

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

1. File Number: 49926	2. Status Change Date: 4/8/2019	3. Change Num: C1	4. Field Office: 01	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: 25-JAN-2019
8a. Applicant(s) New to system <input type="checkbox"/> BOTT CATTLE CO INC 1663 1ST RD PALMER KS 66962		Person ID 65257 Add Seq# 1	8c. Landowner(s) New to system <input type="checkbox"/> HILLTOP CATTLE CO TRAVIS BOTT 1740 3RD RD LINN KS 66953	
8b. Landowner(s) New to system <input type="checkbox"/> BOTT CATTLE CO INC 1663 1ST RD PALMER KS 66962		Person ID 65257 Add Seq# 1	8d. WUC New to system <input type="checkbox"/> NO CHANGE 8A	
9. Documents and Enclosure(s): <input checked="" type="checkbox"/> DWR Meter(s) Date to Comply: 12/31/2020 <input type="checkbox"/> N & P Date to Comply: _____				
<input type="checkbox"/> Anti-Reverse Meter <input type="checkbox"/> Meter Seal <input checked="" type="checkbox"/> Check Valve <input type="checkbox"/> N & P Form <input type="checkbox"/> Water Tube <input type="checkbox"/> Driller Copy <input type="checkbox"/> H & E Letter				
<input type="checkbox"/> Conservation Plan Date Required: _____ Date Approved: _____ Date to Comply: _____				
10. Use Made of Water From: _____ To: _____				
Date Prepared: 4/03/19 By: RAK Date Entered: 4/11/2019 By: UM				

File No **49926** 11. County: **WS** Basin: **BIG BLUE RIVER** Stream: Formation Code: **331** Special Use:

12. Points of Diversion
 CHK
 MOD
 DEL PDIV
 ENT

Rate and Quantity
 Authorized
 Additional

Qualifier S T R ID 'N 'W Comment (AKA Line) Rate gpm/cfs Quantity af/mgy Rate gpm/cfs Quantity af/mgy Overlap PD Files

NO CHANGES

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

14. Limitation: No Chg 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 CHK MOD DEL ENT	PUSE	S	T	R	ID	NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg?	Overlap Files
						NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼				
ENT	69286	29	5S	3E	2	FEEDLOT (SE¼)																8C	NO	40228 & 50203	
MOD	14934	34	5S	3E	1	FEEDLOT (NE¼)																8B	NO	40228 & 50203	

Base Acres: Year: Minimum Reasonable Quantity:
 Comments:

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources
M E M O R A N D U M

TO: Files

DATE: April 3, 2019

FROM: Richelle A. Krueger

RE: Water Right
File No. 40,228
Appropriation of Water
File No. 49,926

Darryl Bott, on behalf of Bott Cattle Company, Incorporated, has filed applications for approval to change the place of use for the referenced file numbers, authorized stockwatering use for a feedlot in the Big Blue River drainage basin. The referenced change was filed with Application, File No. 50,203, which is being processed by Doug Schemm, Environmental Scientist of the Topeka Field Office.

The referenced file numbers do not appear abandoned pursuant to K.S.A. 82a-718. The completion date for File No. 49,926 expires December 31, 2019 and the perfection period expires December 31, 2023.


File Nos. 40,228 and 49,926 are authorized a combined limited quantity of 24.8 million gallons of groundwater (76.1 acre-feet) per calendar year from the same battery of two wells for stockwatering use at the same cattle feedlot located in the Northeast Quarter (NE $\frac{1}{4}$) of Section 34, Township 5 South, Range 3 East, Washington County, Kansas. The referenced change applications propose to increase the place of use, adding a new feedlot owned by Hilltop Cattle Co. Inc. in the Southeast Quarter (SE $\frac{1}{4}$) of Section 29, Township 5 South, Range 3 East, Washington County, creating an exact overlap in the stockwatering place of use with Application, File No. 50,203. The place of use will be described as: stockwatering use at cattle feedlots located in the Southeast Quarter (SE $\frac{1}{4}$) of Section 29, and the Northeast Quarter (NE $\frac{1}{4}$) of Section 34, all in Township 5 South, Range 3 East, Washington County, Kansas. There will be a total limited quantity of 30.2 million gallons of water for the feedlots, and the justification for the additional quantity is outlined in Doug's memorandum accompanying Application, File No. 50,203.

The same local source of supply will not change which appears to be unconfined Dakota Formation (331).

