

NOTICE

This scan only represents the application as filed. The information contained herein meets the requirements of K.A.R. 5-3-1 or K.A.R. 5-5-1, and has been found acceptable for filing in the office of the Chief Engineer. The application should not be considered to be a complete application as per K.A.R. 5-3-1b or K.A.R. 5-5-2a.

Submit To: CHIEF ENGINEER
Division of Water Resources
Kansas Department of Agriculture
109 SW 9th Street, 2nd Floor
Topeka, KS 66612-1283
www.ksda.gov/dwr

APPLICATION FOR TERM PERMIT
TO USE LEASED WATER FROM **DEC 26 2019**
WATER BANK



TERM PERMIT, FILE NO: 20192009 ^{10:58} KS Dept Of Agriculture
STATUTORY FILING FEE MUST ACCOMPANY THIS APPLICATION
(Make check payable to the Kansas Department of Agriculture)

- Applicant: (Please print or type)
Name Lance Higbie
Street 2307 130th Ave.
City and State Lewis, Kansas
Zip Code 67552 Telephone No. (620) 546-5073
E-mail Address higfarm75@gmail.com
Social Security I.D. No. _____
and/or Taxpayer I.D. No. _____
- Water Bank Lease Contract No. 201906009
- Proposed period of use:
Commencing date: 1-1-2019
Ending Date: 12-31-2028
- Proposed Point of Diversion:
Sec. 16, Twp. 26S, Rng. 19W, (E/W),
Edwards County, Kansas
Distance from Southeast Corner of Section:
3595 feet North from Southeast Corner
1340 feet West from Southeast Corner
If overlapping water rights give File No.(s) 3417,
20172006 Term
DWR Point of Diversion ID No. (if known) 27043
*plat for existing point of diversion
and the wells within 1/2 mile*
- Proposed Max. Pumping Rate: 890 g.p.m
- *Proposed Maximum Quantity of water per year:
594 AF / Year Maximum AF
- Quantity of water leased: 88.72 AF
- Hydrologic Unit: Rattlesnake Creek
- Drainage Basin: Rattlesnake Creek Basin
- Proposed Use Made of Water: Irrigation
- Proposed Place of Use:
Sec. 16, Twp. 26S, Rng. 19W, (E/W),
Edwards County, Kansas
Attach a map (based upon a 1:24,000 topographic map) of the proposed Place of Use. If drilling a new well, plot its location and the location of all existing wells within 1/2 mile of it.
DWR Place of Use ID (if known) 29439
- If proposed use is for irrigation, give the number of acres to be irrigated, and the number of acres for each type of crop to be grown. 264 Acres
- Provide the water flowmeter reading at the time application is filed. N. 197.267 AF S. 460.225 AF

FEE SCHEDULE

- The filing fee for an application is based on the maximum amount of water use proposed within a year.

Acre-feet	Fee
0-100	\$200.00
101-320	\$300.00
More than 320	\$300.00

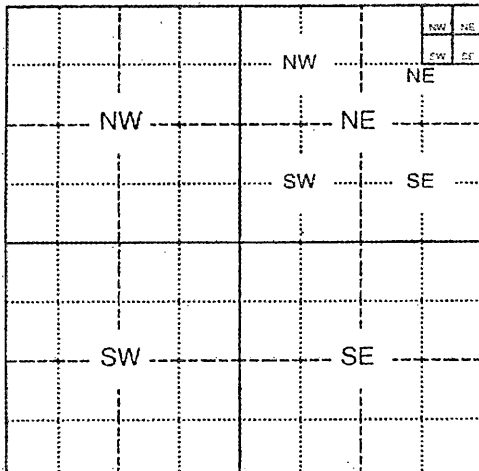
plus \$20 for each additional 100 acre-feet or any part thereof.

*This quantity of water will be limited with any existing water rights that authorize the same irrigation place of use as follows.

