

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

Document Signature \_\_\_\_\_

1. File Number: <b>22567</b>	2. Status Change Date: <b>9/29/2016</b>	3. Change Num: <b>C1</b>	4. Field Office: <b>04</b>	5. GMD: <b>03</b>
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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: <b>20-JUN-2016</b>
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8a. Applicant(s) <span style="float: right;">Person ID <u>2855</u></span> New to system <input type="checkbox"/> <span style="float: right;">Add Seq# <u>1</u></span>  <b>FRED L CLAASSEN LIVING TRUST</b> <b>HC 1 BOX 98</b> <b>RICHFIELD KS 67953-9704</b>	8c. Landowner(s) <span style="float: right;">Person ID <u>65191</u></span> New to system <input type="checkbox"/> <span style="float: right;">Add Seq# <u>1</u></span>  <b>OILCAN LLC</b> <b>ATTN FRANK STUCKY</b> <b>721 BOBTAIL CT</b> <b>NEWTON KS 67114</b>
8d. Landowner(s) <span style="float: right;">Person ID _____</span> New to system <input type="checkbox"/> <span style="float: right;">Add Seq# <u>1</u></span>	

8b. Landowner(s) <span style="float: right;">Person ID <u>24528</u></span> New to system <input type="checkbox"/> <span style="float: right;">Add Seq# <u>1</u></span>  <b>MARIE ANN CLAASSEN LIVING TRUST</b> <b>HC 1 BOX 98</b> <b>RICHFIELD KS 67953-9704</b>	8e. WUC <span style="float: right;">Person ID <u>2855</u></span> New to system <input type="checkbox"/> <span style="float: right;">Add Seq# <u>1</u></span>  <b>FRED L CLAASSEN LIVING TRUST</b> <b>HC 1 BOX 98</b> <b>RICHFIELD KS 67953-9704</b>  <b>No Change</b>
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9. Documents and Enclosure(s):  DWR Meter(s) Date to Comply: 12/31/16     N & P Date to Comply: \_\_\_\_\_

Anti-Reverse Meter     Meter Seal     Check Valve     N & P Form     Water Tube     Driller Copy     H & E Letter

Conservation Plan    Date Required: \_\_\_\_\_    Date Approved: \_\_\_\_\_    Date to Comply: \_\_\_\_\_

10. Use Made of Water    From: \_\_\_\_\_    To: \_\_\_\_\_

Date Prepared: **09/28/16**    By: **RAK**  
 Date Entered: **10/3/2016**    By: **ULM**

File No. **22567** 11. County: **MT** Basin **NF CIMARRON RIVER** Stream: Formation Code: **400** Special Use:

12. Points of Diversion										Rate and Quantity				
MOD DEL ENT	PDIV	Qualifier	S	T	R	ID	'N	'W	Comment	Authorized		Additional		Overlap PD Files
										Rate gpm	Quantity af	Rate gpm	Quantity af	
MOD	5024	NWNWNE	24	32	42W	1	5219	2564	5YR ALLOCATION	650	238	650	238	NO
KEEP PD COMMENT FRANK STUCKY HAS 1/2 INTEREST IN WATER PUMPED FROM THIS P/DIV														

13. Storage: Rate \_\_\_\_\_ NF Quantity \_\_\_\_\_ ac/ft Additional Rate \_\_\_\_\_ NF Additional Quantity \_\_\_\_\_ ac/ft

14. Limitation: \_\_\_\_\_ gpm ( \_\_\_\_\_ cfs) when combined with file number(s) \_\_\_\_\_  
 ADD Limitation: **1190 AF/5YR PERIOD** af/yr at \_\_\_\_\_ gpm ( \_\_\_\_\_ cfs)

15. 5YR Allocation: <sup>ID # 340</sup> Allocation Type **B3** Start Year **2016** 5 YR Amount **1190** Amount Unit **AF** Base Acres **160** Comment **B31620 5YR ALLOC-NO ACRE LIMIT 1190 AF**

16. Place of Use T 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					
MOD	34438	24	32	42W	1																	122.00	8A & 8B	YES	NO	
PU COMMENT SEE FILE FOR OWNERSHIP DETAILS - WR PARTIAL SEVER PU																										
ENT	68056	24	32	42W						30.50	30.50	30.50	30.50									122.00	8C	YES	NO	

Comments: **MAIN ACTION TRAIL - FRANK STUCKY - 1/2 INTEREST IN WR ON PU # 34438**  
**MAIN ACTION TRAIL ENTRY B31620 5 YR ALLOC-NO ACRE LIMIT 1190AF**  
**SPECIAL CONDITIONS YES 5 YR ALLOCATION**

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

**TO:** Files  
**FROM:** Richelle A. Krueger

**DATE:** September 28, 2016  
**RE:** Water Right  
File No. 22,567

Fred Claassen and Marie Ann Claassen on behalf of Fred Claassen Living Trust and Marie Ann Claassen Living Trust, and Frank Stucky on behalf of Oil Can, L.L.C., water right owners, have filed an application for approval to change the authorized place of use under the referenced file authorized for irrigation use. Ownership of the referenced water right is partially severed from the presently authorized place of use, see file for details.

The referenced water right does not appear abandoned as per K.S.A. 82a-718. The referenced file was assessed a civil penalty in 2015 and the authorized quantity was temporarily reduced in 2015 for overpumping. The file was also issued a notice of non-compliance on June 22, 2016 for failing to file a complete and accurate water use report.

File No. 22,567 is authorized a total of 238 acre-feet of groundwater and has no present overlaps in the authorized point of diversion or 122 acre place of use located in the Northeast Quarter (NE¼) of Section 24, Township 32 South, Range 42 West, Morton County, in the North Fork Cimarron River Basin. The water right owners now propose to add 122 acres in the Northwest Quarter (NW¼) of Section 24 owned by Oilcan, L.L.C., for a total of 244 acres to be irrigated pursuant to K.A.R 5-5-11(b)(3) **Necessity to install a more efficient irrigation system; limited quantity.**

- Southwest Kansas Groundwater Management District No. 3 will assume monitoring responsibility.
- Base acres appear to be 160 acres, so the applicants have proposed a net increase of 84 acres above the "base acres".
- Although the referenced file appears to be overpumped in 2013 and 2014 the file does not appear to be overpumped in the ten years prior to that time.
- Limitations: The authorized quantity of water under the referenced water right will be limited to a **five-year fixed allocation of 1,190 acre-feet:**  $1.28'(50\% \text{ N.I.R. Morton County}) / .85 \times 160 \text{ base acres} \times 5 \text{ years} = 1,205 \text{ acre-feet}$  which is more than 5 times the annual quantity so five year allocation will be limited to 1,190 acre-feet.
- Use of water in excess of the five-year allocation shall result in a two-year suspension of all water use under the referenced right and subsequent restriction of the authorized place of use to the acreage at the location specifically set forth in the change approval.

The same local source of supply will not change, which was previously determined to be Jurassic-Triassic Systems (400).

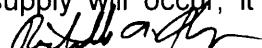
The authorized point of diversion will be better described with g.p.s. feet distances obtained during a June 15, 2016 compliance investigation by Garden City Field Office staff.

