

Kansas Department of Agriculture
Division of Water Resources
CHANGE: P/U WORKSHEET & OWNERSHIP ADDRESS UPDATE

Document Signature LPL

1. File Number: 45752	2. Status Change Date: 9/1/2017	3. Change Num: C1	4. Field Office: 04	5. GMD: 03
6. Status: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied by DWR/GMD <input type="checkbox"/> Dismiss by Request/Failure to Return				7. Filing Date of Change: 5/1/17
8a. Applicant(s) New to system <input type="checkbox"/> HATCHER LAND CO LP 1701 N KANSAS AVE STE 102 LIBERAL KS 67901		Person ID 57335 Add Seq# _____	8c. Landowner(s) New to system <input type="checkbox"/> HANKE PROPERTIES LLC 2132 BROOKWOOD RD CHARLOTTE NC 28211-2630 ADDRESS UPDATE	
8b. Landowner(s) New to system <input type="checkbox"/> 8A		Person ID 57335 Add Seq# _____	8d. WUC New to system <input type="checkbox"/> 8A	
9. Documents and Enclosure(s): <input checked="" type="checkbox"/> DWR Meter(s) Date to Comply: 12/31/17 <input type="checkbox"/> N & P Date to Comply: _____				
<input checked="" type="checkbox"/> Check Valve <input type="checkbox"/> N & P Form <input type="checkbox"/> Water Tube <input type="checkbox"/> Driller Copy <input type="checkbox"/> H & E Letter				
<input type="checkbox"/> Conservation Plan Date Required: _____ Date Approved: _____ Date to Comply: _____				
10. Use Made of Water From: _____ To: _____				
Date Prepared: 8/23/2017 By: LI Date Entered: 9/6/2017 By: UCH				

File No. **45752** 11. County: **SV** Basin: **CIMARRON RIVER** Stream: **NA** Formation Code: **200 & 211** Special Use: **NA**

12. Points of Diversion
 T
 MOD
 DEL PDIV
 ENT
 Qualifier S T R ID 'N 'W Comment
 Rate and Quantity
 Authorized
 Rate Quantity
 gpm/cfs af/mgy
 Additional
 Rate Quantity
 gpm/cfs af/mgy Overlap PD Files

NO CHANGE

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

14. Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) **NO CHANGE**
 Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) _____

15. 5YR Allocation: Allocation Type _____ Start Year _____ 5 YR Amount _____ Amount Unit _____ Base Acres _____ Comment _____

16. Place of Use 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 50061 25 34 35W 1			28.00	25.00	30.75	30.75	30.75	30.75					15.00	16.00			207.0	8a	NO	42581
MOD 50062 26 34 35W 3													30.75	30.75	30.75	30.75	123.0	8c	NO	42581

Comments: **TOTAL 330 ACRES UNDER 3 PIVOTS**

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

MEMORANDUM

TO: Files

DATE: August 23, 2017

FROM: Leslie Ireland

RE: Water Right
File Nos. 42,581 & 45,752

Nick Hatcher on behalf of Hatcher Land Co. LP, along with Karl Newlin, Manager, Hanke Properties, LLC on behalf of the Hanke Properties LLC, all as owners of the referenced rights, authorized for irrigation use have filed applications for approval to change the place of use authorized for irrigation use. The applications were received on March 1, 2017, but the final signatures were not received until August 22, 2017.

The referenced file were found not to be abandoned as per K.S.A. 82a-718 and in compliance with K.S.A. 82a-732. The documentation supplied by Karl Newlin, Manager, Hanke Properties, LLC indicates he can sign as an owner and the applications comply with K.A.R. 5-5-2a, *Complete change application*.

The referenced files each authorize their own point of diversion located in Section 25, Township 34, Range 35 West, Stevens County. File No. 42,581, is authorized 444 acre-feet (AF) at the rate of 1,100 gallons per minute (gpm) from the well located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$. The place of use is also authorized by File No. 45,752, authorized a limited 430 AF at a rate of 1,005 gpm. This junior right provides 196 AF additional water as it is limited to 640 AF when combined with File No. 42,581. It's well is located in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ and has no other rights authorized from the well. There are no other overlapping rights. These rights are located within GMD No. 3, but not in a special use area.

The "base acres" as defined by K.A.R. 5-5-1(a) for File No. 42,581, were determined to be 260 acres. The "base acres" for File No. 45,752, were determined to be 320 acres of which all overlap with File No. 42,851. Together, File Nos. 42,851 & 45,752 have a combined total of 320 base acres, and 320 authorized acres.

The applications propose to modify the existing place of use to remove corners from two existing quarter section pivots to add irrigated land under a third pivot resulting in the irrigated acres increasing from 320 to 330 irrigated acres. The new irrigated land under the third pivot will be 84 acres which are proposed to be near the center of the East half of Section 25, Township 34, Range 35 West, Stevens County. The proposal is to add ten (10) acres or ten (10%) percent of the base acres as allowed by part b of K.A.R. 5-5-11, *Applications for change in the place of use for irrigation*. As the proposal will not irrigate more than allow by regulation it appears to comply with K.A.R. 5-5-11(b), *Applications for change in the place of use for irrigation*. The place of use is proposed to increase by ten (10) which complies with the regulation.

