DEFINE THE PLACE OF USE WATER RIGHT FILE NO. 34,069

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Thomas Logan and Moira G. Wait, 100 Monroe Hill CT, Herndon, Virginia, 20170, received in this office on December 6, 2018, for approval of a change in the location of the point of diversion under the certificate of appropriation issued pursuant to the application for permit to appropriate water for beneficial use, as modified and amended by the order of the Chief Engineer dated May 15, 2006, approving the application to change the place of use, and the order of the Chief Engineer dated November 16, 2017, approving the application to change the point of diversion, finds that the change is reasonable and will not impair existing rights, that the change relates to the same local source of supply 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 location of the point of diversion shall be described as follows:

a battery of two (2) wells located in Tract 1162 of the Pottawatomie Reserve Lands, with a geographic center located in the Southwest Quarter of the Northwest Quarter of the Northeast Quarter (SW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 21, more particularly described as being near a point 4,433 feet North and 2,113 feet West of the Southeast corner of said section, in Township 11 South, Range 15 East, Shawnee County, Kansas,

and the place of use shall be better defined as being:

That the water sought to be appropriated shall be used for irrigation use on land within Tracts 760, 764, 771, and 1162 of the Pottawatomie Reserve Lands, described in the application, as follows:

Sec.	Twp.	Range	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTAL
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
16	11S	15E												7			16		23
21	11S	15E		38	12		32			11									93

located substantially as shown on the topographic map accompanying the application to change the point of diversion.

Installation of the works for diversion of water shall be completed on or before December 31, 2019, or within any authorized extension of time. The applicant shall notify the Chief Engineer of the Division of Water Resources, Kansas Department of Agriculture, when construction of the works for diversion has been completed.

The water right owner shall submit to the Chief Engineer a copy of the well log required by the Kansas Department of Health and Environment under the authority of K.S.A. 82a-1212, currently form WWC-5, within 30 days following the drilling of the well at the location authorized herein.

All wells with a diversion rate of 100 gallons per minute or more drilled under the authority of this order shall have a tube or other device installed in a manner acceptable to, and in accordance with specifications adopted by, the Chief Engineer. This tube or device shall be suitable for making water level measurements and shall be maintained in a condition satisfactory to the Chief Engineer.

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. 34,069, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated November 12, 1996, and as amended by the aforementioned orders.

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, Kansas 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, Kansas 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.

Dated at Manhattan, Kansas, this 27th day of February, 2019.

Lane P. Letourneau

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

State of Kansas)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this 27th day of February, 2019, by Lane P. Letourneau, P. G., Program Manager, Water Appropriation Program, Kansas Department of Agriculture.



Danielle Wilson
Notary Public

CERTIFICATE OF SERVICE

On this 4th day of March, 2019, I hereby certify that the attached original Approval of Application to Change in Point of Diversion, File No. 34,069, dated February 27th, 2019, was mailed postage prepaid, first class, US mail to the following:

HOOK FARMS LLC
8920 NW US HIGHWAY 24
SILVER LAKE KS 66539-9471

With photocopies to:

THOMAS L WAIT
100 MONROE HILL CT
HERNDON VA 20170

Topeka Field Office

Danielle Wilson
Staff

Turney, Brent [KDA]

From: Tietsort, Katie [KDA]
Sent: Friday, February 22, 2019 12:58 PM
To: Turney, Brent [KDA]
Subject: RE: 34069 chg PD battery

Hi Brent,

The application appears to meet all applicable rules and regulations of the KWAA. I agree with your recommendation for approval.

Thanks for your efforts,
Katie

Katie Tietsort

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

From: Turney, Brent [KDA]
Sent: Thursday, February 21, 2019 12:03 PM
To: Tietsort, Katie [KDA] <Katie.Tietsort@ks.gov>
Subject: 34069 chg PD battery

Katie,
Can you please review and give me a recommendation?
Thanks,
Brent

Turney, Brent [KDA]

From: Tietsort, Katie [KDA]
Sent: Friday, February 22, 2019 12:58 PM
To: Turney, Brent [KDA]
Subject: RE: 34069 chg PD battery

Hi Brent,

The application appears to meet all applicable rules and regulations of the KWAA. I agree with your recommendation for approval.