In a letter dated September 23, 2016, Jason Norquest, Manager of Southwest Groundwater Management District No. 3, recommended approval of the application.

In an e-mail dated September 27, 2016 Mike Meyer, Water Commissioner of the Garden City Field Office, indicated that he recommends approval of the referenced application and does not feel there is a continuing history of overpumping to halt approval of this application.

A water flow meter is required by this change approval. The water right owners will continue to be required to install a meter with anti-reverse gears and to contact DWR to seal the meter to the pipe. A check valve is required.

Based on the above discussion, that the change is reasonable, that impairment to existing water rights is unlikely and that no change in the local source of supply will occur, it has been recommended that the referenced application be approved.

  
Richelle A. Krueger  
Environmental Scientist

1320 Research Park Drive  
Manhattan, Kansas 66502  
(785) 564-6700



900 SW Jackson, Room 456  
Topeka, Kansas 66612  
(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

October 3, 2016

FRED L CLAASSEN LIVING TRUST  
MARIE ANN CLAASSEN LIVING TRUST  
HC 1 BOX 98  
RICHFIELD KS 67953-9704

**FILE COPY**

RE: Water Right, File No. 22,567

Dear Sir or Madam:

Enclosed is the order executed by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the application for change under the above referenced file number.

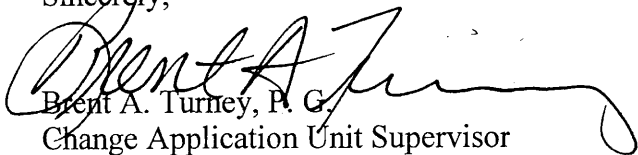
Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in this approval for change. A condition of this approval is that an acceptable water flow meter must be installed on the diversion works authorized under the referenced file number. Prior to the diversion of water for irrigation purposes, you must install an anti-reverse totalizing water flowmeter which meets or exceeds specifications adopted by the Chief Engineer. In addition, a seal shall be placed on the water flowmeter by the Division of Water Resources in such a manner as to render the meter non-removable from the measuring chamber without breaking the seal. 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.

Approval of the application for File No. 22,567 does not allow the diversion of water in excess of the authorized quantity per calendar year or rate of diversion. Your attention should be drawn to the fact that the authorized quantity of water under File No. 22,567 is limited to a fixed allocation, 1,190 acre-feet during a period of five (5) years in this case, and further limited to the annual authorized quantity of 238 acre-feet any given year, provided that the five (5)-year fixed allocation is not exceeded. Non-compliance with the terms of this approval will result in substantial penalties.

Since this order modifies the original document referred to above, it 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  
BAT:rak

pc: Garden City Field Office  
Groundwater Management District No. 3  
Oilcan LLC, Attn Frank Stucky

KANSAS DEPARTMENT OF AGRICULTURE  
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES  
David W. Barfield, Chief Engineer

**APPROVAL OF APPLICATION  
FOR  
CHANGE IN PLACE OF USE AND  
ORDER BETTER DESCRIBING THE LOCATION OF THE  
AUTHORIZED POINT OF DIVERSION  
WATER RIGHT  
FILE NO. 22,567**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Fred Claassen, on behalf of Fred Claassen Living Trust and Marie Ann Claassen, on behalf of Marie Ann Claassen Living Trust, HC 1, Box 98, Richfield, Kansas, 67953, and Frank Stucky, on behalf of Oilcan L.L.C., 721 Bobtail Court, Newton, Kansas, 67114, received in this office on June 20, 2016, for approval of a change in the location of the place of use under the certificate of appropriation issued pursuant to the permit to appropriate water for beneficial use, as modified and amended by the Orders of the Chief Engineer dated August 18, 1995 and July 31, 1997, approving applications to change the place of use, and by the Findings and Order of the Chief Engineer dated July 21, 2014, reducing the authorized place of use, finds that the change is reasonable and will not impair existing rights, and that the application should be and is hereby approved.

This order better describes the location of the authorized point of diversion as follows:

one(1) well located in the Northwest Quarter of the Northwest Quarter of the Northeast Quarter (NW $\frac{1}{4}$  NW $\frac{1}{4}$  NE $\frac{1}{4}$ ) of Section 24, more particularly described as being near a point 5,219 feet North and 2,564 feet West of the Southeast corner of said section, in Township 32 South, Range 42 West, Morton County, Kansas.

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

Sec. Twp. Range	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTAL ACRES
	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
24 32S 42W	30.50	30.50	30.50	30.50	30.50	30.50	30.50	30.50									244.00

a total of 244.00 acres in Township 32 South, Range 42 West, Morton County, Kansas, located substantially as shown on the map accompanying the application to change the place of use.

By this order, this water right is subject to the following conditions:

1. That the quantity of water authorized under Water Right, File No. 22,567 shall not exceed 1,190 acre-feet per five (5)-year period; the first period being calendar years 2016 through 2020, ad infinitum.
2. That the quantity of water authorized under Water Right, File No. 22,567 shall not exceed 238 acre-feet per calendar year, provided that 1,190 acre-feet per five (5)-year period is not exceeded.

3. That use of water in excess of 1,190 acre-feet per five (5)-year period shall result in a two (2)-year suspension of all water use under this water right, effective the next two (2) calendar years, and a subsequent restriction of the authorized place of use to the following described property:

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	
24 32S 42W	30.50	30.50	30.50	30.50													122.00

a total of 122.00 acres in Township 32 South, Range 42 West, Morton County, Kansas, located substantially as shown on the map accompanying the application to change the place of use.

4. That if Southwest Kansas Groundwater Management District No. 3 and/or the Division of Water Resources terminate(s) their/its Memorandum of Understanding (MOU) pertaining to K.A.R. 5-5-11(b)(3), (4) and (5), by which the District assumes monitoring responsibility, then the place of use authorized by this change approval, which was issued by the Division pursuant to the MOU shall revert to the property described in paragraph no. 3, above, starting the calendar year following the year of termination.

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.

The owners of the Water Right(s) identified in this order shall install an anti-reverse totalizing water flowmeter which meets or exceeds specifications adopted by the Chief Engineer.

A seal shall be placed on the water flowmeter by the Division of Water Resources in such a manner as to render the meter non-removable from the measuring chamber without breaking the seal. If the seal is broken without the written permission of the chief engineer, this shall create a rebuttable presumption that the point of diversion had been unlawfully operated in violation of the order of the chief engineer and that the water right holder had been acting in violation of the conditions of his or her water right. If any such violation occurs, a written order shall be issued by the chief engineer stating the nature of the violation and the civil penalty, suspension of water right or modification to the water right, or any combination of these to be imposed.

In all other respects, the Certificate of Appropriation issued pursuant to Approval of Application, File No. 22,567, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated April 17, 1984, as modified and amended by the aforementioned orders.

This Order shall become a final agency action, as defined by K.S.A. 77-607(b), without further notice to the parties, if a request for hearing or a petition for administrative review is not filed as set forth below.