The limited combined 640 acre-feet of water will provide 1.94 acre-feet per acre, (AF/A). The net irrigation requirement for corn in Stevens County at the 80% change of rainfall is 1.40AF/A. It would appear the combined quantity is sufficient to provide for the full irrigation of corn, so an irrigation water conservation plan will not be a condition of the approval. The irrigation ratio further meets the requirement of K.A.R. 5-3-23, *Maximum reasonable annual quantity approvable for irrigation use for an application for change in place of use and a request to reduce a water right*, as it is less than the 2.0 AF/A as per K.A.R. 5-3-24, *Reasonable quantity for irrigation use*, as detailed in the map.

There are no domestic or other wells located within one-half (1/2) mile of the wells authorized under each of the referenced rights proposed to be changed by the applications that are not owned by the applicant. It appears the applications comply with SB 337 for the required notifications.

The applicant was assisted by a Jason Norquest, Assistant Manager of Southwest Kansas Groundwater Management District No. 3, who in a letter dated February 16, 2017, recommended approval of the change in place of use for the referenced applications.

Michael Meyer, Water Commissioner of the Garden City Field Office indicated in an e-mail note dated August 23, 2017, that he would recommend approval of the proposed changes.

Water flow meters and check valves if chemigating will be required on the wells authorized under the referenced files due to K.A.R. 5-5-11(e) and 5-3-5c. A water level measurement tube and WWC-5 will not be required by any of the change approvals as no new wells will be authorized.

Based on the above discussion, that the changes are reasonable, consumptive use will not be substantially increased and that impairment of existing water rights is unlikely, it is recommended that the referenced applications be approved.



Leslie Ireland
Environmental Scientist
Water Appropriation Program

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 7, 2017

HATCHER LAND CO LP
NICK HATCHER
1701 N KANSAS AVE STE 102
LIBERAL KS 67901

FILE COPY

RE: Water Right, File Nos. 42,581 & 45,752

Dear Mr. Hatcher:

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

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in the approvals for change. A condition of the approvals is that an acceptable water flowmeter must be installed on the diversion works authorized. Please return the required notification of installation of the meters as soon as this action is completed.

Please be reminded that the overall quantity authorized by the referenced rights is 520 acre-feet of water per calendar year.

Since these orders modify the original documents referred to above, they should be recorded with the Register of Deeds as other instruments affecting real estate.

If you have any questions, please contact Leslie Ireland, Environmental Scientist, at (785) 564-6633. 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 black ink, appearing to read "Brent A. Turney".

Brent A. Turney, P.G.
Change Applications Unit Supervisor

BAT:LI:li

Enclosures

pc: Garden City Field Office
Groundwater Management District No. 3
Karl Newlin, Hanke Properties LLC

THE STATE OF KANSAS



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
WATER RIGHT, FILE NO. 45,752**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Nick Hatcher on behalf of Hatcher Land Company LP, 1701 N. Kansas Avenue, Suite 102, Liberal Kansas 67901, along with Karl Newlin on behalf of Hanke Properties LLC, 37706 East Hudson Road, Oak Grove, Missouri 64075, received in the office of the Chief Engineer on May 1, 2017, 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 Findings and Order of the Chief Engineer dated July 24, 2017, in the matter of the maximum irrigated acres and additional limitation on the authorized quantity, finds that the change is reasonable and will not impair existing rights, and that the application should be and is hereby approved.

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

Sec. Twp. Range	NE¼				NW¼				SW¼				SE¼				TOTAL
	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
25 34S 35W			28.00	25.00	30.75	30.75	30.75	30.75					15.00	16.00			207.0
26 34S 35W													30.75	30.75	30.75	30.75	123.0

a total of 330 acres, in Sections 25 and 26, Township 34 South, Range 35 West, Stevens County, Kansas,

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

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

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

In all other respects, the Certificate of Appropriation issued pursuant to Approval of Application, File No. 45,752, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated March 24, 2017, as modified and amended by the aforementioned order.

RIGHT TO A HEARING AND TO ADMINISTRATIVE REVIEW

If you are aggrieved by this Order, then pursuant to K.S.A. 82a-1901, you may:

- 1) request an evidentiary hearing before the Chief Engineer, or
- 2) request administrative review by the Secretary of Agriculture.


Failure to request an evidentiary hearing before the Chief Engineer does not preclude your right to administrative review by the Secretary.

To obtain an evidentiary hearing before the Chief Engineer, a written request for hearing must be filed within 15 days after service of this Order as provided in K.S.A. 77-531 (i.e., **within a total of 18 days after this Order was mailed to you**), with: Kansas Department of Agriculture, Attn: Legal Section, 1320 Research Park Drive, Manhattan, KS 66502, FAX (785) 564-6777.

If you do not file a request for an evidentiary hearing before the Chief Engineer, you may petition for administrative review of the Order by the Secretary of Agriculture. A petition for review shall be in writing and state the basis for requesting administrative review. The request for hearing may be denied if the request fails to clearly establish factual or legal issues for review. See K.S.A. 77-527. The petition must be filed within 30 days after service of this Order as provided in K.S.A. 77-531 (i.e., **within a total of 33 days after this Order was mailed to you**), and be filed with: Secretary of Agriculture, Attn: Legal Division, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, KS 66502, FAX (785) 564-6777.

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

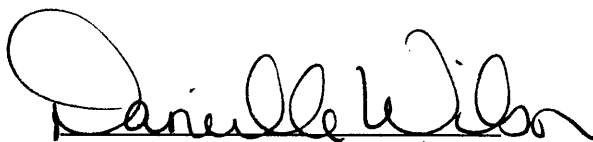
Ordered this 1st day of September, 2017, at Topeka, Shawnee County, Kansas.