Maximum acre-feet per acre by county per K.A.R. 5-3-24 and 5-17-17:
Barton, Pratt, Rice, Reno and Stafford (2.1 AF/Acre)
Edwards, Kiowa and Pawnee (2.25 AF/Acre)

CONVERSION FACTORS

1 acre-foot equals 325,851 gallons
1 million gallons equal 3.07 acre-feet



For Office Use Only:
F.O. 2 GMD 5 Meets K.A.R. 5-3-1 (YES/NO) Use IRR Source GYS County ED By KAB Date 12/26/19
Code WRB WBK Fee \$ 200 TR # _____ Receipt Date 12/26/19 Check # 005982

12/30/2019
L.Moody

Recommendation of Water Bank:

Approve application, meets Statutory and Regulatory requirements.

Do not approve. Specify reasons: _____

Application meets statutory and regulatory requirements.

The applicant states that the information set hereon is true and accurate to the best of his/her knowledge.

The applicant agrees to waive any right to a hearing on the matter of the dismissal of this appropriation right and further agrees that this appropriation right may be dismissed and terminated upon completion of the proposed project, said dismissal date to be the ending date specified in paragraph 3.

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

L & M Holdings LLC

(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 12/19, 2019.

[Signature]
Applicant's Signature

Water use correspondent if different from applicant:

Name (print): Lance Higbie

Address: 2307 130th Ave Lewis, KS 67552

[Signature]
Signature of Applicant

or

[Signature]
Authorized Representative

12-19-19
Date

Lance Higbie
Applicant's Name Printed

[Signature]
Title

DO NOT WRITE BELOW THIS LINE

CONDITIONS OF APPROVAL:

The applicant shall install and maintain in proper operating condition a water flowmeter and that flowmeter shall be used to provide accurate and complete record from which water use shall be reported to the Chief Engineer on or before March 1 of the following year for which water use is being reported. Failure to file the annual water use report by the due date shall cause the applicant to be subject to a civil penalty.

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.

That the diversion of water authorized herein shall not cause an increase in depletion to any severely depleted groundwater aquifer or severely depleted stream course.

That the diversion of water authorized herein shall be diverted from, and used within, the same hydrologic unit where the water rights were deposited.

That any violation of the terms and conditions of this term permit shall make the permittee subject to the penalty provisions of K.A.R. 5-17-13.

The Chief Engineer specifically retains jurisdiction in this matter with authority to make such reasonable reductions in the approved rate of diversion and quantity authorized, and such changes in other terms, conditions, and limitations set forth in this approval and permit to proceed as may be deemed to be in the public interest.

Make checks payable to:
 Central Kansas Water
 Bank Association
 125 S Main St
 Stafford, KS 67578

Central Kansas Water Bank Association
 (The non-refundable filing fee of \$200 and monitoring fees
 of \$100 per year must accompany this form)

For Office Use Only
 *Fec \$1,200
 Form # 201906009
 TR# 12119
 Date Recd 12-17-19
 Time Recd 11:15 a.m.
 Initials JH

CONTRACT FOR LEASE RECEIVED

Applicant Name: Lance Higbie
 Address: 2307 130th Ave.
 City: Lewis State: KS Zip: 67552
 DEC 17 2019
 CKWBA

Home Phone: _____ Cell: (620) 546-5073 Email: higfarm75@gmail.com

Hydrologic Unit: Rattlesnake Creek Source of Supply: Rattlesnake Creek Groundwater

Water Right File No(s) that authorize use of water from the proposed point of diversion: 3417

Point of Diversion of Leased Water:

Legal Desc: NE 1/4, SW 1/4, NE 1/4, Sec 16 Twp 26S Rng 19W, Edwards County
3595 feet North & 1340 feet West of the Southeast corner of said section.

