

Kansas Department of Agriculture
Division of Water Resources
PERMIT OF NEW APPLICATION WORKSHEET

1. File Number: <p style="text-align: center; font-size: 1.2em;">50,009</p>	2. Status Change Date: <p style="text-align: center; font-size: 1.2em;">10/2/2018</p>	3. Field Office: <p style="text-align: center; font-size: 1.2em;">2</p>	4. GMD: <p style="text-align: center; font-size: 1.2em;">3</p>
5. Status: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied by DWR/GMD <input type="checkbox"/> Dismiss by Request/Failure to Return			
6. Enclosures: <input checked="" type="checkbox"/> Check Valve <input type="checkbox"/> N of C Form <input checked="" type="checkbox"/> Water Tube <input type="checkbox"/> Driller Copy <input checked="" type="checkbox"/> Meter			
<p>7a. Applicant(s) Person ID <u>36394</u> New to system <input type="checkbox"/> Add Seq# _____</p> <p>GARY KENNETH HARSHBERGER 10905 WILDFIRE RD MINNEOLA KS 67865</p>	<p>7c. Landowner(s) Person ID _____ New to system <input type="checkbox"/> Add Seq# _____</p>		
<p>7b. Landowner(s) Person ID _____ New to system <input type="checkbox"/> Add Seq# _____</p> <p>7a.</p>	<p>7d. Misc. Person ID _____ New to system <input type="checkbox"/> Add Seq# _____</p>		
<p>8. WUR Correspondent Person ID _____ New to system <input type="checkbox"/> Add Seq# _____ Overlap File (s) WUC Notarized WUC Form <input type="checkbox"/> Agree <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>7a.</p>	<p>9. Use of Water: Changing? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p style="padding-left: 40px;"><input checked="" type="checkbox"/> Groundwater <input type="checkbox"/> Surface Water</p> <p><input checked="" type="checkbox"/> IRR <input type="checkbox"/> REC <input type="checkbox"/> DEW <input type="checkbox"/> MUN</p> <p><input type="checkbox"/> STK <input type="checkbox"/> SED <input type="checkbox"/> DOM <input type="checkbox"/> CON</p> <p><input type="checkbox"/> HYD DRG <input type="checkbox"/> WTR PWR <input type="checkbox"/> ART RECHRG</p> <p><input type="checkbox"/> IND SIC: _____ <input type="checkbox"/> OTHER: _____</p>		
10. Completion Date: <u>12/31/2019</u> 11. Perfection Date: <u>12/31/2023</u> 12. Exp Date: _____			
13. Conservation Plan Required? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Date Required: _____ Date Approved: _____ Date to Comply: _____			
14. Water Level Measuring Device? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Date to Comply: _____ Date WLMD Installed: _____			
<p>Date Prepared: 9/11/2018 By: AM Date Entered: 10/2/2018 By: AM</p>			

File No. **50,009** 15. Formation Code: 211 Drainage Basin: ARKANSAS RIVER County: FO Special Use: Stream:

16. Points of Diversion										17. Rate and Quantity					
MOD	DEL	ENT	PDIV	Qualifier	S	T	R	ID	'N	'W	Authorized		Additional		Overlap PD Files
											Rate gpm	Quantity af	Rate gpm	Quantity af	
MOD			78379	NE NW NE	13	28S	24W	6	5351	1984	740	190	100	0	22,394(ID 6)
										1891					

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

19. Limitation: 190 af/yr at 740 gpm (1.65 cfs) when combined with file number(s) 22,394(ID 6)
 Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) _____

20. Meter Required? Yes No To be installed by 12/31/2019 Date Acceptable Meter Installed _____

21. Place of Use										NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg?	Overlap Files
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						
CHK			10740	13	28S	24W	1	32	32	37	32	32	32	32	37.5	37.5	32	32	32					400	7a	22,394; 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: Application, File No. 50,009

Gary Harshberger has filed the referenced application to appropriate 190 acre-feet of groundwater for irrigation use, to be diverted at a rate of 740 gallons per minute, from an existing well located in the Northeast Quarter of Section 13, Township 28 South, Range 24 West, Ford County. The new application is requesting an **increase in rate of diversion only**, with no additional quantity. The well is currently authorized under Water Right, File No. 22,394, which has three (3) wells with individual rates and quantities. Each well has a new application filed to increase the rate of diversion by 15 percent (File Nos. 50,009, 50,010 and 50,011). This specific well (ID 6) is authorized 190 acre-feet of water at a diversion rate of 640 gallons per minute. Therefore, the requested increase in rate of diversion will provide an additional 100 gallons per minute, which is an increase from the current rate by 15 percent. The place of use is owned by Carol Ware, and the applicant has signed the application form stating that he has access to the point of diversion.

Based on the applications request for 740 gallons per minute, an increase of 100 gallons per minute does equal a 15 percent increase in the authorized maximum rate of diversion. There has also been no significant physical enlargement of the capacity of the diversion works to divert water. This allows the application to be exempt from meeting safe yield requirements for the GMD. In addition to the above referenced new applications, a change in place of use has been submitted for Water Right, File No. 22,394.

The applicant identified zero domestic wells and non-domestic well located within one-half mile of this existing well. Therefor no nearby well owner letters were sent out for this particular file. As noted above, this new application is requesting only an increase in rate of diversion from an existing well that has been in place for many years. Any nearby well owner would certainly be aware of this well and related irrigation use. No physical changes will be occurring at the well. The nearest irrigation well is over 2,800 feet away, and the nearest domestic well appears to be over 4,000 feet away, so the application complies with minimum well spacing criteria.

