

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

Document Signature _____

1. File Number: 22,394	2. Status Change Date: 10/2/2018	3. Change Num: 3	4. Field Office: 2	5. GMD: 3
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: 05/11/2016
8a. Applicant/Landowner New to system <input type="checkbox"/> GARY KENNETH HARSHBERGER 10905 WILDFIRE RD MINNEOLA KS 67865		Person ID 36394 Add Seq# _____	8c. Landowner(s) New to system <input type="checkbox"/> Person ID ____ Add Seq# _____	
8b. Landowner(s) New to system <input type="checkbox"/> 7a.		Person ID ____ Add Seq# _____	8d. WUC/Landowner New to system <input type="checkbox"/> Person ID ____ Add Seq# _____	
9. Documents and Enclosure(s): <input checked="" type="checkbox"/> DWR Meter(s) Date to Comply: 12/31/2018 <input type="checkbox"/> N & P Date to Comply: _____				
<input checked="" type="checkbox"/> Check Valve <input type="checkbox"/> N & P Form <input checked="" 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: No Change To: _____				
Date Prepared: 10/1/2018 By: AM Date Entered: 10/2/2018 By: LCM				

File No. **22,394** 11. County: **FO** Basin: **Arkansas River** Stream: Formation Code: 211 Special Use:

12. Points of Diversion
 T
 MOD
 DEL PDIV
 ENT
 Qualifier S T R ID 'N 'W Comment
 Rate gpm Quantity af Rate gpm Quantity af 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) _____
 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
						NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼				
MOD	10740	13	28S	24W	1	32.0	32.0	37.0	32.0	32.0	32.0	32.0	37.5	37.5	32.0	32.0	32.0					400	7a	Y	50009; 50010 & 50011

Comments:

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

TO: Files

DATE: September 11, 2018

FROM: Austin McColloch

RE: Water Right, File No. 22,394

Gary Harshberger, on behalf of Carol Ware, water right owner, filed an application for approval to change the authorized place of use for the referenced file number, authorized groundwater for irrigation use in the Arkansas River Basin.

The referenced file does not appear to be abandoned as per K.S.A. 82a-718.

The referenced file number is authorized a total of 689 acre-feet of groundwater from three (3) wells with individual rates and quantities. The current place of use is 420 acres located in Section 13, Township 28 South, Range 24 West, Ford County, Kansas. New Application, File Nos. 50,009, 50,010 and 50,011 have been filed to overlap each individual well for an increase in rate of diversion only by 15 percent and overlap the place of use. On February 26, 2018 Elizabeth Fitch determined the base acres for the above referenced file to be 390 acres. The proposed place of use is 400 acres located in the aforementioned section. The proposal appears to meet K.A.R. 5-5-11 since the proposal will not exceed base acres (390) by 10 acres or 10 percent, whichever is less.

The total 689 acre-feet available under the referenced file can potentially irrigate the proposed 400 acres with 1.7 acre-feet per acre, which appears reasonable for Ford County.

The applicant identified one (1) domestic wells and non-domestic well located within one-half mile of this existing well. Nearby well owner letters were sent out on July 2, 2018 referencing the overlapping rate only New application and proposed change application. A phone call was received in response to the nearby letter by Mark Davis, but only mentioned the proposed new application. No official letter was received.

The same local source of supply will not change, which appears to be Ogallala Formation (211).

In a letter dated July 19, 2018, a copy of the application along with a request to submit a recommendation was sent to GMD No. 3. In an email dated August 24, 2018, Jason Norquest, Assistant Manager, Groundwater Management District No. 3, recommended approval of the referenced application for rate only

In an email dated September 11, 2018, Jeff Lanterman, Water Commissioner, Stafford Field Office, recommended approval of the referenced change application.

In accordance with K.S.A. 82a-706c, the Chief Engineer retains full authority to require any water user to install meters, gages, or other measuring devices, which devices he or she or his or her agents may read at any time. Water flowmeter requirements are further described in K.A.R. 5-1-4 through K.A.R 5-1-12. If any chemical or foreign substance is injected into the water pumped under this permit, a check valve will also need to be installed.

Based on the above discussion, the change is reasonable, approval of the application will not impair senior water rights nor prejudicially or unreasonably affect the public interest, and that no change in local source of supply will occur, it is recommended that the referenced application be approved.


Austin McColloch
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

GARY KENNETH HARSHBERGER
10905 WILDFIRE RD
MINNEOLA KS 67865

October 8, 2018

FILE COPY

RE: Water Right, File No. 22,394

Dear Mr. Harshberger:

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

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in the approval for change. Since the orders for the referenced file number modifies the original document referred to above it should be recorded with the Register of Deeds as other instruments affecting real estate.