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

State of Kansas)
)
 County of Riley) SS

The foregoing instrument was acknowledged before me this 1st day of September, 2017, by Lane P. Letourneau, P.G., Program Manager, Division of Water Resources, Kansas Department of Agriculture.




 Notary Public

CERTIFICATE OF SERVICE

On this 7th day September, 2017, I hereby certify that the attached Approval of Application for Change in Place of Use, Water Right, File No. 45,752 dated, September 1, 2017 was mailed postage prepaid, first class, US mail to the following:

HATCHER LAND CO LP
NICK HATCHER
1701 N KANSAS AVE STE 102
LIBERAL KS 67901 - 2000

With a True & Correct Copy sent to:

HANKE PROPERTIES LLC
KARL NEWLIN
2132 BROOKWOOD RD
CHARLOTTE NC 28211 - 2630

With photocopies sent to:

Garden City Field Office
Groundwater Management District No. 3


Division of Water Resources

APPLICATION FOR APPROVAL TO CHANGE
THE PLACE OF USE AND/OR POINT OF DIVERSION
SUPPLEMENTAL SHEET

FILE NO. _____
MAKE ADDITIONAL COPIES AS NECESSARY

3. *Continued:* The presently authorized place of use is:

Owner of Land ---- NAME: Hanke Properties LLC

ADDRESS: 37706 E Hudson RD, Oak Grove, MO 64075

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					
26	34s	35w																	40.0	40.0	40.0	40.0	160.0

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					

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					

4. *Continued:* If this application is for a change in place of use, it is proposed that the place of use be changed to:

Owner of Land ---- NAME: Hanke Properties LLC

ADDRESS: 37706 E Hudson RD, Oak Grove, MO 64075

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					
26	34s	35w																	30.75	30.75	30.75	30.75	123.0

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					

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					

**WATER RESOURCES
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MAY 01 2017

KS DEPT OF AGRICULTURE

APPLICATION FOR APPROVAL TO CHANGE
THE PLACE OF USE AND/OR POINT OF DIVERSION
SUPPLEMENTAL SHEET
FILE NO. _____

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 _____ Depth of well _____ (feet)
(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 _____ Proposed well depth (feet) _____
This point is: Additional Well Geo Center List other water rights that will use this point _____

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 _____ Depth of well _____ (feet)
(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 _____ Proposed well depth (feet) _____
This point is: Additional Well Geo Center List other water rights that will use this point _____

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 _____ Depth of well _____ (feet)
(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 _____ Proposed well depth (feet) _____
This point is: Additional Well Geo Center List other water rights that will use this point _____

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 _____ Depth of well _____ (feet)
(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 _____ Proposed well depth (feet) _____
This point is: Additional Well Geo Center List other water rights that will use this point _____

5. **Presently authorized point of diversion:**
 One in the SE Quarter of the SE Quarter of the NW Quarter of Section 25, Township 34 South, Range 35 W, in STEVENS County, Kansas, 2690 feet North 2690 feet West of Southeast corner of section. Authorized Rate 2400gpm* Authorized Quantity 572AF** Depth of well _____ (feet)
 (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 _____ W, in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section. Proposed Rate _____ Proposed Quantity _____ Proposed well depth (feet) _____
 This point is: Additional Well Geo Center List other water rights that will use this point _____

6. **Presently authorized point of diversion:**
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter of Section _____, Township _____ South, Range _____, in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section. Authorized Rate _____ Authorized Quantity _____ Depth of well _____ (feet)
 (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 _____ Proposed well depth (feet) _____
 This point is: Additional Well Geo Center List other water rights that will use this point _____

7. Why do you need a new point of diversion? _____

8. If a well, is the test hole log attached? Yes No

9. When do you propose to complete the new point of diversion?
NA

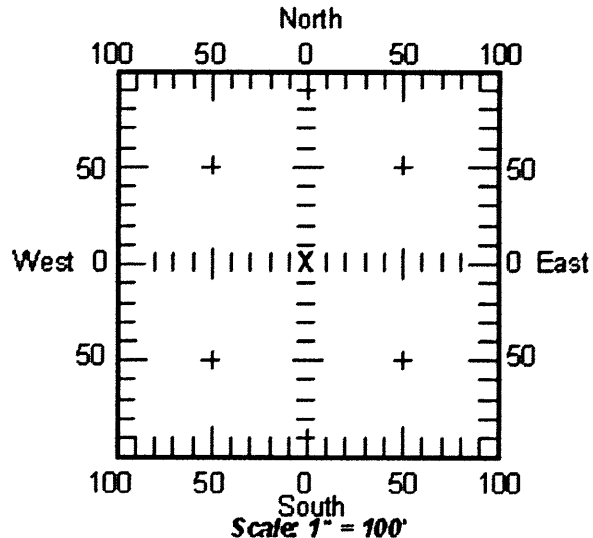
10. If the point of diversion is a well:
 (a) What are you going to do with the old well?
NA

(b) When will this be done? _____

11. Groundwater Management District recommendation attached? Yes No

12. Assisted by GMD3/JLN

13a. If the proposed point of diversion will be relocated within 100 feet of the existing point of diversion, indicate its location on the diagram below in relation to the existing point of diversion. (PLEASE NOTE: The "X" in center of diagram below represents presently authorized point of diversion.)