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 the letter Jason stated the application is in compliance with K.A.R. 5-4-5 and K.A.R. 5-23-3 for increase of rate and well spacing.

In an email dated September 11, 2018, Jeff Lanterman, Water Commissioner, Stafford Field Office, recommended approval of the 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, this is for additional rate only, well spacing regulations are met, the application is not subject to safe yield criteria, and approval of the application will not impair senior water rights nor prejudicially or unreasonably affect the public interest, it is recommended that the referenced application be approved.

AM
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

FILE COPY

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

GARY KENNETH HARSHBERGER
10905 WILDFIRE RD
MINNEOLA KS 67865

October 8, 2018

RE: Appropriation of Water,
File Nos. 50,009, 50,010 & 50,011

Dear Sir or Madam:

There are enclosed permits to appropriate water authorizing you to proceed with the construction of the proposed diversion works (except those dams and stream obstructions regulated by K.S.A. 82a-301 through 305a), to divert such unappropriated water as may be available from the source and at the location specified in the permits, and to use it for the purpose and at the locations described in the permits.

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in these permits. Water meters are required and you must install it prior to water being put to beneficial use in order for you to maintain accurate records of water use. The meters should be used to provide the information required on the annual water use reports.

Failure to notify the Chief Engineer of the Division of Water Resources of the completion of the diversion works within the time allowed, or within any authorized extension of time thereof, will result in the dismissal of the permit. Enclosed are forms which may be used to notify the Chief Engineer that the proposed diversion works have been completed. All requests for extensions of time to complete diversion works, or to perfect appropriations, must be submitted to the Chief Engineer before the expiration of time set forth in the permit to complete diversion works or to perfect an appropriation.

If for any reason, you require an extension of time, you must request it before the expiration of time set forth in these permits. Failure to comply with this regulation will result in the dismissal of your permit or your water right. Any request for extension of time shall be accompanied by the required statutory fee, which is currently \$100.00 per file.

There is also enclosed an information sheet setting forth the procedure to obtain a Certificate of Appropriation which establish the extent of your water right.

If you have any questions, please contact me at (785) 564-6627. If you wish to discuss a specific file, please have the file number ready to that we may help you more efficiently.

Sincerely,

Kristen A. Baum
New Application Unit Supervisor
Water Appropriation Program

KAB: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
and
PERMIT TO PROCEED
 (This Is Not a Certificate of Appropriation)

FILE COPY

This is to certify that I have examined Application, **File No. 50,009** of the applicant

GARY KENNETH HARSHBERGER
10905 WILDFIRE RD
MINNEOLA KS 67865

for a permit to appropriate water for beneficial use, together with the maps, plans and other submitted data, and that the application is hereby approved and the applicant is hereby authorized, subject to vested rights and prior appropriations, to proceed with the construction of the proposed diversion works (except those dams and stream obstructions regulated by K.S.A. 82a-301 through 305a, as amended), and to proceed with all steps necessary for the application of the water to the approved and proposed beneficial use and otherwise perfect the proposed appropriation subject to the following terms, conditions and limitations:

1. That the priority date assigned to such application is **March 9, 2018**.
2. That the water sought to be appropriated shall be used for irrigation use on land described in the application, as follows:

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	37.5	37.5	32.0	32.0	32.0					400.0	

3. That the authorized source from which the appropriation shall be made is groundwater, to be withdrawn by means of one (1) well located in the Northeast Quarter of the Northwest Quarter of the Northeast Quarter (NE¼ NW¼ NE¼) of Section 13, more particularly described as being near a point 5,351 feet North and 1,891 feet West of the Southeast corner of said section, in Township 28 South, Range 24 West, Ford County, Kansas located substantially as shown on the topographic map accompanying the application.

4. That the appropriation sought shall be limited to a maximum diversion rate not in excess of **740 gallons per minute (1.65 c.f.s.)** and to a quantity not to exceed **190 acre-feet** of water for any calendar year.

5. That installation of works for diversion of water shall be completed on or before **December 31, 2019** or within any authorized extension thereof. The applicant shall notify the Chief Engineer and pay the statutorily required field inspection fee of \$400.00 when construction of the works has been completed. Failure to timely submit the notice and the fee will result in revocation of the permit. Any request for an extension of time shall be submitted prior to the expiration of the deadline and shall be accompanied by the required statutory fee of \$100.00.

6. That the proposed appropriation shall be perfected by the actual application of water to the proposed beneficial use on or before **December 31, 2023** or any authorized extension thereof. Any request for an extension of time shall be submitted prior to the expiration of the deadline and shall be accompanied by the required statutory fee of \$100.00.

7. That the applicant shall not be deemed to have acquired a water appropriation for a quantity in excess of the amount approved herein nor in excess of the amount found by the Chief Engineer to have been actually used for the approved purpose during one calendar year subsequent to approval of the application and within the time specified for perfection or any authorized extension thereof.

8. That the use of water herein authorized shall not be made so as to impair any use under existing water rights nor prejudicially and unreasonably affect the public interest.

9. That the right of the appropriator shall relate to a specific quantity of water and such right must allow for a reasonable raising or lowering of the static water level and for the reasonable increase or decrease of the streamflow at the appropriator's point of diversion.

10. That this permit does not constitute authority under K.S.A. 82a-301 through 305a to construct any dam or other obstruction; nor does it grant any right-of-way, or authorize entry upon or injury to, public or private property.

11. That all diversion works constructed under the authority of this permit 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.

12. That all wells with a diversion rate of 100 gallons per minute or more drilled under the authority of this permit shall have a tube or other device installed in a manner acceptable to, and in accordance with specifications adopted by, the Chief Engineer. This tube or device shall be suitable for making water level measurements and shall be maintained in a condition satisfactory to the Chief Engineer.

