

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
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MAR 21 2025

8:56 am

KS Dept. of Agriculture



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. 13,498

2. Name of applicant: Leon E and Janet M Sylvester Trust

Address: 4605 Genn Rd

City, State and Zip: Wamego, KS 66547

Phone Number: (785)458-9561

E-mail address: lsylvester4605@gmail.com

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

Name of water use correspondent: -Same-

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): _____

Create an identical overlap in PD and PU with Water Right, File No. 36,568 in Sec. 2-T10S-R10E, Pottawatomie County.

Increase the PU in section 2-10S-10E to 227 acres.

Base acres: 36,568 = 132 ac & 13,498 = 120 ac; Auth Q: 36,568 = 108 AF & 13,498 = 69 AF; Total Q = 177 AF or .78'/ac

The change(s) (was) (will be) completed by Upon approval

(Date)

For Office Use Only:

F.O. 1 GMD - Meets K.A.R. 5-5-1 (YES/NO) Use IRR Source G/S County PT By KJN Date 3/21/25
Code C-2 Fee \$ 400 TR # _____ Receipt Date 3-21-25 Check # 1059

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4. The presently authorized place of use is:

Owner of Land — NAME: Leon E and Janet M Sylvester Trust

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ADDRESS: 4605 Genn Rd, Wamego, KS 66547

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	
1	10S	10E					26.5	40	38.5	23.5									128.5

List any other water rights that cover this place of use. 48.638 (To be dismissed voluntarily, cont on approval of new app & chng)

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: S P A Land, LLC (Aaron Sylvester)

ADDRESS: 4590 Genn Rd, Wamego, KS 66547

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	
2	10S	10E	33	40	40	33	40			40					0.5	0.5			227

List any other water rights that cover this place of use. WR, File No. 36,568

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

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)

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List all presently authorized point(s) of diversion:

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

One in the SE Quarter of the NW Quarter of the NW Quarter of Section 1, Township 10 South, Range 10 East, in Pottawatomie County, Kansas, 3990 feet North 4050 feet West of Southeast corner of section. Authorized Rate 990 gpm Authorized Quantity 69 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 _____ Quarter of the _____ Quarter of the NC NE Quarter of Section 2, Township 10 South, Range 10 East, in Pottawatomie County, Kansas, 3963 feet North 1340 feet West of Southeast corner of section. Proposed Rate 990 gpm Proposed Quantity 69 AF

This point is: Additional Well Geo Center List other water rights that will use this point 36,568

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. _____
New application is being submitted concurrently

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.
The combined total base acres of 13,498 & 36,568 are more than the proposed PU. Consumptive use will decrease.

(Please show any calculations here.)

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

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

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

Presently authorized PD and the proposed PD are in the mainstem alluvium of the Kansas River and meet spacing requirements.

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.

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

[Signature]

(Owner)
Lin E. Sylvester

(Please Print)

[Signature]

(Spouse)
Janet M Sylvester

(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

State of Kansas }
County of Saline } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 7th day of March, 2025.

[Signature]

Notary Public

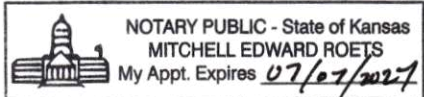
My Commission Expires 07/07/2027.

