

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
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
 Point of Diversion
 Use Made of Water

(Check one or more)

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MAY 31 2022
12:15
KS DEPT OF AGRICULTURE

File No. 49676

2. Name of applicant: Robert L Hixson, Jr

Address: PO Box 2135

City, State and Zip: Lake Dallas, TX 75065-2135

Phone Number: (870)550-5015

E-mail address: rknorris1964@gmail.com

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

Name of water use correspondent: Hixson Lumber Sales Inc

Address: PO Box 2135

City, State and Zip: Lake Dallas, TX 75065-2135

Phone Number: (620)532-1127

E-mail address: brichards@hoorayranch.com

3. The change(s) proposed herein are desired for the following reasons (please be specific): This place of use change will create a complete overlap between 11398, 16258, and 49676 (contingent upon approval of entire package of changes). This change specifically modifies the place of use in Section 31 and Section 32 and adds the place of use in Section 6 of 26S, all for recreational use.

The change(s) will be completed by As soon as possible.

(Date)

For Office Use Only:															
F.O. Code	<u>2</u>	GMD	<u>5</u>	Meets K.A.R. 5-5-1	<u>(YES / NO)</u>	Use	REC	Source	<u>G / S</u>	County	SF	By	BMM	Date	6/1/22
Code	CPU	Fee \$	<u>300</u>	TR #		Receipt Date	<u>5-31-22</u>	Check #	<u>48529</u>						
										200					

6/6/2022
LMoody

4. The presently authorized place of use is:

Owner of Land — NAME: HIXSON LUMBER SALES, INC., AN ARKANSAS CORP.

ADDRESS: PO BOX 816028 DALLAS, TX 75831

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	
31	25S	12W	WILDLIFE MARSH 22 AC (SE)																22
32	25S	12W	WILDLIFE MARSH 18 AC (SW)																18
																TOT:	40		

List any other water rights that cover this place of use. 11398

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. _____

(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: HIXSON LUMBER SALES, INC., AN ARKANSAS CORP. (No change)

ADDRESS: PO BOX 816028 DALLAS, TX 75831 (No change)

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	
6	26S	12W	10 AC WILDLIFE MARH IN LOT 1 (NE) AND LOT 2 (NW)																10
31	25S	12W	26 AC WILDLIFE MARSH AND FOOD PLOT (SE)																26
32	25S	12W	21 AC WILDLIFE MARSH AND FOOD PLOT (SW)																21

Total Acres: 57

List any other water rights that cover this place of use. 11398 presently. 16258 will overlap should this change be approved.

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		

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

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

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6. The presently authorized point(s) of diversion is one well and diversion works
(Provide description and number of points)
7. The proposed point(s) of diversion is No change
(Provide description and number of points)

List all presently authorized point(s) of diversion:

8. **Presently authorized point of diversion:**
 One in the NE Quarter of the SE Quarter of the SW Quarter of Section 31, Township 25 South, Range 12 (W), in Stafford County, Kansas, 784 feet North 3,135 feet West of Southeast corner of section. Authorized Rate 300 gpm Authorized Quantity 15 AF
(DWR use only: Computer ID No. 2 GPS 792 feet North 3,120 feet West)
 This point will not be changed This point will be changed as follows: **Better GPS description**
Proposed point of diversion: (Complete only if change is requested)
 One in the NE Quarter of the SE Quarter of the SW Quarter of Section 31, Township 25 South, Range 12 (W), in Stafford County, Kansas, 792 feet North 3,120 feet West of Southeast corner of section. Proposed Rate no change Proposed Quantity no change
 This point is: Additional Well Geo Center List other water rights that will use this point None

9. **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 _____
(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 _____ 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 _____
(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. N/A

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12. The presently authorized use of water is for Recreational _____ purposes.

It is proposed that the use be changed to No change _____ purposes.

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

Please see "supplemental page for No. 13" for more information on consumptive use and justification.

(Please show any calculations here.)

14. It is requested that the maximum annual quantity of water be reduced to No reduction _____ (acre-feet or million gallons).

15. It is requested that the maximum rate of diversion of water be reduced to No reduction _____ 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.

The changes proposed therein are not anticipated to impair existing water rights because no additional water is being withdrawn from the area. See item 13. The source of supply will not change with this application because the point of diversion is not changing.

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.

No waiver is anticipated for this change application.

