

Submit completed application to:
 Kansas Department of Agriculture
 Division of Water Resources
 Field Office for your area.

Call for address:

Topeka -- (785) 296-5733
 Stafford -- (620) 234-5311
 Stockton -- (785) 425-6787
 Garden City -- (620) 276-2901
<http://agriculture.ks.gov/dwr>

DWR FIELD OFFICE APPLICATION FOR APPROVAL TO CHANGE THE PLACE OF USE AND/OR THE POINT OF DIVERSION WATER METER REQUIRED



STATE OF KANSAS

Filing Fee Must Accompany the Application, K.S.A. 82a-708b(b), as amended.
 Fee Schedule is on the third page of this application form.

Paragraph Nos. 1, 2, 3 & 5 must be completed. Complete all other applicable portions. If change in point of diversion is greater than 100 feet, or if place of use will be changed, include a topographic map or detailed plat showing the authorized and proposed point(s) of diversion and/or place of use.

File No. 27804

RECEIVED
 9:34 AM
 MAY 17 2021

1. Application is hereby made for approval of the Chief Engineer to change the (check one or both):

Place of Use Point of Diversion

under the water right which is the subject of this application in accordance with the conditions described below.

The source of supply is: Groundwater Surface water

Stafford Field Office
 Division of Water Resources

2. Name and address of Applicant: Gary Harshberger

10905 Wildfire Road, Minneola, KS 67865

Phone Number: (620)338-0888 Email address: gary@he.kscoxmail.com

Name and address of Water Use Correspondent: Gary Harshberger

10905 Wildfire Road, Minneola, KS 67865

Phone Number: (620)338-0888 Email address: gary@he.kscoxmail.com

3. The presently authorized place of use is:

Owner of Land ---- NAME: 3J2C Farms LLC

ADDRESS: 10905 Wildfire Road, Minneola, KS 67865

(If there is more than one landowner, attach supplemental sheets as necessary.)

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
14	27S	25W							32.5	32.5	32.5	32.5							130

4. If this application is for a change in place of use, it is proposed that the place of use be changed to:

Owner of Land ---- NAME: NO CHANGE

ADDRESS: NO CHANGE

(If there is more than one landowner, attach supplemental sheets as necessary.)

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

For Office Use Only: Code CGT Fee \$ 200⁰⁰ TR # _____ Receipt Date _____ Check # 1072

5. **Presently authorized point of diversion:**
 One in the -- Quarter of the NC Quarter of the W2 Quarter
 of Section 14, Township 27 South, Range 25 (W),
 in Ford County, Kansas, 2656 feet North 3872 feet West of Southeast corner of section.
 Authorized Rate 710 GPM Authorized Quantity 260 acre-feet Depth of well 193 (feet)
(DWR use only: Computer ID No. 3 GPS 2734 feet North 3863 feet West)
 This point will not be changed This point will be changed as follows: No change, point better described with GPS as follows:
Proposed point of diversion: (Complete only if change is requested or if existing point is better described by GPS)
 One in the NW Quarter of the SW Quarter of the NW Quarter
 of Section 14, Township 27 South, Range 25 (W),
 in Ford County, Kansas, 3611 feet North 4939 feet West of Southeast corner of section.
 Proposed Rate no change Proposed Quantity no change Proposed well depth (feet) 229' (this includes 20' of blank casing).
 This point is: Additional Well Geo Center List other water rights that will use this point none

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

7. The changes herein are desired for the following reasons?
 (please be specific) The existing well is not producing as desired. The new test log shows good sand/gravel.