13. That an acceptable water flow meter shall be installed and maintained on the diversion works authorized by this permit in accordance with the Kansas Administrative Regulations 5-1-4 through 5-1-12 adopted by the Chief Engineer. This water flow meter shall be used to provide an accurate quantity of water diverted as required for the annual water use report (including the meter reading at the beginning and end of the report year).

14. That the applicant shall maintain accurate and complete records from which the quantity of water diverted during each calendar year may be readily determined and the applicant shall file an annual water use report with the Chief Engineer by March 1 following the end of each calendar year. Failure to file the annual water use report by the due date shall cause the applicant to be subject to a civil penalty.

15. That no water user shall engage in nor allow the waste of any water diverted under the authority of this permit.

16. That failure without cause to comply with provisions of the permit and its terms, conditions and limitations will result in the forfeiture of the priority date, revocation of the permit and dismissal of the application.

17. That the right to appropriate water under authority of this permit is subject to any minimum desirable streamflow requirements identified and established pursuant to K.S.A. 82a-703c for the source of supply to which this water right applies.

CERTIFICATE OF SERVICE

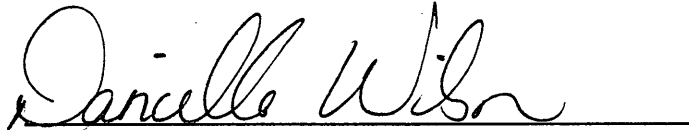
On this 5th day of October, 2018, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 50,009, dated October 2nd 2018 was mailed postage prepaid, first class, US mail to the following:

GARY KENNETH HARSHBERGER
10905 WILDFIRE RD
MINNEOLA KS 67865

With photocopies to:

Stafford Field Office

Groundwater Management District No. 3



Division of Water Resources

APPLICATION COMPLETE

9/11/18
Reviewer AM



THE STATE OF KANSAS

KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

File Number 50009
This item to be completed by the Division of Water Resources.

**APPLICATION FOR PERMIT TO
APPROPRIATE WATER FOR BENEFICIAL USE**
Filing Fee Must Accompany the Application
(Please refer to Fee Schedule attached to this application form.)

Water Resources
Received
MAR 09 2018
11:39
KS Dept Of Agriculture

To the Chief Engineer of the Division of Water Resources, Kansas Department of Agriculture,
1320 Research Park Drive, Manhattan, Kansas 66502:

1. Name of Applicant (Please Print): GARY KENNETH HARSHBERGER

Address: 10905 WILDFIRE RD

City: MINNEOLA State KS Zip Code 67865

Telephone Number: (620) 338-0888

2. The source of water is: surface water in _____ (stream)
OR groundwater in ARK RIVER (drainage basin)

Certain streams in Kansas have minimum target flows established by law or may be subject to administration when water is released from storage for use by water assurance district members. If your application is subject to these regulations on the date we receive your application, you will be sent the appropriate form to complete and return to the Division of Water Resources.

3. The maximum quantity of water desired is 190 acre-feet OR _____ gallons per calendar year, to be diverted at a maximum rate of 740 gallons per minute OR 1.64 cubic feet per second.

Once your application has been assigned a priority, the requested maximum rate of diversion and maximum requested quantity of water under that priority number can **NOT** be increased. Please be certain your requested maximum rate of diversion and maximum quantity of water are appropriate and reasonable for your proposed project and are in agreement with the Division of Water Resources' requirements.

4. The water is intended to be appropriated for (Check use intended):

- (a) Artificial Recharge
- (b) Irrigation
- (c) Recreational
- (d) Water Power
- (e) Industrial
- (f) Municipal
- (g) Stockwatering
- (h) Sediment Control
- (i) Domestic
- (j) Dewatering
- (k) Hydraulic Dredging
- (l) Fire Protection
- (m) Thermal Exchange
- (n) Contamination Remediation

YOU **MUST** COMPLETE AND ATTACH ADDITIONAL DIVISION OF WATER RESOURCES FORM(S) PROVIDING INFORMATION TO SUBSTANTIATE YOUR REQUEST FOR THE AMOUNT OF WATER FOR THE INTENDED USE REFERENCED ABOVE.

For Office Use Only:							
F.O. <u>2</u>	GMD <u>3</u>	Meets K.A.R. 5-3-1 (YES/NO) <u>(YES)</u>	Use <u>IRR</u>	Source <u>(G) S</u>	County <u>FO</u>	By <u>AM</u>	Date <u>3/9/18</u>
Code <u>REA</u>	Fee \$ <u>300</u>	TR # _____	Receipt Date <u>3/9/18</u>	Check # <u>11271</u>			

SCANNED

3/12/2018 LLM

5. The location of the proposed wells, pump sites or other works for diversion of water is:

Note: For the application to be accepted, the point of diversion location must be described to at least a 10 acre tract, unless you specifically request a 60 day period of time in which to locate the site within a specifically described, minimal legal quarter section of land.

(A) One in the NE quarter of the NW quarter of the NE quarter of Section 13, more particularly described as being near a point 5351 feet North and 1891 feet West of the Southeast corner of said section, in Township 28 South, Range 24 West, FORD County, Kansas.

(B) One in the _____ quarter of the _____ quarter of the _____ quarter of Section _____, more particularly described as being near a point _____ feet North and _____ feet West of the Southeast corner of said section, in Township _____ South, Range _____ East/West (circle one), _____ County, Kansas.

