

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

Document Signature LPL

1. File Number: 43,161	2. Status Change Date: 4/25/2019	3. Change Num: 1	4. Field Office: 01	5. GMD:
6. Status: <input type="checkbox"/> Approved <input type="checkbox"/> Denied by DWR/GMD <input checked="" type="checkbox"/> Dismiss by Request/Failure to Return				7. Filing Date of Change: 4/2/18
8a. Applicant(s) New to system <input type="checkbox"/> WARREN AND BERNICE LEIDIG 627 PROSPECT ST CLAY CENTER KS 67432-1826		8c. pc New to system <input type="checkbox"/> Person ID 31919 Add Seq# _____		
8b. Landowner(s) New to system <input type="checkbox"/>		8d. WUC New to system <input type="checkbox"/>		
9. Documents and Enclosure(s): <input type="checkbox"/> DWR Meter(s) Date to Comply: _____ <input type="checkbox"/> N & P Date to Comply: _____ <input 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: 4/22/19 By: BAT Date Entered: 4/25/2019 By: LM				

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

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

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
	T																			
MOD	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE				
DEL	½	½	½	½	½	½	½	½	½	½	½	½	½	½	½	½				
ENT	PUSE	S	T	R	ID															

Comments:

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

MEMORANDUM

TO: Files

DATE: April 22, 2019

FROM: Brent A. Turney

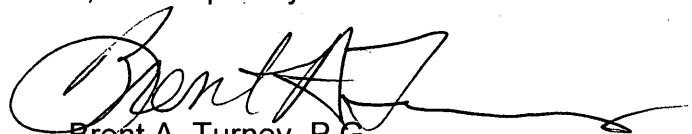
RE: Water Right
File No. 43,161

Warren and Bernice Leidig on behalf of the owner of the referenced water right, filed an application to change the place of use, which was received in the office of the Chief Engineer on April 2, 2018.

The application was returned to the applicant on March 11, 2019, along with a letter requesting additional information. The applicant was given until April 11, 2019 to supply the additional information and return the application. The letter stated that the application would be denied and dismissed if it was not returned to the office of the Chief Engineer by April 11, 2019.

As of today's date no information has been received nor has a request for additional time been requested, therefore it is recommended that the referenced application to change the authorized place of use be denied and dismissed for failure to return.

Based upon the above information, it is recommended that the referenced change application be denied and dismissed, and its priority forfeited.



Brent A. Turney, P.G.
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, Secretary

Laura Kelly, Governor

April 30, 2019

WARREN AND BERNICE LEIDIG
627 PROSPECT ST
CLAY CENTER KS 67432-1826

FILE COPY

RE: Water Right
File No. 43,161

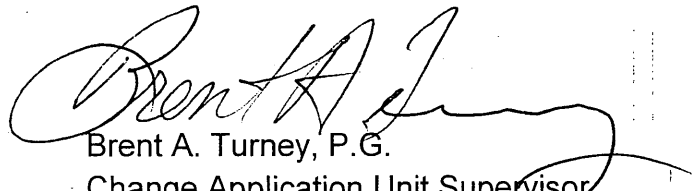
Dear Mr. and Mrs. Leidig:

Enclosed is the Findings and Order by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, which dismisses the change in place of use under Water Right, File No. 43,161.

Please be reminded that reports of water usage must be submitted to this office annually. Records indicating the amount of water used should be furnished to the Chief Engineer by March 1 following the end of the previous calendar year so that the continued use of water becomes a matter of record in this office.