In an e-mail dated April 3, 2019, Katherine Tietsort, Water Commissioner of the Topeka Field Office, indicated no objection to approval of the referenced change applications.

A water flow meter is required and a check valve is required if any chemical or foreign substance is injected into the water through the diversion works according to K.A.R. 5-3-5(c).

Based on the above discussion, that the changes are reasonable, impairment of existing water rights is unlikely, that no changes in the local source of supply will occur, and if File No. 50,203 can be approved, it is recommended that 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, Acting Secretary

Laura Kelly, Governor

BOTT CATTLE CO INC
1663 1ST RD
PALMER KS 66962

April 12, 2019

FILE COPY

RE: Water Right, File No. 40,228
Appropriation of Water, File No. 49,926

Dear Mr. Bott:

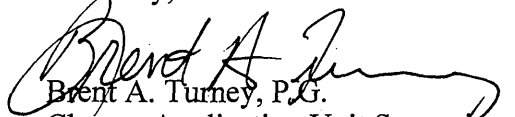
Enclosed are the orders executed by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the applications for change under the above referenced file numbers.

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, the order for File No. 40,228 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
Hilltop Cattle Co. Inc.

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 PLACE OF USE
APPROPRIATION OF WATER
FILE NO. 49,926**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Daryl Bott, on behalf of Bott Cattle Company, Incorporated, 1663 1st Road, Palmer, Kansas 66962, and Hilltop Cattle Company, Incorporated, Travis Bott, 1740 3rd Road, Linn, Kansas 66953, received in this office on January 25, 2019, for approval of a change in the location of the place of use under the Approval of Application, File No. 49,926, for permit to appropriate water for beneficial use, finds that the change is reasonable and will not impair existing rights, and that the application should be and is hereby approved.

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

cattle feedlots located in the Southeast Quarter (SE $\frac{1}{4}$) of Section 29, and the Northeast Quarter (NE $\frac{1}{4}$) of Section 34, all in Township 5 South, Range 3 East, Washington County, Kansas,

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

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

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

In all other respects, the Approval of Application, File No. 49,926, for permit to appropriate water for beneficial use, is as stated and set forth in the approval dated January 17, 2018.

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 the Kansas Department of Agriculture, Attn: Legal Section, 1320 Research Park Drive, Manhattan, Kansas 66502, or by 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 review 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 the Secretary of Agriculture, Attn: Legal Division, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, or by FAX (785) 564-6777.

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

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

Ordered this 8th day of April, 2019, in Manhattan, Riley County, Kansas.

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

State of Kansas)
) SS
 County of Riley)

The foregoing instrument was acknowledged before me this 8th 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

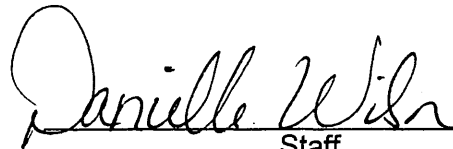
On this 12th day of April, 2019, I hereby certify that the attached original Approval of Change in Place of Use, File No. 49,926, dated April 8th, 2019 was mailed postage prepaid, first class, US mail to the following:

BOTT CATTLE CO INC
1663 1ST RD
PALMER KS 66962

With photocopies sent to:

HILLTOP CATTLE CO
TRAVIS BOTT
1740 3RD RD
LINN KS 66953

Topeka Field Office


Staff

Submit To: CHIEF ENGINEER
Division of Water Resources
Kansas Department of Agriculture
1320 Research Park Drive
Manhattan, Kansas 66502
http://agriculture.ks.gov/dwr

**APPLICATION FOR APPROVAL TO
CHANGE THE PLACE OF USE, THE
POINT OF DIVERSION OR THE USE
MADE OF THE WATER UNDER AN
EXISTING WATER RIGHT**



State of Kansas

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

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

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

Water Resources
Received
JAN 25 2019
12:25
KS Dept Of Agriculture

File No. 49,926

2. Name of applicant: BOTT CATTLE CO INC
Address: 1663 1ST ROAD
City, State and Zip: PALMER, KS 66962
Phone Number: (785) 692-4530 E-mail address: _____
What is your relationship to the water right; owner tenant agent other? If other, please explain. _____

Name of water use correspondent: Same as applicant
Address: _____
City, State and Zip: _____
Phone Number: () _____ E-mail address: _____

3. The change(s) proposed herein are desired for the following reasons (please be specific): _____
Change will create a complete overlap with new application in place of use.