(C) One in the _____ quarter of the _____ quarter of the _____ quarter of Section _____, more particularly described as being near a point _____ feet North and _____ feet West of the Southeast corner of said section, in Township _____ South, Range _____ East/West (circle one), _____ County, Kansas.

(D) One in the _____ quarter of the _____ quarter of the _____ quarter of Section _____, more particularly described as being near a point _____ feet North and _____ feet West of the Southeast corner of said section, in Township _____ South, Range _____ East/West (circle one), _____ County, Kansas.

If the source of supply is groundwater, a separate application shall be filed for each proposed well or battery of wells, except that a single application may include up to four wells within a circle with a quarter (1/4) mile radius in the same local source of supply which do not exceed a maximum diversion rate of 20 gallons per minute per well.

A battery of wells is defined as two or more wells connected to a common pump by a manifold, or not more than four wells in the same local source of supply within a 300 foot radius circle which are being operated by pumps not to exceed a total maximum diversion rate of 800 gallons per minute and which supply water to a common distribution system.

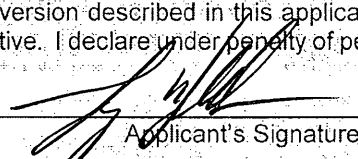
6. The owner of the point of diversion, if other than the applicant is (please print):

Carol Ware, 13469 W. Limbs St. Wichita, KS 67235
(name, address and telephone number)
316-773-5018
(name, address and telephone number)

You must provide evidence of legal access to, or control of, the point of diversion from the landowner or the landowner's authorized representative. Provide a copy of a recorded deed, lease, easement or other document with this application. In lieu thereof, you may sign the following sworn statement:

I have legal access to, or control of, the point of diversion described in this application from the landowner or the landowner's authorized representative. I declare under penalty of perjury that the foregoing is true and correct.

Executed on 27, 2018


Applicant's Signature

The applicant must provide the required information or signature irrespective of whether they are the landowner. Failure to complete this portion of the application will cause it to be unacceptable for filing and the application will be returned to the applicant.

7. The proposed project for diversion of water will consist of ONE WELL PUMP MOTOR
(number of wells, pumps or dams, etc.)
and (was)(will be) completed (by) COMPLETED
(Month/Day/Year - each was or will be completed)

8. The first actual application of water for the proposed beneficial use was or is estimated to be 2018
(Mo/Day/Year)

Water Resources
Received

MAR 09 2018

SCANNED

KS Dept Of Agriculture

9. Will pesticide, fertilizer, or other foreign substance be injected into the water pumped from the diversion works?
 Yes No If "yes", a check valve shall be required.

All chemigation safety requirements must be met including a chemigation permit and reporting requirements.

10. If you are planning to impound water, please contact the Division of Water Resources for assistance, prior to submitting the application. Please attach a reservoir area capacity table and inform us of the total acres of surface drainage area above the reservoir.

Have you also made an application for a permit for construction of this dam and reservoir with the Division of Water Resources? Yes No

- If yes, show the Water Structures permit number here _____
- If no, explain here why a Water Structures permit is not required _____

11. The application must be supplemented by a U.S.G.S. topographic map, aerial photograph or a detailed plat showing the following information. On the topographic map, aerial photograph, or plat, identify the center of the section, the section lines or the section corners and show the appropriate section, township and range numbers. Also, please show the following information:

- (a) The location of the proposed point(s) of diversion (wells, stream-bank installations, dams, or other diversion works) should be plotted as described in Paragraph No. 5 of the application, showing the North-South distance and the East-West distance from a section line or southeast corner of section.
- (b) If the application is for groundwater, please show the location of any existing water wells of any kind within 1/2 mile of the proposed well or wells. Identify each existing well as to its use and furnish the name and mailing address of the property owner or owners. If there are no wells within 1/2 mile, please advise us.
- (c) If the application is for surface water, the names and addresses of the landowner(s) 1/2 mile downstream and 1/2 mile upstream from your property lines must be shown.
- (d) The location of the proposed place of use should be shown by crosshatching on the topographic map, aerial photograph or plat.
- (e) Show the location of the pipelines, canals, reservoirs or other facilities for conveying water from the point of diversion to the place of use.

A 7.5 minute U.S.G.S. topographic map may be obtained by providing the section, township and range numbers to: Kansas Geological Survey, 1930 Constant, Campus West, University of Kansas, Lawrence, Kansas 66047.

12. List any application, appropriation of water, water right, or vested right file number that covers the same diversion points or any of the same place of use described in this application. Also list any other recent modifications made to existing permits or water rights in conjunction with the filing of this application.

PD PU OVERLAP WITH 22394 ID 6

NO ADDITIONAL QUANTITY, 15% ADDITIONAL RATE FOR A TOTAL OF 740 GPM WHEN COMBINED WITH 22394 ID 6

Water Resources
Received

MAR 09 2018

KS Dept Of Agriculture

SCANNED

13. Furnish the following well information if the proposed appropriation is for the use of groundwater. If the well has not been completed, give information obtained from test holes, if available.

Information below is from: Test holes Well as completed Drillers log attached

Well location as shown in paragraph No. (A) (B) (C) (D)

Date Drilled _____

Total depth of well _____

Depth to water bearing formation Existing Well

Depth to static water level _____

Depth to bottom of pump intake pipe _____

14. The relationship of the applicant to the proposed place where the water will be used is that of

Tenant
(owner, tenant, agent or otherwise)

15. The owner(s) of the property where the water is used, if other than the applicant, is (please print):

Carol Ware, 13469 W. Links St Wichita, Ks 67235
(name, address and telephone number)

316-773-5018
(name, address and telephone number)

16. The undersigned states that the information set forth above is true to the best of his/her knowledge and that this application is submitted in good faith.

