

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

1. File Number: <b>39253</b>	2. Status Change Date: <b>5/30/2019</b>	3. Change Num: <b>C1</b>	4. Field Office: <b>01</b>	5. GMD:
6. Status: <input type="checkbox"/> Approved <input type="checkbox"/> Denied by DWR/GMD <input type="checkbox"/> Dismiss by Request/Failure to Return				7. Filing Date of Change: <b>03-JAN-2019</b>
8a. Applicant(s) New to system <input type="checkbox"/>  <b>PESSEMIER COMPANY CHRISTIAN A ROYER PO BOX 206 SAINT MARYS KS 66536</b>		Person ID <u><b>13689</b></u> Add Seq# <u><b>1</b></u>		8c. Landowner(s) New to system <input type="checkbox"/>  <b>CHRISTIAN A ROYER PO BOX 206 SAINT MARYS KS 66536</b>
8b. Landowner(s) New to system <input type="checkbox"/>  <b>PESSEMIER COMPANY CHRISTIAN A ROYER PO BOX 206 SAINT MARYS KS 66536</b>		Person ID <u><b>13689</b></u> Add Seq# <u><b>1</b></u>		8d. WUC New to system <input type="checkbox"/>  <b>PESSEMIER COMPANY CHRISTIAN A ROYER PO BOX 206 SAINT MARYS KS 66536 NO CHANGE</b>
9. Documents and Enclosure(s): <input checked="" type="checkbox"/> DWR Meter(s) Date to Comply: <u><b>12/31/20</b></u> <input checked="" type="checkbox"/> N & P Date to Comply: <u><b>12/31/20</b></u>				
<input type="checkbox"/> Anti-Reverse Meter <input type="checkbox"/> Meter Seal <input checked="" type="checkbox"/> Check Valve <input checked="" type="checkbox"/> N & P Form <input checked="" 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: <b>5/23/19</b> By: <b>RAK</b> Date Entered: <b>6/4/2019</b> By: <b>LLM</b>				



**KANSAS DEPARTMENT OF AGRICULTURE**  
**Division of Water Resources**  
**MEMORANDUM**

**TO:** Files

**DATE:** May 28, 2019

**FROM:** Richelle A. Krueger

**RE:** Water Right  
File Nos. 39,253 and 43,699

Pessemier Company and Christian A. Royer, water right owners, filed applications for approval to change the authorized point of diversion for the referenced file numbers both authorized groundwater in the Kansas River Basin. The referenced change applications were filed along with Application, File No. 50,192 processed by Doug Schemm, Environmental Scientist of the Topeka Field Office.

The referenced file numbers do not appear abandoned as per K.S.A. 82a-718.

The referenced file numbers are authorized irrigation use from the same well for irrigation of the same 335 acres in Sections 7 and 8, Township 10 South, Range 12 East, Wabaunsee County. The place of use is also overlapped by Water Right, File Nos. 36,961; 36,962; 43,700; 43,701 and Application, File No. 50,192. The applicants propose to add a new well to File Nos. 39,253 and 43,699, creating a battery of two wells with a geographic center 3,110 feet North and 4,492 feet West of the Southeast corner of Section 8. The battery will overlap that proposed for File No. 50,192, and the change involves a distance move for File Nos. 39,253 and 43,699 of approximately 148 feet to the north.

The application appears to meet K.A.R. 5-2-3 *Battery of wells*. The time to construct the diversion works has expired, and the proposed battery meets the definition of a battery of wells. The safe yield calculation for File No. 50,192 indicates the proposed geocenter still meets safe yield. The applicant identified three wells within one-half mile of the proposed point of diversion, two of which are owned by the applicant. The proposed point of diversion (battery geo-center) is located 1,022 feet from one of the applicant's existing irrigation wells, which is less than the minimum well spacing of 1,320 feet. However, the applications meet well spacing requirements of K.A.R. 5-4-4 since they do not decrease the distance to other wells or authorized well locations by more than 300 feet, and the proposed spacing improves the current spacing between the applicant's wells,

Doug sent a nearby notification letter on February 20, 2019 to the other well owner, including notification of the proposed change applications, no response was received.