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

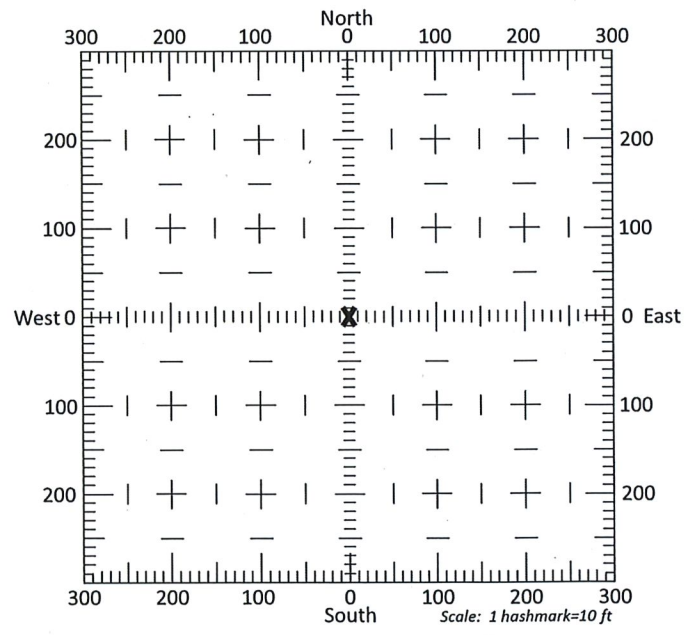
9. The change(s) (was)(will be) completed by?
as soon as possible

10. If the point of diversion is a well:
 (a) What are you going to do with the old well?
plug it (there are 2 wells near pivot both will be plugged)
 (b) When will this be done? when new well is complete

11. Groundwater Management District recommendation attached?
 Yes No

12. Assisted by CRC-SFFO

13a. If the proposed point of diversion will be relocated more than 300 feet but within 2,640 feet of the existing point of diversion, attach a topographic map or aerial photograph. For groundwater sources, show all wells (including domestic) within one-half mile of the proposed point of diversion and the names and mailing addresses of the owners. For surface water sources, show the names and addresses of the landowner(s) one-half mile downstream and one-half mile upstream from your property lines



13b. If the proposed point of diversion will be relocated within 300 feet of the existing point of diversion, indicate its location on the diagram shown above in relation to the existing point of diversion. **(PLEASE NOTE: The "X" in center of diagram above represents the presently authorized point of diversion.)**

MAY 17 2021

14. If the proposed groundwater point of diversion is 300 or fewer feet from the existing point of diversion, complete the following:

- (a) Does the undersigned represent all owners of the currently authorized place(s) of use identified in this application?
 Yes No (If no, all owners must sign this application.)
- (b) Will the ownership interest of any owner of the currently authorized place(s) of use identified in this application be adversely affected if this application is approved as requested?
 Yes No (If yes, all owners must sign this application.)
- (c) If this application is not approved expeditiously, will there be substantial damage to property, public health or safety?
 Yes No (If no, all owners must sign this application.)

If the application proposes a surface water change in point of diversion, a groundwater change in point of diversion greater than 300 feet, or a change in place of use, the application must be signed by all owners of the currently authorized place of use, or their duly authorized agent (attach notarized statement authorizing representation).

I hereby verify, being first duly sworn upon my oath or affirmation and under penalty of perjury, that I am of lawful age and the owner, the spouse of the owner, or a duly authorized agent of the owner(s) to make this application on their behalf, in regards to the water right(s) to which this application pertains. I further verify that the statements contained in this application are true, correct and complete.

Dated at Winnepi, Kansas, this 13th day of May, 2021.

<u>[Signature]</u> (Owner)	_____	(Spouse)
<u>Gary Harschberger</u> (Please Print)	_____	(Please Print)
_____	_____	(Spouse)
(Please Print)	_____	(Please Print)
_____	_____	(Spouse)
(Please Print)	_____	(Please Print)

State of Kansas }
County of Meade } SS



I hereby certify that the foregoing application was signed in my presence and sworn to before me this 14th day of May, 2021.

Rhonda Milford
Notary Public

My Commission Expires 5/25/25.

ONLY COMPLETE APPLICATIONS WILL BE PROCESSED. To be complete, all of the applicable portions of the application form must be completed with accurate information; maps, if necessary, must be included; signatures of all the appropriate owners' must be affixed to the application and notarized; and the appropriate fee must be paid.