Please be reminded that reports of water usage must be submitted to this office annually. Records indicating the amount of water used should be furnished to the Chief Engineer by March 1 following the end of the previous calendar year so that the continued use of water becomes a matter of record in this office. The owner, or his or her legally designated agent, is held responsible for submitting annual water use reports. Failure to file an accurate water use report is a violation of law which makes you subject to civil penalties.

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:am
Enclosure(s)
pc: Stafford Field Office
Groundwater Management District No. 3



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. 22,394**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Gary Harshberger, 10905 Wildfire Road, Minneola, Kansas 67865, received in the office of the Chief Engineer on March 9, 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 18, 2011 and November 19, 2012, approving the applications to change the authorized point of diversion, 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	
13 28S 24W	32.0	32.0	37.0	32.0	32.0	32.0	32.0	37.5	37.5	32.0	32.0	32.0					400.0

a total of 400.0 acres in Section 13, Township 28 South, Range 24 West, Ford 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 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. 22,394, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated June 5, 2001, 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 request an evidentiary hearing before the Chief Engineer, or 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 Division, 1320 Research Park Drive, Manhattan, Kansas 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 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: Secretary of Agriculture, Attn: Legal Division, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 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 2nd day of October, 2018, at Topeka, Shawnee County, Kansas.

Lane P. Letourneau

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

State of Kansas)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this 2nd day of October, 2018, by Lane P. Letourneau, P.G., Program Manager, Division of Water Resources, Kansas Department of Agriculture.



Danielle Wilson
Notary Public

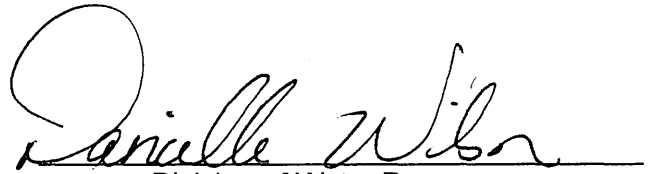
CERTIFICATE OF SERVICE

On this 8th day October, 2018, I hereby certify that the attached Approval of Application for Change in Place of Use, Water Right, File No. 22,394 dated, October 2nd, 2018, was mailed postage prepaid, first class, US mail to the following:

GARY KENNETH HARSHBERGER
10905 WILDFIRE RD
MINNEOLA KS 67865

With photocopies sent to:

Stafford Field Office
Groundwater Management District No. 3


Division of Water Resources

APPLICATION COMPLETE

9/11/18
Reviewer AM

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

\$300.00

Water Resources
Received
MAR 09 2018
11:42
KS Dept Of Agriculture

File No. 22394

2. Name of applicant: GARY KENNETH HARSHBERGER

Address: 10905 WILDFIRE RD

City, State and Zip: MINNEOLA KS 67865

Phone Number: (20) 338-0888 E-mail address: gary@he.kscoxmail.com

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

Name of water use correspondent: NO CHANGE

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):