The same local source of supply will not change, previously determined to be Recent (110)\Main Stem Alluvium (113).

In an e-mail dated May 23, 2019, Katherine Tietsort, Water Commissioner of the Topeka Field Office, indicated no objection to approval of the referenced applications.

A water flow meter and a water level measurement tube are required. A check valve is 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, that no change in the local source of supply will occur, it has been recommended the referenced applications be approved.

  
Richelle A. Krueger  
Environmental Scientist

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, Secretary

Laura Kelly, Governor

PESSEMIER COMPANY  
CHRISTIAN A ROYER  
PO BOX 206  
SAINT MARYS KS 66536

FILED COPY  
June 7, 2019

RE: Water Right, File Nos. 39,253 and 43,699

Dear Mr. Royer:

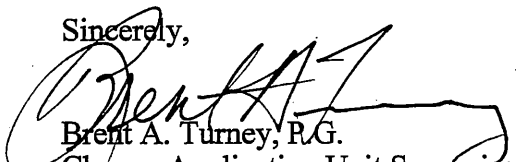
Enclosed are the orders executed by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the applications for change under the above referenced file numbers.

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in these approvals for change. A condition of these 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/or installation of the required meter as soon as these actions are completed.

Since the orders modify the original documents referred to above, they 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 call, please reference the file number so we can help you more efficiently.

Sincerely,



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

BAT:rak

pc: Topeka Field Office

THE STATE OF KANSAS



**KANSAS DEPARTMENT OF AGRICULTURE**  
Mike Beam, Secretary of Agriculture

**DIVISION OF WATER RESOURCES**  
David W. Barfield, Chief Engineer

**APPROVAL OF APPLICATION  
FOR  
CHANGE IN  
POINT OF DIVERSION  
WATER RIGHT  
FILE NO. 39,253**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Pessemier Company and Christian A. Royer, P.O. Box 206, Saint Marys, Kansas, 66536, received in this office on January 3, 2019, 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 July 23, 1999, approving the application to change the place of use, 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 authorized location of the point of diversion shall be:

a battery of two (2) wells with a geographic center located in Lot 5 of Section 8, more particularly described as being near a point 3,110 feet North and 4,492 feet West of the Southeast corner of said section,

in Township 10 South, Range 12 East, Wabaunsee County, Kansas,

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

The point of diversion described herein as a battery of two (2) wells is further limited such that the wells shall be located within a three hundred (300) foot radius circle, in the same local source of supply.

Installation of the works for diversion of water shall be completed on or before December 31, 2020, or within any authorized extension of time. The water right owner 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.

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. 39,253, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated June 2, 1999, as modified and amended by the aforementioned order.

#### **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.



#2

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**



**Filing Fee Must Accompany the Application**  
(Please refer to Fee Schedule on signature page of application form.)

Paragraph Nos. 1, 2, 3, 4 & 8 must be completed. Complete all other applicable portions. A topographic map or detailed plat showing the authorized and proposed points(s) of diversion and /or place of use must accompany this application.

- 1. Application is hereby made for approval of the Chief Engineer to change the
  - Place of Use
  - (Check one or more)  Point of Diversion
  - Use Made of Water

Water Resources  
Received  
JAN 03 2019  
11:47  
KS Dept Of Agriculture

File No. 39253

2. Name of applicant: PESSEMIER COMPANY CHRISTIAN A ROYER

Address: PO BOX 206

City, State and Zip: ST MARYS KS 66536

Phone Number: (785)456-4655 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): \_\_\_\_\_

TO ADD A SECOND WELL TO CREATE A BATTERY OF 2 WELLS AND INCREASE THE PUMPING RATE DELIVERED TO THE CENTER PIVOT

The change(s) (was) (will be) completed by JUNE 2019 (Date)