Dated at Minneka, Kansas, this 27 day of February, 2018.
(month) (year)

[Signature]
(Applicant Signature)

By _____
(Agent or Officer Signature)

Gary Harsberger
(Agent or Officer - Please Print)

Assisted by MM GCFO Date: 2-22-2018
(office/title)

Water Resources
Received
MAR 09 2018
KS Dept Of Agriculture
SCANNED

**IRRIGATION USE
SUPPLEMENTAL SHEET**

File No. 50009

Name of Applicant (Please Print): GARY HARSHBERGER

I. Please supply the name and address of each landowner, the legal description of the lands to be irrigated, and designate the actual number of acres to be irrigated in each forty acre tract or fractional portion thereof:

Landowner of Record NAME: CAROL WARE

ADDRESS: 13469 W LINKS AVE, WICHITA KS 67235

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13	28	24W	32	32	37	32	32	32	37.5	37.5	32	32	32						400

Landowner of Record NAME: _____

ADDRESS: _____

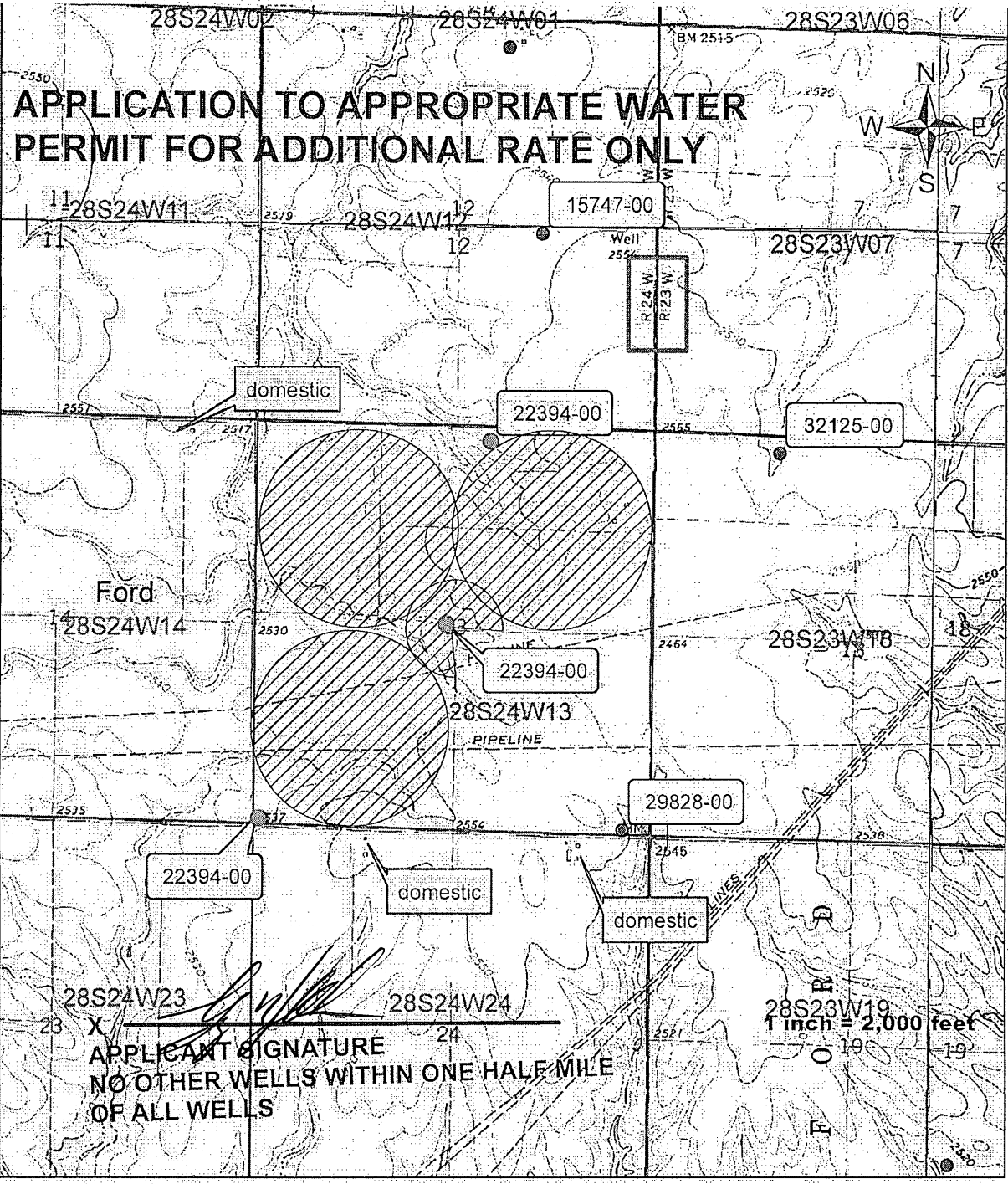
S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Landowner of Record NAME: _____

ADDRESS: _____

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

50009



authorized P/D ●

Authorized P/U - ///

proposed P/U - ///

Water Resources
Received
MAR 09 2018
KS Dept Of Agriculture
SCANNED

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

DIVISION OF WATER RESOURCES - KANSAS DEPARTMENT OF AGRICULTURE
COMPLIANCE INVESTIGATION

Field Office No. 02 G.M.D. No. 03 County Ford

File No. 22,394 (PDIV ID: 78379) Overlap _____ File No(s) _____

Agency DWR Inspector Meier

In Compliance/ Date	
<input checked="" type="checkbox"/> Yes	<u>8/12/14</u>
<input type="checkbox"/> No, see comments	_____
<input type="checkbox"/> Re-investigation	_____

Reason: New Application Regular P/D Change P/U Change
 Meter Installed Short Move P/D Change Other _____

Date of Order 4/18/11 Date of N of C Ack 8/16/11 Chg No. C1 Date completed 5/19/11 If PD chg, old PD ID 1

Current Landowner CAROL WARE Phone No. _____

Address 13469 W LINKS AVE WICHITA, KS 67235
 Additional landowners and addresses identified in remarks section.