TO CORRECT THE PLACE OF USE

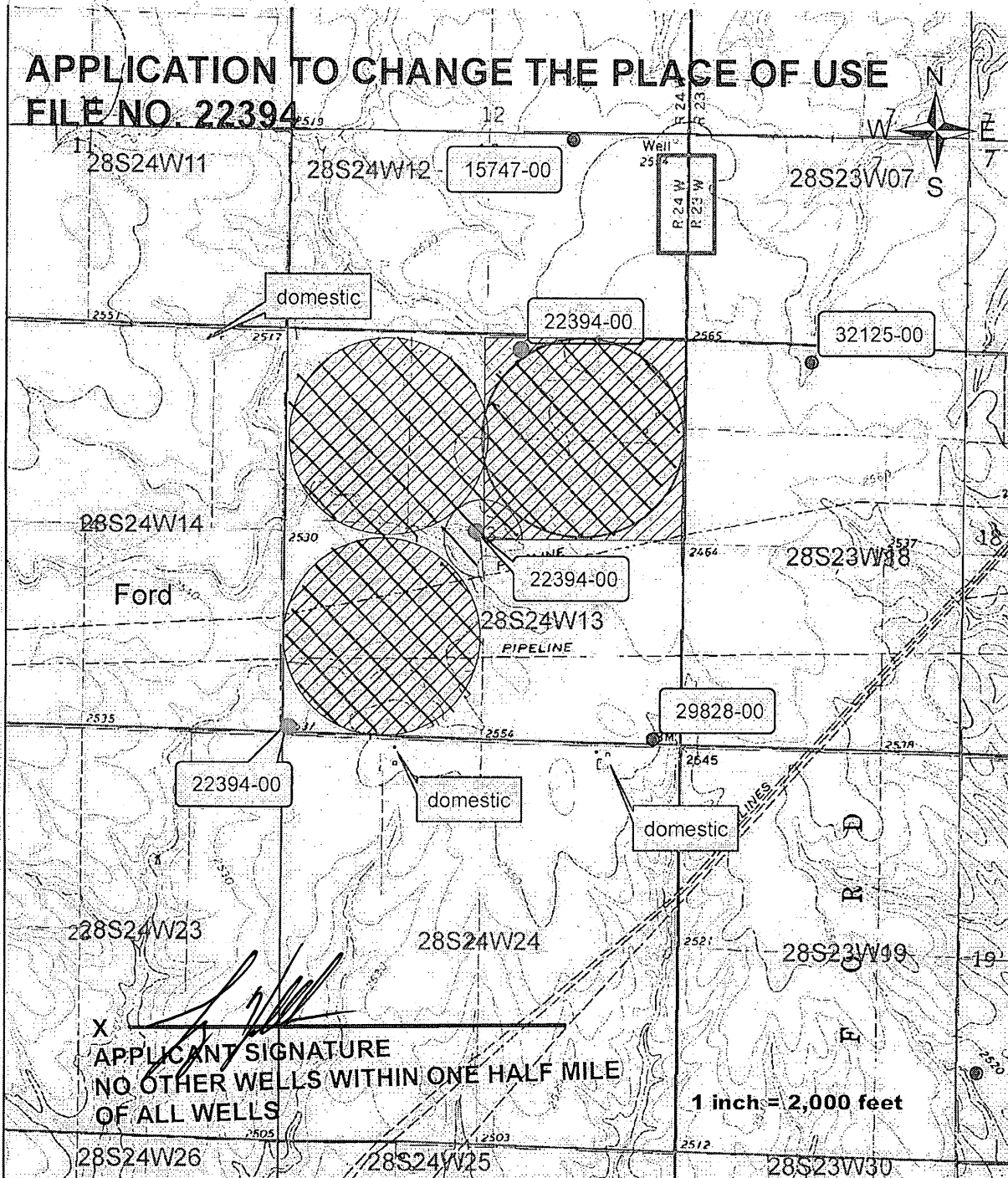
The change(s) (was) (will be) completed by 2018 (Date)

For Office Use Only:														
F.O. Code	<u>2</u>	GMD	<u>3</u>	Meets K.A.R. 5-5-1 (YES/NO)	Use	<u>IRR</u>	Source	<u>GS</u>	County	<u>FO</u>	By	<u>AW</u>	Date	<u>3/9/18</u>
Code	<u>CPO</u>	Fee \$	<u>300</u>	TR #		Receipt Date	<u>3/9/18</u>	Check #	<u>1127</u>					

SCANNED

3/12/2018 CCM

APPLICATION TO CHANGE THE PLACE OF USE FILE NO. 22394



X
APPLICANT SIGNATURE
NO OTHER WELLS WITHIN ONE HALF MILE
OF ALL WELLS

1 inch = 2,000 feet

- authorized P/D ●
- Authorized P/U - ///
- proposed P/U - |||

Water Resources
Received

MAR 09 2018

KS Dept Of Agriculture
SCANNED

4. The presently authorized place of use is:

Owner of Land — NAME: CAROL WARE

ADDRESS: 13469 W LINKS AVE, WICHITA KS 67235

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	28	24W	40	40	40	40	32.5	32.5	32.5	32.5	32.5	32.5	32.5	32.5					420

List any other water rights that cover this place of use:

Owner of Land — NAME: _____

ADDRESS: _____

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

List any other water rights that cover this place of use. NEW PERMIT

(If there are more than two landowners, attach additional sheets as necessary.)

