

**Kansas Department of Agriculture  
Division of Water Resources**

1. File No.: <b>21977</b>		2. Status Change Date:		4. Field Office: <b>04 - Garden City</b> GMD: <b>03 - Southwest</b> Structures File No.: Filing/Priority Date: <b>04/11/2025</b> Application Complete Date: <b>04/14/2025</b>		
3. Package File No(s):						
5a. <input type="checkbox"/> Applicant <input checked="" type="checkbox"/> Owner <input checked="" type="checkbox"/> WUC <input type="checkbox"/> Address Change  <b>HARSHBERGER LAND LLC</b> <b>10905 WILDFIRE RD</b> <b>MINNEOLA KS 67865</b>		Person ID <b>61995</b> Add Seq#		5b. <input checked="" type="checkbox"/> Owner <input type="checkbox"/> WUC <input type="checkbox"/> Address Change  <b>R ALLAN HAYWOOD</b> <b>3604 HIGHLAND VIEW DR</b> <b>AUSTIN TX 78731 4033</b>		
5c. <input type="checkbox"/> Owner <input type="checkbox"/> WUC <input type="checkbox"/> Address Change		Person ID Add Seq#		5d. <input type="checkbox"/> Owner <input type="checkbox"/> WUC <input type="checkbox"/> Address Change  Person ID Add Seq#		
6. Change No.: <b>2</b> <input checked="" type="checkbox"/> PD <input type="checkbox"/> PU <input type="checkbox"/> UMW Base Acres:    Year:    Min Reasonable Q: Previous UMW: MDS Gauge:    Active Admin? <input type="checkbox"/> Completion/Start Date: <b>3/01/2026</b> Perfection/Expiration Date:				7. Use of Water <input checked="" type="checkbox"/> Groundwater <input type="checkbox"/> Surface Water UMW: <b>IRR-Irrigation</b> UMW: UMW:		
8. Action Trail						
9. Special Conditions						
10. 5YR Allocation		Type:	Start Year:	5YR Quantity:	Base Acres:	
		Comment:				
11. Sand & Gravel    Proj ID: <input type="checkbox"/> Active <input type="checkbox"/> Dredge <input type="checkbox"/> IND Evap <input type="checkbox"/> Jr Evap <input type="checkbox"/> Other Diversion <input type="checkbox"/> Rpt on Sr						
12. Waiver    Rule ID: <input type="checkbox"/> New    Date Requested: Applies:    Rule No.: Rule Type: Rule SubType:						
Comments				Processed <b>04/14/2025</b> <b>MAM</b>		Entered
				Reviewed		

File No. <b>21977</b>		13. County: <b>FO</b> Basin: <b>CROOKED CREEK</b> Stream:																			
Structures File No:		Aquifer Code: <b>331</b>										Special Use Area:									
14. Points of Diversion, Rates & Quantities																					
PDIV	Qualifier	S	T	R	ID	'N	'W	Comment (AKA Line)	Qty <b>AF</b>		Rate <b>gpm</b>		Storage Qty		Storage Rate						
									Auth	Add	Auth	Add	Auth	Add	Auth/Add	Overlaps					
DEL 13917																					
ENT		SWNESE		30	29	26W		1490	1081	297	297	950	950								
15. Limitations																					
Type:		Quantity:		Rate:		combined with file no(s):															
Type:		Quantity:		Rate:		combined with file no(s):															
16. Metering <input checked="" type="checkbox"/> Metering Required <input type="checkbox"/> Anti-Reverse Required <input type="checkbox"/> Seal Required    Compliance Date: 12/31/2025																					
17. Place of Use		NE¼				NW¼				SW¼				SE¼				Total	Owner(s)	Chg?	Overlaps
PUSE	S	T	R	ID	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE					
CHK 9258																			<input type="checkbox"/>		
CHK 27490																			<input type="checkbox"/>		
CHK 28496																			<input type="checkbox"/>		
																			<input type="checkbox"/>		
																			<input type="checkbox"/>		
																			<input type="checkbox"/>		
18. Point of Diversion and Place of Use Overlaps																					
*  +  #  ^										**  ++  ##  ^^											