Request for Hearing. According to K.A.R. 5-14-3(c), any party who desires a hearing must submit a request within 15 days after the date shown on the Certificate of Service attached to this Order. Filing a request for a hearing will give you the opportunity to submit additional facts for consideration, contest any findings made by the Chief Engineer or present any other information you believe should be considered in this matter. A timely-filed request for hearing will stay the deadline for requesting administrative review of this Order pending the outcome of the hearing.

Petition for Review. Any person aggrieved by this Summary Order may petition for administrative review, pursuant to K.S.A. 82a-708b(a) and K.S.A. 82a-1901(a). The petition must be filed within 30 days after the date shown on the Certificate of Service attached to this Order and must set forth the basis for the review, unless stayed by the timely filing of a request for hearing.

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 29 day of September, 2016, in Topeka, Shawnee 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 29 day of September, 2016, 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 3<sup>rd</sup> day of October, 2016, I hereby certify that the attached Approval of Application for the Change in Place of Use, File No. 22,567, dated Sept. 29, 2016 was mailed postage prepaid, first class, US mail to the following:

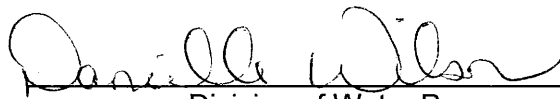
FRED L CLAASSEN LIVING TRUST  
MARIE ANN CLAASSEN LIVING TRUST  
HC 1 BOX 98  
RICHFIELD KS 67953-9704

With a true and correct copy to:

OILCAN LLC  
ATTN FRANK STUCKY  
721 BOBTAIL CT  
NEWTON KS 67114

With photocopies to:

Garden City Field Office  
Groundwater Management District No. 3

  
\_\_\_\_\_  
Division of Water Resources



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](http://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.

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

AUG 26 2016

11 50

KS DEPT OF AGRICULTURE

WATER RESOURCES  
RECEIVED

JUN 20 2016

1:01

KS DEPT OF AGRICULTURE

File No. 22567

2. Name of applicant: Fred Claassen Living Trust

Address: HC 1, Box 98

City, State and Zip: Richfield, KS 67953

Phone Number: (620)629-0378

E-mail address: frednann@pld.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): \_\_\_\_\_

Proposing to add another quarter pivot and enter into a five year allocation monitoring agreement

The change(s) (was) (will be) completed by as soon as approved

(Date)

**For Office Use Only:**

F.O. 4 GMD 3 Meets K.A.R. 5-5-1 (YES/NO) Use IRR Source G/S County MT By ASW Date 6/20/16  
Code CPO Fee \$ 200 TR # \_\_\_\_\_ Receipt Date 6/20/16 Check # 3162

9 27 16  
RAK

4. The presently authorized place of use is:

Owner of Land — NAME: Fred L Claassen Living Trust

ADDRESS: HC 1 Box 98, Richfield, KS 67953

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	
24	32s	42w	30.5	30.5	30.5	30.5													122.0

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: Fred L Claassen Living Trust

*\* Marie Ann Claassen Living Trust*

ADDRESS: HC 1 Box 98, Richfield, KS 67953

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	
24	32s	42w	30.5	30.5	30.5	30.5													122.0

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

Owner of Land — NAME: ??????? Oilco LLC, % Frank Seneky

ADDRESS: ????? \* 721 Bobtail Ct Newton KS 67114

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	
24	32s	42w					30.5	30.5	30.5	30.5									122.0

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

**IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY**

*\* Address per 2015 ownership database*

*\* Bobtail 8/27/16*

*\* per 2016  
Derrick  
Derrick  
\* Return 7/26/16*

6. The presently authorized point(s) of diversion is One well, pump and discharge  
(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 NW Quarter of the NW Quarter of the NE Quarter of Section 24, Township 32 South, Range 42 W, in MORTON County, Kansas, 5100 feet North 2550 feet West of Southeast corner of section.  
 Authorized Rate 650GPM Authorized Quantity 238AF  
 (DWR use only: Computer ID No. 1 GPS 521285219 feet North 2421 feet West) 2564  
 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 AUG 26 2016 (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 RECEIVED

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

*per WRIS + 6-15-16 Compliance \* WRIS + 5/13/14 Compliance Investigation investigation \* RAK/DM 9/15/16 \* RAK/DM 8/9/16*

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12. The presently authorized use of water is for IRR purposes.  
It is proposed that the use be changed to IRR purposes.
13. If changing the place of use and/or use made of water, describe how the consumptive use will not be increased.  
Five year allocation calculated as provided in KAR 5-5-11(b)(3)  
[[1.28' / .85] \* 160 base acres] \* 5 years = 1205AF/five year allocation.  
Since this is more than current authority applicant can use 5 \* annualAF = 1190AF/Five year  
Will enter into a monitoring agreement with GMD3  
(Please show any calculations here.)
14. It is requested that the maximum annual quantity of water be reduced to NA (acre-feet or million gallons).
15. It is requested that the maximum rate of diversion of water be reduced to NA 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](http://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 attached plat  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
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 the rules for the area  
\_\_\_\_\_  
\_\_\_\_\_

**IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY**

**STATEMENT OF REVIEW**  
**under K.A.R. 5-5-11(b)(3), (4) and (5)**  
**for a Point of Diversion located within GMD No. 3**

The items listed below were reviewed by the undersigned person(s) at GMD 3 office, Kansas, on this 8<sup>th</sup> day of June, 2016. This review was related to the proposed *Change in Place of Use Under Water Right* for File No. 22567.

- (1) Water flow meters will be required on all wells authorized by the above-referenced file number. These flow meter(s) shall be properly installed and maintained on each well to the satisfaction of the Chief Engineer. The metered quantity of water diverted during the past year by each well shall be reported on the annual water use report required by law to be provided to the Division of Water Resources (Division).
- (2) Southwest Kansas Groundwater Management District No. 3 (GMD No. 3) will make at least one visit per calendar year to this farm. The purpose of this visit is to monitor the compliance with conditions under which this change will be approved, if granted. Reports of verification of compliance and status reports will be completed by GMD No. 3 and furnished to the Division.
- (3) The amount of water required to irrigate the acreage proposed under this change application has been reviewed. The five-year allocation, if required, has been reviewed and is understood to be 1190 acre-feet. The five-year allocation is the quantity of water that will be authorized for diversion under this water right for each five-year period.
- (4) The approval of this application will be conditioned so that any use of water in excess of the five-year allocation will result in a two-year suspension of all water use under that water right and a subsequent restriction of the authorized place of use to a place of use equivalent to the base acres at a location specifically set forth on the change application approval.
- (5) For an application that proposes an increase in authorized acres solely for the purpose of rotation of the irrigated land within the authorized place of use, the base acres are \_\_\_\_\_ acres. The acres irrigated in any one calendar year shall not exceed \_\_\_\_\_ base acres each calendar year. The land to be irrigated will be certified to GMD No. 3 in writing before applying any water in that calendar year.
- (6) The approval of this application will be conditioned so that the use of water on more than the base acres certified to GMD No. 3 in any calendar year will result in a two-year suspension of all water use under this water right and a subsequent restriction of the authorized place of use equivalent to the base acres at a location specifically set forth on the change application approval.