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IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

Water Right, File Nos. 11398,16258, and 49676
Application to Change Place of Use and Use Made of Water
-supplemental page for No. 13 on change application-

- File No. 16258 is authorized 195 AF for Irrigation, application seeks to move that to all recreation
- Consumptive Use Percentage for Pratt County where the point of diversion is located is 81.5%
- $195 \text{ AF} \times .815 = 158.925 \text{ AF}$ could be converted from irrigation to recreational use

This 158.925 AF for recreational use would be combined with existing File Nos. 11398 & 49676 to supply water to an existing wetland/food plot area in Section 31 and 32 totaling 47 acres and also would be used to supply water to 3 new wetlands on Section 6 totaling 10 acres. There will be 57 total acres of wetlands and all three files will have a complete overlap if all pending changes are approved.

File No. 11398 = 46 AF

File No. 16258 = 158.925 AF

File No. 49676 = 15 AF

219.925 AF of total water for recreation use on ~57 acres of proposed wetland

~26 acres of wetland/food plot in Section 31 is broken out and justified as follows:

Stafford Co evaporation = 32"

Average depth = 15"

Evaporation: 32" x 26 ac = 69.3 AF

Storage: 15" x 26 ac = 32.5 AF

Total: **101.8 AF** is reasonable and justified based on the proposed wetlands

~21 acres of wetland/food plot in Section 32 is broken out and justified as follows:

Stafford Co evaporation = 32"

Average depth = 15"

Evaporation: 32" x 21 ac = 56 AF

Storage: 15" x 21 ac = 26.2 AF

Total: **82.2 AF** is reasonable and justified based on the proposed wetlands

~10 acres of wetland in Section 6 is broken out and justified as follows:

Pratt Co evaporation = 31"

Average depth = 10"

Evaporation: 31" x 10 ac = 25.8 AF

Storage: 12" x 10 ac = 10 AF

Total: **35.8 AF** is reasonable and justified based on the proposed wetlands

$101.8 + 82.2 + 35.8 = 219.8 \text{ AF}$ accounted for in the rough estimate of water needs for each wetland area. These were only broken down based on the section, they are all under the same place of use and any of the 3 wells will be able to provide water to any wetland.

Based on the calculations above the total projected/estimated use required to fill and maintain the wetlands is reasonable. Consumptive use is not being increased as the irrigation right was reduced during the conversion from irrigation to recreation.

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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 313 S Shady Shores Denton, Texas, Kansas, this 19th day of May, 20 22.

<u>[Signature]</u> (Owner)	_____	(Spouse)
<u>Robert L Hixson Jr</u> (Please Print)	_____	(Please Print)
_____	_____	(Spouse)
_____	_____	(Please Print)
_____	_____	(Spouse)
_____	_____	(Please Print)

State of ~~Kansas~~ Texas)
County of Denton) SS



I hereby certify that the foregoing application was signed in my presence and sworn to before me this 19th day of May, 20 22.

