

STATE OF KANSAS

BILL GRAVES, GOVERNOR  
Alice A. Devine, Secretary of Agriculture



DIVISION OF WATER RESOURCES  
David L. Pope, Chief Engineer-Director  
901 South Kansas Avenue, 2nd Floor  
Topeka, Kansas 66612-1283  
(785) 296-3717 FAX (785) 296-1176

KANSAS DEPARTMENT OF AGRICULTURE

October 2, 1998

RECEIVED

OCT 07 1998

ELVA BURSHEARS  
P O BOX 79  
ATHEN IL 62613

Re: Water Right  
File No. 8,667

TOPEKA FIELD OFFICE  
DIVISION OF WATER RESOURCES

Dear Sir/Madam:

There is enclosed a Certificate of Appropriation for Beneficial Use of Water perfected under the above referenced file. The Water Appropriation Act requires that the original certificate of appropriation shall be recorded in the office of the Register of Deeds in the county or counties wherein the point of diversion is located as other instruments affecting real estate. You should record the certificate in the Register of Deeds office at your earliest convenience so that it becomes a matter of record to protect your right. A duplicate copy of the certificate has been placed on file in this office.

Information on file in this office indicates that all of the land to which this water right is appurtenant is owned by Elva Burshears. We understand that all future correspondence pertinent to the above referenced file should be directed to you and water use report forms to Ronald J. Nurnberg. If the above information is incorrect, please notify this office.

Any appeal of the issuance of this Certificate of Appropriation must be filed with the appropriate district court within 30 days of the date of this letter. In filing such an appeal, a copy of the petition for judicial review must be served on David L. Pope, Chief Engineer of the Division of Water Resources, Kansas Department of Agriculture.

As a matter of information, the Water Appropriation Act was amended on January 1, 1978, thereby requiring water users to operate within the terms, limitations and conditions of existing water rights.

Records to indicate 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 our office. If you wish to refer to a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

Guy Ellis  
Water Right Section Head

GE:LMS:jt  
Enclosure  
pc: Topeka Field Office  
Ronald J. Nurnberg

MICROFILMED

THE STATE



OF KANSAS

DUPLICATE COPY

KANSAS DEPARTMENT OF AGRICULTURE  
Alice A. Devine, Secretary of Agriculture

DIVISION OF WATER RESOURCES  
David L. Pope, Chief Engineer

**CERTIFICATE OF APPROPRIATION  
FOR BENEFICIAL USE OF WATER**

WATER RIGHT, File No. 8,667

PRIORITY DATE April 10, 1961

WHEREAS, It has been determined by the undersigned that construction of the appropriation diversion works has been completed, that water has been used for beneficial purposes and that the appropriation right has been perfected, all in conformity with the conditions of approval of the application pursuant to the water right referred to above and in conformity with the laws of the State of Kansas.

NOW, THEREFORE, Be It Known that DAVID L. POPE, the duly appointed, qualified and acting Chief Engineer of the Division of Water Resources of the Kansas Department of Agriculture, by authority of the laws of the State of Kansas, and particularly K.S.A. 82a-714, does hereby certify that, subject to vested rights and prior appropriation rights, the appropriator is entitled to make use of natural flows of Jacob Creek (Cottonwood) to be diverted at a point located in the Northeast Quarter of the Northwest Quarter of the Southeast Quarter (NE $\frac{1}{4}$  NW $\frac{1}{4}$  SE $\frac{1}{4}$ ) of Section 30, more particularly described as being near a point 2,400 feet North and 1,450 feet West of the Southeast corner of said section, in Township 19 South, Range 10 East, Lyon County, Kansas, at a diversion rate not in excess of 500 gallons per minute (1.11 c.f.s.) and a quantity not to exceed 20 acre-feet of water per calendar year for irrigation use on the following described property:

- 20 acres in the Southwest Quarter of the Northeast Quarter (SW $\frac{1}{4}$  NE $\frac{1}{4}$ ) of Section 30, Township 19 South, Range 10 East, Lyon County, Kansas.

The maximum authorized acres that were lawfully irrigated in any one calendar year during the perfection period were 20 acres.

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DIVISION OF WATER RESOURCES

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DUPLICATE COPY

The appropriator shall maintain in an operating condition, satisfactory to the Chief Engineer, all check valves installed for preventing chemical or other foreign substance likely to cause pollution of the water supply.

The appropriator shall maintain records from which the quantity of water actually diverted during each calendar year may be readily determined. Such records shall be furnished to the Chief Engineer by March 1 following the end of the previous calendar year.

The appropriation right shall be deemed abandoned and shall terminate when without due and sufficient cause no lawful beneficial use is made of water under this appropriation for three (3) successive years.

The right of the appropriator shall relate to a specific quantity of water and such right must allow for a reasonable raising or lowering of the static water level and for the reasonable increase or decrease of the stream flow at the appropriator's point of diversion.

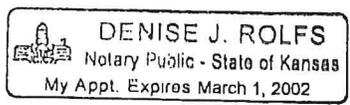
IN WITNESS WHEREOF, I have hereunto set my hand and the official seal of the State of Kansas, this 24<sup>th</sup> day of September, 1998



Signature of David L. Pope, P.E., Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.

STATE OF KANSAS, Shawnee COUNTY, ss.

The foregoing instrument was acknowledged before me this 24<sup>th</sup> day of September, 1998, by David L. Pope, P.E., Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.



Signature: Denise J. Rolfs, Notary Public

(Record in the Office of Register of Deeds in the county or counties wherein the point of diversion is located)

CERTIFICATE OF APPROPRIATION FOR BENEFICIAL USE OF WATER

Water Right File No. 8,667

STATE OF KANSAS, \_\_\_\_\_ COUNTY, ss. Filed for record this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_ at \_\_\_\_\_ o'clock \_\_\_\_\_ M. and \_\_\_\_\_ is in Book \_\_\_\_\_ Page \_\_\_\_\_ Fee \$ \_\_\_\_\_ Register of Deeds