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

For Office Use Only:					
F.O. Code	<u>1</u>	GMD	<u>0</u>	Meets K.A.R. 5-5-1 (YES / NO)	Use <u>STK</u> Source <u>G</u> S County <u>WS</u> By <u>DW</u> Date <u>1/25/19</u>
Code	<u>CRU</u>	Fee \$	<u>200</u>	TR #	Receipt Date <u>1/25/19</u> Check # <u>20094</u>

APPLICATION COMPLETE
4/3/19
Reviewer TRAK

1/30/2019 LCM

- 6. The presently authorized point(s) of diversion (is) (are) BATTERY OF 2 WELLS
(Provide description and number of points)
- 7. The proposed point(s) of diversion (is) (are) NO CHANGE
(Provide description and number of points)

List all presently authorized point(s) of diversion:

8. **Presently authorized point of diversion:**
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter
 of Section _____, Township _____ South, Range _____ (E/W),
 in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section.
 Authorized Rate _____ Authorized Quantity _____
 (DWR use only: Computer ID No. _____ GPS _____ 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. _____

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

SCANNED

4. The presently authorized place of use is:

Owner of Land — NAME: BOTT CATTLE CO INC.

ADDRESS: 1663 1ST ROAD, PALMER, KS 66962

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
34	5S	3E	FEEDLOT (NE)																

List any other water rights that cover this place of use. 40,228

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: BOTT CATTLE CO INC.

ADDRESS: 1663 1ST ROAD, PALMER, KS 66962

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
34	5S	3E	FEEDLOT (NE)																

List any other water rights that cover this place of use. 40,228 & PENDING NEW APPLICATION TO BE FILED * 50203

Owner of Land — NAME: HILLTOP CATTLE CO INC.

ADDRESS: ~~1663 1ST ROAD, PALMER, KS 66962~~

** Travis Bott
1740 3rd Road
Linn KS 66953*

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	
29	5S	3E	FEEDLOT (SE)																

Water Resources
Received
JAN 25 2019

List any other water rights that cover this place of use. 49,926 & PENDING NEW APPLICATION TO BE FILED * 50203

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

** Per Application File No. 50203 + WRS
* RAC/DW 4/3/19*

STOCKWATER USE SUPPLEMENTAL SHEET

File No. _____

Name of Applicant (Please Print): HILLTOP CATTLE COMPANY %TRAVIS BOTT

1. Please indicate type of livestock (cattle, hogs, etc.): CATTLE

2. Please complete the following table showing past and present water requirements:

PAST NUMBER OF HEAD AND WATER DIVERTED, IF APPLICABLE

LAST 5 YEARS	NUMBER OF HEAD	WATER DIVERTED (GALLONS)	GALLONS PER HEAD PER DAY
5 years ago			
Last year			
Present Year	5000		

3. Please complete the following table showing estimated future water requirements:

ESTIMATED FUTURE NUMBER OF HEAD AND WATER DIVERTED

NEXT 5 YEARS	NUMBER OF HEAD	WATER TO BE DIVERTED (GALLONS)	GALLONS PER HEAD PER DAY
Year 1	5000		15 (plus cooling & sanitation)
Year 2			
Year 3			
Year 4			
Year 5	5000		15 (plus cooling & sanitation)

Please attach any additional information, tables, or curves showing past, present and estimated future water requirements to substantiate the amount of water requested.

4. Please designate the legal description of the location where the water is to be used. Show in the space provided below the Section (S), Township (T), and Range (R), and the number of acres in each forty acre tract or fractional portion thereof.

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE					
29	5	3E	FEEDLOT (SE)																				
34	5	3E	FEEDLOT (NE)																				

Water Resources
Received

5. Show quantities of water used and all associated water uses at the feedlot such as water used in feed mills, cooling of animals, washing, flushing of wastes, etc.:

DRINKING

5000 head of CATTLE x 15 gallons/head (avg.) x 365 days = 27.4 Million gallons

head of x gallons/head (avg.) x days = gallons

head of x gallons/head (avg.) x days = gallons

COOLING

600 gallons/hour x 8 hour/day x 240 days = 1.15 Million gallons

SANITATION

40 g.p.m. x 60 min/hr x 14 hr/wk x 52 wks/yr = 1.75 Million gallons

OTHER USE (Explain) = gallons

TOTAL ----- **30.3 Million** gallons

6. Show location of present and future location of confinement pens on your attached maps or photographs.

7. Total feed bunk space for cattle or livestock is _____ linear feet.

8. Total size of stock pens for confinement area of cattle, hogs, etc. is _____ square feet.

You may attach any additional information you believe will assist in informing the Division of Water Resources of the need for your request.