5. It is proposed that the place of use be changed to:

Owner of Land — NAME: CAROL WARE

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	
13	28	24W	32	32	37	32	32	32	37	37	32	32	32						400

List any other water rights that cover this place of use. NEW PERMIT

Owner of Land — NAME: _____

ADDRESS: _____

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

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

Water Resources
Received

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

MAR 09 2018

6. The presently authorized point(s) of diversion (is) (are) NO CHANGE
(Provide description and number of points)
7. The proposed point(s) of diversion (is) (are) _____
(Provide description and number of points)

List all presently authorized point(s) of diversion:

8. **Presently authorized point of diversion:**
 One in the SW Quarter of the SW Quarter of the SW Quarter of Section 13, Township 28 South, Range 24 (E/W) in Ford County, Kansas, 95 feet North 2679 feet West of Southeast corner of section.
 Authorized Rate 620 Authorized Quantity 248
 (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 _____ in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section.
 Proposed Rate _____ Proposed Quantity _____
 This point is: Additional Well Geo Center List other water rights that will use this point _____

9. **Presently authorized point of diversion:**
 One in the SE Quarter of the SE Quarter of the NW Quarter of Section 13, Township 28 South, Range 24 (E/W) in Ford County, Kansas, 2788 feet North 2736 feet West of Southeast corner of section.
 Authorized Rate 630 Authorized Quantity 251
 (DWR use only: Computer ID No. _____ GPS _____ feet North _____ feet West)
 This point will not be changed This point will be changed as follows:
Proposed point of diversion: (Complete only if change is requested)
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter of Section _____, Township _____ South, Range _____ (E/W) in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section.
 Proposed Rate _____ Proposed Quantity _____
 This point is: Additional Well Geo Center List other water rights that will use this point _____

10. **Presently authorized point of diversion:**
 One in the NE Quarter of the NW Quarter of the NE Quarter of Section 13, Township 28 South, Range 24 (E/W) in Ford County, Kansas, 5351 feet North 1891 feet West of Southeast corner of section.
 Authorized Rate 640 Authorized Quantity 190
 (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 _____

Water Resources

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

Received
 MAR 09 2018

SCANNED
 Dept Of Agriculture

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

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

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

NO INCREASE IN BASE ACRES

(Please show any calculations here.)

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

15. It is requested that the maximum rate of diversion of water be reduced to NA gallons per minute (c.f.s.).

16. The application must include either a topographic map or detailed plat. A U.S. Geological Survey Topographic Map, scale 1:24,000, is available through the Kansas Geological Survey, 1930 Constant Avenue, University of Kansas, Lawrence, Kansas 66047-3726 (www.usgs.gov). 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

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.

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

Water Resources

Received

MAR 09 2018

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.

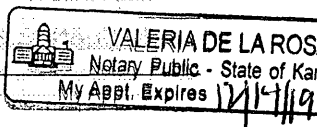
Dated at Minneapolis, Kansas, this 27 day of February, 2018

<u>[Signature]</u> (Owner)	_____	(Spouse)
<u>Gary Harsberger</u> (Please Print)	_____	(Please Print)
<u>[Signature]</u> (Owner)	_____	(Spouse)
<u>Carol R Ware</u> (Please Print)	_____	(Please Print)
_____	_____	(Spouse)
_____	_____	(Please Print)

State of Kansas }
County of Sedgwick } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 5th day of March, 2018

Valeria de la Rosa
Notary Public



My Commission Expires 12/14/19

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 09 2018

McColloch, Austin

From: Lanterman, Jeff [KDA]
Sent: Tuesday, September 11, 2018 2:54 PM
To: McColloch, Austin
Cc: Conant, Cameron [KDA]; Dick, Patrick [KDA]
Subject: RE: Package Harshberger

Austin;

I took a look at the air photos and agree probably no one to notify here. The changes were done with a base acre determination from Elizabeth so I concur with that.

Looks like they are adding a small pivot in the center of the section that appears to have been there for awhile. PU appears to now match the air photograph.

Additionally the new apps to increase the flow rate by 15% meet the rule so I am OK with that as well. Those were based on compliance investigation we did that found the wells being overpumped. When we did the compliance checks we found them pumping MORE than the %15 rate app allowed so he is going to have to still **renozzle and slow down the wells some to comply with even the increased flow rate here**. We will put a note in the file to check and make sure that he is in compliance with the new authorized flow rate. Potentially during the field inspection.

I recommend approval of the package Austin.

Thanks
Jeff

From: McColloch, Austin
Sent: Monday, August 27, 2018 1:10 PM
To: Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>
Cc: Conant, Cameron [KDA] <Cameron.Conant@ks.gov>
Subject: Package Harshberger

Jeff and Cameron,

Attached are my draft memos for New Application, File Nos. 50,009, 50,010 and 50,011 and Change Application, File No. 22,394. The new applications are proposing a 15% rate increase on each of the wells and the change is proposing a 10 acre increase from base acres. Also attached is the GMD recommendation. Let me know if you have any questions or need more information.