Place of Use of Leased Water:

Sec	Twp	Rng	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL ACRES			
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4				
16	26S	19W	33	34	33	32												34	34.5	32	31.5	264.0
																						0.0
																						0.0

Quantity of Water Requested: 103.16 AF Quantity of Water to be Leased: 88.72 AF

Maximum Rate of Diversion: 890 gpm Proposed Use Made of Water: Irrigation

Calendar Years Water is to be Leased: 2019,2020,2021,2022,2023,2024,2025,2026,2027,2028
 (not to exceed the length of the water bank charter plus three calendar years)

Is a water flow meter installed correctly according to K.A.R. 5-1-4 thru 5-1-12? Yes No

*The current water flow meter reading from the proposed point of diversion: S 460.225
N 197.267

*Current water level measurement: 52.74' *Date of measurement: 12-17-19

Payment Amount per Acre-Foot: \$ 0.00 /AF x 103.16 AF = Total \$ 0.00

Terms of Payment: \$1 Private Transaction

Water Resources
 Received

DEC 26 2019

TERMS AND CONDITIONS OF CONTRACT

Subject to the terms and conditions set forth below, Lessee agrees to lease from water right owner and/or The Central Kansas Water Bank Association (Association) and owner and/or Association agrees to lease to Lessee the water right identified above.

EXERCISE OF CONTRACT Lessee agrees that if the term permit is not obtained by 12/31/2019, this contract will be terminated.

INSPECTION Association shall have the right to inspect the point of diversion, place of use and water flow meter at any time during the term of this contract.

ASSIGNMENT The lessee may not assign or transfer the deposited water without prior written permission of the Association and chief engineer.

WATER USE REPORTING Association participants will be required to submit their Water Use Reports to the Division of Water Resources by March 1st each year throughout the duration of the contract. A copy of the Water Use Report shall be sent to the Association by March 1st each year throughout the duration of the contract.

TERMS OF PAYMENT Lessee shall pay to Association or Owner the sum of \$ _____ on or before _____ during the term of this Lease.

BINDING This agreement shall be binding upon the parties hereto, their heirs, executors, administrators, and assigns.

COMPLIANCE WITH ALL LAWS This contract is subject to the provisions of the Association charter and all rules, regulations, and policies established by Big Bend Groundwater Management District #5 (including without limitation Central Kansas Water Bank Association Charter Section 506 set forth below) and the Kansas Department of Agriculture, Division of Water Resources. If a partial deposit is made, the depositor agrees to maintain an accurate water flow meter which meets or exceeds the rules and regulations K.A.R. 5-1-4 through 5-1-12 as approved by the Chief Engineer of Kansas Department of Agriculture, Division of Water Resources.

TERMINATION This Lease shall commence upon the issuance of the term permit and shall terminate upon the last day of the final calendar year of the Lease as set forth above unless sooner terminated by the termination of a term permit or the Contract of Deposit between Association and Owner. Upon termination, end of this Lease, or in the event of breach of contract, lessee agrees and promises to return the possession of any unused portion of the leased water to the Association without necessity of legal process.

BREACH OF CONTRACT-PENALTIES Breach of contract will result in forfeiture to participate in the Association in the future. All violations of the act, charter, and any applicable rules and regulations may be processed through Section 801 of this charter, and K.A.R. 5-17-13.

ACKNOWLEDGEMENT OF TERMS AND CONDITIONS The undersigned acknowledges they have read and understand the conditions of the above contract and have provided the Association with honest, accurate information in preparation of this lease.

*Applicant: [Signature] Date: 12-17-19
Association Representative: [Signature] Date: 12-17-19

**Central Kansas Water Bank Association Charter
Section 506**

Rules for Leases

The proposed lease is from water rights on deposit from the same hydrologic unit designated by the Association and within the Association's boundary.

The lease shall be subject to such terms and conditions, and such approval by the chief engineer, as provided by rules and regulations of the chief engineer.

