

WATER RESOURCES  
RECEIVED  
MAR 14 2024  
12:10  
KS Dept. of Agriculture

Submit To: CHIEF ENGINEER  
Division of Water Resources  
Kansas Department of Agriculture  
1320 Research Park Drive  
Manhattan, Kansas 66502  
http://agriculture.ks.gov/dwr

**APPLICATION FOR APPROVAL TO  
CHANGE THE PLACE OF USE, THE  
POINT OF DIVERSION OR THE USE  
MADE OF THE WATER UNDER AN  
EXISTING WATER RIGHT**



State of Kansas

**Filing Fee Must Accompany the Application**  
(Please refer to Fee Schedule on signature page of application form.)

**Paragraph Nos. 1, 2, 3, 4 & 8 must be completed. Complete all other applicable portions.** A topographic map or detailed plat showing the authorized and proposed points(s) of diversion and /or place of use must accompany this application.

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

Place of Use

(Check one or more)  Point of Diversion

Use Made of Water

File No. 4066 \_\_\_\_\_

2. Name of applicant: ROBIN L & DEBRA A HUBER ATTN: LOUIS A & BARBARA J HUBER \_\_\_\_\_

Address: PO BOX 1359 \_\_\_\_\_

City, State and Zip: GARDEN CITY KS 67846 \_\_\_\_\_

Phone Number: (316) 288-1594 E-mail address: rwacker.hubersandinc@yahoo.com \_\_\_\_\_

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

Name of water use correspondent: SAME AS ABOVE \_\_\_\_\_

Address: \_\_\_\_\_

City, State and Zip: \_\_\_\_\_

Phone Number: ( ) \_\_\_\_\_ E-mail address: \_\_\_\_\_

3. The change(s) proposed herein are desired for the following reasons (please be specific): CHANGE A PORTION OF THE AUTHORIZED PLACE OF USE AND USE MADE OF WATER TO PROVIDE AN ADDITIONAL SUPPLY TO MIES CAPITAL LLC

K.A.R. 5-5-10 CHANGE

The change(s) (was) (will be) completed by UPON APPROVAL \_\_\_\_\_  
(Date)

For Office Use Only:									
F.O. Code	<u>4</u>	GMD	<u>3</u>	Meets K.A.R. 5-5-1 (YES/NO)	<input checked="" type="checkbox"/> YES	Use	<u>IRR</u>	Source	<u>G/S</u> County
	<u>C-2</u>			Fee \$	<u>500</u>	TR #		Receipt Date	<u>3-14-24</u>
								By	<u>ALB</u>
								Date	<u>3/21/24</u>
								Check #	<u>431077</u>

3/29/2024  
KAnderson



MAR 14 2024

File No. 4066 KS Dept. of Agriculture

6. The presently authorized point(s) of diversion (is) (are) ONE WELL; PUMP & MOTOR  
(Provide description and number of points)
7. The proposed point(s) of diversion (is) (are) ONE WELL; PUMP & MOTOR  
(Provide description and number of points)

**List all presently authorized point(s) of diversion:**

8. **Presently authorized point of diversion:**  
One in the \_\_\_\_\_ Quarter of the \_\_\_\_\_ CS \_\_\_\_\_ Quarter of the \_\_\_\_\_ NW \_\_\_\_\_ Quarter  
of Section \_\_\_\_\_ 22 \_\_\_\_\_, Township \_\_\_\_\_ 24 \_\_\_\_\_ South, Range \_\_\_\_\_ 32 \_\_\_\_\_ (W),  
in FINNEY \_\_\_\_\_ County, Kansas, \_\_\_\_\_ feet North \_\_\_\_\_ feet West of Southeast corner of section.  
Authorized Rate 2000 GPM Authorized Quantity 254 AF  
**(DWR use only: Computer ID No. 16 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) UPDATED FT DISTANCES BASED ON GPS**  
One in the \_\_\_\_\_ SE \_\_\_\_\_ Quarter of the \_\_\_\_\_ SW \_\_\_\_\_ Quarter of the \_\_\_\_\_ NW \_\_\_\_\_ Quarter  
of Section \_\_\_\_\_ 22 \_\_\_\_\_, Township \_\_\_\_\_ 24 \_\_\_\_\_ South, Range \_\_\_\_\_ 32 \_\_\_\_\_ (W),  
in FINNEY \_\_\_\_\_ County, Kansas, 2879 feet North 3945 feet West of Southeast corner of section.  
Proposed Rate 1000 GPM Proposed Quantity 139.6 AF (IRRIGATION USE)  
This point is:  Additional Well  Geo Center List other water rights that will use this point NONE

