

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

1. File Number: 24050	2. Status Change Date: <i>12/17/2018</i>	3. Change Num: C3	4. Field Office: 04	5. GMD: 03
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: 31-AUG-2018
8a. Applicant(s) Person ID <u>61989</u> New to system <input type="checkbox"/> Add Seq# <u>1</u> JACOB NEUFELD 10165 W RIVER RD HOLCOMB KS 67851		8c. Landowner(s) Person ID <u>62080</u> New to system <input type="checkbox"/> Add Seq# <u>1</u> JOHAN P & MARGARET LOEWEN PO BOX 1098 SUBLETTE KS 67877		
8b. Landowner(s) Person ID <u>64846</u> New to system <input type="checkbox"/> Add Seq# <u>1</u> SANDYHILL ENTERPRISES LLC JACOB NEUFELD 10165 W RIVER RD HOLCOMB KS 67851		8d. WUC Person ID _____ New to system <input type="checkbox"/> Add Seq# _____ 8A NO CHANGE		
9. Documents and Enclosure(s): <input checked="" type="checkbox"/> DWR Meter(s) Date to Comply: _____ <input type="checkbox"/> N & P Date to Comply: _____ <input type="checkbox"/> Anti-Reverse Meter <input type="checkbox"/> Meter Seal <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: 12/03/18 By: RAK Date Entered: <i>12/18/2018</i> By: <i>CM</i>				

File No. **24050** 11. County: **FI** Basin: **ARKANSAS RIVER** Stream: Formation Code: Special Use:

12. Points of Diversion										Rate and Quantity						
CHK	MOD	DEL	PDIV	Qualifier	S	T	R	ID	'N	'W	Comment (AKA Line)	Authorized		Additional		
ENT												Rate gpm/cfs	Quantity af/mgy	Rate gpm/cfs	Quantity af/mgy	Overlap PD File s
MOD	54252	NC	NE¼		24	26	34W	3	<u>3937</u>	<u>1331</u>		950 g.p.m.	260 AF	950 g.p.m.	260 AF	NO

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) _____
 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										NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg?	Overlap Files
CHK	MOD	DEL	ENT	PUSE	S	T	R	ID		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				
ENT	29974	13	26	34W	1									32.00	32.00	32.00	32.00	32.00	32.00	32.00	32.00	32.00	32.00	32.00	32.00	256.00	8B	NO	see above
ENT	17483	22	26	34W	1					34.00	34.00	34.00	34.00	34.00	34.00	34.00	34.00									272.00	8B	NO	see above
MOD	30897	23	26	34W	1					34.00	34.00	34.00	34.00	34.00	34.00	34.00	34.00	34.00	34.00	34.00	34.00	34.00	34.00	34.00	34.00	544.00	8B	YES	see above
MOD	24287	24	26	34W	1					34.00	34.00	34.00	34.00					34.00	34.00	34.00	34.00	34.00	34.00	34.00	34.00	408.00	8B	YES	see above
ENT	518	25	26	34W	4					34.00	34.00	34.00	34.00	34.00	34.00	34.00	34.00	34.00	34.00	34.00	34.00	34.00	34.00	34.00	34.00	408.00	8B	YES	see above
ENT	33001	26	26	34W	1					34.00	34.00	34.00	34.00	34.00	34.00	34.00	34.00	34.00	34.00	34.00	34.00	34.00	34.00	34.00	34.00	544.00	8B	YES	see above
DEL	62457	24	26	34W	5					34.00	34.00	34.00	34.00													136.00			

Base Acres: Year: Minimum Reasonable Quantity:
 Comments:

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources
MEMORANDUM

TO: Files
FROM: Richelle A. Krueger

DATE: December 6, 2018
RE: Water Right
File Nos. 16,157; 20,890; 22,233; 22,576-D2;
22,576-D3; 22,576-DA; 22,576-DB; 22,577-
(D1); 22,577-(D2); 22,578-D2; 24,050; 24,813;
28,620; 29,855-D1 and 30,157