FEE SCHEDULE

Each application to change the place of use or the point of diversion under this section shall be accompanied by the application fee set forth in the schedule below: Make checks payable to: **Kansas Department of Agriculture**

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

RECEIVED
MAY 17 2021

SUMMARY ORDER APPROVING APPLICATION FOR CHANGE AND IMPOSING CONDITIONS

This Summary Order is issued under authority of K.S.A. 82a-708b, as amended, and K.A.R. 5-5-1, *et seq.* and other applicable provisions of the *Kansas Water Appropriation Law, K.S.A. 82a-701 et. seq.*, and rules and regulations promulgated thereunder, With the exception of those conditions expressly contained herein, this Summary Order does not change the terms, conditions and limitations of File No. 27804.

1. A change application was received on May 17, 2021 requesting that the place of use and / or point of diversion authorized under the above-referenced file number be changed as described in the application.
2. On and after the effective date of this summary order, the authorized place(s) of use shall be located substantially as shown on the topographic map accompanying the application to change the place of use. Applicable Not Applicable
3. The change in point of diversion shall not impair existing rights and shall be limited to the same source or sources of water as previously authorized. The point of diversion authorized by this summary order shall be located within a 300 foot radius of the authorized point(s) of diversion. Applicable Not Applicable
4. The point(s) of diversion described herein is administratively corrected to be more accurately described using the Global Positioning System (GPS), as described in the application. Applicable Not Applicable
5. The point(s) of diversion authorized herein shall not actually be located more than 1689 feet from the previously authorized point(s) of diversion. Applicable Not Applicable
6. As required by K.A.R. 5-3-5d, if the works for diversion is a well with a diversion rate of 100 gallons per minute or more, a tube or other device suitable for making water level measurements shall be installed, operated and maintained in accordance with K.A.R. 5-6-13. Applicable Not Applicable
7. **The owner of the authorized place(s) of use shall properly install an acceptable water flow meter on or before December 31, 2021**, or before the first use of water, whichever occurs first. The water flow meter shall be installed, operated and maintained in accordance with K.A.R. 5-1-4 through 5-1-12. As required by K.S.A. 82a-732, as amended, and K.A.R. 5-3-5e, the owner shall maintain records and report the reading of the water flow meter and the total quantity of water diverted annually to the Chief Engineer by March 1 following the end of each calendar year.
 Applicable Not Applicable
8. **Installation of the works for diversion of water shall be completed on or before December 31, 2021**, or within any authorized extension of time. By March 1, 2022 the applicant shall notify the Chief Engineer that construction of the works for diversion has been completed, on the form provided by the Chief Engineer, as required by K.A.R. 5-8-4e.
 Applicable Not Applicable
9. **The completed well log shall be submitted with the required notice.** Applicable Not Applicable
10. All diversion works into which any type of chemical or other foreign substance will be injected into the water shall be equipped with an in-line, automatic, quick-closing check valve capable of preventing pollution of the source of the water supply. The check valve(s) shall be installed, operated and maintained in accordance with K.A.R. 5-3-5c. Applicable Not Applicable
11. Additional Conditions are attached. Yes No
12. In accordance with K.S.A. 82a-708a, as amended, and K.A.R. 5-5-14, all of the owners of the authorized place(s) of use of water appropriated under the above-referenced file number are responsible for compliance with its terms, conditions and limitations, as amended and/or supplemented by this Summary Order, and with applicable provisions of the *Kansas Water Appropriation Law* and the *Rules and Regulations* promulgated thereunder. Failure to comply with these provisions may result in civil penalties pursuant to K.S.A. 82a-737, as amended, and/or the suspension or revocation and dismissal of the water or appropriation right or any other enforcement actions authorized by law.