Thanks,

Austin McColloch
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

July 19, 2018

FILE COPY

GROUNDWATER MANAGEMENT DISTRICT #3
2009 E SPRUCE ST
GARDEN CITY KANSAS 67846

Change Application,
File No. 22,394
New Application,
File Nos. 50,009, 50,010 and 50,011

Dear Sir or Madam:

We are enclosing copies of the referenced applications, which were submitted by Gary Harshberger and appear to be in proper form, for your review.

We are delaying any further action for a period of 15 days from the date of this letter to allow you time to submit your recommendation concerning this application. Please submit your recommendation within the allotted time, or any authorized extension of time thereof.

If you have any questions, please contact me at (785) 564-6643. If you wish to discuss a specific file, please have the file number ready to that I may help you more efficiently.

Sincerely,

Austin McColloch
Environmental Scientist
Water Appropriation Program

Enclosure
pc: Stafford Field Office

SCANNED

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

FILE COPY

July 2, 2018

MARK DAVIS & SHANNON SCHEUCHZER
11729 VALLEY RD
DODGE CITY KS 67801-6661

RE: New Application,
File No. 50,010
Change Application,
File No. 22,394

Dear Sir or Madam:

This is to advise you that Gary Harshberger has filed the application referred to above for permit to appropriate 248 acre-feet of water per calendar year for irrigation use to be diverted at a maximum rate of 715 gallons per minute. Please note this is an existing well, and the application is requesting an increase in rate of diversion only (i.e. no additional quantity of water from the existing well). The well is located as follows:

one (1) well located in the Southwest Quarter of the Southwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 13, more particularly described as being near a point 100 feet North and 5,200 feet West of the Southeast corner of said section, in Township 28 South, Range 24 West, Ford County, Kansas.

Gary Harshberger has also filed with the Division of Water Resources, Kansas Department of Agriculture, applications to change the place of use pursuant to Water Right, File No. 22,394. The applicant proposes to change the authorized place of use to 400 acres in Section 13, Township 28 South, Range 24 West, Ford County, Kansas.

A copy of an aerial photograph depicting the location of the proposed point of diversion and place of use is also enclosed. Records in this office indicate that you may have a well or wells in this vicinity and you are notified of receipt of this application in order that you may be fully informed of the proposed location(s) of the applicant's point(s) of diversion and proposed use of water. Consideration will be given to comments or other information which you desire to submit to this office **within 15 days** from the date of this letter.

If you have any questions, please contact our office at 785-564-6643. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

Austin McColloch
Environmental Scientist
Division of Water Resources

Enclosure(s)
pc: Stafford Field Office
Southwest Kansas GMD No. 3

SCANNED

STATE OF KANSAS

DEPARTMENT OF AGRICULTURE
1320 RESEARCH PARK DRIVE
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GOVERNOR JEFF COLYER, M.D.
JACKIE McCLASKEY, SECRETARY OF AGRICULTURE

GARRY KENNETH HARSHBERGER
10905 WILDFIRE RD
MINNEOLA, KS 67865

March 12, 2018

RE: File No 22394

Dear Sir or Madam:

An application for approval of the Chief Engineer to change the following condition or conditions of the file number referred to above has been received:

- place of use PU
- point of diversion
- use made of water

As a matter of record, the Division of Water Resources has on hand a large number of applications awaiting processing. Therefore, to be fair to all concerned, and so that we can process those applications on hand in the order they were received, we intend to concentrate on the backlog of applications until the issue is resolved. You will be contacted regarding this application as soon as it has been examined.

In accordance with the provisions of the Kansas Water Appropriation Act, a portion of which is included below, the use of water prior to approval of the application is unlawful. You should not proceed and divert water as indicated by your plans in your application for a change for this file until you receive approval for this change from the Chief Engineer. Once approved, compliance with the terms, conditions and limitations of the permit is necessary. Conservation of the water resources of Kansas is required.

Section 82a-728 of the Kansas Water Appropriation Act, provides (a) except for the appropriation of water for the purpose of domestic use, . . . it shall be unlawful for any person to appropriate or threaten to appropriate water from any source without first applying for and obtaining a permit to appropriate water in accordance with the provisions of the Water Appropriation Act or for any person to violate any condition of a vested right, appropriation right or an approved application for a permit to appropriate water for beneficial use.

(b) (1) The violation of any provision of this section by any person is a class C misdemeanor...

A class C misdemeanor is punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. Each day that the violation occurs constitutes a separate offense.

If you have any questions, please contact me at (785) 564-6645. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

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

BAT: DLW
pc: STAFFORD Field Office GMD3

SCANNED