The lessee shall complete an application for contract to lease water on a form prescribed by the Association and approved by the chief engineer. The application shall be filed with the Association and shall include the following:

- A. The hydrologic unit designation of leased water
- B. Calendar years that water is proposed to be leased
- C. Number of acre-feet proposed for lease, and the purpose of use
- D. Location where leased water will be used, including point of diversion, place of use, acres (if irrigation) current authorized rate (if existing well – proposed rate if new well)
- E. A current water level measurement
- F. Aquifer unit (source of supply)
- G. File numbers of all other water rights that authorize use of water from that point of diversion

Each approved contract shall set forth penalty provisions for breach of contract conditions.

In order to prevent an increase in consumptive use, applications to lease water for a use other than the authorized use of the deposited water proposed for lease shall comply with K.A.R. 5-5-9 and 5-5-10.

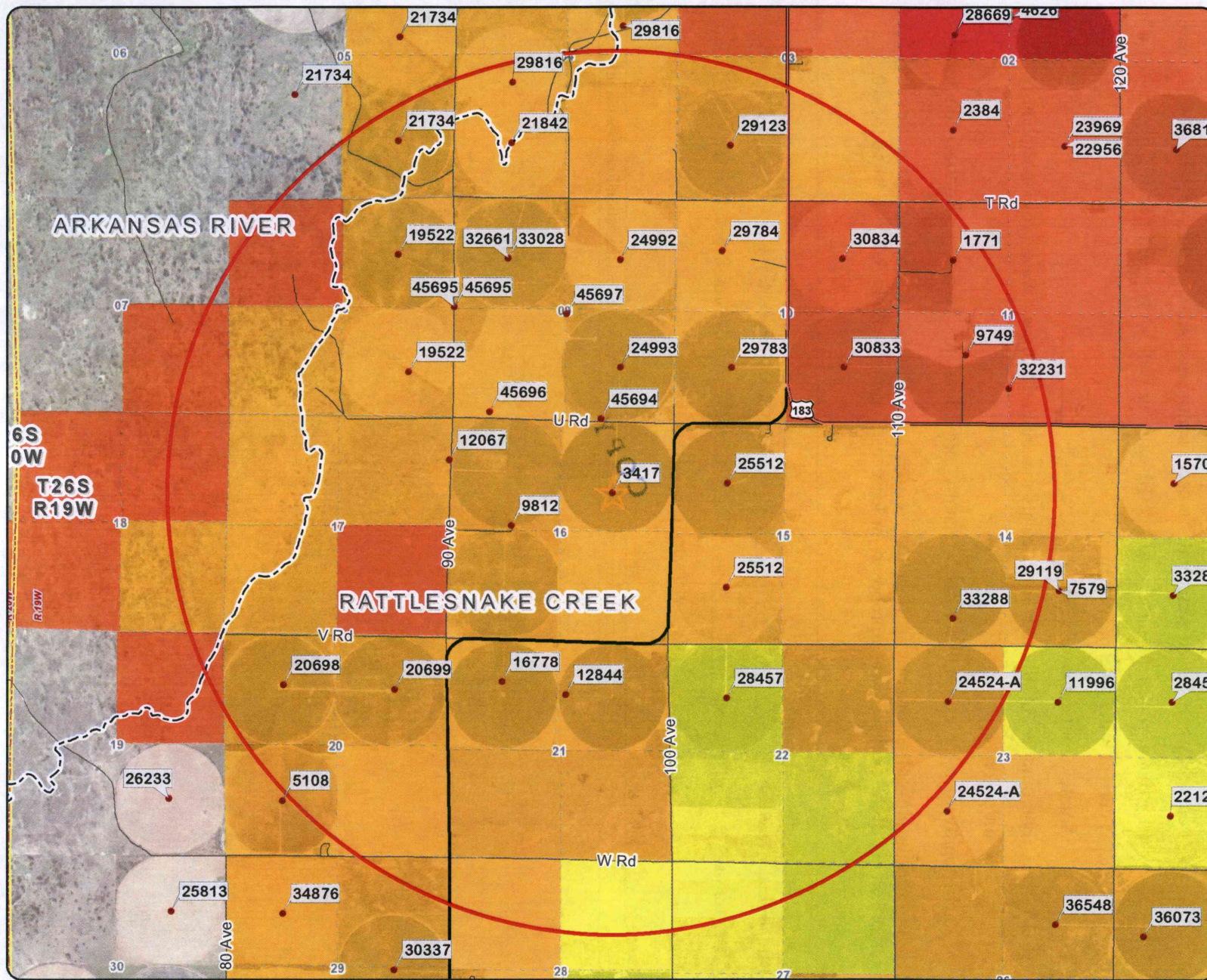
OFFICE USE ONLY			
1. Date application received: <u>12/17/19</u>	2. Application meets K.A.R. 5-17-4: <input checked="" type="radio"/> Yes <input type="radio"/> No		
3. Quantity of water proposed for lease: <u>88,72 AF</u>	4. DWR notified of deposit prior to lease: <input checked="" type="radio"/> Yes <input type="radio"/> No		
3. Application approved: <input checked="" type="radio"/> Yes <input type="radio"/> No	If "NO" Give reason: _____		
Date: <u>12/18/19</u>	COPY <u>[Signature]</u> Reviewed by (Association Representative)		