Administrative Appeal and Effective Date of Order

If you are aggrieved by this order, pursuant to K.S.A. 82a-1901, you may request an evidentiary hearing before the Chief Engineer or request administrative review by the Secretary of Agriculture. A request for hearing by the Chief Engineer must be filed within **15 days** of service of this Order and a request for administrative review by the Secretary must be filed within **30 days** pursuant to K.S.A. 77-531. Any request for administrative review must state a basis for review pursuant to K.S.A. 77-527. File any request with **Kansas Department of Agriculture, Legal Division, 1320 Research Park Drive, Manhattan, KS 66502**. Failure to timely request a hearing or review may preclude review under the Kansas Judicial Review Act.

For Use by Register of Deeds

FOR OFFICE USE ONLY
APPLICATION APPROVED AND SUMMARY ORDER ISSUED

By: _____
Duly Authorized Designee of the Chief Engineer

(Print Name): _____
Division of Water Resources - Kansas Department of Agriculture

Date of Issuance: _____

State of Kansas)
) SS
County of _____)

Acknowledged before me on _____
by _____

Signature: _____
Notary Public

My commission expires: _____
(Notary Seal)

RECEIVED
MAY 17 2021

Stafford Field Office
Division of Water Resources

**ADDITIONAL CONDITION TO
SUMMARY ORDER APPROVING APPLICATION FOR CHANGE
AND IMPOSING CONDITIONS**

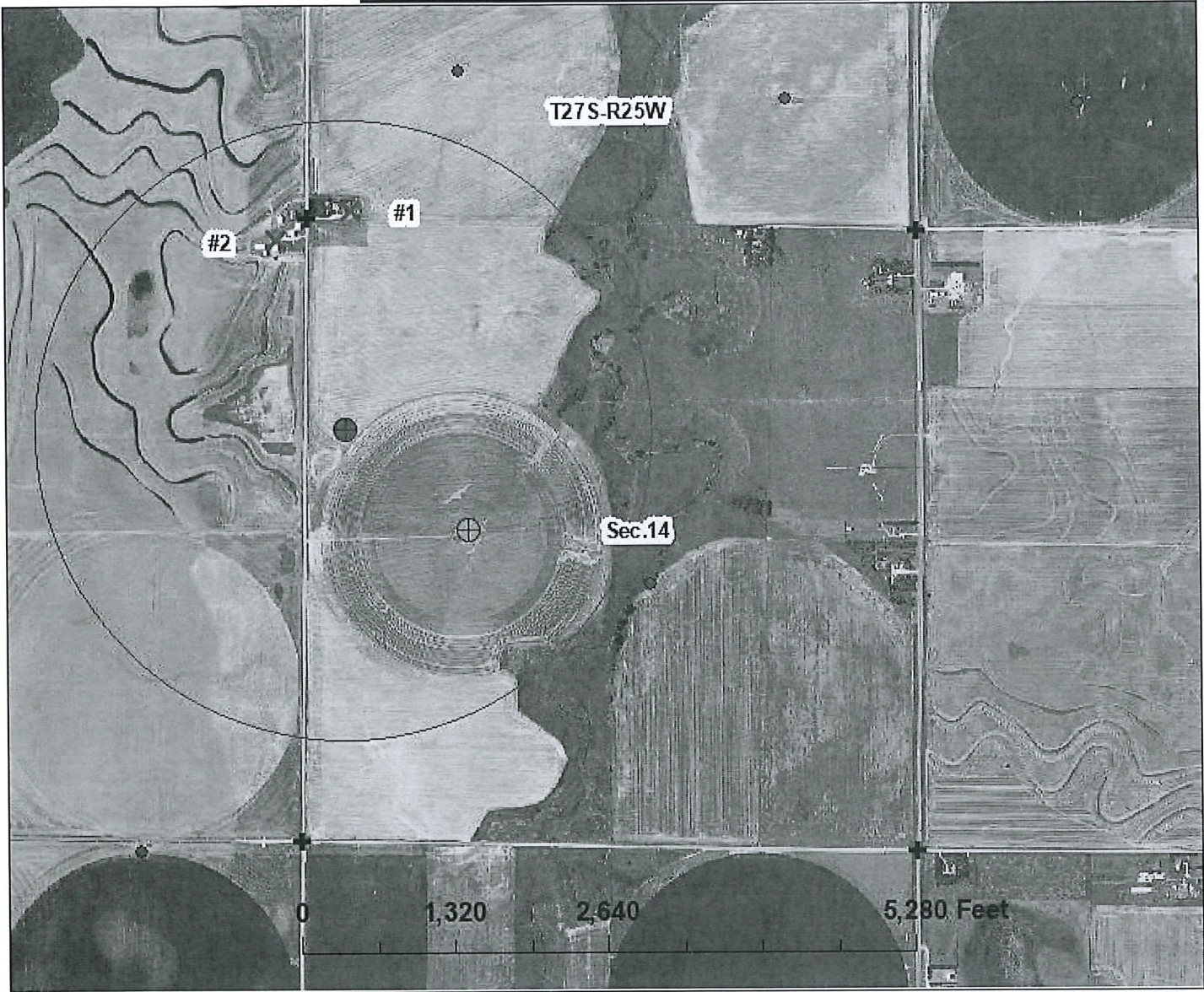
The effective date of the change shall be the date this order is executed by the Chief Engineer, after which the following condition is included as a condition of the approval of this application for change in point of diversion.