12. The presently authorized use of water is for STOCKWATERING purposes.

It is proposed that the use be changed to NO CHANGE purposes.

13. If changing the place of use and/or use made of water, describe how the consumptive use will not be increased.

NEW APPLICATION WILL ENSURE NO INCREASE IN CONSUMPTIVE USE.

(Please show any calculations here.)

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

15. It is requested that the maximum rate of diversion of water be reduced to _____ gallons per minute (_____ c.f.s.).

16. The application must include either a topographic map or detailed plat. A U.S. Geological Survey Topographic Map, scale 1:24,000, is available through the Kansas Geological Survey, 1930 Constant Avenue, University of Kansas, Lawrence, Kansas 66047-3726 (www.usgs.gov). The map should show the location of the presently authorized point(s) of diversion. Distances North and West of the Southeast corner of the section must be shown. The presently authorized place of use should also be shown. Identify the center of the section, the section lines and the section corners and show the appropriate section, township, and range numbers on the map. In addition the following information must also be shown on the map.

a. If a change in the location of the point(s) of diversion is proposed, show:

- 1) The location of the proposed point(s) of diversion. Distances North and West of the Southeast corner of the section must be shown. Please be certain that the information shown on the map agrees with the information shown in Paragraph Nos. 9, 10 and 11 of the application.
- 2) If the source of supply is groundwater, please show the location of existing water wells of any kind, including domestic wells, within 1/2 mile of the proposed well or wells. Identify each well as to its use and furnish name and mailing address of the property owner or owners. If there are no wells within 1/2 mile, please indicate so on the map.
- 3) If the source of supply is surface water, the names and mailing addresses of all landowner(s) 1/2 mile downstream and 1/2 mile upstream from your property lines must be shown.

b. If a change in the place of use is desired, show the proposed place of use by crosshatching on the map. Please be certain that the information shown on the map agrees with the information shown in Paragraph No. 5 of the application.

17. Attach documentation to show the change(s) proposed herein will not impair existing water rights and relates to the same local source of supply as to which the water right relates. This information may include statements, plats, geology reports, well logs, test hole logs, and other information as necessary information to show the above. Additional comments may be made below.

NO PHYSICAL CHANGES TO EXISTING WELLS

18. If the proposed change(s) does not meet all applicable rules and regulations of the Kansas Water Appropriation Act, please identify the rules and regulations for which you request a waiver. State the reason why a waiver is needed and why the request should be granted. Attach documentation showing that granting the request will not impair existing water rights and will not prejudicially and unreasonably affect the public interest.

N/A

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

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 Linn, Kansas, this 18th day of January, 20 19.

<u>Daryl Batt</u> (Owner)	_____	(Spouse)
<u>Daryl Batt</u> (Please Print)	_____	(Please Print)
_____	_____	(Spouse)
_____	_____	(Please Print)
_____	_____	(Spouse)
_____	_____	(Please Print)

State of Kansas }
County of Washington } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 18th day of January, 20 19.



Carla Scheele
Notary Public

My Commission Expires 6 29 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**

JAN 25 2019

KS Dept Of Agriculture

SCANNED

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, Interim Secretary

Laura Kelly, Governor

BOTT CATTLE CO, INC
1663 1ST RD
PALMER, KS 66962

January 29, 2019

RE: File No 49926

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

SCANNED

BOTT CATTLE CO INC. - FILE NOS. 40,228 & 49,926 AUTHORIZED PLACE OF USE - SITE MAP



SCANNED
KS Dept Of Agriculture
JAN 25 2019

1:24,000

- Authorized Point of Diversion
- ▨ Authorized Place of Use

All known wells within one-half mile of the proposed point of diversion are shown on this map.

Gregory Bott



BOTT CATTLE CO INC. - FILE NOS. 40,228 & 49,926 PROPOSED PLACE OF USE - SITE MAP



1:24,000

- Authorized Point of Diversion
- ▨ Proposed Place of Use

All known wells within one-half mile of the proposed point of diversion are shown on this map.

Amy Bott