Water Resources
Received

DEC 26 2019

KS Dept Of Agriculture

**Conservation Component Determination
Proposed Location: NE SW NE 16-26S-19W
Water Right File No. 3417**



Legend

Point of Diversion

- ★ G_IND
- G_IRR
- ▲ G_MUN
- ✚ G_REC

⊞ Subbasin Boundary

Conservation Component

- ⊞ Unavailable
- 10.00 %
- 11.00 %
- 12.00 %
- 13.00 %
- 14.00 %
- 15.00 %
- 16.00 %

Conservation Criteria

Saturated Thickness

152.40 ft = 10 pts

Sustainable Yield

5356.00 AF = 1 pts

Water Level Change

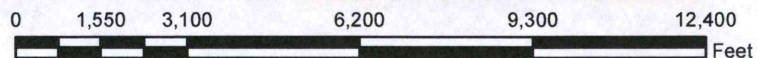
-11.50 ft = 3 pts

Distance to Stream

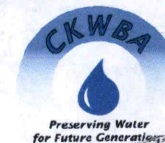
73,939.59 ft = 5 pts

Conservation Component

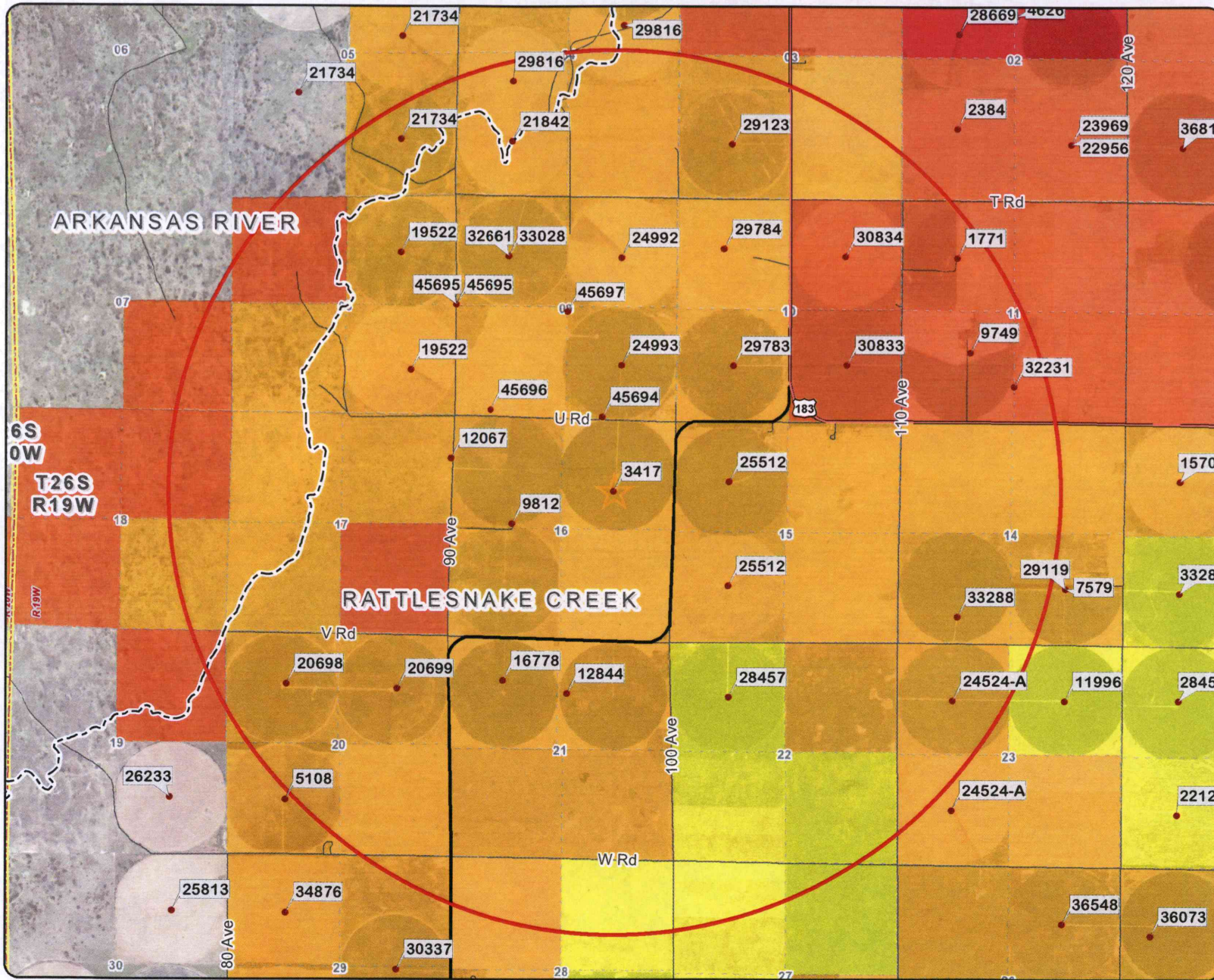
4.75 pts = 14.00 %



This map was created by WIMAS on 12/18/2019



**Conservation Component Determination
Proposed Location: NE SW NE 16-26S-19W
Water Right File No. 3417**



Legend

- Point of Diversion**
- ★ G_IND
 - G_IRR
 - ▲ G_MUN
 - ✚ G_REC
- Subbasin Boundary

Conservation Component

- Unavailable
- 10.00 %
 - 11.00 %
 - 12.00 %
 - 13.00 %
 - 14.00 %
 - 15.00 %
 - 16.00 %

Conservation Criteria