DWR 1-120.2 (Rev. 06/13/2008)

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- (7) Changes in the Memorandum of Understanding between GMD No. 3 and the Division may affect the above-referenced files. If the Memorandum of Understanding related to K.A.R. 5-5-11 between the GMD No. 3 and the Division is rescinded because of the fault of GMD No. 3, the authorized place of use will revert to the equivalent of the base acres at a location specifically set forth in the change approval.

By signing below, I am indicating that I have reviewed and understand the items set forth above and agree that I am willing to abide by those conditions if my application for change in place of use is approved.

*Fred Claassen*  
Signature

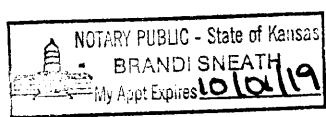
\_\_\_\_\_  
Signature

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Signature

State of Kansas )  
County of Finney )

I hereby certify that the foregoing document was signed in my presence and sworn before me this 8 day of June, 2016.



*Brandi Sneath*  
Notary Public

My commission expires 10/01/2019

\_\_\_\_\_  
Signature, Division of Water Resources' Staff  
Person Assisting in the Review

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.**

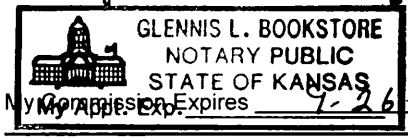
Dated at Elkhart, Kansas, this 12<sup>th</sup> day of September, 2011.

\_\_\_\_\_  
(Owner)  
\_\_\_\_\_  
(Please Print)  
\_\_\_\_\_  
(Owner)  
\_\_\_\_\_  
(Please Print)  
\_\_\_\_\_  
(Owner)  
\_\_\_\_\_  
(Please Print)

Marie Ann Claassen  
(Spouse)  
Marie Ann Claassen  
(Please Print)  
\_\_\_\_\_  
(Spouse)  
\_\_\_\_\_  
(Please Print)  
\_\_\_\_\_  
(Spouse)  
\_\_\_\_\_  
(Please Print)

State of Kansas )  
County of Morton ) SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 12<sup>th</sup> day of September, 202011.



Glennis L. Bookstore  
Notary Public

**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  
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**SEP 15 2016**

**SCANNED**

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 Gm23 office, Kansas, this 8<sup>th</sup> day of June, 2016.

Fred Claassen  
(Owner)

Fred Claassen  
(Please Print)

(Owner)

(Please Print)

(Owner)

(Please Print)

(Spouse)

(Please Print)

(Spouse)

(Please Print)

(Spouse)

(Please Print)



State of Kansas }  
County of Finney } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 8<sup>th</sup> day of June, 2016.

Brandi Sneath  
Notary Public

My Commission Expires 10/01/2019

**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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SCANNED



File No 22567

I declare that I am an owner of the water right, 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.

Dated at \_\_\_\_\_, Kansas, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
(Owner)

\_\_\_\_\_  
(Please Print)

\_\_\_\_\_  
(Owner)

\_\_\_\_\_  
(Please Print)

*Marie Ann Claassen*  
(Spouse)

\_\_\_\_\_  
(Please Print)

\_\_\_\_\_  
(Spouse)

\_\_\_\_\_  
(Please Print)

State of Kansas )  
County of \_\_\_\_\_ ) SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Notary Public

My Commission Expires \_\_\_\_\_.

WATER RESOURCES  
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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 Newton, Kansas, this 10<sup>th</sup> day of June, 2016.

Oilcar LLC - Frank Hucker  
(Owner) Owner / mgr.

(Please Print)

(Owner)

(Please Print)

(Owner)

(Please Print)

(Spouse)

(Please Print)

(Spouse)

(Please Print)

(Spouse)

(Please Print)

State of Kansas )  
County of Harvey ) SS



I hereby certify that the foregoing application was signed in my presence and sworn to before me this 10<sup>th</sup> day of June, 2016.

Jennifer K Dolney  
Notary Public

My Commission Expires 9-13-18

**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.**

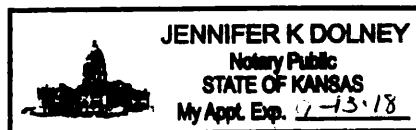
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*Copy to [unclear]*

Submit To: CHIEF ENGINEER  
Division of Water Resources  
Kansas Department of Agriculture  
109 SW 9<sup>th</sup> Street, 2nd Floor  
Topeka, KS 66612-1283  
[www.ksda.gov/dwr](http://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.

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

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

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1:01

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AUG 26 2016

11:50

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File No. 22567

2. Name of applicant: Fred Claassen Living Trust

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Address: HC 1, Box 98

SEP 15 2016

City, State and Zip: Richfield, KS 67953

KS DEPT OF AGRICULTURE

Phone Number: (620)629-0378

E-mail address: frednann@pld.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): \_\_\_\_\_

Proposing to add another quarter pivot and enter into a five year allocation monitoring agreement

The change(s) (was) (will be) completed by as soon as approved

(Date)

For Office Use Only:														
F.O.	<u>4</u>	GMD	<u>3</u>	Meets K.A.R.	<u>6-5-1</u> (YES) / NO	Use	<u>IRR</u>	Source	<u>G/S</u> County	<u>MT</u>	By	<u>MSW</u>	Date	<u>6/20/16</u>
Code	<u>CPD</u>	Fee \$	<u>200</u>	TR #		Receipt Date	<u>6/20/16</u>	Check #	<u>3162</u>					

4. The presently authorized place of use is:

Owner of Land — NAME: Fred L Claassen Living Trust

ADDRESS: HC 1 Box 98, Richfield, KS 67953

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	
24	32s	42w	30.5	30.5	30.5	30.5													122.0

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: Fred L Claassen Living Trust

ADDRESS: HC 1 Box 98, Richfield, KS 67953

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	
24	32s	42w	30.5	30.5	30.5	30.5													122.0

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

Owner of Land — NAME: ??????? Oilco LLC, % Frank Stucky

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	
24	32s	42w					30.5	30.5	30.5	30.5									122.0

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 One well, pump and discharge  
(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 NW Quarter of the NW Quarter of the NE Quarter of Section 24, Township 32 South, Range 42 W, in MORTON County, Kansas, 5100 feet North 2550 feet West of Southeast corner of section.  
 Authorized Rate 650GPM Authorized Quantity 238AF  
 (DWR use only: Computer ID No. 1 GPS 5212 feet North 2421 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 AUG 26 2016 (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.

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WATER RESOURCES RECEIVED

WATER RESOURCES RECEIVED

JUN 20 2016

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

\* WAIS + 5/13/14 Compliance Investment

SEP 15 2016

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\* RAK/ams 8/9/16

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

It is proposed that the use be changed to IRR purposes.

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

Five year allocation calculated as provided in KAR 5-5-11(b)(3)

{(1.28' / .85) \* 160 base acres} \* 5 years = 1205AF/five year allocation.

Since this is more than currenet authority applicant can use 5 \* annualAF = 1190AF/Five year

Will enter into a monitoring agreement with GMD3

(Please show any calculations here.)

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

15. It is requested that the maximum rate of diversion of water be reduced to NA 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](http://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.