13b. If the proposed point of diversion will be relocated more than 100 feet but within 1320 feet from the existing point of diversion, attach a topographic map or aerial photograph. For groundwater sources, show all wells (including domestic) within one-half mile of the proposed point of diversion and the names and mailing addresses of the owners. For surface water sources, show the names and addresses of the landowner(s) one-half mile downstream and one-half mile upstream from your property lines.

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14. If the proposed groundwater point of diversion is 300 or fewer feet from existing point of diversion, complete the following:
- (a) Does the undersigned represent all owners of the currently authorized place(s) of use identified in this application?
 Yes No (If no, all owners must sign this application.)
 - (b) Will the ownership interest of any owner of the currently authorized place(s) of use identified in this application be adversely affected if this application is approved as requested?
 Yes No (If yes, all owners must sign this application.)
 - (c) If this application is not approved expeditiously, will there be substantial damage to property, public health or safety?
 Yes No (If no, all owners must sign this application.)

If the application proposes a surface water change in point of diversion, a groundwater change in point of diversion greater than 300 feet, or a change in place of use, the application must be signed by all owners of the currently authorized place of use, or their duly authorized agent (attach notarized statement authorizing representation).


I hereby verify, being first duly sworn upon my oath or affirmation and under penalty of perjury, that I am of lawful age and the owner, the spouse of the owner, or a duly authorized agent of the owner(s) to make this application on their behalf, in regard to the water right(s) to which this application pertains. I further verify that the statements contained in this application are true, correct and complete.

Dated at Liberal, Kansas, this 20 day of Feb, 2017.

<p><u>Nick Hatcher</u> (Owner)</p> <p><u>Nick Hatcher</u> (Please Print)</p> <p>_____ (Owner)</p> <p>_____ (Please Print)</p> <p>_____ (Owner)</p> <p>_____ (Please Print)</p>	<p>_____ (Spouse)</p> <p>_____ (Please Print)</p> <p>_____ (Spouse)</p> <p>_____ (Please Print)</p> <p>_____ (Spouse)</p> <p>_____ (Please Print)</p>
--	---

State of Kansas }
 County of SEWARD } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 20th day of FEBRUARY, 2017.

 **JOYCE E. BEGLEY**
 Notary Public - State of Kansas
 My Appt. Expires 09/29/18

Joyce E Begley
 Notary Public

My Commission Expires 09/29/18.

ONLY COMPLETE APPLICATIONS WILL BE PROCESSED. To be complete, all of the applicable portions of the application form must be completed with accurate information; maps, if necessary, must be included; signatures of all the appropriate owners' must be affixed to the application and notarized; and the appropriate fee must be paid.

FEE SCHEDULE

Each application to change the place of use or the point of diversion under this section shall be accompanied by the application fee set forth in the schedule below: Make checks payable to: **Kansas Department of Agriculture**

- (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

WATER RESOURCES
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MAY 01 2017

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 Charlotte, ^{North Carolina} ~~Kansas~~, this 14th day of August, 2017.

(Owner)

(Spouse)

(Please Print)

(Please Print)

Hanke Properties LLC

WATER RESOURCES

(Owner)

(Spouse)

Karl Newlin Manager Hanke Properties LLC

AUG 22 2017

(Please Print)

(Please Print)

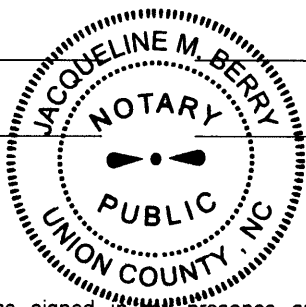
(Owner)

KS DEPT OF AGRICULTURE

(Spouse)

(Please Print)

(Please Print)



State of North Carolina }
County of Union } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 14th day of August, 2017.

Jacqueline M. Berry
Notary Public

My Commission Expires 11/29/2021

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.**

Ireland, Leslie

From: Meyer, Mike
Sent: Wednesday, August 23, 2017 1:42 PM
To: Ireland, Leslie
Subject: RE: Recommendation for Change in Place of Use, File Nos. 42581& 45752 Hatcher

Approve
thanks

Mike

From: Ireland, Leslie
Sent: Wednesday, August 23, 2017 11:53 AM
To: Meyer, Mike <Mike.Meyer@ks.gov>
Cc: Makens, Thom <Thom.Makens@ks.gov>
Subject: Recommendation for Change in Place of Use, File Nos. 42581& 45752 Hatcher

Mike,

Please let me know if you could recommend these PU changes.

As always comments and concerns are welcome.

Leslie Ireland, Environmental Scientist II
Kansas Department of Agriculture
Division of Water Resources - Change Unit
(785) 564-6633
Leslie.Ireland@ks.gov
www.agriculture.ks.gov



2132 Brookwood Road
Charlotte, NC 28211
(704) 690-2580

Kansas Department of Agriculture

Leslie Ireland, DWR

1320 Research Park Drive

Manhattan, KS 66502

August 18, 2017

WATER RESOURCES
RECEIVED

AUG 22 2017

KS DEPT OF AGRICULTURE

Dar Ms. Ireland:

Please find enclosed notarized and signed signature pages on water right files 42581 and 45752 on behalf of Hanke Properties, LLC.

In addition, I'd like to change the address on file from the Missouri address you have to:

2132 Brookwood Road

Charlotte, NC 28211

Thank you for your help in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Karl Newlin".