Water Use Correspondent GARY KENNETH HARSHBERGER Phone No. _____

Authorized Water Use Classification: Domestic Industrial Irrigation Municipal Hydraulic Dredging
 Recreation Stockwatering Water Power Artificial Recharge Contamination Remediation
 Dewatering Fire Protection Thermal Exchange Sediment Control Other _____

Water currently being used for Corn

Source: Groundwater Surface Water Basin/Stream Arkansas River

Authorized Point of Diversion: NE NW NE Sec. 13, T. 28S, R. 24W ID No. 6

Approximately 5,351 ft. North and 1,891 ft. West of SE corner of Sec 13

Actual Point of Diversion: NE NW NE Sec. 13, T. 28S, R. 24W

Approximately 5,219 ft. North and 2,188 ft. West of SE corner of Sec 13

How were distances determined? GPS & Leobase(est. acc- 5.6' count-509) Latitude 37.61722 Longitude 99.89531

Distance from old pd 995 ft (N) and 1767 ft (W) Old well: plugged capped equipped other: _____?

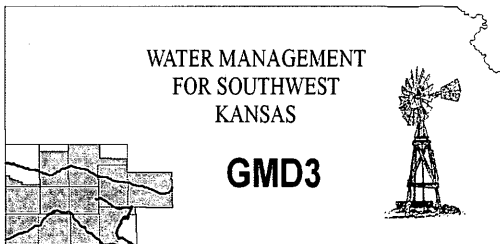
Location (site) map attached? Y / N Sketch or Map below

Comments: Unable to located old well. New well is approximatley 325 feet from authorized location. Slight discrepancy in footages likely due to lack of gps location on previous PD. Based on available information it appears that the PD move is in compliance. Meter has different serial & model #s then one listed in Notice of completion, may have been replaced.

Rate: 5 min-End 551.133AF - 551.122AF Start = 0.011AF*325.851af/g = 3585g/5min = 717gpm

Authorized Rate: 640 gpm. 77 gpm higher than Authorized





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

August 24, 2018

Austin J. McColloch
Kansas Department of Ag
Division of Water Resources
1320 Research Park Drive
Manhattan, Kansas 66502

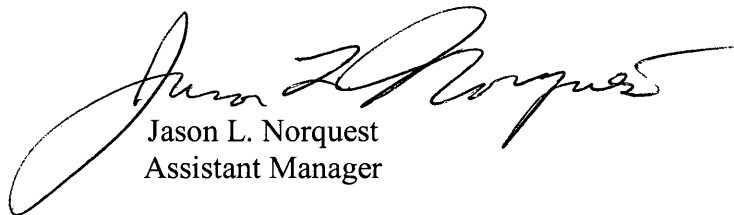
RE: Change in Place of use, Water Right, File No. 22394
New Application for Appropriation, File Nos. 50009, 50010 & 50011

Dear Austin:

We have completed a review of the applications for the above referenced appropriations. The applications are not in conflict with the Management Program of the Southwest Kansas Groundwater Management District No. 3 (GMD3). The change in place of use is in accordance with K.A.R. 5-5-11. The new appropriations, which will overlap the three points of diversion under 22394, is to increase rate only per well and is in accordance with K.A.R. 5-4-5. Spacing to neighboring wells is in accordance with K.A.R. 5-23-3. It is therefore recommended that the applications be approved at this time.

Thank you for the opportunity to review the applications and to provide a recommendation. If you have any questions, please don't hesitate to contact us.

Sincerely,

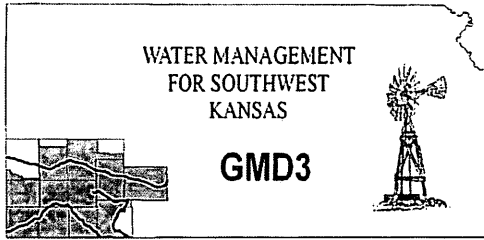


Jason L. Norquest
Assistant Manager

RECEIVED

SEP 12 2018

Garden City Field Office
DIVISION OF WATER RESOURCES



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

August 24, 2018

Austin J. McColloch
Kansas Department of Ag
Division of Water Resources
1320 Research Park Drive
Manhattan, Kansas 66502

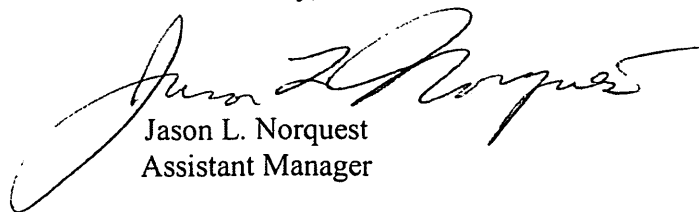
RE: Change in Place of use, Water Right, File No. 22394
New Application for Appropriation, File Nos. 50009, 50010 & 50011

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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

GMD3 Change Review

File No(s): 22394, 50009, 50010 & 50011.

DWR office: Stafford.

App filed to change: PU and new apps for rate only.

