

NOTICE

This scan only represents the application as filed. The information contained herein meets the requirements of K.A.R. 5-3-1 or K.A.R. 5-5-1, and has been found acceptable for filing in the office of the Chief Engineer. The application should not be considered to be a complete application as per K.A.R. 5-3-1b or K.A.R. 5-5-2a.

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**

WATER RESOURCES
RECEIVED



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

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

File No. 29,997

2. Name of applicant: SALLY G MAYES

Address: PO BOX 580

City, State and Zip: JUNCTION CITY KS 66441-0580

Phone Number: () _____ E-mail address: _____

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

Name of water use correspondent: OWNER ABOVE

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): _____

THE PD CHANGE APPROVAL DATED 7/23/2018 HAS NEVER HAPPENED. COMPLETION WAS DUE BY 12/31/2018 BUT FOR SOME REASON A REMINDER NOTICE WAS NEVER SENT. Inspection on 12/7/2020 found the old well was still in place no change had been made. We allowed an after the fact extension through 12/31/2021 to complete the new well. The new well has not been completed and the owner is using the old well, which is no longer authorized. This change application is being filed to correct the illegal diversion.

The change(s) (was) (will be) completed by WELL COMPLETED PRIORI (Date)

For Office Use Only:							
F.O. <u>1</u>	GMD _____	Meets K.A.R. 5-5-1 (YES/NO) _____	Use <u>IRR</u>	Source <u>G</u> / S _____	County <u>GE</u>	By <u>ALB</u>	Date <u>8/2/22</u>
Code <u>CLT</u>	Fee \$ <u>100</u>	TR # _____	Receipt Date <u>7/29/22</u>	Check # <u>4880</u>			

8/4/2022
LMoody

WATER RESOURCES
 RECEIVED
 File No. 29997
 JUL 28 2022
 KS DEPT OF AGRICULTURE

4. The presently authorized place of use is: NO 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. _____

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: _____

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

WATER RESOURCES
RECEIVED
File No. 29997
JUL 28 2022
KS DEPT OF AGRICULTURE

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) ONE WELL (Provide description and number of points)

List all presently authorized point(s) of diversion:

8. **Presently authorized point of diversion:**
One in the NW Quarter of the SE Quarter of the SE Quarter of Section 24, Township 12S South, Range 4E (E/W), in GEARY County, Kansas, 896 feet North 1050 feet West of Southeast corner of section. Authorized Rate 770 GPM Authorized Quantity 120 AF
(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 NW Quarter of the SE Quarter of the SE Quarter of Section 24, Township 12 S South, Range 4 E (E/W), in GEARY County, Kansas, 746 feet North 875 feet West of Southeast corner of section. Proposed Rate 770 GPM Proposed Quantity 120 AF
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. N/A

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

12. The presently authorized use of water is for NO CHANGE purposes.
It is proposed that the use be changed to _____ 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 NO CHANGE (acre-feet or million gallons).

15. It is requested that the maximum rate of diversion of water be reduced to NO CHANGE 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.

SEE INFORMATION ON FILE.

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.

MEETS ALL APPLICABLE RULES AND REGULATIONS.

WATER RESOURCES RECEIVED

File No. 29997

JUL 28 2022

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 Junction City, Kansas, this 13th day of July, 2022.

Sally G. Maxey (Owner)

[Signature] (Spouse)

SALLY G. MAXEY (Please Print)

WILLIAM G. MAXEY (Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

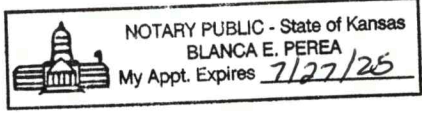
(Owner)

(Spouse)

(Please Print)

(Please Print)

State of Kansas }
County of Geary } SS



I hereby certify that the foregoing application was signed in my presence and sworn to before me this 13th day of July, 2022.

[Signature] Notary Public

My Commission Expires 7/27/25

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
JUL 28 2022
KS DEPT OF AGRICULTURE

JUL 28 2022

Explanation

K.A.R. 5-1-1(y), defines diversion works as "all well(s), pump(s), power unit(s), power source(s), dam(s) and all other devices necessary to bring water under control for delivery to a distribution system by which the water will be distributed to the proposed use and any other equipment required . . . such as a check valve, water level measurement tube, meter or other measuring device."

K.A.R. 5-8-4(c) provides that if the total time allowed to construct the diversion works has been more than 16 months and fewer than 24 months, an extension of time shall be granted by the chief engineer only if the applicant can meet certain criteria which includes (1) Demonstrates good cause, (2) provides a copy of a contract with the well driller or other information substantiating the intent to proceed to complete the construction of the diversion works in an expeditious manner, (3) files the request for extension pursuant to the requirements of K.A.R. 5-3-7; and (4) submits the statutorily required filing fee.

1. The approval of application and permit to proceed, identifies a December 31 deadline for completing the diversion works. Failure to notify the Chief Engineer of the completion of the diversion works prior to this deadline can result in dismissal of the application and associated priority date.
2. If, for good reason, the diversion works are not going to be completed by the stated deadline, an extension of time should be requested. Use the form on the reverse of this explanation. Things that should be addressed in your plea for an extension are:
 - A. The progress that has been made to date.
 - B. The reason the diversion works will not be completed by the deadline date.
 - C. The amount of time before diversion works will be completed.
3. Pursuant to K.S.A. 82a-714(e) a **\$100.00 fee** is required for **each** file number for which you request an extension of time to complete diversion works. If you wish to request an extension of time, please complete the form on the reverse of this explanation and send it, with \$100.00 for each file number involved (payable to the Kansas Department of Agriculture) to the address noted on the upper left of the form before the deadline to complete expires. Note on the form that a change in point of diversion does not require this fee.
4. Further instructions:
 - A. Use extra pages as required.
 - B. Attach any supporting information for your request.
 - C. Be sure to sign and date your request

If you have any questions, please contact the field office in your area:

Topeka
6531 SE Forbes Ave., Ste B
Topeka, KS 66619

Stafford
300 South Main St.
Stafford, KS 67578

Stockton
820 South Walnut
Stockton, KS 67669

Garden City
4532 W. Jones Ave. Suite B
Garden City, KS 67846

(785) 296-5733

(620) 234-5311

(785) 425-6787

(620) 276-2901

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

August 29, 2022

SALLY G MAYES
PO BOX 580
JUNCTION CITY KS 66441

RE: File No(s). **29997**

Dear Sir or Madam:

The Division of Water Resources (Division) has received your application(s) to change the place of use, point of diversion or use made of water for the file number(s) referenced above. Please be aware that the Division may have a large number of pending applications on hand at times and makes every attempt to process them in the order in which they are received. You will be contacted if additional information is required.

Please note, this letter only acknowledges receipt of your application(s) and does not guarantee approval. In accordance with the provisions of the Kansas Water Appropriation(s) Act, the use of water as proposed prior to approval of the application(s) is unlawful.

Additional information about the process may be found on our website at agriculture.ks.gov/divisions-programs/dwr. If you have any other questions, please contact our office at 785-564-6640 or your local Topeka Field Office at 785-296-5733. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

Kristen Baum
New Applications and Changes Supervisor
Water Appropriation Program