Jacob and Aganetha Neufeld, on behalf of Sandyhill Enterprises, L.L.C., and Johan and Margaritha (Margaret) Loewen, water right owners, filed applications to change the place of use for the referenced file numbers along with a division request for File No. 22,577 and reductions in place of use for File Nos. 24,050 and 28,620. The ultimate goal of the submitted package is to remove the overlap in place of use which exists between Sandyhill Enterprises L.L.C.(Neufeld) and Loewen water rights; to create exact overlaps in place of use among water rights owned solely by Loewens (File Nos. 22,233; 22,577-D2; and 24,813); and to create exact overlaps in place of use among water rights owned solely by Sandyhill Enterprises L.L.C.(File Nos. 16,157; 20,890;22,576-D2; 22,576-D3; 22,576-DA; 22,576-DB; 22,577-D1; 22,578-D2; 24,050; 28,620; 29,855-D1 and 30,157).

The referenced files do not appear abandoned as per K.S.A. 82a-718.

The referenced files are all authorized groundwater for irrigation use in Finney County, Kansas. None of the referenced file numbers have overlaps in their authorized points of diversion and the following files have no overlaps in their authorized places of use: File Nos. 16,157(256 acres); 22,576 DA(136 acres); File No. 22,577-D2(136 acres); 29,855-D1 (272 acres) and 30,157 (136 acres). File Nos. 20,890 and 22,578-D2 overlap in their 272-acre place of use; File Nos. 22,576-DB; 22,576-D2 and 22,576-D3 overlap in their 408-acre place of use; File Nos. 22,577-D1; 24,050 and 28,620 overlap in their 952-acre place of use; and File Nos. 22,233 and 24,813 overlap in their 272-acre place of use.

The water right owners propose exact overlaps among rights owned solely by Sandyhill Enterprises and exact overlaps among water rights owned solely by the Loewens, pursuant to K.A.R. 5-5-11(b)(1) *Identical places of use*. The 4,611 acre-feet authorized by Sandyhill Enterprises water rights will irrigate their proposed 2,432-acre place of use with 1.89 acre-feet per acre and the 802 acre-feet authorized by Loewen water rights will irrigate their proposed 408-acre place of use with 1.96 acre-feet per acre. Both proposals appear reasonable since the 50% net irrigation requirement for the full irrigation of corn with 85% efficiency in Finney County is 1.42 acre-feet per acre. Feet distances for wells will be updated with g.p.s. feet distances per WRIS as appropriate.

No nearby well owners were notified of the proposed changes since the proposals are for exact overlaps in the authorized places of use.

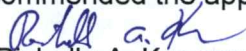
The same local source of supply will not change.

Southwest Kansas Groundwater Management District No. 3 recommended approval of the referenced applications in a letter dated November 27, 2018 from Jason Norquest, Assistant Manager.

In an e-mail dated November 29, 2018, Mike Meyer, Water Commissioner of the Garden City Field Office, recommended approval of the applications.

Water flow meters are required. Check valves are required if any chemical or foreign substance is injected into the water through the diversion works.

Based on the above discussion, that the changes are reasonable, that impairment to existing water rights is unlikely, that no change in the local source of supply will occur, and if the reduction requests and division agreement are approved, it is recommended the applications be approved.


Richelle A. Krueger
Environmental Scientist

STATE OF KANSAS

DEPARTMENT OF AGRICULTURE
1320 RESEARCH PARK DRIVE
MANHATTAN, KS 66502
PHONE: (785) 564-6700
FAX: (785) 564-6777



900 SW JACKSON, ROOM 456
TOPEKA, KS 66612
PHONE: (785) 296-3556
www.agriculture.ks.gov

GOVERNOR JEFF COLYER, M.D.
JACKIE McCLASKEY, SECRETARY OF AGRICULTURE

SANDYHILL ENTERPRISES LLC
JACOB AND AGANETHA NEUFELD
10165 W RIVER RD
HOLCOMB KS 67851

January 2, 2019

FILE COPY

RE: Water Right, File Nos. 16,157; 20,890; 22,233; 22,576-D2; 22,576-D3; 22,576-DA;
22,576-DB; 22,577-(D1); 22,577-(D2); 22,578-D2; 24,050; 24,813; 28,620; 29,855-D1 and
30,157

Dear Sir or Madam:


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

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in these approvals for change. A condition of these approvals is that acceptable water flow meters must be installed on the diversion works authorized under the referenced file numbers. Please return the required notification of completion of the diversion works and/or installation of the required meters as soon as these actions are completed.