If you have any questions, please contact me at 785-564-6645. 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

Enclosure

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

**FINDINGS AND ORDER
IN THE MATTER OF THE DISMISSAL
OF AN APPLICATION FOR APPROVAL
TO CHANGE THE AUTHORIZED PLACE OF USE
UNDER WATER RIGHT, FILE NO. 43,161**

After due consideration, the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture (hereinafter referred to as the "Chief Engineer"), makes the following findings and order:

FINDINGS

1. That on August 21, 2007, the Chief Engineer, in accordance with K.S.A. 82a-714, issued a certificate of appropriation pursuant to Appropriation of Water Right, File No. 43,161, for permit to appropriate water for irrigation use.
2. That on April 2, 2018, an Application to Change the Authorized Place of use was received in the office of the Chief Engineer for File No. 43,161.
3. That on March 11, 2019, the application was returned to the water right owner for additional information. That in a letter accompanying the application, the water right owner was advised that they must return the application to this office by April 11, 2019, or the application would be dismissed.
5. The application was not returned to the office of the Chief Engineer within the time allowed, and that no request for extension of time was received.
6. That the Application to Change the Place of Use, File No. 43,161, should be dismissed and its priority forfeited in accordance with K.S.A. 82a-710.

ORDER

NOW, THEREFORE, It is the decision and order of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, that effective the date of this order, in accordance with the law, the Application for Approval to Change the Place of Use, File No. 43,161, is herewith dismissed and the priority assigned to it is considered to be forfeited.

In all other respects, the Certificate of Appropriation for Beneficial Use of Water, issued pursuant to File No. August 21, 2007, dated August 21, 2007, remains as authorized.

This is a final agency action. If you choose to appeal this decision or any finding or part thereof, you must do so by filing a petition for review in the manner prescribed by the Kansas Act for Judicial Review and Civil Enforcement of Agency Actions (KJRA K.S.A. 77-601 et seq.) within 30 days of service of this order. Your appeal must be made with the appropriate district court for the district of Kansas. The Chief Legal Counsel, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, is the agency officer who will receive service of a petition for judicial review on behalf of the Kansas Department of Agriculture, Division of Water Resources. If you have questions or would like clarification concerning this order, you may contact the Chief Engineer.

Dated at Manhattan, Kansas, this 25th day of April, 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 25th day of April, 2019, by Lane P. Letourneau, P.G., Program Manager, Water Appropriation Program, Division of Water Resources, Kansas Department of Agriculture.



Danielle Wilson

Notary Public

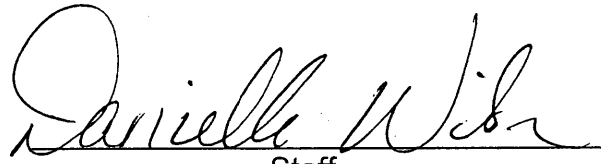
CERTIFICATE OF SERVICE

On this *30th* day of *April*, 2019, I hereby certify that the attached Dismissal of Application to Change the Authorized Place of Use, File No. 43,161, dated was mailed postage prepaid, first class, US mail to the following:

WARREN AND BERNICE LEIDIG
627 PROSPECT ST
CLAY CENTER KS 67432-1826

With photocopies to:

Topeka Field Office


Staff

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

March 11, 2019

WARREN AND BERNICE LEIDIG
627 PROSPECT
CLAY CENTER KS 67432

FILE COPY

RE: Water Right, File No. 43,161

Dear Mr. and Mrs. Leidig,

Reference is made to the application for approval of the Chief Engineer to change the place of use which was received in the office of the Chief Engineer on April 2, 2018. Upon review of the application, we find that additional information is needed.

K.A.R. 5-5-5 *Signatures required on change applications* requires in part that if the extent of each owner's interest in the water right has not been legally determined, then all landowners holding an undetermined portion of the water right must sign the change application. Therefore we will need the notarized signatures of all landowners and spouses of the authorized place of use. Information in this office and the Clay County Register of Deeds, indicates that Solomon State Bank is the owner of the authorized place of use. Therefore, we must have a notarized signature from the Solomon State Bank. We have enclosed a blank signature page for your convenience.

The Kansas Water Appropriation Act states that a "Water right" means any vested right or appropriation right under which a person may lawfully divert and use water. It is a real property right appurtenant to and severable from the land on or in connection with which the water is used and such water right passes as an appurtenance with a conveyance of the land by deed, lease, mortgage, will, or other disposal, or by inheritance.

Your application is being returned so that you may supply the requested information. In order for the application to retain its priority of filing the requested information must be supplied to complete the applications on or before April 11, 2019. According to law, default in supplying the requested information as outlined above within the time allowed or any authorized extension of time, shall cause dismissal of the application for change under the above referenced file number.