Karl Newlin

Manager

SCANNED

Subject Property: 095207250000000300A

QuickRef ID : R5104

[Click here to locate on Map](#)

Owner Name : HATCHER LAND CO LP

No property photo available

A1  Location : 2755 ROAD F, LIBERAL, KS 67901.

Legal Desc : S25 , T34 , R35W , ACRES 148.0 , NE LESS TRACT NE/NE/NE.

The legal description displayed above is not adequate for use in legal documents

Owner Information

Owner :	Mailing Address :
HATCHER LAND CO LP	1701 N KANSAS AVE STE 1 LIBERAL, KS 67901-2006

Property Details

Property Type :	Property Status :	Taxing Unit :	Neighborhood Code :
Farm Homesite	Active	050 - BANNER TOWNSHIP	320.0

Market Land Details

Actual Width :	Eff Width :	Eff Depth :	Acres :	Square Feet :
			1	

No Permit Details found.

Value Details

Current Final Value (Agricultural) :	Year :	2016
	Land :	\$10,960
	Building :	\$2,260
	Total :	\$13,220
Current Final Value (Farm Homesite) :	Year :	2016
	Land :	\$1,300
	Building :	\$13,030
	Total :	\$14,330

Deed Book/Page

Book / Page List and Misc Legal Description Info :

AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 45752 00

#####

AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 45752 00 IRR

Water Right and Points of Diversion Within 1.25 miles of point defined as:

2711 Feet North and 2814 Feet West of the Southeast Corner of Section 25 T 34S R 35W

GROUNDWATER ONLY

NO NEARBY EXCEPT

OTHER FILE

(INVOLVED) IN CHANGE

42,581

File Number	Use	ST	SR	Dist (ft)	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Twp	Rng	ID	Batt	Auth_Quan	Add_Quan	Unit
A__ 23098 00	IRR	NK	G	3861	--	NE	SE	SW	1300	2750	24	34	35W	1		520.00	520.00	AF
A__ 25133 00	IRR	NK	G	3374	--	--	--	--	4290	5150	30	34	34W	5		260.00	260.00	AF
A__ 28656 00	IRR	NK	G	5344	--	SE	SE	NW	2790	2890	26	34	35W	1		272.00	272.00	AF
A__ 32319 00	IRR	NK	G	5734	--	SE	NW	SE	1622	1472	23	34	35W	5		280.00	280.00	AF
A__ 42581 00	IRR	NK	G*	2377	--	SW	SW	NW	3030	5170	25	34	35W	1		444.00	444.00	AF
A__ 43517 00	IRR	NK	G	5587	--	NE	NE	SW	2420	2700	36	34	35W	1		533.00	46.00	AF
A__ 45304 00	IRR	NK	G	5344	--	SE	SE	NW	2790	2890	26	34	35W	1		128.00	12.00	AF
A__ 45752 00	IRR	NK	G*	0	--	SE	SE	NW	2711	2814	25	34	35W	2		430.00	76.00	AF
A__ 45767 00	IRR	LR	G	3573	--	NW	NE	NE	5125	700	36	34	35W	4		960.00	960.00	AF

Total Net Quantities Authorized:	Direct	Storage
Total Requested Amount (AF) =	.00	.00
Total Permitted Amount (AF) =	.00	.00
Total Inspected Amount (AF) =	960.00	.00
Total Pro_Cert Amount (AF) =	.00	.00
Total Certified Amount (AF) =	1910.00	.00
Total Vested Amount (AF) =	.00	.00
TOTAL AMOUNT (AF) =	2870.00	.00

An * after the source of supply indicates a pending application for change under the file number.

An * after the ID indicates a 15 AF exemption was granted under the file number.

A "G" in the Batt column indicates the GEO CTR of a battery. A "B" indicates a well in the battery.

The number in the Batt column is the number of wells in the battery.

Water Rights and Points of Diversion Within 1.25 miles of point defined as:

2711 Feet North and 2814 Feet West of the Southeast Corner of Section 25 T 34S R 35W

GROUNDWATER ONLY

WATER USE CORRESPONDENTS:

- File Number Use ST SR
- A__ 23098 00 IRR NK G
- > JEFFREY L & VICKY L NEWLON
- >
- > 2443 ROAD D
- > HUGOTON KS 67951
- >-----
- A__ 25133 00 IRR NK G
- > FARMERS NATIONAL COMPANY
- > TR REAL ESTATE MUELLER
- > PO BOX 1834
- > GARDEN CITY KS 67846
- >-----
- A__ 28656 00 IRR NK G
- > HATCHER LAND CO LP
- >

> 1701 N KANSAS AVE STE 102
> LIBERAL KS 67901

>-----
A__ 32319 00 IRR NK G
> HATCHER LAND CO LP

>
> 1701 N KANSAS AVE STE 102
> LIBERAL KS 67901

>-----
A__ 42581 00 IRR NK G
> HATCHER LAND CO LP

>
> 1701 N KANSAS AVE STE 102
> LIBERAL KS 67901

>-----
A__ 43517 00 IRR NK G
> RICHARD & SUSAN JAMES

>
> 1240 N GRANT AVE
> LIBERAL KS 67901

>-----
A__ 45304 00 IRR NK G
> HATCHER LAND CO LP

>
> 1701 N KANSAS AVE STE 102
> LIBERAL KS 67901

>-----
A__ 45752 00 IRR NK G
> HATCHER LAND CO LP

>
> 1701 N KANSAS AVE STE 102
> LIBERAL KS 67901

>-----
A__ 45767 00 IRR LR G
> MID AMERICA CATTLE CO
> WALTER BEESLEY
> PO BOX 818
> HUGOTON KS 67951

>-----
=====

#####

Subject Property: 095207260000000100B

QuickRef ID : R5109

[Click here to locate on Map](#)

Owner Name : HANKE PROPERTIES LLC

No property photo available

Location : 00000, , KS.