Since these orders modify the original document 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 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
Water Appropriation Program

BAT:rak

pc: Garden City Field Office
Groundwater Management District No. 3
Johan P. and Margaritha(Margaret) Loewen

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 AND
ORDER BETTER DESCRIBING
THE LOCATION OF THE
AUTHORIZED POINT OF DIVERSION
WATER RIGHT
FILE NO. 24,050**

FILE COPY

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Jacob and Aganetha Neufeld, on behalf of Sandyhill Enterprises, L.L.C., 10165 West River Road, Holcomb, Kansas 67851, and Johan and Margaritha Loewen, P.O. Box 1098, Sublette, Kansas 67877, received in this office on August 31, 2018, 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 April 12, 2012 and November 14, 2016, approving applications to change the place of use, and by the Findings and Order of the Chief Engineer dated December 14, 2018 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.

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 ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
13	26S	34W									32.00	32.00	32.00	32.00	32.00	32.00	32.00	32.00	256.00
22	26S	34W	34.00	34.00	34.00	34.00	34.00	34.00	34.00	34.00									272.00
23	26S	34W	34.00	34.00	34.00	34.00	34.00	34.00	34.00	34.00	34.00	34.00	34.00	34.00	34.00	34.00	34.00	34.00	544.00
24	26S	34W	34.00	34.00	34.00	34.00					34.00	34.00	34.00	34.00	34.00	34.00	34.00	34.00	408.00
25	26S	34W					34.00	34.00	34.00	34.00	34.00	34.00	34.00	34.00	34.00	34.00	34.00	34.00	408.00
26	26S	34W	34.00	34.00	34.00	34.00	34.00	34.00	34.00	34.00	34.00	34.00	34.00	34.00	34.00	34.00	34.00	34.00	544.00

a total of 2,432.00 acres in Township 26 South, Range 34 West, Finney County, Kansas,

located substantially as shown on the map accompanying the application to change the place of use, and the location of the authorized point of diversion is more accurately described as:

one(1) well located near the center of the Northeast Quarter (NE¼) of Section 24, more particularly described as being near a point 3,937 feet North and 1,331 feet West of the Southeast corner of said section, in Township 26 South, Range 34 West, Finney County, Kansas.

All 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.

In all other respects, the Certificate of Appropriation issued pursuant to Approval of Application, File No. 24,050, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated October 29, 1986, as modified and amended by the aforementioned orders.

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 the Kansas Department of Agriculture, Attn: Legal Section, 1320 Research Park Drive, Manhattan, Kansas 66502, or by 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 review 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 the Secretary of Agriculture, Attn: Legal Division, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, or by 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.

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 17th day of December, 2018, in Manhattan, Riley 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 17th day of December, 2018, 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 31st day of December, 2018, I hereby certify that the attached Approval of Application for the Change in Place of Use, File No. 24,050, dated December 17, 2018 was mailed postage prepaid, first class, US mail to the following:

SANDYHILL ENTERPRISES LLC
JACOB NEUFELD
10165 W RIVER RD
HOLCOMB KS 67851

With photocopies sent to:

JOHAN P & MARGARET LOEWEN
PO BOX 1098
SUBLETTE KS 67877

Garden City Field Office
Groundwater Management District No. 3

Danielle Wilson

Division of Water Resources

Krueger, Richelle [KDA]

From: Meyer, Mike [KDA]
Sent: Thursday, November 29, 2018 3:50 PM
To: Krueger, Richelle [KDA]
Subject: RE: Request for Recommendation Change in PU File No. 16157 etal Sandyhill Enterprises LLC (Jacob Neufeld) ; Loewens

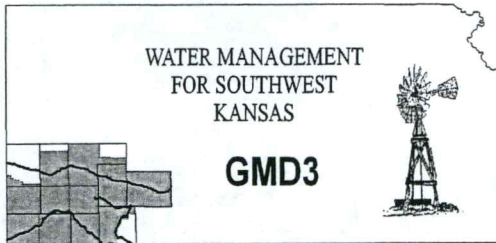
Approve thanks

Mike

From: Krueger, Richelle [KDA]
Sent: Thursday, November 29, 2018 12:22 PM
To: Meyer, Mike [KDA] <Mike.Meyer@ks.gov>
Subject: Request for Recommendation Change in PU File No. 16157 etal Sandyhill Enterprises LLC (Jacob Neufeld) ; Loewens

Hi Mike,
Attached is a draft memo for the referenced changes in pu, division and reductions in pu for the Sandyhill Enterprises and Loewen package. Do you recommend approval?