11. a. That the well authorized by the application for change in point of diversion shall be screened no deeper than 209' below land surface, which is considered to be the bottom of the Ogallala aquifer at this location. Any casing placed past 209' below land surface shall not be screened and the annular space outside of the casing past 209' below land surface shall be grouted according to rules and regulations promulgated by the Kansas Department of Health and Environment Article 30 so as to not allow production of water from underlying Cretaceous Aquifers.

RECEIVED

MAY 17 2021

Change in Point of Diversion Map
Water Right, File No. 27804
Section 14-27S-25W in Ford County



⊕ authorized p/d for 27804 (2656'N & 3872'W)

● proposed p/d for 27804 (3611'N & 4939'W)

× domestic wells

● permitted water rights

⊕ section corners

○ 1/2 mile circle around proposed p/d

#1: domestic well
 owner:
 address:

Michael Trabert
11398 110 Rd
Dodge City, KS 67801

#2: domestic well
 owner:
 address:

Melinda Hodgson
1180 28th Street
Little River, KS 67457



By signing below I agree that all wells, including domestic, within 1/2 mile of the point of diversion have been shown on the map.

[Signature]
 signature 5-13-21
 date

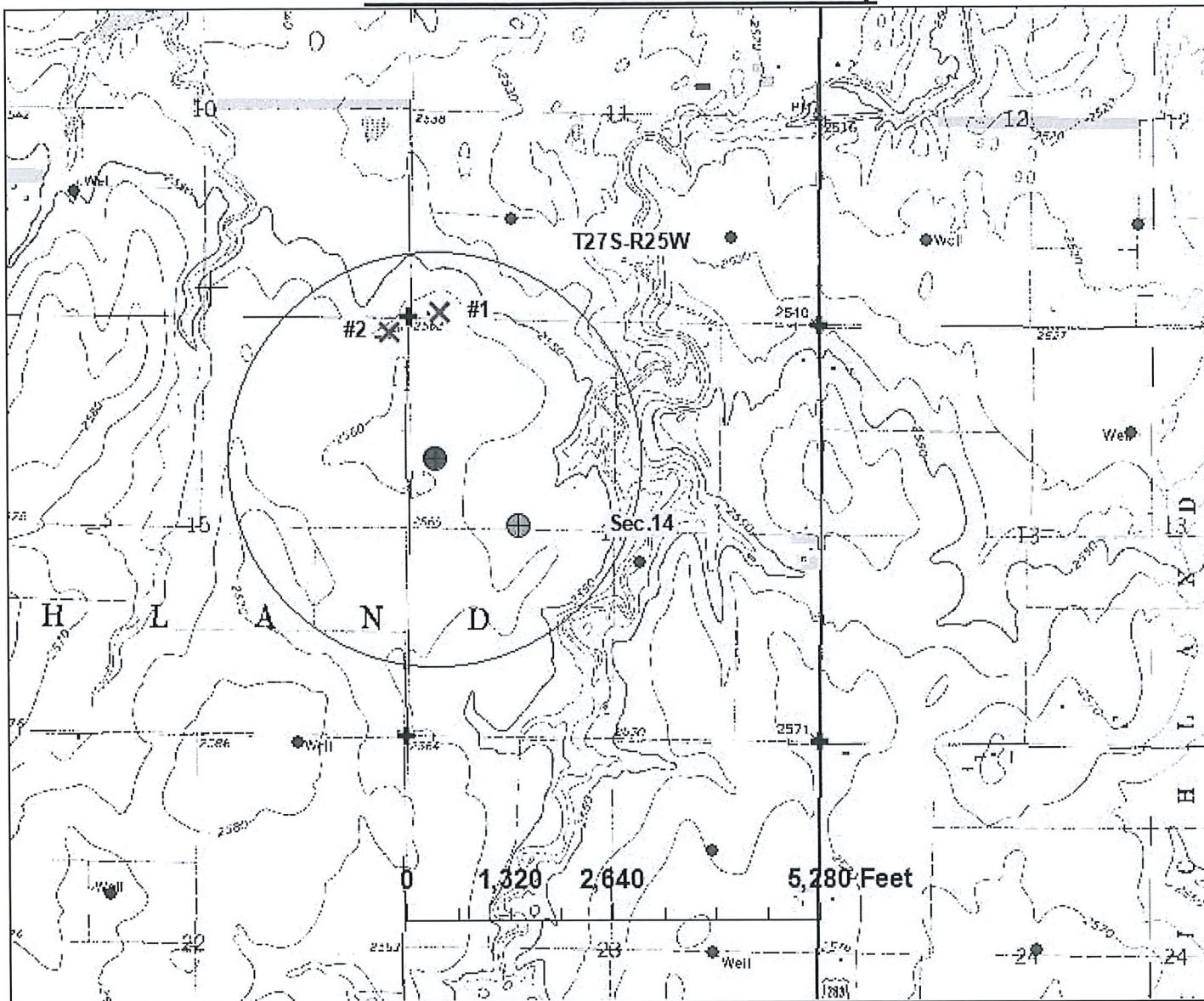
MAY 17 2021

Stafford Field Office
 Division of Water Resources

1 inch = 1,333 feet

map created on 5/12/21 scale 1:16,000

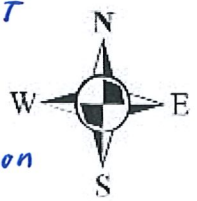
Change in Point of Diversion Map
Water Right, File No. 27804
Section 14-27S-25W in Ford County



- ⊕ authorized p/d for 27804 (2656'N & 3872'W)
- proposed p/d for 27804 (3611'N & 4939'W)
- ×
- permitted water rights
- ⊕ section corners
- 1/2 mile circle around proposed p/d

#1: domestic well
 owner: *Michael Trabert*
 address: *11398 110 Rd*
Dodge City, Ks 67801

#2: domestic well
 owner: *Melinda Hodjson*
 address: *1180 28th Street*
Little River, Ks 67457



By signing below I agree that all wells, including domestic, within 1/2 mile of the point of diversion have been shown on the map.