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

BAT
Enclosures
pc: Topeka Field Office

SCANNED

#2

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.

Water Resources
Received

APR 02 2018

11:27

KS Dept Of Agriculture

1. Application is hereby made for approval of the Chief Engineer to change the

- Place of Use
- Point of Diversion
- Use Made of Water

(Check one or more)

File No. 43,161

2. Name of applicant: WARREN + BERNICE Leidig

Address: 627 Prospect

City, State and Zip: Clay Center, KS. 67432

Phone Number: () _____ 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 Authorize the installation of a pivot that will water land that is not currently covered by this water right

The change(s) (was) (will be) completed by July 2010 (Date)

For Office Use Only:

F.O. <u>1</u>	GMD <u>0</u>	Meets K.A.R. 5-5-1 (YES/NO) <u>(YES)</u>	Use <u>IRR</u>	Source <u>G</u>	County <u>(S)</u>	By <u>AW</u>	Date <u>4/2/18</u>
Code <u>CPD</u>	Fee \$ <u>200</u>	TR # _____	Receipt Date <u>4/2/18</u>	Check # <u>1479</u>			

4. The presently authorized place of use is:

Owner of Land — NAME: WARREN + BEBNICE LEIDIG
 ADDRESS: 627 PROSPECT CLAY CENTER, KS. 67432

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					
28	8	4E					33	1	2	26													62

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

Owner of Land — NAME: DAVIDSON
 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: WARREN + BEBNICE LEIDIG * SOLOMON STATE BANK
 ADDRESS: 627 PROSPECT CLAY CENTER, KS. 67432

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					
28	8	4E					25	32	31	30													118

List any other water rights that cover this place of use. A NEW APPLICATION THAT HAS BEEN FILED WITH THIS CHANGE

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

**BAT/DWR
 3-11-19
 MS 200 P.V.C. - PEA. NEEDS*

6. The presently authorized point(s) of diversion (is) (~~are~~) ONE(1) Pump site
(Provide description and number of points)

7. The proposed point(s) of diversion (is) (are) NO CHANGE
(Provide description and number of points)

List all presently authorized point(s) of diversion:

8. **Presently authorized point of diversion:**
 One in the SE Quarter of the SE Quarter of the NW Quarter of Section 28, Township 8 South, Range 4 (E/W), in Clay County, Kansas, 3100 feet North 2800 feet West of Southeast corner of section. Authorized Rate 570 gpm Authorized Quantity 9.3 ACCE-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:
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. **Presently authorized point of diversion:**
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter of Section _____, Township _____ South, Range _____ (E/W), in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section. Authorized Rate _____ Authorized Quantity _____
 (DWR use only: Computer ID No. _____ GPS _____ feet North _____ feet West)
 This point will not be changed This point will be changed as follows:
Proposed point of diversion: (Complete only if change is requested)
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter of Section _____, Township _____ South, Range _____ (E/W), in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section. Proposed Rate _____ Proposed Quantity _____
 This point is: Additional Well Geo Center List other water rights that will use this point _____

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

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

Water Resources

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

Received
APR 02 2018

KS Dept Of Agriculture
SCANNED

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.

A NEW APPLICATION IS BEING FILED TO ACQUIRE ADDITIONAL WATER RIGHTS FOR THE EXPANDED ACREAGE

(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.

IMPAIRMENT SHOULD NOT BE AN ISSUE AS THIS IS A CHANGE IN PLACE OF USE ONLY

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

Water Division
 Division
IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

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.

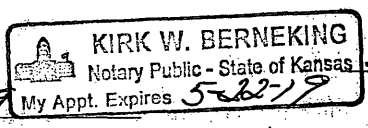
I declare that I am an owner of the currently authorized place of use as identified herein, or that I represent all such owners and am authorized to make this application on their behalf, and declare further that the statements contained herein are true, correct, and complete. By filing this application 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 Solomon, Kansas, this 26th day of March, 20 18.