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

November 27, 2018

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

Water Resources
Received

NOV 30 2018

KS Dept Of Agriculture

RE: Change Application
Water Right, File Nos. 16157, 20890, 22233, 22576 D2, 22576 D3, 22576 DA, 22576 DB, 22577 (D1), 22577 (D2), 22578 D2, 24050, 24813, 28620, 29855 D1 & 30157

Dear Richelle:

We have completed a review of the applications for the above referenced water rights. The Division of 22577 and reduction requests for 24050 & 28260 is being applied for to separate out the land for the two owners. Then the proposals for change in place of use, will create a complete overlap in current place of use for the individual land owners. The proposals are not in conflict with the Management Program of the Southwest Kansas Groundwater Management District No. 3 (GMD3) and is in accordance with K.A.R. 5-5-11(b)(1). There is no new acres being proposed. It is therefore recommended that 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

SCANNED

Krueger, Richelle [KDA]

From: Jason Norquest <norquest@gmd3.org>
Sent: Tuesday, November 27, 2018 11:00 AM
To: Krueger, Richelle [KDA]
Subject: Neufeld apps
Attachments: 16157_ReviewMat_PU_112718.pdf

EXTERNAL: This email originated from outside of the organization. Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Richelle, hope you are all thawed out up there. We really didn't get much snow, but a lot of wind. Seems we were right on the edge.

Attached is my review for all these applications. I will put the signed cover in the mail to you. Let me know if I missed something.

Have a good day.