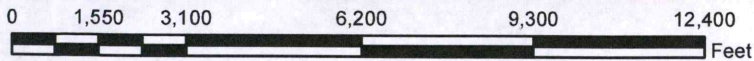
Saturated Thickness
152.40 ft = 10 pts

Sustainable Yield
5356.00 AF = 1 pts

Water Level Change
-11.50 ft = 3 pts

Distance to Stream
73,939.59 ft = 5 pts

Conservation Component
4.75 pts = 14.00 %



This map was created by WIMAS on 12/18/2019



Water Resources Received

DEC 26 2019

KS Dept Of Agriculture

1320 Research Park Drive
Manhattan, KS 66502
785-564-6700
www. agriculture.ks.gov



900 SW Jackson, Room 456
Topeka, KS 66612
785-296-3556

Mike Beam, Secretary

Laura Kelly, Governor

December 26, 2019

LANCE HIGBIE
2307 130TH AVE
LEWIS KS 67552

RE: Application, File No. **20192009**

Dear Sir or Madam:

The Division of Water Resources (Division) has received your application for a permit to appropriate water for beneficial use. Your application has been assigned the file number referenced above. Please be aware that the Division may have a large number of pending applications on hand at times and makes every attempt to process them in the order in which they are received. You will be contacted if additional information is required.