<u>X Bernice A Leidy</u> (Owner)	_____	(Spouse)
<u>Bernice A Leidy</u> (Please Print)	_____	(Please Print)
_____	_____	(Spouse)
_____	_____	(Please Print)
_____	_____	(Spouse)
_____	_____	(Please Print)

State of Kansas }
County of Dickinson } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 26th day of March, 20 18.



Kirk W. Berneking
Notary Public

My Commission Expires 5-22-19

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.**

**Water Resources
Received**

APR 02 2018

KS Dept Of Agriculture

SCANNED

#2

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.

Water Resources
Received
APR 02 2018
11:27
KS Dept Of Agriculture

1. Application is hereby made for approval of the Chief Engineer to change the

- Place of Use
- Point of Diversion
- Use Made of Water

(Check one or more)

File No. 43,161

2. Name of applicant: WARREN + BERNICE Leidig

Address: 627 Prospect

City, State and Zip: Clay Center, KS 67432

Phone Number: () _____ 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 AUTHORIZE THE INSTALLATION OF A POND THAT WILL WATER LAND THAT IS NOT CURRENTLY COVERED BY THIS WATER RIGHT.

The change(s) (was) (will be) completed by JULY 2010 (Date)

For Office Use Only:

F.O. <u>1</u>	GMD <u>0</u>	Meets K.A.R. 5-5-1 (YES/NO) <u>(YES)</u>	Use <u>IRR</u>	Source <u>G</u>	County <u>S</u>	By <u>AW</u>	Date <u>4/2/18</u>
Code <u>CPD</u>	Fee \$ <u>200</u>	TR # _____	Receipt Date <u>4/2/18</u>	Check # <u>1479</u>			

4. The presently authorized place of use is:

Owner of Land — NAME: WARREN + BEBNICE LEIDIG
 ADDRESS: 627 Prospect Clay Center, KS. 67432

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	
<u>28</u>	<u>8</u>	<u>4E</u>					<u>33</u>	<u>1</u>	<u>2</u>	<u>26</u>									<u>62</u>

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

Owner of Land — NAME: _____
 ADDRESS: _____

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

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

(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: ~~WARREN + BEBNICE LEIDIG~~ * Solomon State Bank
 ADDRESS: ~~627 Prospect Clay Center, KS. 67432~~

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	
<u>28</u>	<u>8</u>	<u>4E</u>					<u>25</u>	<u>32</u>	<u>31</u>	<u>30</u>									<u>118</u>

List any other water rights that cover this place of use. A New Application that has been Filed with this Change

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

*BAT/DWR
 3-11-19
 Mr. Dan P. P. - PER NEEDS

6. The presently authorized point(s) of diversion (is) (~~are~~) ONE(1) Pump site
(Provide description and number of points)

7. The proposed point(s) of diversion (is) (are) NO CHANGE
(Provide description and number of points)

List all presently authorized point(s) of diversion:

8. **Presently authorized point of diversion:**
 One in the SE Quarter of the SE Quarter of the NW Quarter of Section 28, Township 8 South, Range 4 (~~E/W~~), in Clay County, Kansas, 3100 feet North 2800 feet West of Southeast corner of section. Authorized Rate 570 gpm Authorized Quantity 9.3 Acre-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:
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. **Presently authorized point of diversion:**
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter of Section _____, Township _____ South, Range _____ (E/W), in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section. Authorized Rate _____ Authorized Quantity _____
 (DWR use only: Computer ID No. _____ GPS _____ feet North _____ feet West)
 This point will not be changed This point will be changed as follows:
Proposed point of diversion: (Complete only if change is requested)
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter of Section _____, Township _____ South, Range _____ (E/W), in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section. Proposed Rate _____ Proposed Quantity _____
 This point is: Additional Well Geo Center List other water rights that will use this point _____

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

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

Water Resources

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

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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.

A NEW APPLICATION IS BEING FILED TO ACQUIRE ADDITIONAL WATER RIGHTS FOR THE EXPANDED ACREAGE

(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.

IMPAIRMENT SHOULD NOT BE AN ISSUE AS THIS IS A CHANGE IN PLACE OF USE ONLY

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

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

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.