Jason Norquest

Assistant Manager, GMD3

Cell: 620-271-1289

Office: 620-275-7147

www.gmd3.org

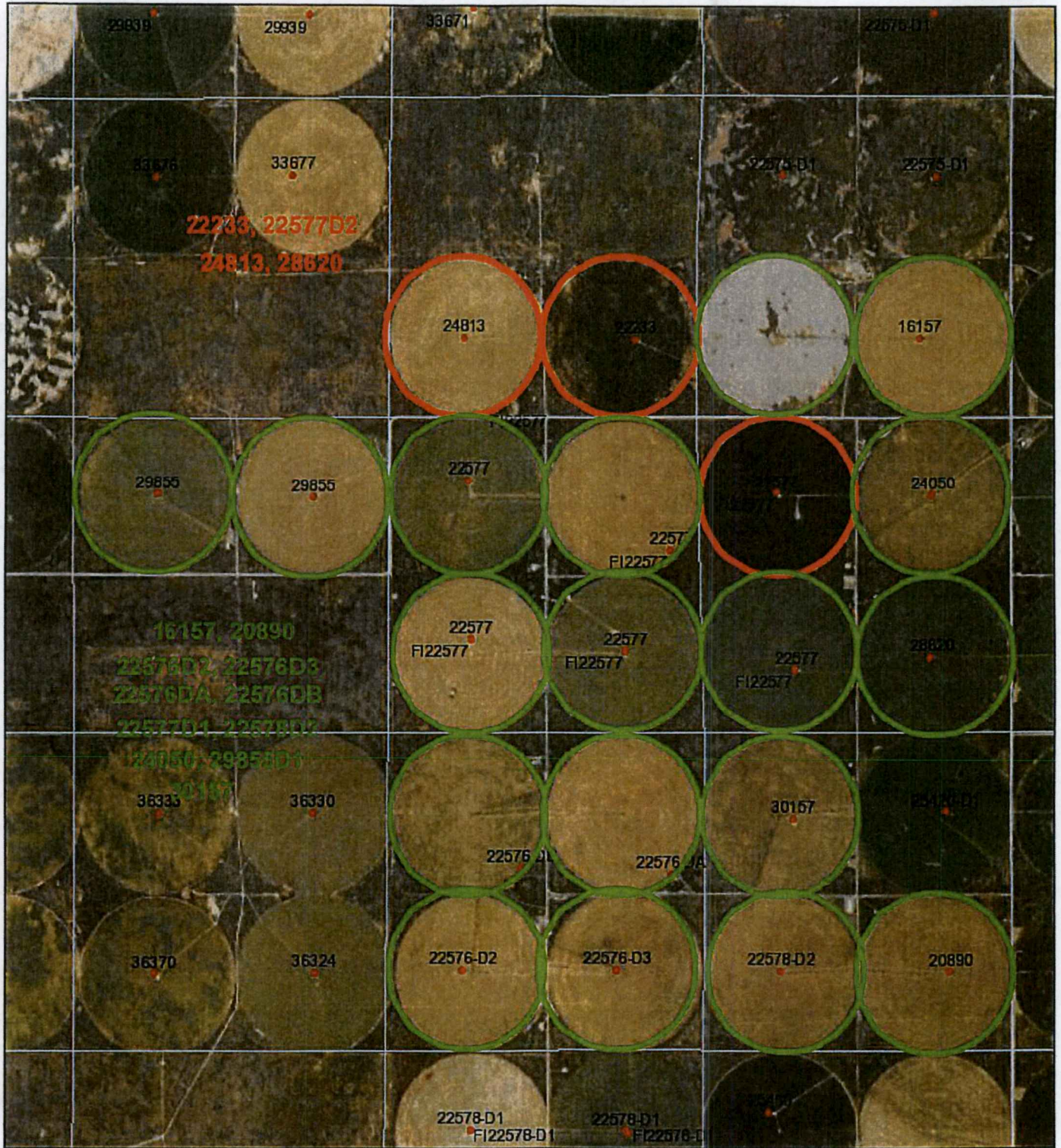
WATER RESOURCES
RECEIVED

NOV 27 2018

KS DEPT OF AGRICULTURE

SCANNED

PU changes



November 26, 2018

DISCLAIMER: This map is not intended for conveyances, nor is it a legal survey. The information is presented on a best-efforts basis, and should not be relied upon for making financial, survey, legal or other commitments.

Legend

Wells



Other



IRR



FPR



CON



IND



DEW



REC

DOM



STK



THX



Empty



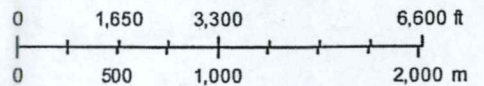
Sections

WATER RESOURCES RECEIVED

NOV 27 2018

KS DEPT OF AGRICULTURE

1:36,112



GMD FSA 2016

SCANNED



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

November 27, 2018

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

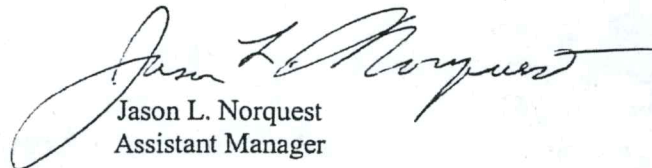
RE: Change Application
Water Right, File Nos. 16157, 20890, 22233, 22576 D2, 22576 D3, 22576 DA, 22576 DB, 22577 (D1), 22577 (D2), 22578 D2, 24050, 24813, 28620, 29855 D1 & 30157

Dear Richelle:

We have completed a review of the applications for the above referenced water rights. The Division of 22577 and reduction requests for 24050 & 28260 is being applied for to separate out the land for the two owners. Then the proposals for change in place of use, will create a complete overlap in current place of use for the individual land owners. The proposals are not in conflict with the Management Program of the Southwest Kansas Groundwater Management District No. 3 (GMD3) and is in accordance with K.A.R. 5-5-11(b)(1). There is no new acres being proposed. It is therefore recommended that 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
NOV 27 2018
KS DEPT OF AGRICULTURE

GMD3 Change Review

File No(s): 16157, 20890, 22233, 22576D2, 22576D3, 22576DA, 22576DB, 22577D1, 22577D2, 22578D2, 24050, 24813, 28620, 29855D1 & 30157. DWR office: HQ/GC.

App filed to change: PU, Division & reductions.

Is Landowner(s) correct in WRIS: Yes.

If NO, is documentation included?

Is Water Use Correspondent correct in WRIS? ___.

If NO, is documentation included?

Regulation(s) Reviewed: KAR 5-5-11 & KSA 82a-742

Is Proposed PU overlapping existing WRs? Yes, after division and reductions, the applications will create complete overlap.