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 & KAR 5-23-3 & kar ~~5-23-4(b)(4)~~ ⁵⁻⁴⁻⁷

Point of diversion ID No(s) being changed.

	ft. North	ft. West			
Authorized PD					
Proposed PD					
Difference	0	0			
a2 + b2 = c2	0	0	0		

GPS for proposed PD: Lat: Long:

Is proposed PD stacking on existing WRs? New apps will overlap base 22394.

Is Proposed PU overlapping existing WRs? New apps will overlap base 22394.

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: 390, verified with DWR.

Perfected Acres:


Irr. Return-Flow %

The change in PU will be taking the current authorized acres of 420 and reducing down to 400, which is 10 more than base so rule is met. Applicant will be eliminating some of the corners and adding a short system in the middle of the section.

50009, 50010 & 50011 are new apps requesting to increase rate only by the max allowed 15%. NO ADDITIONAL AF IS BEING REQUESTED. Current 689AF will still be the max available.

Is a waiver needed: No.

Final Recommendation: After review of all available information, it appears current area rules are met. Staff therefore recommends approval of the applications.



AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 22394 00

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AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 22394 00 IRR

Water Right and Points of Diversion Within 1.00 miles of point defined as:

5351 Feet North and 1891 Feet West of the Southeast Corner of Section 13 T 28S R 24W

GROUNDWATER ONLY

File Number	Use	ST	SR	Dist (ft)	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Twp	Rng	ID	Batt	Auth_Quan	Add_Quan	Unit
A__ 15747 00	IRR	NK	G	2686	--	NE	NW	SE	2630	1635	12	28	24W	3		320.00	320.00	AF
A__ 22394 00	IRR	NK	G*	0	--	NE	NW	NE	5351	1891	13	28	24W	6		190.00	190.00	AF
Same				2699	--	SE	SE	NW	2788	2736	13	28	24W	7		251.00	251.00	AF
A__ 30350 00	IRR	NK	G	5036	NC	N2	NW	NE	4995	1987	12	28	24W	2		195.00	195.00	AF
A__ 32125 00	IRR	NK	G	3554	--	CN	NW		5228	3675	18	28	23W	1		243.00	243.00	AF
A__ 50009 00	IRR	AY	G	0	--	NE	NW	NE	5351	1891	13	28	24W	6		190.00	190.00	AF
A__ 50011 00	IRR	AY	G	2699	--	SE	SE	NW	2788	2736	13	28	24W	7		251.00	251.00	AF

+ 100gpm

Total Net Quantities Authorized:	Direct	Storage
Total Requested Amount (AF) =	441.00	.00
Total Permitted Amount (AF) =	.00	.00
Total Inspected Amount (AF) =	.00	.00
Total Pro_Cert Amount (AF) =	.00	.00
Total Certified Amount (AF) =	1199.00	.00
Total Vested Amount (AF) =	.00	.00
TOTAL AMOUNT (AF) =	1640.00	.00

Spraying M ST

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

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

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

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

Water Rights and Points of Diversion Within 1.00 miles of point defined as:

5351 Feet North and 1891 Feet West of the Southeast Corner of Section 13 T 28S R 24W

GROUNDWATER ONLY

WATER USE CORRESPONDENTS:

- File Number Use ST SR
- A__ 15747 00 IRR NK G
- > FARMERS NATIONAL COMPANY
- > COLE OWENS
- > PO BOX 1834
- > GARDEN CITY KS 67846
-
- A__ 22394 00 IRR NK G
- > GARY KENNETH HARSHBERGER
- >
- > 10905 WILDFIRE RD
- > MINNEOLA KS 67865
-
- A__ 30350 00 IRR NK G
- > FARMERS NATIONAL COMPANY
- > COLE OWENS
- > PO BOX 1834
- > GARDEN CITY KS 67846

>-----
 A__ 32125 00 IRR NK G
 > FARMERS NATIONAL COMPANY
 > COLE OWENS
 > PO BOX 1834
 > GARDEN CITY KS 67846
 >-----

A__ 50009 00 IRR AY G
 > GARY KENNETH HARSHBERGER
 >
 > 10905 WILDFIRE RD
 > MINNEOLA KS 67865
 >-----

A__ 50011 00 IRR AY G
 > GARY KENNETH HARSHBERGER
 >
 > 10905 WILDFIRE RD
 > MINNEOLA KS 67865
 >-----

 AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 22394 00 IRR

Water Right and Points of Diversion Within 1.00 miles of point defined as:

2788 Feet North and 2736 Feet West of the Southeast Corner of Section 13 T 28S R 24W

GROUNDWATER ONLY

File Number	Use	ST	SR	Dist (ft)	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Twp	Rng	ID	Batt	Auth_Quan	Add_Quan	Unit
A__ 22394 00	IRR NK G*			2699	--	NE	NW	NE	5351	1891	13	28	24W	6		190.00	190.00	AF
Same				0	--	SE	SE	NW	2788	2736	13	28	24W	7		251.00	251.00	AF
Same				3635	--	SW	SW	SW	100	5200	13	28	24W	8		248.00	248.00	AF
A__ 29826 00	IRR NK G			3613	--	SE	SE	SE	53	376	13	28	24W	4		221.00	221.00	AF
A__ 32125 00	IRR NK G			4959	--	--	CN	NW	5228	3675	18	28	23W	1		243.00	243.00	AF
A__ 50009 00	IRR AY G			2699	--	NE	NW	NE	5351	1891	13	28	24W	6		190.00	190.00	AF
A__ 50010 00	IRR AY G			3635	--	SW	SW	SW	100	5200	13	28	24W	8		248.00	248.00	AF
A__ 50011 00	IRR AY G			0	--	SE	SE	NW	2788	2736	13	28	24W	7		251.00	251.00	AF + 95 gpa