Legal Desc : S26 , T34 , R35W , ACRES 159.0 , SE LESS ROW.

The legal description displayed above is not adequate for use in legal documents

Owner Information

Owner :

HANKE PROPERTIES LLC

Mailing Address :

%FARMERS NATIONAL CO PO BOX
542016 OMAHA, NE 68154-8016

Property Details

Property Type :

Agricultural Use

Property Status :

Active

Taxing Unit :

050 - BANNER
TOWNSHIP

Neighborhood Code :

320.0

Market Land Details

Actual Width :

Eff Width :

Eff Depth :

Acres :

Square Feet :

No Permit Details found.

Value Details

Current Final Value (Agricultural) :

Year : 2016

Land : \$57,310

Building : \$0

Total : \$57,310

Deed Book/Page

Book / Page List and Misc Legal Description Info :

Book/Page 0219/0695 0254/0351 PROB/2420 87PR/0022 0219/0680 0219/0683 0219/0686
0219/0689 0219/0692

No Sale Details found. (Please log in to view this data.)

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

June 28, 2017

HATCHER LAND CO LP
1701 N KANSAS AVE STE 102
LIBERAL KS 67901

RE: Water Right, File Nos. 45,752 & 42,581

Dear Mr. Hatcher,

Reference is made to the applications for approval of the Chief Engineer to change the place of use under the referenced file numbers which were received in the office of the Chief Engineer on May 1, 2017. Upon review of the applications, we find that additional information is needed.

It is required by K.A.R. 5-5-1(c) *Filing an application for change*, that the Division of Water Resources, is require to obtain a notarized signature from each landowner and their spouse, or a duly authorized agent. I appears that an owners signature is needed for the property located in the Southeast Quarter (SE ¼) of Section 26, Township 34, Range 35 West Stevens County. All signing must be done with a notary public present. Should an agent sign on behalf of the owners, please provide legal documentation that grants the agent the authority to sign property documents, specifically water rights. A signature page for each application is enclosed.

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 a half mile of a water right pending a request to change the water right. Enclosed is a map with information from the Kansas Geological Survey. Please verify that all wells of every kind have been shown if additional domestic wells are within the area of interest, list the name of the owner of the land on which the well is located, and provide their mailing address. Additionally, you must sign where indicated on the application's map certifying that all water wells of any kind located within one-half (½) mile have been plotted.

The requested information will need to be sent to me prior to any additional processing of the applications.

If you have any questions, please contact me at (785) 564-6633. 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 "Leslie Ireland".

Leslie Ireland
Change Application Unit
Water Appropriation Program

FILE COPY

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

[Kansas.gov](#) | [State Phone Directory](#) | [Online Services](#)

[Home](#) | [Contact](#) | [FAQs](#)



Thinking

Starting

Maintaining

Closing

Business Entity Search

Date: 06/28/2017

Be advised the business information on this page is for summary informational purposes only. It is not an official filing with the Secretary of State's office and should not be relied on as such. Please view actual documents filed by customers with the secretary of State's office to ensure accurate information. When filing a Uniform Commercial Code statement on an entity, consult with your attorney to ensure the correct debtor name.

Business Summary

Current Entity Name

HANKE PROPERTIES, L.P.

[File Name Change Online](#)

Business Entity ID Number

2489292

[View History and Documents](#)

Current Mailing Address: 9200 INDIAN CREEK PARKWAY, OVERLAND PARK, KS 662102008

[Update](#)

Business Entity Type: DOMESTIC LIMITED PARTNERSHIP

Date of Formation in Kansas: 06/02/1997

State of Organization: KS

Current Status: CONVERTED

[Certificate of Good Standing](#)

Resident Agent and Registered Office

Resident Agent: M & H AGENT SERVICES, INC.

Registered Office: CORPORATE WOODS BUILDING 12 10975 BENSON, SUITE 550, OVERLAND PARK, KS 66210

[Update Resident Agent/Office](#)

Annual Reports

The following annual report information is valid for active and delinquent status entities only.

Tax Closing Month: 12

The Last Annual Report on File: 12/2007

Next Annual Report Due: 00/00/0000

Forfeiture Date: 00/00/0000

Be advised the business information on this page is for summary informational purposes only. It is not an official filing with the Secretary of State's office and should not be relied on as such. Please view actual documents filed by customers with the secretary of State's office to ensure accurate information. When filing a Uniform Commercial Code statement on an entity, consult with your attorney to ensure the correct debtor name.

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SUMMARY ORDER APPROVING APPLICATION FOR CHANGE AND IMPOSING CONDITIONS

This Summary Order is issued under authority of K.S.A. 82a-708b, as amended, and K.A.R. 5-14-3 and other applicable provisions of the *Kansas Water Appropriation Law, K.S.A. 82a-701 et. seq.*, and rules and regulations promulgated thereunder, K.A.R. 5-1-1 *et. seq.* With the exception of those conditions expressly contained herein, this Summary Order does not change the terms, conditions and limitations of File No. _____.