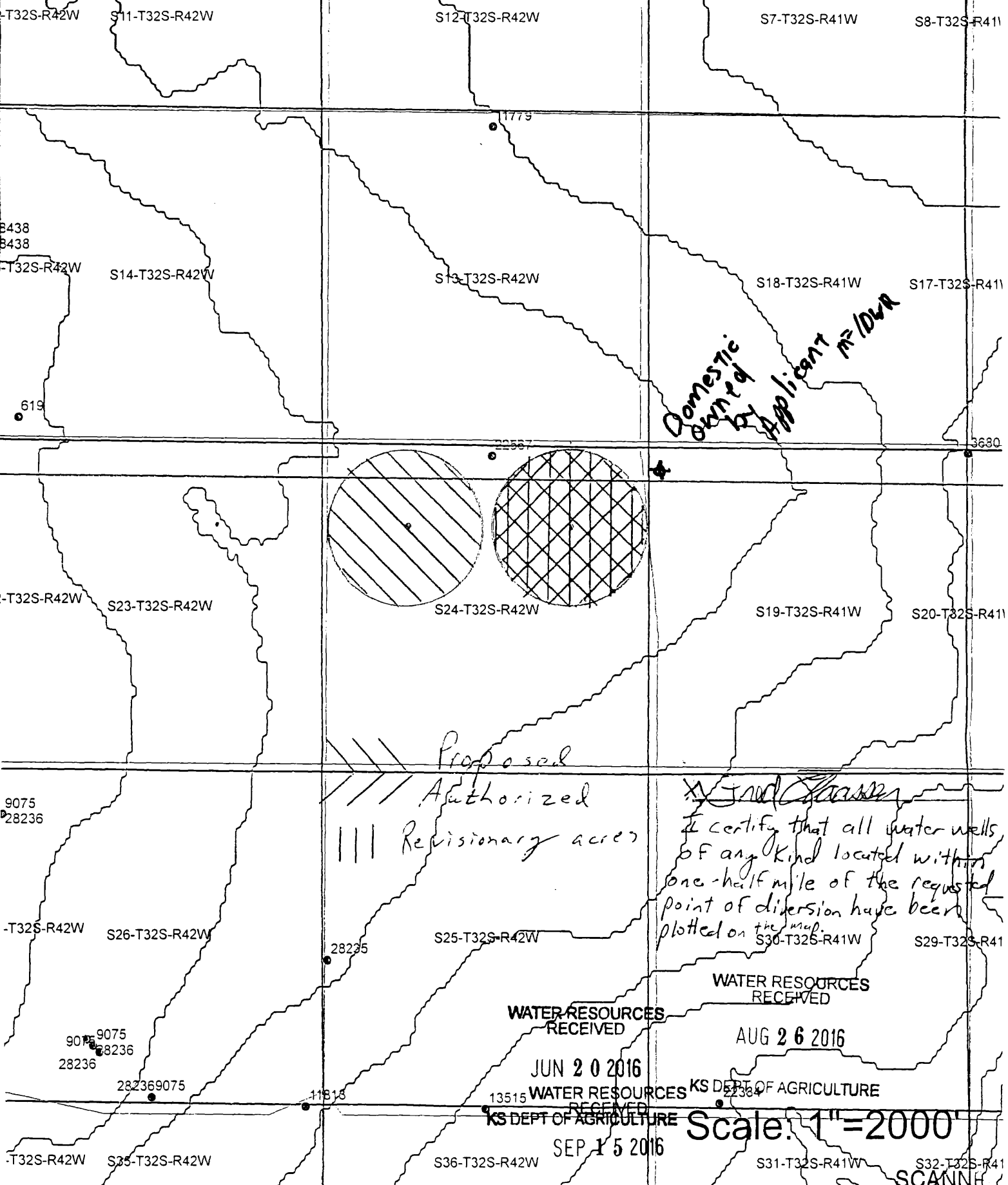
see attached plat

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 the rules for the area

**IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY**

Change App. PU, File No. 22567



Domestic owned by Applicant M/DWR

Proposed  
Authorized  
Revisionary acres

*[Handwritten Signature]*  
I certify that all water wells of any kind located within one-half mile of the requested point of diversion have been plotted on the map.

WATER RESOURCES RECEIVED  
AUG 26 2016  
WATER RESOURCES RECEIVED  
JUN 20 2016  
WATER RESOURCES RECEIVED  
SEP 15 2016  
KS DEPT OF AGRICULTURE

Scale: 1" = 2000'

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 Newton, Kansas, this 10th day of June, 2016.

Oilcar LLC - Frank Hurd  
(Owner) owner/mgr.

(Please Print)

(Owner)

(Please Print)

(Owner)

(Please Print)

(Spouse)

(Please Print)

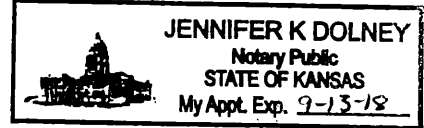
(Spouse)

(Please Print)

(Spouse)

(Please Print)

State of Kansas }  
County of Harvey } SS



I hereby certify that the foregoing application was signed in my presence and sworn to before me this 10th day of June, 2016.

Jennifer K Dolney  
Notary Public

My Commission Expires 9-13-18

**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.**

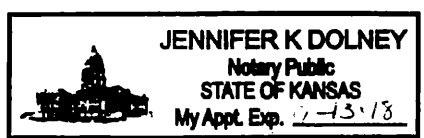
WATER RESOURCES RECEIVED

WATER RESOURCES RECEIVED

AUG 26 2016

JUN 20 2016

KS DEPT OF AGRICULTURE



KS DEPT OF AGRICULTURE

SCANNED



File No. 22567

I declare that I am an owner of the water right, 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.

Dated at \_\_\_\_\_, Kansas, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
(Owner)

\_\_\_\_\_  
(Please Print)

\_\_\_\_\_  
(Owner)

\_\_\_\_\_  
(Please Print)

*Marie Ann Chassen*  
(Spouse)

\_\_\_\_\_  
(Please Print)

\_\_\_\_\_  
(Spouse)

\_\_\_\_\_  
(Please Print)

State of Kansas )  
County of \_\_\_\_\_ ) SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Notary Public

My Commission Expires \_\_\_\_\_.

WATER RESOURCES  
RECEIVED

SEP 15 2016

KS DEPT OF AGRICULTURE

WATER RESOURCES  
RECEIVED

AUG 26 2016

KS DEPT OF AGRICULTURE

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 GMD3 office, Kansas, this 5<sup>th</sup> day of June, 2016.

Fred Claassen  
(Owner) \_\_\_\_\_ (Spouse)

Fred Claassen  
(Please Print) \_\_\_\_\_ (Please Print)

\_\_\_\_\_  
(Owner) \_\_\_\_\_ (Spouse)

\_\_\_\_\_  
(Please Print) \_\_\_\_\_ (Please Print)

\_\_\_\_\_  
(Owner) \_\_\_\_\_ (Spouse)

\_\_\_\_\_  
(Please Print) \_\_\_\_\_ (Please Print)



State of Kansas }  
County of Finney } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 8th day of June, 2016.