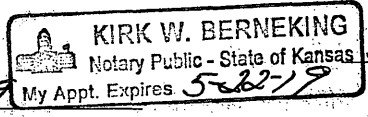
I declare that I am an owner of the currently authorized place of use as identified herein, or that I represent all such owners and am authorized to make this application on their behalf, and declare further that the statements contained herein are true, correct, and complete. By filing this application 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 Solomon, Kansas, this 26th day of March, 20 18.

<u>X Bernice A Leidig</u> (Owner)	_____	(Spouse)
<u>Bernice A. Leidig</u> (Please Print)	_____	(Please Print)
_____	_____	(Spouse)
(Owner)	_____	(Please Print)
_____	_____	(Spouse)
(Please Print)	_____	(Please Print)
_____	_____	(Spouse)
(Owner)	_____	(Please Print)
_____	_____	(Spouse)
(Please Print)	_____	(Please Print)

State of Kansas }
County of Dickinson } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 26th day of March, 20 18.

 KIRK W. BERNEKING
Notary Public - State of Kansas
My Appt. Expires 5-22-19

Kirk W. Berneking
Notary Public

My Commission Expires 5-22-19

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.**

**Water Resources
Received**

APR 02 2018

KS Dept Of Agriculture

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Property Details for PID: 0140982800000002000

QuickRef ID :	R2145
Owner Name :	SOLOMON STATE BANK
Location:	2134 15TH RD, Clay Center, KS 67432
Abbreviated Boundary Description:	S28, T08, R04E, ACRES 155.6, NW4 LESS ROW

Owner Information:

Owner	SOLOMON STATE BANK
Mailing Address	PO BOX 305 SOLOMON, KS 67480

Property Information:

Type	Farm Homesite
Status	Active
Taxing Unit	Grant Tsp - 161
Neighborhood Code	900

No Secondary Address Details found

Market Land Details:

Actual Width:	0
Eff. Width	0
Eff. Depth	0
Acres	1

Square Feet	30,492
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No Permit Details found

Deed Book Page Details

Book	Page
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CR137	328
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CR181	632
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Additional Deed Book Page Details

Deed Book/Page CR181/632 CR137/328 R002/0171 0131/0245

Value Details

	Year	2018
Current Final Value (Agricultural)	Land	\$63,600.00
	Building	\$9,510.00
	Total	\$73,110.00

	Year	2018
Current Final Value (Farm Homesite)	Land	\$5,790.00
	Building	\$7,910.00
	Total	\$13,700.00

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

WARREN & BERNICE LEIDIG
627 PROSPECT
CLAY CENTER, KS 67432

April 10, 2018

RE: File No 43161

Dear Sir or Madam:

An application for approval of the Chief Engineer to change the following condition or conditions of the file number referred to above has been received:

- place of use PU
- point of diversion
- use made of water

As a matter of record, the Division of Water Resources has on hand a large number of applications awaiting processing. Therefore, to be fair to all concerned, and so that we can process those applications on hand in the order they were received, we intend to concentrate on the backlog of applications until the issue is resolved. You will be contacted regarding this application as soon as it has been examined.

In accordance with the provisions of the Kansas Water Appropriation Act, a portion of which is included below, the use of water prior to approval of the application is unlawful. You should not proceed and divert water as indicated by your plans in your application for a change for this file until you receive approval for this change from the Chief Engineer. Once approved, compliance with the terms, conditions and limitations of the permit is necessary. Conservation of the water resources of Kansas is required.

Section 82a-728 of the Kansas Water Appropriation Act, provides (a) except for the appropriation of water for the purpose of domestic use, . . . it shall be unlawful for any person to appropriate or threaten to appropriate water from any source without first applying for and obtaining a permit to appropriate water in accordance with the provisions of the Water Appropriation Act or for any person to violate any condition of a vested right, appropriation right or an approved application for a permit to appropriate water for beneficial use.

(b) (1) The violation of any provision of this section by any person is a class C misdemeanor...

A class C misdemeanor is punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. Each day that the violation occurs constitutes a separate offense.