1. A change application was received on _____ requesting that the place of use and / or point of diversion authorized under the above-referenced file number be changed as described in the application.
2. On and after the effective date of this summary order, the authorized place(s) of use shall be located substantially as shown on the topographic map accompanying the application to change the place of use. **Applicable** Not Applicable
3. The change in point of diversion shall not impair existing rights and shall be limited to the same source or sources of water as previously authorized. The point of diversion authorized by this summary order shall be located within a _____ foot radius of the authorized point(s) of diversion. **Applicable** Not Applicable
4. The point(s) of diversion authorized herein shall not actually be located more than _____ feet from the previously authorized point(s) of diversion. **Applicable** Not Applicable
5. As required by K.A.R. 5-3-5d, if the works for diversion is a well with a diversion rate of 100 gallons per minute or more, a tube or other device suitable for making water level measurements shall be installed, operated and maintained in accordance with K.A.R. 5-6-13. **Applicable** Not Applicable
6. **The owner of the authorized place(s) of use shall properly install an acceptable water flow meter on or before December 31, 20____**, or before the first use of water, whichever occurs first. The water flow meter shall be installed, operated and maintained in accordance with K.A.R. 5-1-4 through 5-1-12. As required by K.S.A. 82a-732, as amended, and K.A.R. 5-3-5e, the owner shall maintain records and report the reading of the water flow meter and the total quantity of water diverted annually to the Chief Engineer by March 1 following the end of each calendar year. **Applicable** Not Applicable
7. **Installation of the works for diversion of water shall be completed on or before December 31, 20____**, or within any authorized extension of time. By March 1, 20____ the applicant shall notify the Chief Engineer that construction of the works for diversion has been completed, on the form provided by the Chief Engineer, as required by K.A.R. 5-8-4e. **Applicable** Not Applicable
8. **The completed well log shall be submitted with the required notice.** **Applicable** Not Applicable
9. All diversion works into which any type of chemical or other foreign substance will be injected into the water shall be equipped with an in-line, automatic, quick-closing check valve capable of preventing pollution of the source of the water supply. The check valve(s) shall be installed, operated and maintained in accordance with K.A.R. 5-3-5c. **Applicable** Not Applicable
10. Additional Conditions are attached. **Yes** No
11. In accordance with K.S.A. 82a-708a, as amended, and K.A.R. 5-5-14, all of the owners of the authorized place(s) of use of water appropriated under the above-referenced file number are responsible for compliance with its terms, conditions and limitations, as amended and/or supplemented by this Summary Order, and with applicable provisions of the *Kansas Water Appropriation Law* and the *Rules and Regulations* promulgated thereunder. Failure to comply with these provisions may result in civil penalties pursuant to K.S.A. 82a-737, as amended, and/or the suspension or revocation and dismissal of the water or appropriation right or any other enforcement actions authorized by law.

Administrative Appeal and Effective Date of Order

You have the right to a hearing in accordance with K.A.R. 5-14-3 before this Summary Order becomes final action of the Kansas Department of Agriculture. Any request for a hearing must be filed with the **Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, 109 SW 9th Street, Topeka, Kansas 66612**, within 15 days after the date shown on the Certificate of Service attached hereto. If a hearing is not requested in accordance with K.A.R. 5-14-3, this Summary Order will become effective on the 15th day after the date shown on the Certificate of Service.

For Use by Register of Deeds

**WATER RESOURCES
RECEIVED**

MAY 01 2017

KS DEPT OF AGRICULTURE

FOR OFFICE USE ONLY
**APPLICATION APPROVED AND
SUMMARY ORDER ISSUED**

By: _____
Duly Authorized Designee of the Chief Engineer

(Print Name): _____
Division of Water Resources - Kansas Department of Agriculture

Date of Issuance: _____

State of Kansas)
) SS
County of _____)

Acknowledged before me on _____

by _____

Signature: _____
Notary Public

My commission expires: _____
(Notary Seal)

Turney, Brent

From: Meyer, Mike
Sent: Tuesday, June 27, 2017 11:32 AM
To: Turney, Brent
Cc: Ireland, Leslie
Subject: RE: 42581

Just wanted to know where they were. These do not meet the regs, so I have to speak to Nick and see what option he wants to take under 5-5-11. These came in after the certificate was issued, and he was not aware the certs have been issued so he was expecting more base acres....

Hold tight and I will let you know how they should be amended.

Mike

From: Turney, Brent
Sent: Tuesday, June 27, 2017 11:29 AM
To: Meyer, Mike <Mike.Meyer@ks.gov>
Cc: Ireland, Leslie <Leslie.Ireland@ks.gov>
Subject: RE: 42581

Mike,

Leslie just picked those up to work this morning. Is there something we need to be aware of special?