Brandi Sneath  
Notary Public

My Commission Expires 10/01/2019

**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

WATER RESOURCES  
RECEIVED

AUG 26 2016

JUN 20 2016

KS DEPT OF AGRICULTURE

KS DEPT OF AGRICULTURE

SCANNED

**STATEMENT OF REVIEW**  
**under K.A.R. 5-5-11(b)(3), (4) and (5)**  
**for a Point of Diversion located within GMD No. 3**

The items listed below were reviewed by the undersigned person(s) at GMD 3 office, Kansas, on this 8<sup>th</sup> day of June, 2016. This review was related to the proposed *Change in Place of Use Under Water Right* for File No. 22567.

- (1) Water flow meters will be required on all wells authorized by the above-referenced file number. These flow meter(s) shall be properly installed and maintained on each well to the satisfaction of the Chief Engineer. The metered quantity of water diverted during the past year by each well shall be reported on the annual water use report required by law to be provided to the Division of Water Resources (Division).
- (2) Southwest Kansas Groundwater Management District No. 3 (GMD No. 3) will make at least one visit per calendar year to this farm. The purpose of this visit is to monitor the compliance with conditions under which this change will be approved, if granted. Reports of verification of compliance and status reports will be completed by GMD No. 3 and furnished to the Division.
- (3) The amount of water required to irrigate the acreage proposed under this change application has been reviewed. The five-year allocation, if required, has been reviewed and is understood to be 1190 acre-feet. The five-year allocation is the quantity of water that will be authorized for diversion under this water right for each five-year period.
- (4) The approval of this application will be conditioned so that any use of water in excess of the five-year allocation will result in a two-year suspension of all water use under that water right and a subsequent restriction of the authorized place of use to a place of use equivalent to the base acres at a location specifically set forth on the change application approval.
- (5) For an application that proposes an increase in authorized acres solely for the purpose of rotation of the irrigated land within the authorized place of use, the base acres are \_\_\_\_\_ acres. The acres irrigated in any one calendar year shall not exceed \_\_\_\_\_ base acres each calendar year. The land to be irrigated will be certified to GMD No. 3 in writing before applying any water in that calendar year.
- (6) The approval of this application will be conditioned so that the use of water on more than the base acres certified to GMD No. 3 in any calendar year will result in a two-year suspension of all water use under this water right and a subsequent restriction of the authorized place of use equivalent to the base acres at a location specifically set forth on the change application approval.

WATER RESOURCES  
RECEIVED

WATER RESOURCES  
RECEIVED

WATER RESOURCES  
RECEIVED

DWR 1-120.2 (Rev. 06/13/2008) SEP 15 2016

AUG 26 2016

JUN 20 2016

KS DEPT OF AGRICULTURE

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KS DEPT OF AGRICULTURE

SCANNED

- (7) Changes in the Memorandum of Understanding between GMD No. 3 and the Division may affect the above-referenced files. If the Memorandum of Understanding related to K.A.R. 5-5-11 between the GMD No. 3 and the Division is rescinded because of the fault of GMD No. 3, the authorized place of use will revert to the equivalent of the base acres at a location specifically set forth in the change approval.

By signing below, I am indicating that I have reviewed and understand the items set forth above and agree that I am willing to abide by those conditions if my application for change in place of use is approved.

[Signature]  
Signature

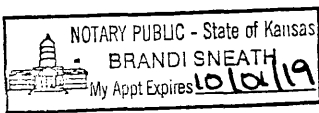
\_\_\_\_\_  
Signature

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Signature

State of Kansas )  
County of Finney )

I hereby certify that the foregoing document was signed in my presence and sworn before me this 8 day of June, 2016.



[Signature]  
Notary Public

My commission expires 10/01/2019

\_\_\_\_\_  
Signature, Division of Water Resources' Staff  
Person Assisting in the Review

**Tax Year: 2014** *f 2015*

**Stmt:** 7073 **Type:** REAL ESTATE **Parcel ID:** 065-076-24-0-00-00-002.00-0-00

**Property Address:**

RICHFIELD

**Legal Description:**

S24 , T32 , R42W , ACRES 155.4 , NW  
LESS  
ROW

**T/U:** 010 - RICHFIELD TOWNSHIP #217 **City/Twp:** RICHFIELD **Sub Div:** USD:  
217

**Levy:** 103.865 **Sec:** 24 **Twp:** 32 **Rng:** 42W **Lot:** Blk:

**General Tax:** \$392.30

**Specials:** 7.77

**Total Tax:** 400.07

**Rec To-Dt:** 400.07

**Balance:** 0.00

**Int-To-Dt (As of 08/08/2016):** 0.00

**Fees:** 0.00

**Total Due:** \$0.00

**Owner Information:**

OILCAN, LLC  
721 BOBTAIL CT  
NEWTON KS 67114

**Receipt Information**

Type	Receipt Number	Date	Tax	Int/Fee
CUR *	03 2031	12/08/2014	200.04	0.00
CUR *	03 5855	05/18/2015	200.03	0.00

**Additional Years Statements**

Tax Year	Stmt #	Redemption #	Owner Name	Taxpayer Name	Total Due
<u>2015</u>	7471		OILCAN, LLC		\$0.00

## Krueger, Richelle

---

**From:** Meyer, Mike  
**Sent:** Tuesday, September 27, 2016 8:25 AM  
**To:** Krueger, Richelle  
**Subject:** RE: Request for Recommendation Change in PU File No. 22567 Fred Claassen etal

I recommend approval, and do not feel that this this has a continuing history of overpumping to halt or decline this application  
Thanks

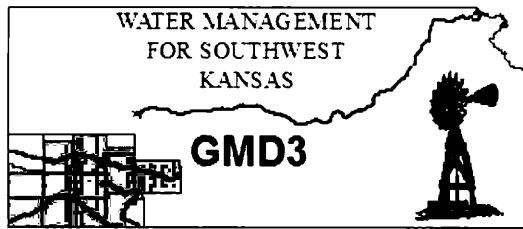
Please require seal and anti reversing totalizer to the order.

*Mike*

---

**From:** Krueger, Richelle  
**Sent:** Monday, September 26, 2016 11:03 AM  
**To:** Meyer, Mike <Mike.Meyer@ks.gov>  
**Cc:** Makens, Thom <Thom.Makens@ks.gov>; Terhune, Andrew <Andrew.Terhune@ks.gov>; Turney, Brent <Brent.Turney@ks.gov>  
**Subject:** Request for Recommendation Change in PU File No. 22567 Fred Claassen etal

Hi Mike,  
Attached is a draft memo for a change in pu for File No. 22,567, which had a nonc issued June 22, 2016. Do you recommend approval of this application?  
Thanks,  
Richelle



**Southwest Kansas**  
**Groundwater Management District No. 3**  
2009 E. Spruce Street  
Garden City, Kansas 67846  
(620) 275-7147 phone (620) 275-1431 fax  
www.gmd3.org

September 23, 2016

Richelle A. Krueger  
Kansas Department of Agriculture  
Division of Water Resources  
1320 Research Park Drive  
Manhattan, Kansas 66502