My Commission Expires 2/15/23
Theresa M Chatfield
Notary Public

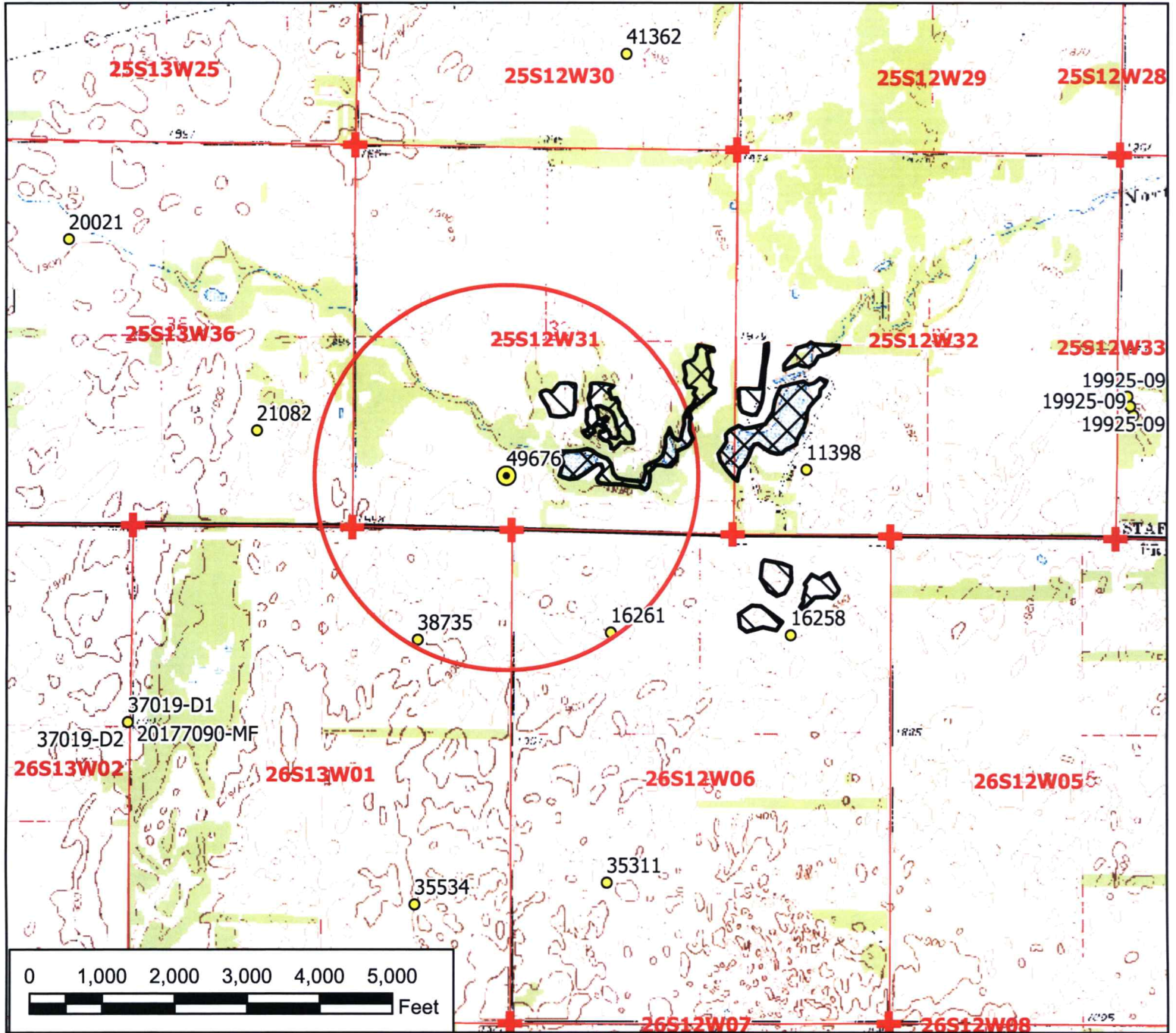
FEE SCHEDULE

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.**

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Legend

- Water Appropriation
- Authorized Point of Diversion
- ⊕ Section Corner
- ▭ Section Line
- Half Mile Circle
- ▨ Authorized Place of Use
- ▨ Proposed Place of Use