Land Owner(s) notified: ___.

Name ___. Name ___.

Address ___. Address ___.

Zip ___. Zip ___.

Neighboring certified well(s) notified: ___.

Name ___. Name ___.

Address ___. Address ___.

Zip ___. Zip ___.

Domestic well(s) notified: ___.

Name ___. Name ___.

Address ___. Address ___.

Zip ___. Zip ___.

Base Acres: ___.

Perfected Acres: ___.

Irr. Return-Flow ___%

The reductions will reduce acres only on 28620.

Division only on 22577.

Both needed to then separate ground to then be completely overlapped in place of used between the two owners, Loewen & Neufeld.

Loewen will have place of use overlap on WRs: 22233, 22577D2, 24813 & 28620.

Sandyhill Enterprises (Neufeld) will have place of use overlap on WRs: 16157, 20890, 22576D2, 22576D3, 22576DA, 22576DB, 22577D1, 22578D2, 24050, 29855D1 & 30157.

Is a waiver needed: No.

Final Recommendation: After review of all available information, it appears the applications meet current area rules. Staff therefore recommends approval of the applications, division and reductions.

WATER RESOURCES
RECEIVED

NOV 27 2018

KS DEPT OF AGRICULTURE

STATE OF KANSAS

DEPARTMENT OF AGRICULTURE
1320 RESEARCH PARK DRIVE
MANHATTAN, KS 66502
PHONE: (785) 564-6700
FAX: (785) 564-6777



900 SW JACKSON, ROOM 456
TOPEKA, KS 66612
PHONE: (785) 296-3556
www.agriculture.ks.gov

GOVERNOR JEFF COLYER, M.D.
JACKIE McCLASKEY, SECRETARY OF AGRICULTURE

SOUTHWEST KANSAS GROUNDWATER November 8, 2018
MANAGEMENT DISTRICT NO 3
ATTN JASON NORQUEST
2009 E SPRUCE ST
GARDEN CITY KS 67846

Re: Water Right, File Nos. 16,157; 20,890; 22,233; 22,576-D2; 22,576-D3; 22,576-DA; 22,576-DB; 22,577-(D1); 22,577-(D2); 22,578-D2; 24,050; 24,813; 28,620; 29,855-D1 and 30,157

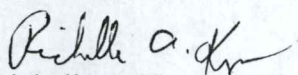
Dear Jason:

We are enclosing copies of the applications to change the place of use for the referenced file numbers along with a division request for File No. 22,577 and reductions in place of use for File Nos. 24,050 and 28,620. The ultimate goal of the applications is to remove the overlap in place of use which exists between Sandyhill Enterprises L.L.C.(Neufeld) and Loewens water rights; to create exact overlaps in place of use among water rights owned solely by Loewens (File Nos. 22,577-(D2); 22,233 and 28,620); and to create exact overlaps in place of use owned solely by Sandyhill Enterprises L.L.C.(Neufeld-remaining file numbers).

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 these applications.

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

Submit completed application to:
 Kansas Department of Agriculture
 Division of Water Resources
 Field Office for your area.

Call for address:

Topeka -- (785) 296-5733
 Stafford -- (620) 234-5311
 Stockton -- (785) 425-6787
 Garden City -- (620) 276-2901
<http://agriculture.ks.gov/dwr>

DWR FIELD OFFICE APPLICATION FOR APPROVAL TO CHANGE THE PLACE OF USE AND/OR THE POINT OF DIVERSION



STATE OF KANSAS

Filing Fee Must Accompany the Application, K.S.A. 82a-708b(b), as amended.
 Fee Schedule is on the third page of this application form.

Paragraph Nos. 1, 2, 3 & 5 must be completed. Complete all other applicable portions. If change in point of diversion is greater than 100 feet, or if place of use will be changed, include a topographic map or detailed plat showing the authorized and proposed point(s) of diversion and/or place of use.

RECEIVED
 4:42pm
 AUG 31 2018

File No. 24050

1. Application is hereby made for approval of the Chief Engineer to change the (check one or both):

Place of Use Point of Diversion

under the water right which is the subject of this application in accordance with the conditions described below.