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

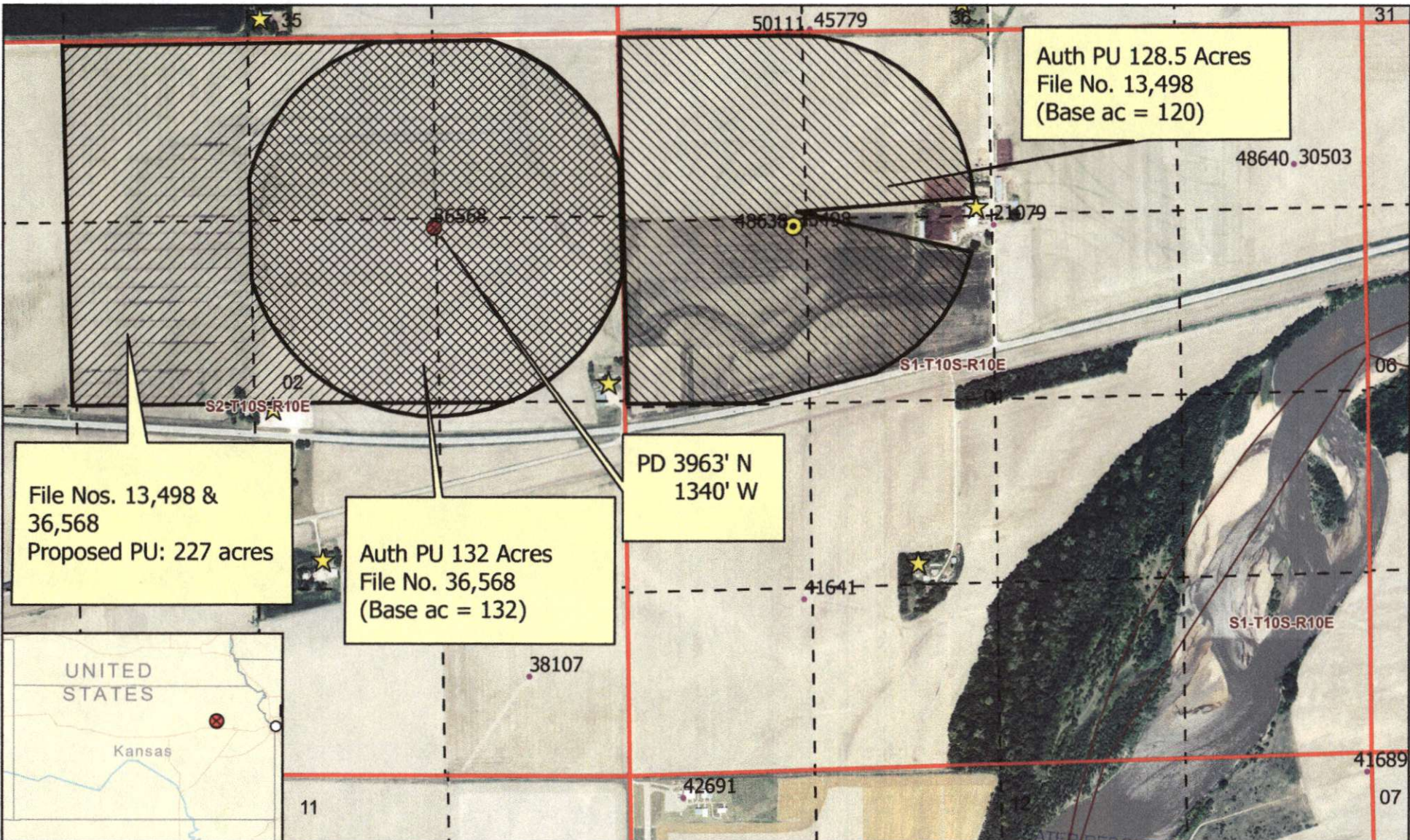
Make check payable to **Kansas Department of Agriculture.**



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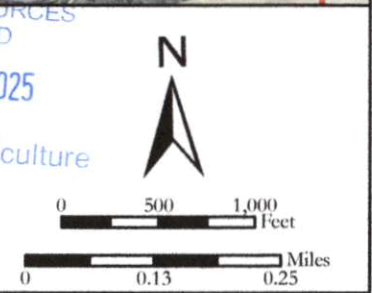
- ⊗ Proposed Point of Diversion
- ⊙ Authorized Point of Diversion
- ★ Domestic Well
- Section Line
- Proposed Place of Use
- Authorized Place of Use
- PLSS Sections
- PLSS Qtr Qtr

PD & PU Change, File No. 13,498
PU Change, File No. 36,568
1 & 2-10S-10E // Pottawatomie County