9. **Presently authorized point of diversion:**  
One in the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter  
of Section \_\_\_\_\_, Township \_\_\_\_\_ South, Range \_\_\_\_\_ (E/W),  
in \_\_\_\_\_ County, Kansas, \_\_\_\_\_ feet North \_\_\_\_\_ feet West of Southeast corner of section.  
Authorized Rate \_\_\_\_\_ Authorized Quantity \_\_\_\_\_  
**(DWR use only: Computer ID No. \_\_\_\_\_ GPS \_\_\_\_\_ feet North \_\_\_\_\_ feet West)**  
 This point will not be changed  This point will be changed as follows:  
**Proposed point of diversion: (Complete only if change is requested)**  
One in the \_\_\_\_\_ SE \_\_\_\_\_ Quarter of the \_\_\_\_\_ SW \_\_\_\_\_ Quarter of the \_\_\_\_\_ NW \_\_\_\_\_ Quarter  
of Section \_\_\_\_\_ 22 \_\_\_\_\_, Township \_\_\_\_\_ 24 \_\_\_\_\_ South, Range \_\_\_\_\_ 32 \_\_\_\_\_ (W),  
in FINNEY \_\_\_\_\_ County, Kansas, 2879 feet North 3945 feet West of Southeast corner of section.  
Proposed Rate 1000 GPM Proposed Quantity 32.585 MGY (100 AF) (INDUSTRIAL USE)  
This point is:  Additional Well  Geo Center List other water rights that will use this point NONE

10. ~~**Presently authorized point of diversion:**  
One in the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter  
of Section \_\_\_\_\_, Township \_\_\_\_\_ South, Range \_\_\_\_\_ (E/W),  
in \_\_\_\_\_ County, Kansas, \_\_\_\_\_ feet North \_\_\_\_\_ feet West of Southeast corner of section.  
Authorized Rate \_\_\_\_\_ Authorized Quantity \_\_\_\_\_  
**(DWR use only: Computer ID No. \_\_\_\_\_ GPS \_\_\_\_\_ feet North \_\_\_\_\_ feet West)**  
 This point will not be changed  This point will be changed as follows:  
**Proposed point of diversion: (Complete only if change is requested)**  
One in the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter  
of Section \_\_\_\_\_, Township \_\_\_\_\_ South, Range \_\_\_\_\_ (E/W),  
in \_\_\_\_\_ County, Kansas, \_\_\_\_\_ feet North \_\_\_\_\_ feet West of Southeast corner of section.  
Proposed Rate \_\_\_\_\_ Proposed Quantity \_\_\_\_\_  
This point is:  Additional Well  Geo Center List other water rights that will use this point \_\_\_\_\_~~