The source of supply is: Groundwater Surface water

Garden City Field Office
 Division of Water Resources

2. Name and address of Applicant: JACOB NEUFELD

10165 W RIVER RD HOLCOMB KS 67851

Phone Number: (620)271-8283

Email address: jacob@sandyacresllc.com

Name and address of Water Use Correspondent: JACOB NEUFELD

10165 W RIVER RD HOLCOMB KS 67851

Phone Number: ()

Email address: _____

3. The presently authorized place of use is:

Owner of Land ---- NAME: see attached supplemental page.

ADDRESS: _____

(If there is more than one landowner, attach supplemental sheets as necessary.)

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. 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: see attached supplemental page.

ADDRESS: _____

(If there is more than one landowner, attach supplemental sheets as necessary.)

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		

For Office Use Only: Code _____ Fee \$ 200 TR # _____ Receipt Date 8/31/18 Check # 3751

FO-4 GMD-3

G-102

APPLICATION COMPLETE
 11/30/18
 RAK

11/1/2018 CM

5. **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: No change, point better described with GPS as follows:
Proposed point of diversion: (Complete only if change is requested or if existing point is better described by GPS)
 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 _____

6. **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: No change, point better described with GPS as follows:
Proposed point of diversion: (Complete only if change is requested or if existing point is better described by GPS)
 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. The changes herein are desired for the following reasons?
 (please be specific) _____
 overlap of adjoining pivots. No change to water wells.

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

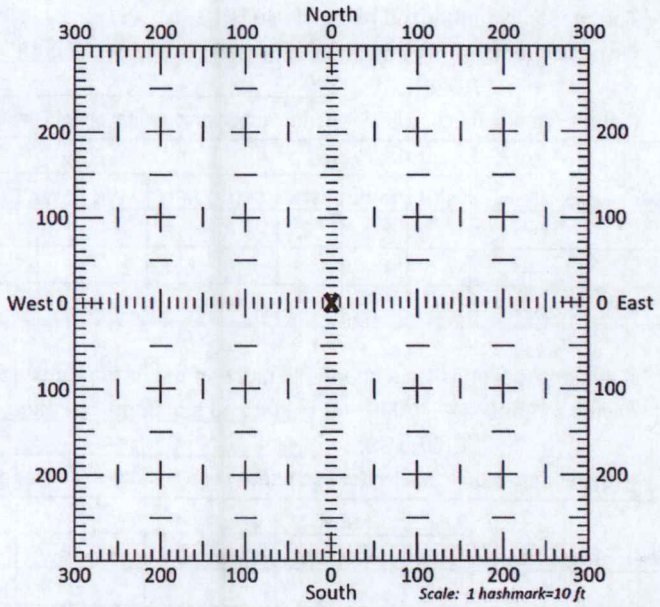
9. The change(s) (was)(will be) completed by?
 At approval of application _____

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 tpm _____

13a. If the proposed point of diversion will be relocated more than 300 feet but within 2,640 feet of 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



13b. If the proposed point of diversion will be relocated within 300 feet of the existing point of diversion, indicate its location on the diagram shown above in relation to the existing point of diversion. (PLEASE NOTE: The "X" in center of diagram above represents the presently authorized point of diversion.)

APPLICATION FOR APPROVAL TO CHANGE
THE PLACE OF USE AND/OR POINT OF DIVERSION
SUPPLEMENTAL SHEET
FILE NO. 24050
MAKE ADDITIONAL COPIES AS NECESSARY

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AUG 31 2018

Garden City Field Office
Division of Water Resources

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

Owner of Land ---- NAME: SANDYHILL ENTERPRISES LLC JACOB NEUFELD
ADDRESS: 10165 W RIVER RD HOLCOMB KS 67851

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	
23	26	34w	34	34	34	34	34	34	34	34	34	34	34	34	34	34	34	34	544
24	26	34w	34	34	34	34							34	34	34	34	34	34	408

Owner of Land ---- NAME: JOHAN P & MARGARET LOEWEN
ADDRESS: PO BOX 1098 SUBLETTE KS 67877

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	26	34w					34	34	34	34									136

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: SANDYHILL ENTERPRISES LLC JACOB NEUFELD
ADDRESS: 10165 W RIVER RD HOLCOMB KS 67851