Please note, this letter only acknowledges receipt of your application and does not guarantee approval. In accordance with the provisions of the Kansas Water Appropriation Act, the use of water as proposed prior to approval of the application is unlawful.

Additional information about the process may be found on our website at agriculture.ks.gov/divisions-programs/dwr. If you have any other questions, please contact our office at 785-564-6640 or your local Stafford Field Office at 620-234-5311. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

A handwritten signature in black ink that reads "Kristen A. Baum". The signature is written in a cursive style.

Kristen A. Baum
New Applications Unit Supervisor
Water Appropriation Program

1320 Research Park Drive
Manhattan, KS 66502
785-564-6700
www. agriculture.ks.gov



900 SW Jackson, Room 456
Topeka, KS 66612
785-296-3556

Mike Beam, Secretary

Laura Kelly, Governor

December 26, 2019

MARK & LANAE SCHAMBERGER
8999 N HWY 23
HOXIE KS 67740

RE: Application, File No. **20199082**

Dear Sir or Madam:

The Division of Water Resources (Division) has received your application for a permit to appropriate water for beneficial use. Your application has been assigned the file number referenced above. Please be aware that the Division may have a large number of pending applications on hand at times and makes every attempt to process them in the order in which they are received. You will be contacted if additional information is required.

Please note, this letter only acknowledges receipt of your application and does not guarantee approval. In accordance with the provisions of the Kansas Water Appropriation Act, the use of water as proposed prior to approval of the application is unlawful.

Additional information about the process may be found on our website at agriculture.ks.gov/divisions-programs/dwr. If you have any other questions, please contact our office at 785-564-6640 or your local Stockton Field Office at 785-425-6787. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

A handwritten signature in black ink that reads "Kristen A. Baum". The signature is written in a cursive style.

Kristen A. Baum
New Applications Unit Supervisor
Water Appropriation Program

1320 Research Park Drive
Manhattan, KS 66502
785-564-6700
www. agriculture.ks.gov



900 SW Jackson, Room 456
Topeka, KS 66612
785-296-3556

Mike Beam, Secretary

Laura Kelly, Governor

December 26, 2019

PERRY M SMITH & JEFFREY E BROZEK MD
1309 POLK ST
GREAT BEND KS 67530

RE: Application, File No. **20199083**

Dear Sir or Madam:

The Division of Water Resources (Division) has received your application for a permit to appropriate water for beneficial use. Your application has been assigned the file number referenced above. Please be aware that the Division may have a large number of pending applications on hand at times and makes every attempt to process them in the order in which they are received. You will be contacted if additional information is required.

Please note, this letter only acknowledges receipt of your application and does not guarantee approval. In accordance with the provisions of the Kansas Water Appropriation Act, the use of water as proposed prior to approval of the application is unlawful.

Additional information about the process may be found on our website at agriculture.ks.gov/divisions-programs/dwr. If you have any other questions, please contact our office at 785-564-6640 or your local Stafford Field Office at 620-234-5311. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

A handwritten signature in black ink that reads "Kristen A. Baum". The signature is written in a cursive, flowing style.

Kristen A. Baum
New Applications Unit Supervisor
Water Appropriation Program

DATA ENTRY SYSTEM ID NUMBER SHEET

FILE NUMBER 20192009

APPLICANT PERSON ID & SEQ #	PDIV ID	BATTERY ID
<u>59291</u>	<u>27043</u>	

LANDOWNER PERSON ID & SEQ #	PUSE ID
<u>62055</u>	<u>29439</u>

WATER USE CORRESPONDENT PERSON ID & SEQ #
<u>62055</u>