If you have any questions, please contact me at (785) 564-6645. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

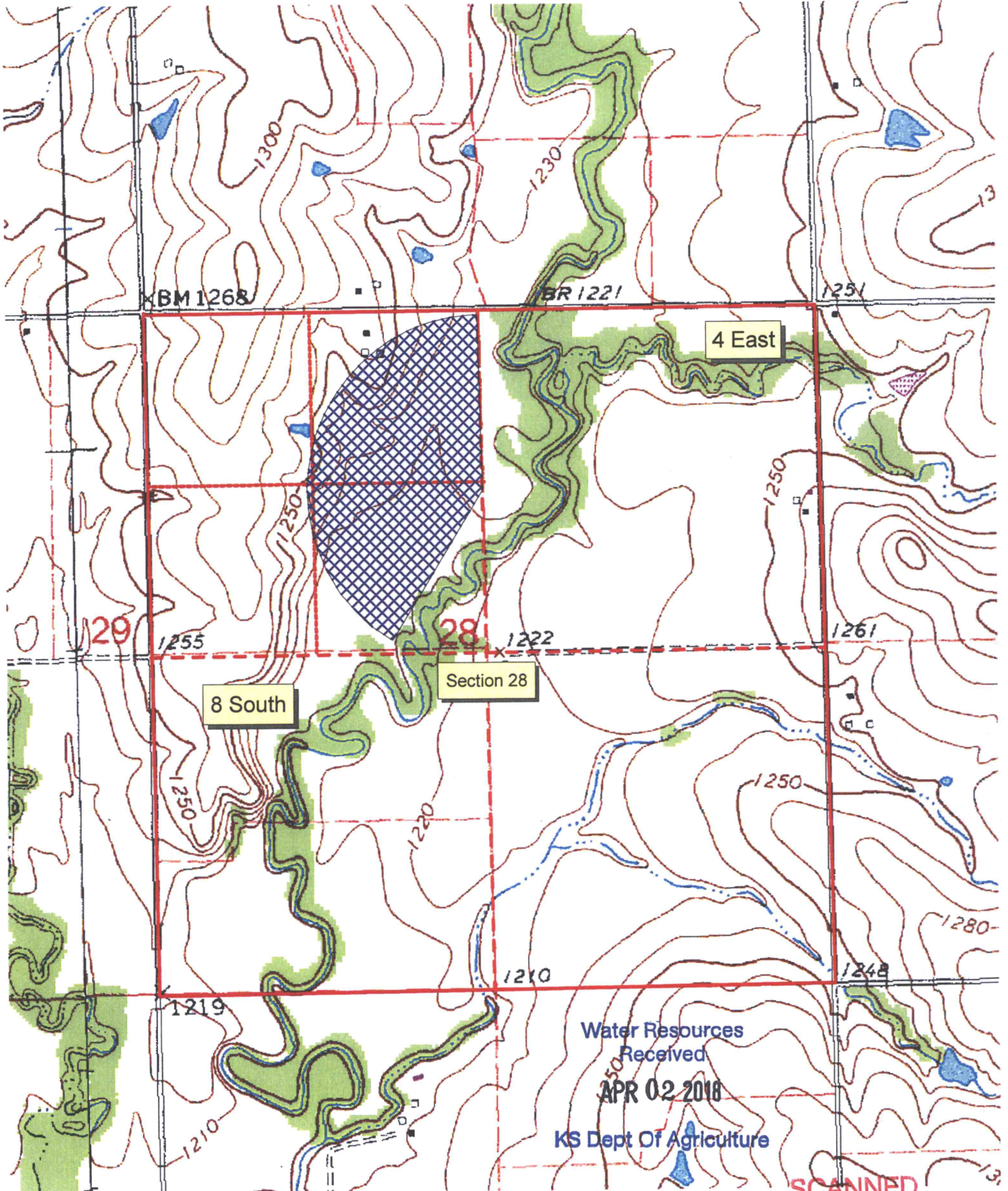
Brent Tourney, L.G.
Change Applications Unit Supervisor
Water Appropriation Program