11. Describe the current condition of and future plans for any point(s) of diversion which will no longer be used. N / A

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

MAR 14 2024

KS Dept. of Agriculture

File No. 4066

12. The presently authorized use of water is for IRRIGATION purposes.  
It is proposed that the use be changed to IRRIGATION & INDUSTRIAL USE purposes.
13. If changing the place of use and/or use made of water, describe how the consumptive use will not be increased.  
K.A.R. 5-5-10  
1) 254 AF X 87.4% CONSUMPTIVE USE FOR FINNEY CO. = 221.996 AF MAX CONVERTED  
2) 100 AF WANTED / 221.996 AF AVAILABLE = 45% CHANGE TO IND. USE & 55% KEPT FOR IRR. USE  
3) 55% \* 254 AF = 139.6 AF RETAINED FOR IRR. USE  
(Please show any calculations here.)
14. It is requested that the maximum annual quantity of water be reduced to 239.6 AF (acre-feet or million gallons).
15. It is requested that the maximum rate of diversion of water be reduced to \_\_\_\_\_ gallons per minute (\_\_\_\_ c.f.s.).
16. The application must include either a topographic map or detailed plat. A U.S. Geological Survey Topographic Map, scale 1:24,000, is available through the Kansas Geological Survey, 1930 Constant Avenue, University of Kansas, Lawrence, Kansas 66047-3726 ([www.usgs.gov](http://www.usgs.gov)). The map should show the location of the presently authorized point(s) of diversion. Distances North and West of the Southeast corner of the section must be shown. The presently authorized place of use should also be shown. Identify the center of the section, the section lines and the section corners and show the appropriate section, township, and range numbers on the map. In addition the following information must also be shown on the map.
- a. If a change in the location of the point(s) of diversion is proposed, show:
- 1) The location of the proposed point(s) of diversion. Distances North and West of the Southeast corner of the section must be shown. Please be certain that the information shown on the map agrees with the information shown in Paragraph Nos. 9, 10 and 11 of the application.
  - 2) If the source of supply is groundwater, please show the location of existing water wells of any kind, including domestic wells, within 1/2 mile of the proposed well or wells. Identify each well as to its use and furnish name and mailing address of the property owner or owners. If there are no wells within 1/2 mile, please indicate so on the map.
  - 3) If the source of supply is surface water, the names and mailing addresses of all landowner(s) 1/2 mile downstream and 1/2 mile upstream from your property lines must be shown.
- b. If a change in the place of use is desired, show the proposed place of use by crosshatching on the map. Please be certain that the information shown on the map agrees with the information shown in Paragraph No. 5 of the application.
17. Attach documentation to show the change(s) proposed herein will not impair existing water rights and relates to the same local source of supply as to which the water right relates. This information may include statements, plats, geology reports, well logs, test hole logs, and other information as necessary information to show the above. Additional comments may be made below.
- NO CHANGE IN LOCAL SOURCE OF SUPPLY – NO NEW WELL
- NO IMPAIRMENT ANTICIPATED
- REQUESTING MIES CAPITAL LLC RECEIVE THE IND USE REPORT AS OWNERS OF IND USE PORTION
- REQUESTING ROBIN L & DEBRA A HUBER RECEIVE THE IRR REPORT AS OWNERS OF THE IRR PORTION
18. If the proposed change(s) does not meet all applicable rules and regulations of the Kansas Water Appropriation Act, please identify the rules and regulations for which you request a waiver. State the reason why a waiver is needed and why the request should be granted. Attach documentation showing that granting the request will not impair existing water rights and will not prejudicially and unreasonably affect the public interest.
- MEETS ALL RULES & REGULATIONS – NO WAIVER ANTICIPATED

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

MAR 14 2024

File No. 4066

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.

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.

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.

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.

Dated at Garden City, Kansas, this 8th day of March, 2024.

Owner and Spouse signature lines for Rob Hieber and Robin Huber, including 'Please Print' fields.

State of Kansas }
County of Finney }



I hereby certify that the foregoing application was signed in my presence and sworn to before me this 8th day of March, 2024.

My Commission Expires 6-19-27

Notary Public signature

FEE SCHEDULE

Each application to change the place of use, the point of diversion or the use made of the water under this section shall be accompanied by the application fee set forth in the schedule below:

- (1) Application to change a point of diversion 300 feet or less \$100
(2) Application to change a point of diversion more than 300 feet \$200
(3) Application to change the place of use \$200
(4) Application to change the use made of the water \$300

Make check payable to Kansas Department of Agriculture.