For Office Use Only:					
F.O. Code	<u>1</u> <u>GMD</u> <u>0</u>	Meets K.A.R. 5-5-1	( <u>YES</u> / NO) Use <u>IRR</u>	Source <u>Q</u> / S County <u>WB</u>	By <u>KSN</u> Date <u>1/3/19</u>
	<u>CU</u>	Fee \$ <u>100.00</u>	TR # _____	Receipt Date <u>1/3/19</u>	Check # <u>21449</u>



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) 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 (EXISTING)**

One in the LOT 5 Quarter of the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of the \_\_\_\_\_  
of Section 8, Township 10 South, Range 12E (E/W),  
in WABAUNSEE County, Kansas, 2900 feet North 4550 feet West of Southeast corner of section.  
Authorized Rate \_\_\_\_\_ Authorized Quantity \_\_\_\_\_  
(DWR use only: Computer ID No. \_\_\_\_\_ GPS 2962 feet North 4492 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 the \_\_\_\_\_  
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 43699 & NEW APP

9. **Presently authorized point of diversion:**

One in the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of the \_\_\_\_\_  
of Section \_\_\_\_\_, Township \_\_\_\_\_ South, Range \_\_\_\_\_ (E/W),  
in \_\_\_\_\_ County, Kansas, \_\_\_\_\_ feet North \_\_\_\_\_ feet West of Southeast corner of section.  
Authorized Rate \_\_\_\_\_ Authorized Quantity \_\_\_\_\_  
(DWR use only: Computer ID No. \_\_\_\_\_ GPS \_\_\_\_\_ feet North \_\_\_\_\_ feet West)  
 This point will not be changed  This point will be changed as follows:  
**Proposed point of diversion: (Complete only if change is requested) ONE WELL (PROPOSED WELL)**  
One in the LOT 5 Quarter of the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of the \_\_\_\_\_  
of Section 8, Township 10 South, Range 12E (E/W),  
in WABAUNSEE County, Kansas, 3257 feet North 4492 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 43699 & NEW APP

10. **Presently authorized point of diversion:**

One in the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of the \_\_\_\_\_  
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) GEOGRAPHIC CENTER OF BATTERY**  
One in the LOT 5 Quarter of the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of the \_\_\_\_\_  
of Section 8, Township 10 South, Range 12E (E/W),  
in WABAUNSEE County, Kansas, 3110 feet North 4492 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 43699 & NEW APP

11. Describe the current condition of and future plans for any point(s) of diversion which will no longer be used. \_\_\_\_\_  
NOT APPLICABLE

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

Water Resources  
Received  
JAN 03 2019  
KS Dept of Ag  
SCANNED

4. The presently authorized place of use is:

Owner of Land — NAME: **PESSEMIER COMPANY CHRISTIAN A ROYER**

ADDRESS: **PO BOX 206 ST MARYS KS 66536**

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	
7	10	12E	4		1	36.95								40	3		25	109.95	

List any other water rights that cover this place of use. \* 36961, 36962, 43699, 43700, 43701, 50192

Owner of Land — NAME: **CHRISTIAN A ROYER**

ADDRESS: **PO BOX 206 ST MARYS KS 66536**

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	
8	10	12E					4	6.50	40	27.33	39	40	40	25		3.22		225.05	

List any other water rights that cover this place of use. \* 36961, 36962, 43699, 43700, 43701, 50192

(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: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

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

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

Owner of Land — NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

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

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

**IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY**

\* per WAIS 5/28/19  
\* WAIS 5/28/19

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 N/A (acre-feet or million gallons).

15. It is requested that the maximum rate of diversion of water be reduced to N/A gallons per minute (\_\_\_\_ c.f.s.).

16. The application must include either a topographic map or detailed plat. A U.S. Geological Survey Topographic Map, scale 1:24,000, is available through the Kansas Geological Survey, 1930 Constant Avenue, University of Kansas, Lawrence, Kansas 66047-3726 ([www.usgs.gov](http://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.