Total Net Quantities Authorized:	Direct	Storage
Total Requested Amount (AF) =	689.00	.00
Total Permitted Amount (AF) =	.00	.00
Total Inspected Amount (AF) =	.00	.00
Total Pro_Cert Amount (AF) =	.00	.00
Total Certified Amount (AF) =	1153.00	.00
Total Vested Amount (AF) =	.00	.00
TOTAL AMOUNT (AF) =	1842.00	.00

Spary met

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

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

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

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

Water Rights and Points of Diversion Within 1.00 miles of point defined as:

2788 Feet North and 2736 Feet West of the Southeast Corner of Section 13 T 28S R 24W

GROUNDWATER ONLY

WATER USE CORRESPONDENTS:

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=====
File Number      Use ST SR
A__  22394 00 IRR NK G
>  GARY KENNETH HARSHBERGER
>
>  10905 WILDFIRE RD
>  MINNEOLA KS 67865
>-----
A__  29828 00 IRR NK G
>  MARK HAGER
>
>  11789 VALLEY RD
>  DODGE CITY KS 67801
>-----
A__  32125 00 IRR NK G
>  FARMERS NATIONAL COMPANY
>  COLE OWENS
>  PO BOX 1834
>  GARDEN CITY KS 67846
>-----
A__  50009 00 IRR AY G
>  GARY KENNETH HARSHBERGER
>
>  10905 WILDFIRE RD
>  MINNEOLA KS 67865
>-----
A__  50010 00 IRR AY G
>  GARY KENNETH HARSHBERGER
>
>  10905 WILDFIRE RD
>  MINNEOLA KS 67865
>-----
A__  50011 00 IRR AY G
>  GARY KENNETH HARSHBERGER
>
>  10905 WILDFIRE RD
>  MINNEOLA KS 67865
>-----
=====

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AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 22394 00 IRR

Water Right and Points of Diversion Within 1.00 miles of point defined as:

100 Feet North and 5200 Feet West of the Southeast Corner of Section 13 T 28S R 24W

GROUNDWATER ONLY

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=====
File Number      Use ST SR Dist (ft) Q4 Q3 Q2 Q1 FeetN FeetW Sec Twp Rng ID Batt Auth_Quan Add_Quan Unit
A__  22394 00 IRR NK G* 3635 -- SE SE NW 2788 2736 13 28 24W 7 251.00 251.00 AF
Same              0 -- SW SW SW 100 5200 13 28 24W 8 248.00 248.00 AF
A__  29828 00 IRR NK G 4825 -- SE SE SE 53 376 13 28 24W 4 221.00 221.00 AF
=====

```

A__	50010 00 IRR AY G	0 -- SW SW SW	100	5200	13	28	24W	8	248.00	248.00	AF	+ 95 gpm
A__	50011 00 IRR AY G	3635 -- SE SE NW	2788	2736	13	28	24W	7	251.00	251.00	AF	

```

=====
Total Net Quantities Authorized:  Direct      Storage
Total Requested Amount (AF) =    499.00      .00
Total Permitted Amount (AF) =       .00      .00
Total Inspected Amount (AF) =       .00      .00
Total Pro_Cert Amount (AF) =       .00      .00
Total Certified Amount (AF) =    720.00      .00
Total Vested Amount (AF) =         .00      .00
TOTAL AMOUNT (AF) =    1219.00      .00

```

Spacing MET

An * after the source of supply indicates a pending application for change under the file number.
 An * after the ID indicates a 15 AF exemption was granted under the file number.
 A "C" in the Batt column indicates the GEO CTR of a battery. A "B" indicates a well in the battery.
 The number in the Batt column is the number of wells in the battery.

Water Rights and Points of Diversion Within 1.00 miles of point defined as:
 100 Feet North and 5200 Feet West of the Southeast Corner of Section 13 T 28S R 24W

GROUNDWATER ONLY

WATER USE CORRESPONDENTS:

```

=====
File Number  Use ST SR

```

```

A__ 22394 00 IRR NK G
> GARY KENNETH HARSHBERGER
>
> 10905 WILDFIRE RD
> MINNEOLA KS 67865
> -----

```

```

A__ 29828 00 IRR NK G
> MARK HAGER
>
> 11789 VALLEY RD
> DODGE CITY KS 67801
> -----

```

```

A__ 50010 00 IRR AY G
> GARY KENNETH HARSHBERGER
>
> 10905 WILDFIRE RD
> MINNEOLA KS 67865
> -----

```

```

A__ 50011 00 IRR AY G
> GARY KENNETH HARSHBERGER
>
> 10905 WILDFIRE RD
> MINNEOLA KS 67865
> -----

```

#####

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 19, 2018

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,

A handwritten signature in cursive script, appearing to read "Austin McColloch".

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

March 12, 2018

GARY KENNETH HARSHBERGER
10905 WILDFIRE RD
MINNEOLA KS 67865

RE: Application
File No. 50009

Dear Sir or Madam:

Your application for permit to appropriate water in 13-28S-24W in Ford County, was received and has been assigned the file number noted above.

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. Once review of your application has begun, we will contact you, if additional information is required.

In accordance with the provisions of the Kansas Water Appropriation Act, a portion of which is included below, the use of water as proposed prior to approval of the application is unlawful. 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) 564-6637. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

Kristen A. Baum
New Applications Unit Supervisor
Water Appropriation Program

BAT: dlw
pc: STAFFORD Field Office
GMD 3

SCANNED