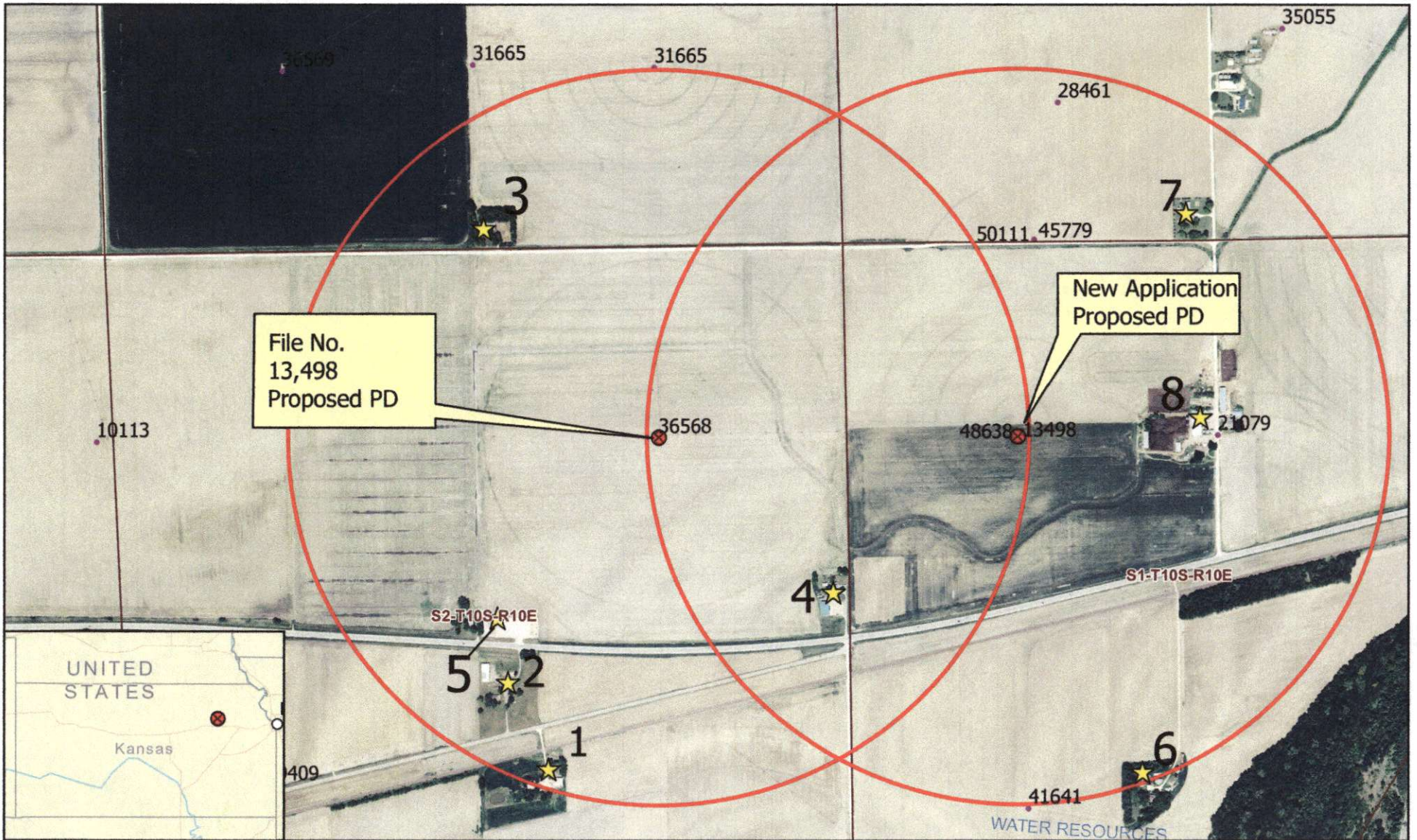
Signature / Date

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Kansas
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NEW/TFO 2/5/2025 Scale: 1:12,000



File No.
13,498
Proposed PD

New Application
Proposed PD

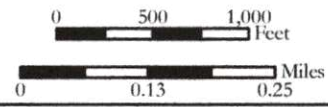


- Proposed Point of Diversion
- Domestic Well
- Section Line
- One-Half Mile Circle

**Wells within 1/2 mile of New App PD
and PD Change App File No. 13,498**
1 & 2-10S-10E // Pottawatomie County

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Signature / Date

NEW/TFO 2/5/2025

Scale: 1:12,000

Domestic Wells

#1: Dana Dinger

18070 Hwy 24

Wamego, Ks 66547

#2: Scott Carnahan

19215 Military Trail Rd

Wamego, Ks 66547

#3: Joe Haug

19215 Old Post Rd

Wamego, Ks 66547

#4: Owner's domestic well

#5: Jillian Tinker

904 Walnut

Wamego, KS 66547

#6: Jim and Shelia Maguin

19910 E US 24

Wamego, Ks 66547

#7: Joe and Marie Elliot

4820 Genn Rd

Wamego, Ks 66547

#8: Aaron Sylvester (Owner)

4590 Genn Rd

Wamego, Ks 66547

Irrigation Wells

File Nos. 28,461; 45,779; 50,111

Marshal Miller

19280 River Bend Rd

Wamego, KS 66547

File No. 21,079

Leon & Janet Sylvester

4605 Genn Rd

Wamego, KS 66547

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