WATER RESOURCES  
RECEIVED

MAR 14 2024

KS Dept. of Agriculture

**INDUSTRIAL USE  
SUPPLEMENTAL SHEET**

File No. 4066

Name of Applicant (Please Print): Mixs Capital LLC

1. Please describe type of industry or product produced: Indust.  
Standard Industrial Classification Code Number: \_\_\_\_\_

2. Please complete the following table to show your past and present water requirements:

**PAST PRODUCT PRODUCTION AND WATER DIVERTED, IF APPLICABLE**

LAST 5 YEARS	AMOUNT OF PRODUCT	WATER DIVERTED (GALLONS)	GALLONS PER PRODUCT PER DAY
5 years ago			
Last year	<u>N/A</u>		
Present year			

3. Please complete the following table to show your future water requirements:

**ESTIMATED FUTURE PRODUCT PRODUCTION AND WATER DIVERTED**

NEXT 5 YEARS	AMOUNT OF PRODUCT	WATER TO BE DIVERTED (GALLONS)	GALLONS PER PRODUCT PER DAY
Year 1			
Year 2			
Year 3			
Year 4			
Year 5			

Number of days of operation of the industry per year is \_\_\_\_\_ days.

Please attach any tables, curves or additional information showing past, present and estimated future water requirements to substantiate the amount of water requested.

4. Please designate the legal description of the location where the water is to be used. Show in the space provided below the Section (S), Township (T), and Range (R), and the number of acres in each forty acre tract or fractional portion thereof.

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

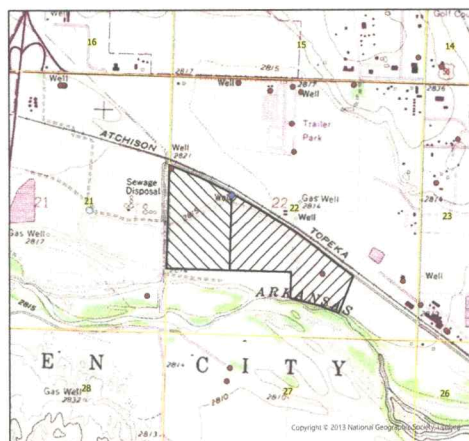
You may attach any additional information you believe will assist in informing the Division of the need for your request.

WATER RESOURCES  
RECEIVED

MAR 14 2024

KS Dept. of Agriculture

CHANGE IN PLACE OF USE & USE MADE OF WATER WATER  
RIGHT, FILE NO. 4066



- Authorized Point of Diversion
- Permitted Water Right
- ★ Domestic Well within 1/2 mile
- ▨ Proposed Place of Use - IRR
- ▨ Proposed Place of Use - IND

0 0.13 0.25 0.5 Miles

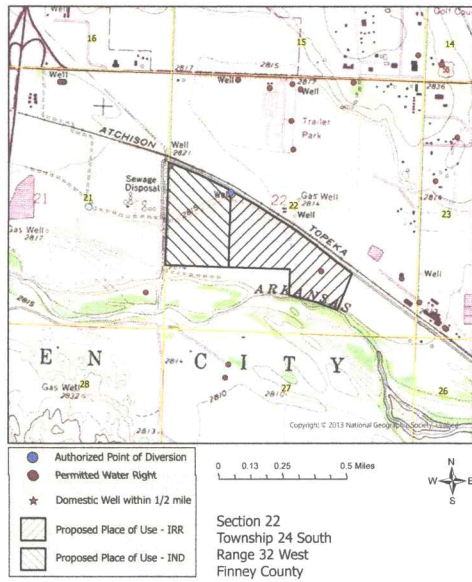


Section 22  
Township 24 South  
Range 32 West  
Finney County

2/29/2024 AM/GCFO  
1:24,000 Scale

WATER RESOURCES  
RECEIVED  
MAR 14 2024  
KS Dept. of Agriculture

CHANGE IN PLACE OF USE & USE MADE OF WATER WATER  
RIGHT, FILE NO. 4066



2/29/2024 AM/GCFO  
1:24,000 Scale