Thanks for your efforts,
Katie

Katie Tietsort

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

From: Turney, Brent [KDA]
Sent: Thursday, February 21, 2019 12:03 PM
To: Tietsort, Katie [KDA] <Katie.Tietsort@ks.gov>
Subject: 34069 chg PD battery

Katie,
Can you please review and give me a recommendation?
Thanks,
Brent

Submit To: CHIEF ENGINEER
Division of Water Resources
Kansas Department of Agriculture
109 SW 9th Street, 2nd Floor
Topeka, KS 66612-1283
www.ksda.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

- (Check one or more)
- Place of Use
 - Point of Diversion
 - Use Made of Water

Water Resources
Received

DEC 06 2018

12:20

File No. 34069

KS Dept Of Agriculture

2. Name of applicant: THOMAS L WAIT

Address: 100 MONROE HILL CT

City, State and Zip: HERNDON VA 20170

Phone Number: (703) 945-9255 E-mail address: TOPEKA@2AOL.COM

What is your relationship to the water right; owner tenant agent other? If other, please explain.

Name of water use correspondent: HOOK FARMS LLC

Address: 8920 NW US HWY 24

City, State and Zip: SILVER LAKE KS 66539-9471

Phone Number: (785) 249-8253 E-mail address: hookfarms@hotmail.com

3. The change(s) proposed herein are desired for the following reasons (please be specific):

TO ADD A SECOND WELL TO CREATE A BATTERY OF 2 WELLS

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

For Office Use Only:											
F.O. Code	GMD	Meets K.A.R. 5-5-1	(YES/NO)	Use	IRIR	Source	G/S	County	SD	By	Date
	CU			Fee \$	100	TR #		Receipt Date	2/6/18	Check #	6001

12/11/2018 CW

4. The presently authorized place of use is:

Owner of Land — NAME: **THOMAS L WAIT**

ADDRESS: **100 MONROE HILL CT HERNDON VA 20170**

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										
16	11	15E																7					16					23
21	11	15E			38	12				32																		93

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 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 — NAME: **NO CHANGE**

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										

Water Resources
Received
DEC 06 2018

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

KS Dept Of Agriculture

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 **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 WELL**

One in the SW Quarter of the NW Quarter of the NE Quarter of Section 21, Township 11 South, Range 15E (E/W), in **SHAWNEE** County, Kansas, 4446 feet North 2164 feet West of Southeast corner of section.
 Authorized Rate _____ Authorized Quantity _____
(DWR use only: Computer ID No. 15 GPS 4442 feet North 2157 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 _____

9. **ONE WELL (Well To be added)**

One in the SW Quarter of the NW Quarter of the NE Quarter of Section 21, Township 11 South, Range 15E (E/W), in **SHAWNEE** County, Kansas, 4424 feet North 2069 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: GEO CENTER**

One in the SW Quarter of the NW Quarter of the NE Quarter of Section 21, Township 11 South, Range 15E (E/W), in **SHAWNEE** County, Kansas, 4433 feet North 2113 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. _____
N/A

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

(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.

ALL SPACING REQUIREMENTS WILL BE MET SO IMPAIRMENT SHOULD NOT BE AN ISSUE

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

Water Resources
Received

DEC 06 2018

KS Dept Of Agriculture

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

SCANNED

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 16 of this application.

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

[Signature]

(Owner)

Maria G. Wait

(Spouse)

Thomas Logan Wait

(Please Print)

Moira G. Wait

(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

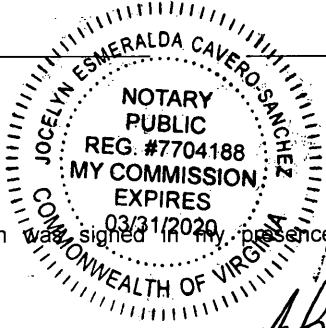
(Owner)

(Spouse)

(Please Print)

(Please Print)

Virginia
State of ~~Kansas~~
County of Fairfax } SS



I hereby certify that the foregoing application was signed in my presence and sworn to before me this 14 day of November, 2018.

My Commission Expires 03/31/2020

[Signature]

Notary Public

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.**

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

THOMAS L WAIT
100 MONROE HILL CT
HERNDON, VA 20170

December 10, 2018

RE: File No 34069

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

SCANNED

New Application

~~50767~~

1:12,000

*BAT DWIR 2-21-19