**THERE ARE CURRENTLY 3 WELLS THAT SERVE THE CENTER PIVOT. THE NORTH WELL AND THE CENTER WELL DO NOT MEET 1/4 MILE SPACING AS DOES THE CENTER WELL AND THE SOUTH WELL. THIS SPACING HAS NOT CAUSED ANY DOCUMENTED IMPAIRMENT ISSUES. THE PURPOSE OF THIS APPLICATION IS TO AUTHORIZE THE ADDITION OF A FOURTH WELL AND CREATE A BATTERY OF 2 WELLS WITH THE EXISTING NORTH WELL. HISTORY WOULD INDICATE THAT CURRENT SPACING IS NOT AN ISSUE. THE ADDITION OF THE FOURTH WELL AND CREATION OF THE BATTERY ACTUALLY INCREASES THE SPACING BETWEEN THE MIDDLE WELL, THEREFORE, 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.

**NONE - BECAUSE LESS THAN MINIMUM SPACING CAN BE ALLOWED WITHOUT IMPAIRMENT**

Water Resources  
Received

**IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY**

JAN 03 2019  
SCANNED  
KS Dept Of Agriculture

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.

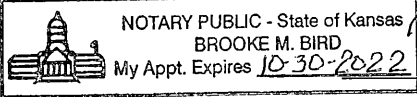
**I declare that I am an owner of the currently authorized place of use as identified herein, or that I represent all such owners and am authorized to make this application on their behalf, and declare further that the statements contained herein are true, correct, and complete. By filing this application 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 ST MARYS, Kansas, this 2 day of JANUARY, 20 19.

<u>[Signature]</u> (Owner)	_____	(Spouse)
<u>CHRIS ROYER</u> (Please Print)	_____	(Please Print)
_____	_____	(Spouse)
_____	_____	(Please Print)
_____	_____	(Spouse)
_____	_____	(Please Print)

State of Kansas }  
County of Pottawatomie } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 2nd day of January, 20 19.



Brooke M. Bird  
Notary Public

My Commission Expires 10-30-2022

**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.**

*[Faint handwritten notes and stamps at the bottom of the page]*

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

PESSEMIER COMPANY  
PO BOX 206  
ST MARYS, KS 66536

January 8, 2019

RE: File No 39253

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

WELLS WITHIN ONE-HALF MILE

- #1) FILE NO. 48368 (IRR.)  
CHARLES F & MARITA RONNAU  
27155 OREGON TRAIL RD  
ST MARYS KS 66536
  
- #2) FILE NOS. 36962 & 43700 (IRR.)  
OWNER = APPLICANT
  
- #3) FILE NOS. 36961 & 43701 (IRR.)  
OWNER = APPLICANT

Water Resources  
Received

JAN 03 2019

KS Dept Of Agriculture

SCANNED

## Krueger, Richelle [KDA]

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**From:** Tietsort, Katie [KDA]  
**Sent:** Thursday, May 23, 2019 10:31 AM  
**To:** Krueger, Richelle [KDA]  
**Cc:** Bunger, Brett [KDA]; Schemm, Doug [KDA]  
**Subject:** RE: Request for Recommendation Change in PD File Nos. 39253 and 43699 (50192) Pessemier Co. Christian Royer

Good Morning Richelle,

TFO has no objections to the approval of the change applications in PD for File Nos. 39253 & 39253. The applications appear to meet all provisions of the KWAA and we agree with your recommendation for approval.

Have a great long Holiday weekend! Katie

Katie Tietsort

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

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**From:** Krueger, Richelle [KDA]  
**Sent:** Thursday, May 23, 2019 9:55 AM  
**To:** Tietsort, Katie [KDA] <Katie.Tietsort@ks.gov>  
**Cc:** Bunger, Brett [KDA] <Brett.Bunger@ks.gov>; Schemm, Doug [KDA] <Doug.Schemm@ks.gov>  
**Subject:** Request for Recommendation Change in PD File Nos. 39253 and 43699 (50192) Pessemier Co. Christian Royer

Hi Katie,  
Attached is a draft memo for the referenced changes, do you recommend approval?  
Thanks,  
Richelle



1:12,000

# Application to Change the Point of Diversion File No. 43699