BAT: DLW
pc: TOPEKA Field Office GMD

SCANNED

1:12000

Authorized Place of Use File No. 43,161





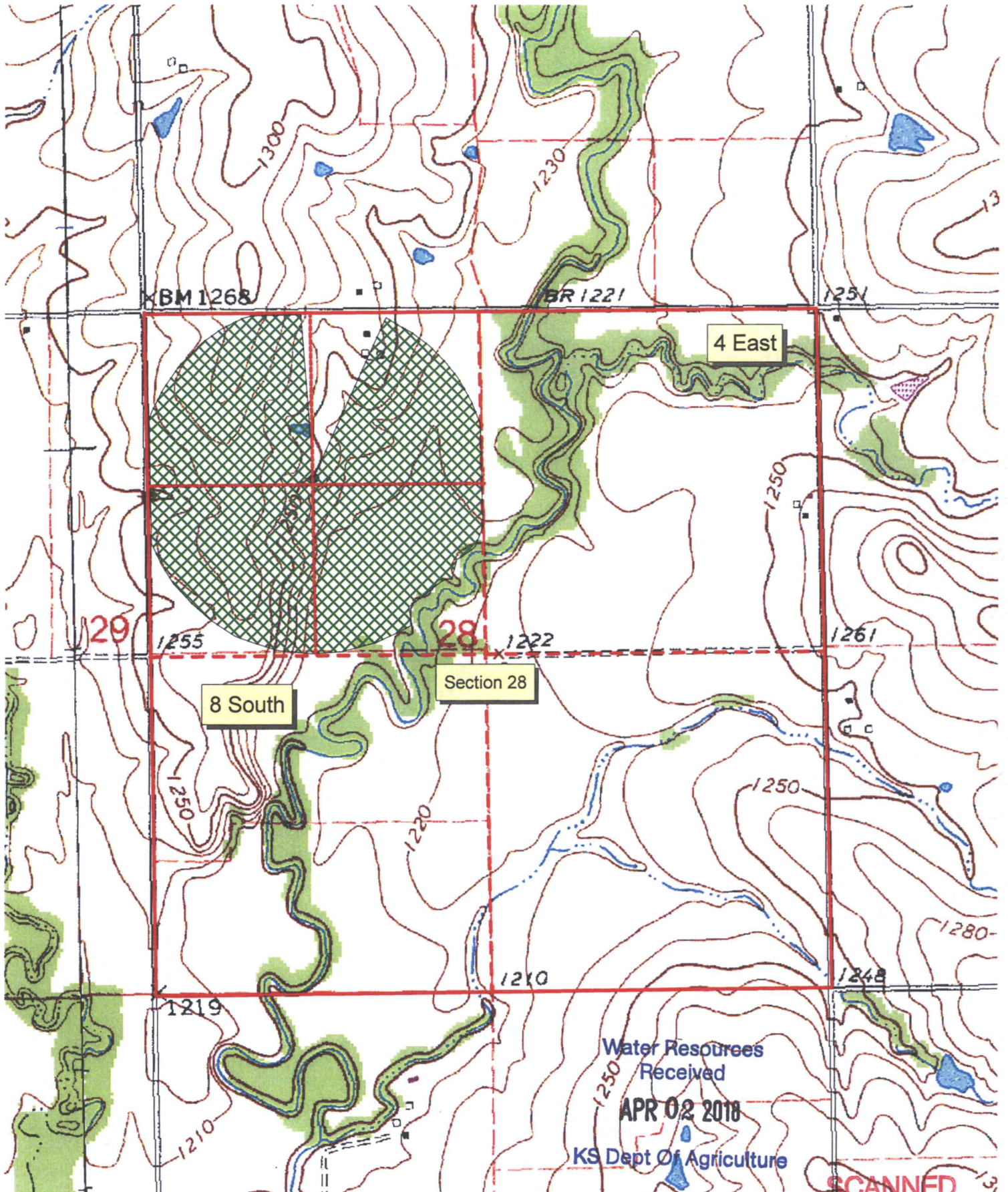
Authorized Place of Use
File No. 43,161

1:12000



1:12000