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	
22	26	34w	34	34	34	34	34	34	34										272
23	26	34w	34	34	34	34	34	34	34	34	34	34	34	34	34	34	34	34	544
24	26	34w	34	34	34	34						34	34	34	34	34	34	34	408

Owner of Land ---- NAME: SANDYHILL ENTERPRISES LLC JACOB NEUFELD
ADDRESS: 10165 W RIVER RD HOLCOMB KS 67851

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	
25	26	34w					34	34	34	34	34	34	34	34	34	34	34	34	408
26	26	34w	34	34	34	34	34	34	34	34	34	34	34	34	34	34	34	34	544
<u>13</u>	<u>26</u>	<u>34w</u>										<u>32</u>	<u>32</u>	<u>32</u>	<u>32</u>	<u>32</u>	<u>32</u>	<u>32</u>	<u>256</u>

Owner of Land ---- NAME: JOHAN P & MARGARET LOEWEN
ADDRESS: PO BOX 1098 SUBLETTE KS 67877

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	26	34w					34	34	34	34									136

* Modified per 11/7/18 phone conversation with
Jacob Neufeld Page _____
* RAK/DWR 11/7/18

24050 place of use

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AUG 31 2018



* Modified per 11/7/18 phone conversation with Jacob Neufeld

* RAK/DWL 11/7/18

AUG 31 2018

Garden City Field Office

Div. of Division Complete the following:

- 14. If the proposed groundwater point of diversion is 300 or fewer feet from the 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 regards 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 Sublette, Kansas, this 30th day of August, 2018.

X [Signature]
(Owner)

X Margaretha Loewen
(Spouse)

Johan Loewen
(Please Print)

Margaritha Loewen
(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

State of Kansas }
County of Haskell } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 30th day of August, 2018.

NOTARY PUBLIC
DEBBIE RINEHART
My Appt. Exp. 10-12-20

Debbie Rinehart
Notary Public

My Commission Expires 10-12-20

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

14. If the proposed groundwater point of diversion is 300 or fewer feet from the 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.)

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AUG 31 2018
 Garden City Field Office
 Division of Water Resources

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

X [Signature]

 (Owner)

 (Please Print)

 (Owner)

 (Please Print)

 (Owner)

 (Please Print)

[Signature]

 (Spouse)

 (Please Print)

 (Spouse)

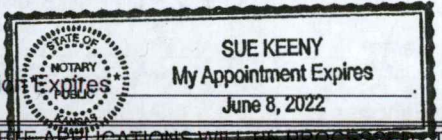
 (Please Print)

 (Spouse)

 (Please Print)

State of Kansas }
 County of Finn } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 31st day of August, 2018.

My Commission Expires 

[Signature]

 Notary Public

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

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. 5-5-1, *et seq.* and other applicable provisions of the *Kansas Water Appropriation Law, K.S.A. 82a-701 et seq.*, and rules and regulations promulgated thereunder, With the exception of those conditions expressly contained herein, this Summary Order does not change the terms, conditions and limitations of File No. 24050.

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 described herein is administratively corrected to be more accurately described using the Global Positioning System (GPS), as described in the application. Applicable Not Applicable
5. 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
6. 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
7. **The owner of the authorized place(s) of use shall properly install an acceptable water flow meter on or before December 31, 2018**, 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
8. **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
9. **The completed well log shall be submitted with the required notice.** Applicable Not Applicable
10. 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
11. Additional Conditions are attached. Yes No
12. 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

If you are aggrieved by this order, pursuant to K.S.A. 82a-1901, you may request an evidentiary hearing before the Chief Engineer or request administrative review by the Secretary of Agriculture. A request for hearing by the Chief Engineer must be filed within **15 days** of service of this Order and a request for administrative review by the Secretary must be filed within **30 days** pursuant to K.S.A. 77-531. Any request for administrative review must state a basis for review pursuant to K.S.A. 77-527. File any request with **Kansas Department of Agriculture, Legal Division, 1320 Research Park Drive, Manhattan, KS 66502**. Failure to timely request a hearing or review may preclude review under the Kansas Judicial Review Act.

For Use by Register of Deeds

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)
County of _____) SS

Acknowledged before me on _____
by _____

Signature: _____
Notary Public

My commission expires: _____
(Notary Seal)