**WATER RESOURCES  
RECEIVED**

**SEP 29 2016**

RE: Change Application,  
Water Right, File No. 22,567

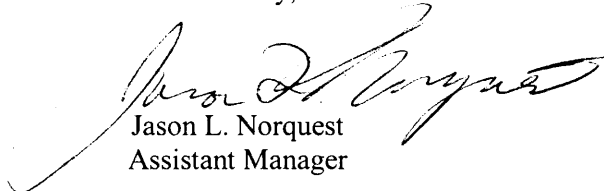
**KS DEPT OF AGRICULTURE**

Dear Richelle:

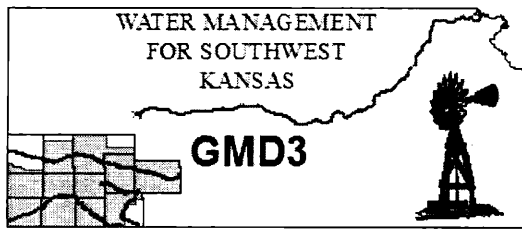
We have completed a review of the application, which we assisted the applicant with, for the above referenced water right. The proposal is not in conflict with the Management Program of the Southwest Kansas Groundwater Management District No. 3 (GMD3). The requested change in place of use will bring in new acres. The applicant is fully aware of the monitoring agreement that will be required with our office and the consequences if he does not comply with the change order. We believe he will work with our office to ensure compliance with the changes as set forth by the criteria set forth in K.A.R. 5-5-11(b)(3). It is therefore recommended that the application be approved at this time.

Thank you for the opportunity to review the applications and to provide a recommendation. If you have any questions, please don't hesitate to contact us.

Sincerely,



Jason L. Norquest  
Assistant Manager



**Southwest Kansas  
Groundwater Management District No. 3**  
2009 E. Spruce Street  
Garden City, Kansas 67846  
(620) 275-7147 phone (620) 275-1431 fax  
www.gmd3.org

September 23, 2016

Richelle A. Krueger  
Kansas Department of Agriculture  
Division of Water Resources  
1320 Research Park Drive  
Manhattan, Kansas 66502

RE: Change Application,  
Water Right, File No. 22,567

Dear Richelle:

We have completed a review of the application, which we assisted the applicant with, for the above referenced water right. The proposal is not in conflict with the Management Program of the Southwest Kansas Groundwater Management District No. 3 (GMD3). The requested change in place of use will bring in new acres. The applicant is fully aware of the monitoring agreement that will be required with our office and the consequences if he does not comply with the change order. We believe he will work with our office to ensure compliance with the changes as set forth by the criteria set forth in K.A.R. 5-5-11(b)(3). It is therefore recommended that the application be approved at this time.

Thank you for the opportunity to review the applications and to provide a recommendation. If you have any questions, please don't hesitate to contact us.

Sincerely,

Jason L. Norquest  
Assistant Manager

WATER RESOURCES  
RECEIVED

SEP 23 2016

KS DEPT OF AGRICULTURE



## Krueger, Richelle

---

**From:** Jason Norquest <norquest@gmd3.org>  
**Sent:** Friday, September 23, 2016 4:48 PM  
**To:** Krueger, Richelle  
**Subject:** 22567  
**Attachments:** RK\_22567\_PU.doc

Good afternoon Richelle. Thought I would send a copy of the review for this change to you and put the hard copy in the mail. I know Fred has been waiting on it and wondering if he will be hearing on it soon. I will let him know that our review is done and it is back in your office.

Have a great weekend!!!!

*Jason Norquest*

Assistant Manager, GMD3

Office: 620-275-7147 Cell: 620-271-1289

[norquest@gmd3.org](mailto:norquest@gmd3.org)

[www.gmd3.org](http://www.gmd3.org)

WATER RESOURCES  
RECEIVED

SEP 23 2016

KS DEPT OF AGRICULTURE

1320 Research Park Drive  
Manhattan, Kansas 66502  
(785) 564-6700



900 SW Jackson, Room 456  
Topeka, Kansas 66612  
(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

September 16, 2016

SOUTHWEST KANSAS GROUNDWATER  
MANAGEMENT DISTRICT NO 3  
ATTN JASON NORQUEST  
2009 E SPRUCE ST  
GARDEN CITY KS 67846

Re: Water Right, File No. 22,567

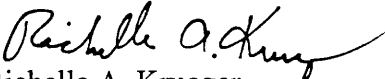
Dear Jason:

We are enclosing a copy of the application to change the place of use for File No. 22,567.

We are delaying further action for a period of 15 days from the date of this letter to allow you time to submit your recommendations concerning this application.

Please submit your recommendations within the allowed time, or any authorized extension of time thereof. If you have any questions, please contact me at (785) 564-6635. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

  
Richelle A. Krueger  
Environmental Scientist  
Water Appropriation Program

Enclosures

pc: Garden City Field Office

SCANNED

1320 Research Park Drive  
Manhattan, Kansas 66502  
(785) 564-6700



900 SW Jackson, Room 456  
Topeka, Kansas 66612  
(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

FRED L CLAASSEN LIVING TRUST  
HC 1 BOX 98  
RICHFIELD KS 67953-9704

August 30, 2016

RE: Water Right, File No. 22,567

Dear Mr. Claassen,

Reference is made to the application for approval of the Chief Engineer to change the place of use under the referenced file number which was received in the office of the Chief Engineer on June 20, 2016. Upon review of the application, we find that additional information is needed.

Although we received your modified application in the office of the Chief Engineer on August 26, 2016, please note that the signature of Marie Ann Claassen was not notarized. Since the water right owners must sign in the presence of a notary public, I am enclosing a copy of the application and an additional signature form so that you may obtain the notarized signature of the Marie Ann Claassen. Please return the form with the original notarized signature at your earliest convenience so that I may continue with processing your application.

If you have any questions, please contact me at (785) 564-6635 or Change Application Unit Supervisor, Brent Turney, 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,

A handwritten signature in cursive script that reads "Richelle A. Krueger".

Richelle A. Krueger  
Environmental Scientist  
Water Appropriation Program

RAK  
Enclosures

pc: Garden City Field Office  
Groundwater Management District No. 3

SCANNED



1320 Research Park Drive  
Manhattan, Kansas 66502  
(785) 564-6700

900 SW Jackson, Room 456  
Topeka, Kansas 66612  
(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

August 9, 2016

FRED L CLAASSEN LIVING TRUST  
HC 1 BOX 98  
RICHFIELD KS 67953-9704

**COPY**

RE: Water Right, File No. 22,567

Dear Mr. Claassen,

Reference is made to the application for approval of the Chief Engineer to change the place of use under the referenced file number which was received in the office of the Chief Engineer on June 20, 2016. Upon review of the application, we find that additional information is needed.

Please find enclosed the original application for File No. 22,567. Effective July 1, 2016, Senate Bill No. 337 enacted by the Legislature of the State of Kansas requires the Division of Water Resources to notify all water right owners with a point of diversion within half a mile of a water right pending a request to change the water right. Please indicate on your submitted map the location of all water wells of any kind (including domestic wells) within one-half mile of your authorized well and provide well owner names and mailing addresses on the map. In addition, you must sign where indicated on the application map certifying that all water wells of any kind located within one-half mile of the requested point of diversion have been plotted on the map.