Proposed Place of Use File No. 43,161



Water Resources
Received

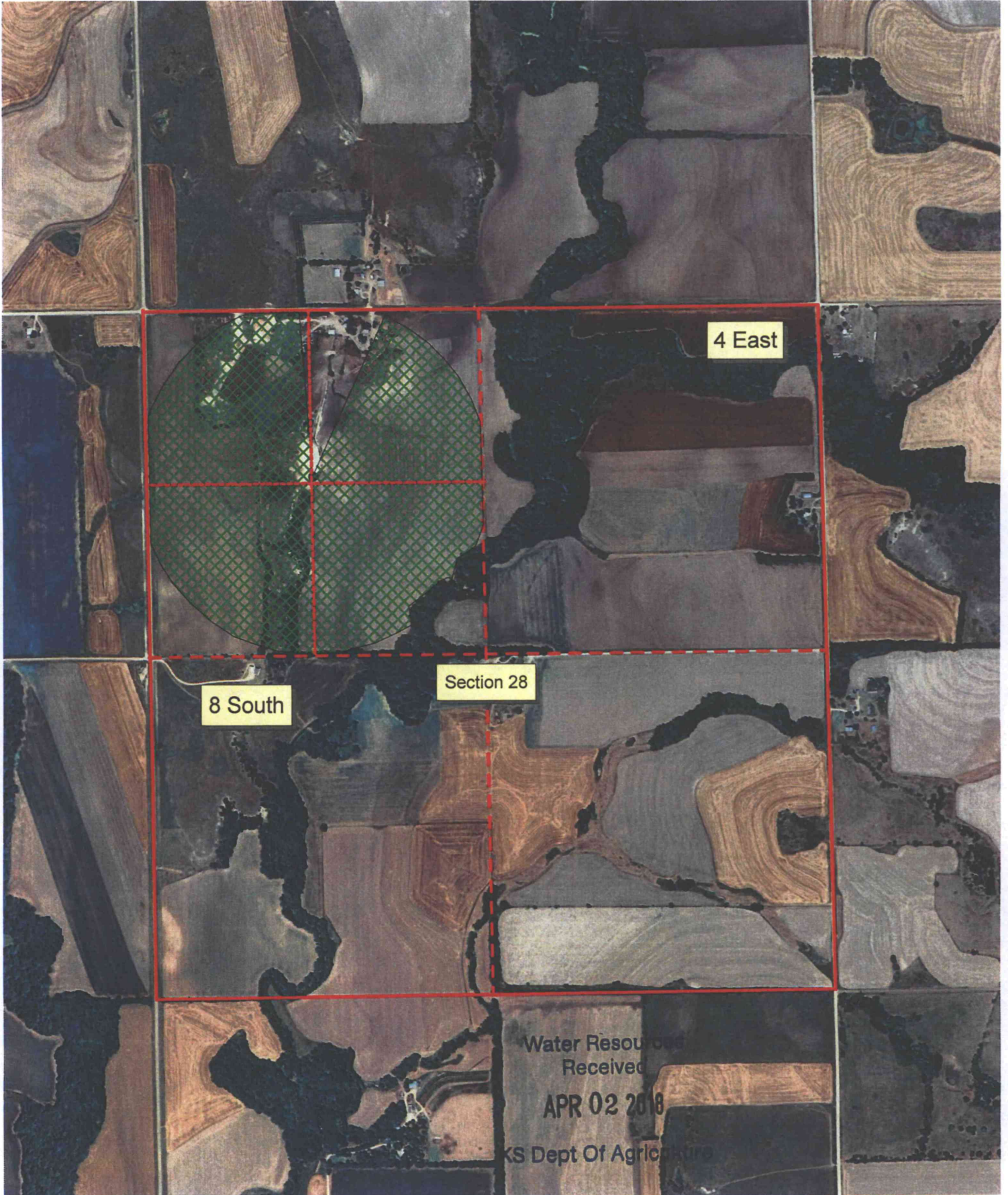
APR 02 2018

KS Dept Of Agriculture

SCANNED

1:12000

Proposed Place of Use File No. 43,161



SCANNED