Water Right, File No. 49676

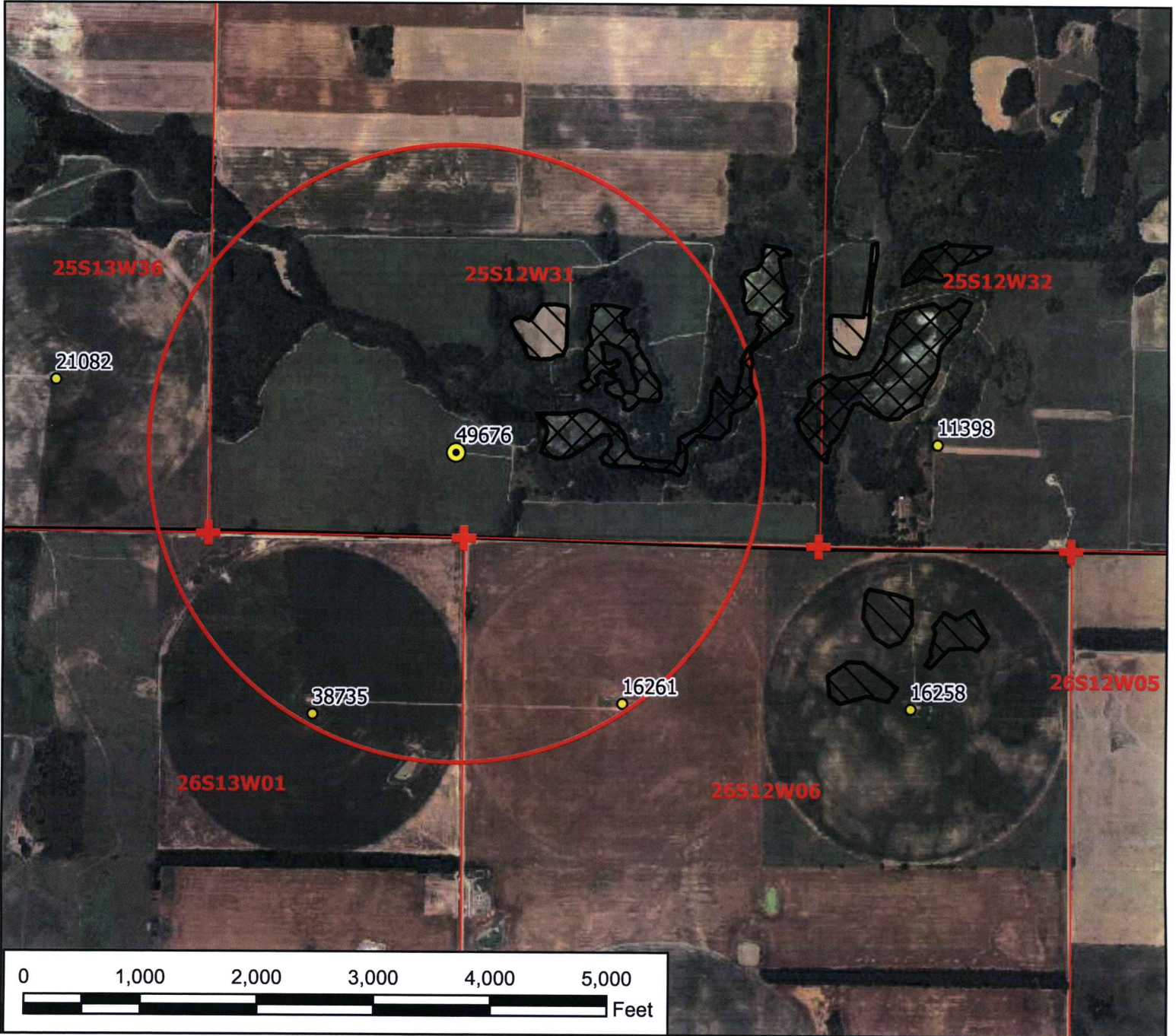
Change in Place of Use Map
 6-26-12W // Pratt County
 31/32-25-12W // Stafford County

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To the best of my knowledge, all points of diversion within one-half mile of the authorized point of diversion have been shown.

[Signature] 5-15-22

Signature / Date 05/11/2022 TMA/SFFO 1:24,000 scale



Legend

- Water Appropriation
- Authorized Point of Diversion
- ⊕ Section Corner
- Section Line
- Half Mile Circle
- ▨ Authorized Place of Use
- ▨ Proposed Place of Use

Water Right, File No. 49676

Change in Place of Use Map

6-26-12W // Pratt County

31/32-25-12W // Stafford County

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MAY 31 2022
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To the best of my knowledge, all points of diversion within one-half mile of the authorized point of diversion have been shown.

[Handwritten Signature]

5-19-22

Signature / Date

05/11/2022 TMA/SFFO 1:15,000 scale

Change in Place of Use & Point of Diversion - File No. 49676 – Nearby Well Owners

Domestic Wells

No nearby domestic wells could be determined. Please fill in this information if there are any domestic wells within the red ½ mile circle around the point of diversion displayed on the attached map. Write in the names and addresses of well owners and indicate well location on the map.

Irrigation Wells

16261: GOI INC

314 NE 110th ST

Iuka, KS 67066

38735: Same as 16261 &
James W & Clark L Griffith
235 NE 110th St
Iuka, KS 67066

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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

June 3, 2022

ROBERT L HIXSON, JR
PO BOX 2135
LAKE DALLAS TX 75065

RE: File No(s). **49676**

Dear Sir or Madam:

The Division of Water Resources (Division) has received your application(s) to change the place of use, point of diversion or use made of water for the file number(s) 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(s) and does not guarantee approval. In accordance with the provisions of the Kansas Water Appropriation(s) Act, the use of water as proposed prior to approval of the application(s) 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 Baum
New Applications and Changes Supervisor
Water Appropriation Program