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. Information in this office indicates that Marie Ann Claassen Living Trust is the owner of the Northeast Quarter (NE¼) of Section 24, Township 32 South, Range 42 West, Morton County, Kansas. Therefore we will need the original notarized signature of the Trustee of the Marie Ann Claassen Living Trust. If this ownership information is not correct, please submit a copy of the recorded deed to clearly indicate the owners so that our records may be updated. If the application 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.

Also, in Paragraph No. 5 of the application you must identify the owner of the proposed 122 acres located in the Northwest Quarter (NW¼) of Section 24, Township 32 South, Range 42 West, Morton County.

I am returning the referenced application so that you may provide the requested information. In order that the application will retain its priority of filing, the original application and attachments must be returned, along with the requested additional information, to this office on or before September 12, 2016, or within any authorized extension of time thereof. According to the law, default in the refiling of the completed application and attachments as outlined above, within the time allowed, shall constitute forfeiture of the priority date and dismissal of the application.

**OVER→**

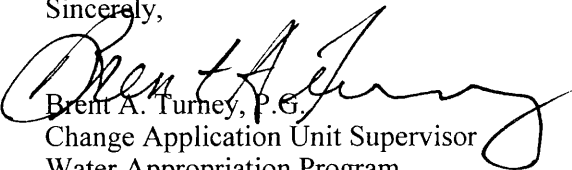
SCANNED

August 9, 2016  
File No. 22,567  
Page No. 2

Assistance is available from staff at Southwest Kansas Groundwater Management District No. 3 in Garden City should you need assistance. Please call (620) 275-7147 to set an appointment time. Assistance is also available from the Garden City Field Office.

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.E.  
Change Application Unit Supervisor  
Water Appropriation Program

BAT

Enclosures

pc: Garden City Field Office  
Groundwater Management District No. 3



1320 Research Park Drive  
Manhattan, Kansas 66502  
Jackie McClaskey, Secretary

Phone: (785) 564-6700  
Fax: (785) 564-6777  
Email: ksag@kda.ks.gov  
www.agriculture.ks.gov  
Sam Brownback, Governor

FRED CLAASSEN LIVING TRUST  
HC 1 BOX 98  
RICHFIELD KS 67953

June 20, 2016

RE: File No. 22567

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.

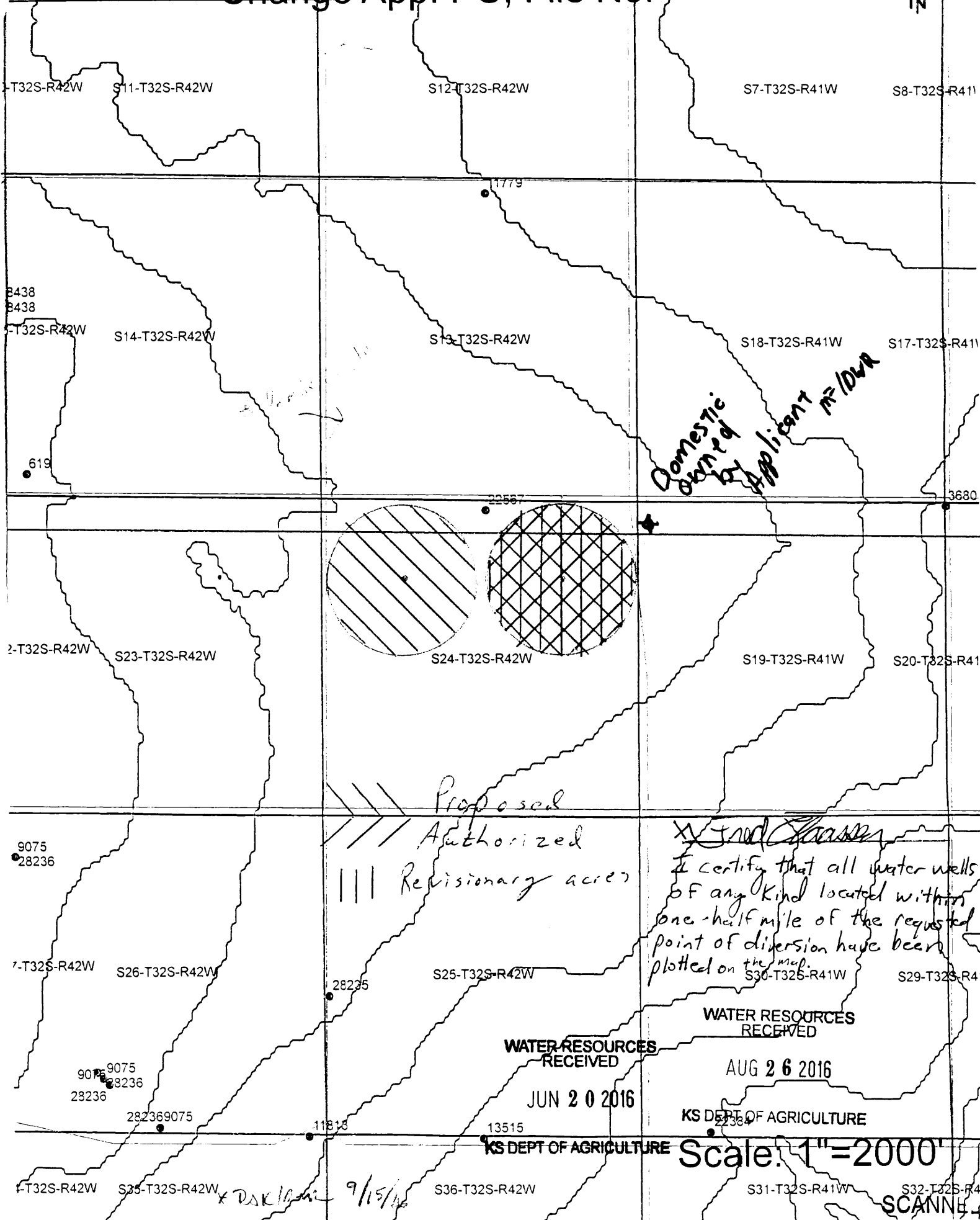
Sincerely,

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

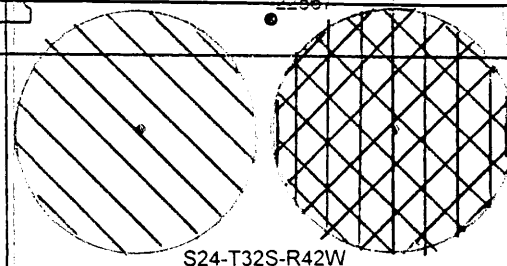
BAT: DLW  
pc: GARDEN CITY Field Office    GMD 3 3

SCANNED

Change App. PU, File No. 22567



Domestic owned by Applicant #10VA



Proposed Authorized Revisionary acres

Wind Channel  
I certify that all water wells of any kind located within one-half mile of the requested point of diversion have been plotted on the map.

WATER RESOURCES RECEIVED  
JUN 20 2016

WATER RESOURCES RECEIVED

AUG 26 2016

KS DEPT OF AGRICULTURE

KS DEPT OF AGRICULTURE

Scale: 1"=2000'

SCANNED

x DAK 9/15/16