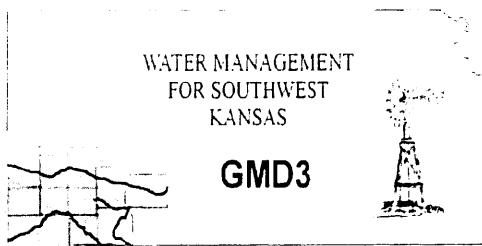
Brent A. Turney, P.G.
Kansas Department of Agriculture
Division of Water Resources
1320 Research Park Drive
Manhattan Kansas 66502
(785) 564-6645
Brent.Turney@ks.gov
www.agriculture.ks.gov

From: Meyer, Mike
Sent: Tuesday, June 27, 2017 11:18 AM
To: Turney, Brent <Brent.Turney@ks.gov>
Subject: 42581

Can you tell me the status of this application? (and 45752)

Mike

7/13 - Certificate corrected -



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

February 16, 2017

Michael A. Meyers
Division of Water Resources
2508 N Johns Street
Garden City, Kansas 67846


RE: Application for Change in Place of Use
Water Right, File Nos. 42581 & 45752

Dear Thomas:

We have assisted with the applications for the above referenced water rights. The proposal is not in conflict with the Management Program of the Southwest Kansas Groundwater Management District No. 3 (GMD3). The proposed acres for irrigation is in accordance with K.A.R. 5-5-11. It is therefore recommended that the applications 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

MAY 01 2017

KS DEPT OF AGRICULTURE

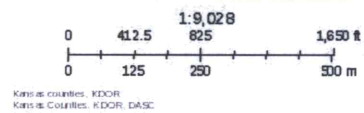
Parcel 09520725000000300A

A1



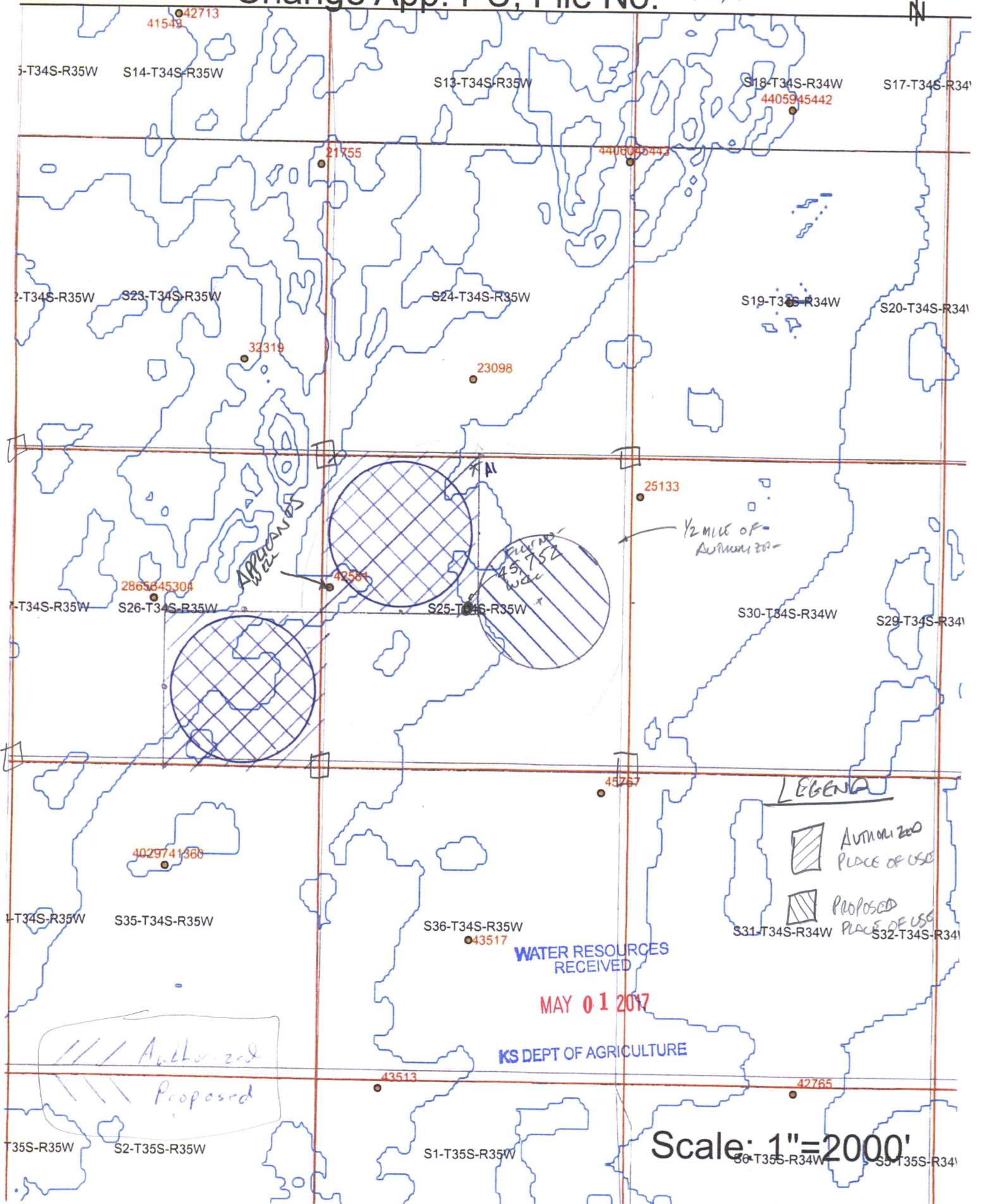
August 23, 17

- Parcels ■ Green: Band_2
- Parcels 18057 ■ Blue: Band_3
- Red: Band_1



2755 ROAD F
LIBERAL KS 67901

Change App. PU, File No. 45,752 *



LEGENDA

- AUTUMN ZOO PLACE OF USE
- PROPOSED PLACE OF USE

Authorized
Proposed

* LI/OW
6/28/17