Garden City Field Office  
4532 W. Jones, Suite B  
Garden City, KS 67846



Phone: 620-276-2901  
Fax: 620-276-9315  
[www.agriculture.ks.gov](http://www.agriculture.ks.gov)

Mike Beam, Secretary

Laura Kelly, Governor

April 14, 2025

HARSHBERGER LAND LLC  
10905 WILDFIRE RD  
MINNEOLA KS 67865

RE: Filed Office Application for Change  
Water Right, File No. 21977

Dear Sir or Madam:

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

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in these approvals for change. A condition of this approval is that an acceptable water flow meter must be installed on the diversion works authorized under the referenced files number and meet current specifications.

Since the order modifies the original document referred to above, it should be recorded with the Register of Deeds as other instruments affecting real estate.

The abandoned well must be plugged in accordance with the requirements of Article 30 of the Rules and Regulations as adopted by the Kansas Department of Health and Environment.

Should you have any questions, please feel free contact this office. If you would prefer, you could arrange an appointment for additional assistance.

Sincerely,

A handwritten signature in blue ink, appearing to read "Michael A. Meyer".

Michael A. Meyer  
Water Commissioner

MAM  
Enclosures

pc: R Allen Haywood

### **CERTIFICATE OF SERVICE**

On this 14<sup>th</sup> day of April 2025, I hereby certify that the foregoing Approval of Application for Change in Point of Diversion, Water Right, File No21,977 dated 14<sup>th</sup> day of April 2025 was mailed postage prepaid, first class, US mail to the following:

RONNIE & JACQUELINE GIBSON  
2198 RD 4  
COPELAND, KS 67837

pc:

R ALLAN HAYWOOD  
3604 HIGHLAND VIEW DR  
AUSTIN TX 78731 4033

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



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.

File No. 21977

RECEIVED

3:40  
APR 11 2025

Garden City Field Office  
Division of Water Resources

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

2. Name and address of Applicant: Harshberger Land LLC

10905 Wildfire Road, Minneola KS, 67865

Phone Number: (620) 338-0888

Email address: gary@harshbergerenterprises.com

Name and address of Water Use Correspondent: Same as Above

Phone Number: ( )

Email address:

3. The presently authorized place of use is:

Owner of Land ---- NAME: \_\_\_\_\_

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: \_\_\_\_\_

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 LG1C Fee \$ 100.00 TR # \_\_\_\_\_ Receipt Date 4-11-25 Check # 18882

5. **Presently authorized point of diversion:**  
 One in the \_\_\_\_\_ Quarter of the \_\_\_\_\_ NC Quarter of the \_\_\_\_\_ SE Quarter  
 of Section \_\_\_\_\_ 30 \_\_\_\_\_, Township \_\_\_\_\_ 29 \_\_\_\_\_ South, Range \_\_\_\_\_ 26 \_\_\_\_\_ W,  
 in FO \_\_\_\_\_ County, Kansas, \_\_\_\_\_ 1320 \_\_\_\_\_ feet North \_\_\_\_\_ 1350 \_\_\_\_\_ feet West of Southeast corner of section.  
 Authorized Rate \_\_\_\_\_ Authorized Quantity \_\_\_\_\_ Depth of well \_\_\_\_\_ 275 \_\_\_\_\_ (feet)  
**(DWR use only: Computer ID No. 02 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 \_\_\_\_\_ SW Quarter of the \_\_\_\_\_ NE Quarter of the \_\_\_\_\_ SE Quarter  
 of Section \_\_\_\_\_ 30 \_\_\_\_\_, Township \_\_\_\_\_ 29 \_\_\_\_\_ South, Range \_\_\_\_\_ 26 \_\_\_\_\_ W,  
 in FO \_\_\_\_\_ County, Kansas, \_\_\_\_\_ 1490 \_\_\_\_\_ feet North \_\_\_\_\_ 1081 \_\_\_\_\_ feet West of Southeast corner of section.  
 Proposed Rate \_\_\_\_\_ Proposed Quantity \_\_\_\_\_ Proposed well depth (feet) \_\_\_\_\_ 375 \_\_\_\_\_  
 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: ☐ 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) \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