[Signature]
 signature

3-13-21
 date

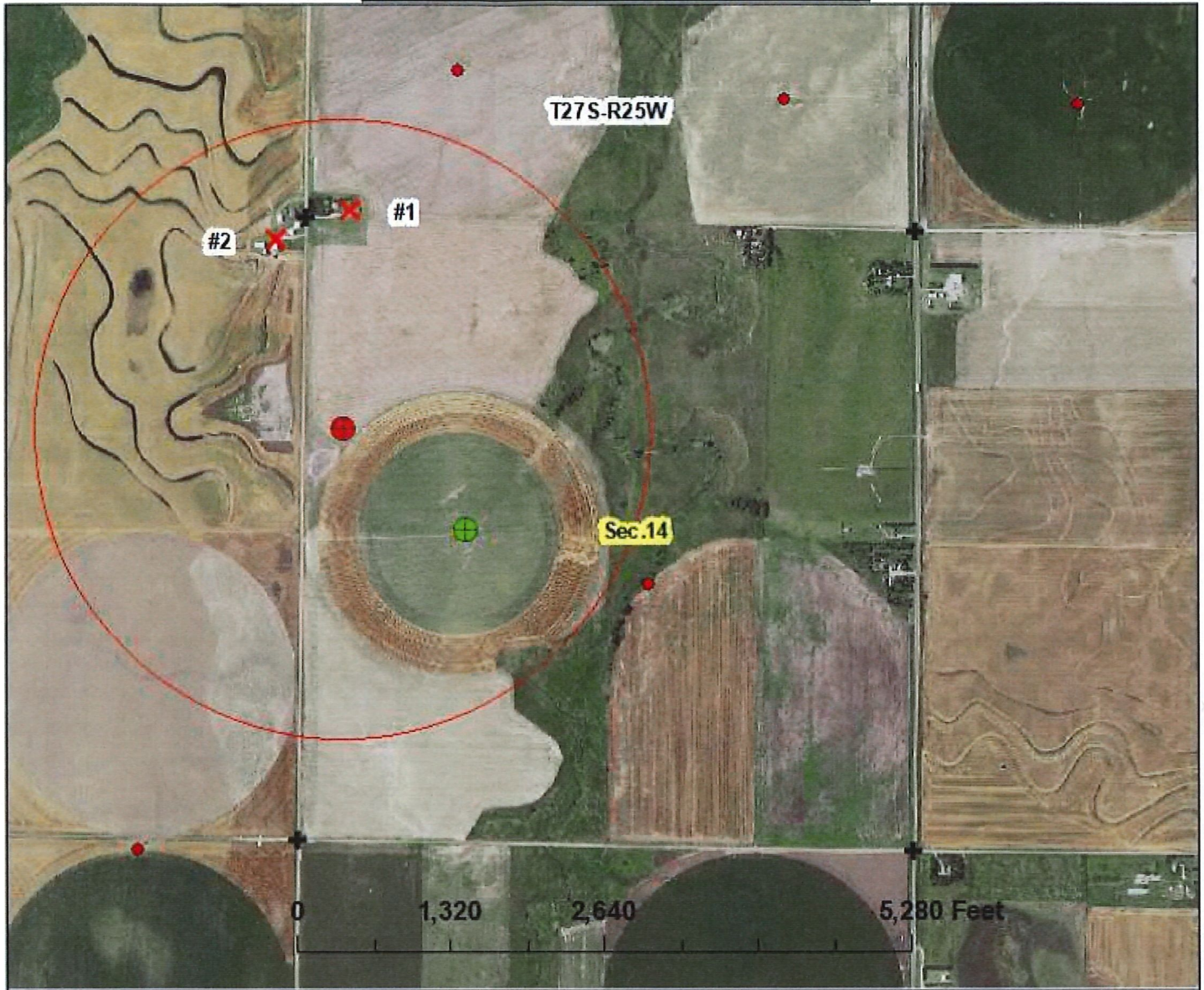
RECEIVED

MAY 17 2021

1 inch = 2,000 feet

map created on 3/11/21 scale 1:24,000
 Stafford Field Office
 Division of Water Resources

Change in Point of Diversion Map
Water Right, File No. 27804
Section 14-27S-25W in Ford County



- authorized p/d for 27804 (2656'N & 3872'W)
- proposed p/d for 27804 (3611'N & 4939'W)

- ✕ domestic wells
- permitted water rights
- + section corners
- 1/2 mile circle around proposed p/d

#1: domestic well
owner:
address:

#2: domestic well
owner:
address:



FILE COPY

By signing below I agree that all wells, including domestic, within 1/2 mile of the point of diversion have been shown on the map.

signature	date
-----------	------

1 inch = 1,333 feet
map created on 5/12/21 scale 1:16,000