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

9. The change(s) (was)(will be) completed by?  
 \_\_\_\_\_

10. If the point of diversion is a well:

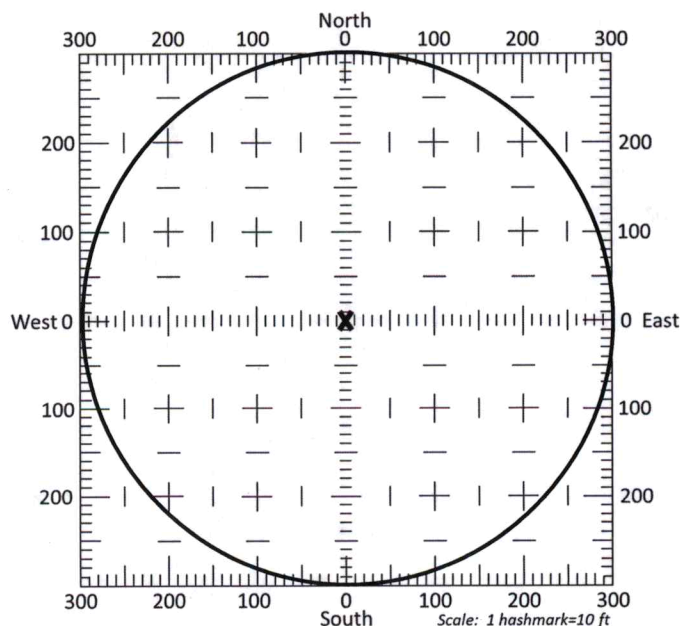
(a) What are you going to do with the old well?  
 \_\_\_\_\_

(b) When will this be done? \_\_\_\_\_

11. Groundwater Management District recommendation attached?  
☐ Yes ☐ No

12. Assisted by \_\_\_\_\_

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 a 300 foot radius of the existing point of diversion, indicate its location on the diagram shown above in relation to the existing point of diversion. The proposed point of diversion must be located within the circle shown above. **(PLEASE NOTE: The "X" in center of diagram above represents the presently authorized point of diversion.)**



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 Ford County, Kansas, this 11 day of April, 2025.

[Signature]  
(Owner)  
Gary Harshbarger  
(Please Print)

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

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

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

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

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

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

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

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

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

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

State of Kansas }  
County of Ford } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 11 day of April, 2025.

My Commission Expires 01/2026



[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. 21977.

1. A change application was received on April 11, 2025 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 50 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 300 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, 2025**, 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, 2025**, or within any authorized extension of time. By March 1, 2026 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.

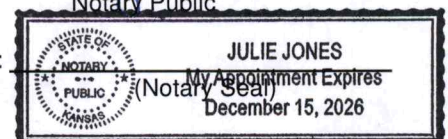
*For Use by Register of Deeds*

FOR OFFICE USE ONLY

### APPLICATION APPROVED AND SUMMARY ORDER ISSUED

By: Michael A. Meyer  
Duly Authorized Designee of the Chief Engineer  
(Print Name): MICHAEL A MEYER  
Division of Water Resources - Kansas Department of Agriculture  
Date of Issuance: April 14, 2025  
State of Kansas )  
County of Atterbury ) SS  
Acknowledged before me on April 14, 2025  
by Michael A. Meyer  
Signature: Julie Jones  
Notary Public

My commission expires:







**Hydro**  
resources

**PO Box 639  
Garden City, KS 67846  
Fax: 620-277-0224**

Customer Name: Harshberger Enterprises WO#: 27829 Date: 3-17-25  
Street Address: \_\_\_\_\_ Test #: 2 E LOG: \_\_\_\_\_  
City, State: \_\_\_\_\_ Driller: Dale Guinn  
County: Ford Quarter: SE Section: 30 Township: 29 Range: 26  
Location: 88FT North + 152FT East of Existing Well GPS: N37.49377 W100.20254  
Rig #: 10002 Elevation: 2561' Static WL: 145' Estimated? NO  
Proposed Well Depth 382'

[illegible]



# Harshberger Enterprises

SE 30-29-26 FO

Test Hole #2

File # 21977

37.49377, -100.20254

Google Earth

Image © 2025 Airbus

1000 ft