

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

Document Signature _____

1. File Number: 47678	2. Status Change Date: 9/25/2017	3. Change Num: C2	4. Field Office: 03	5. GMD:
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6. Status: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied by DWR/GMD <input type="checkbox"/> Dismiss by Request/Failure to Return	7. Filing Date of Change: 21-AUG-2017
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8a. Applicant(s) Person ID **61195**
New to system Add Seq# **1**

CLINT ADE
7932 E MENTOR RD
GYPSUM KS 67448

8c. Landowner(s) Person ID **64506**
New to system Add Seq# **1**

DON R LARSON
1698 E HWY K4
ASSARIA KS 67416-8732

8d. Landowner(s) Person ID _____
New to system Add Seq# _____

8b. Landowner(s) Person ID **63801**
New to system Add Seq# **1**

NATHAN L ADE FAMILY LP
5180 S KIPP
GYPSUM KS 67448

8e. WUC Person ID **61195**
New to system Add Seq# **1**

NO CHANGE
CLINT ADE
7932 E MENTOR RD
GYPSUM KS 67448

9. Documents and Enclosure(s): DWR Meter(s) Date to Comply: **12/31/17** N & P Date to Comply: _____

Check Valve N & P Form Water Tube Driller Copy H & E Letter

Conservation Plan Date Required: _____ Date Approved: _____ Date to Comply: _____

10. Use Made of Water From: | _____ To: _____

Date Prepared: **09/19/17** By: **RAK**
Date Entered: **9/26/2017** By: **UM**

File No. **47678** 11. County: **SA** Basin: **SMOKY HILL RIVER** Stream: Formation Code **113** Special Use:

12. Points of Diversion										Rate and Quantity				
MOD DEL ENT	PDIV	Qualifier	S	T	R	ID	'N	'W	Comment	Authorized		Additional		Overlap PD Files
										Rate gpm	Quantity af/mgy	Rate gpm	Quantity af/mgy	
✓		78100 SW¼ NE¼ NE¼	31	15S	2W	2	4093	950	BATT 1 OF 2 WELLS; EAST WELL					NO
MOD		78101 SE¼ NW¼ NE¼	31	15S	2W	3	4093	1453	BATT 1 OF 2 WELLS; WEST WELL					NO
✓		78102 SW¼ NE¼ NE¼	31	15S	2W	4	4093	1202	GEO CTR	800 g.p.m.	216 AF	800 g.p.m.	216 AF	NO

13. Storage: Rate _____ NF Quantity _____ ac/ft A dditional Rate _____ NF Additional Quantity _____ ac/ft

14. Limitation: _____
 Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) _____

15. 5YR Allocation: Allocation Type _____ Start Year _____ 5 YR Amount _____ Amount Unit _____ Base Acres _____ Comment _____

16. Place of Use							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					
MOD	61542	31	15	2W	2	6.00	4.00	34.00	26.0				2.00										72.00	8b	NO	NO
DEL	66027	31	15	2W	3	16.00	30.50																46.50	8c	NO	NO
MOD	61543	32	15	2W	1					6.00	8.00	39.00	16.0	7.00	18.00								94.00	8b	NO	NO
DEL																										

Comments: **REMOVE DON R LARSON AS PU OWNER**

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources
MEMORANDUM

TO: Files

DATE: September 19, 2017

FROM: Richelle A. Krueger

RE: Appropriation of Water
File No. 47,678

Clint Ade, etal, on behalf of Nathan L. Ade Family, L.P., water right owner, filed an application for approval to change the authorized place of use for the referenced file number, authorized groundwater in the Smoky Hill River Basin.

The referenced appropriation does not appear abandoned as per K.S.A. 82a-718. The perfection period for the referenced file number was recently extended to December 31, 2020.

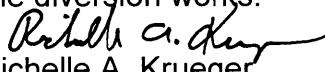
The reference file number is authorized 216 acre-feet of water for irrigation of 176 acres in Sections 31 and 32, Township 15 South, Range 2 West, Saline County, Kansas. A 2014 change in place of use approval added land owned by Don R. Larson/Dennis and Eunice Larson Family Trust. The Larsons do not want their property irrigated by the Ades, so the Ades submitted the referenced change application proposing to change the place of use back to 166 acres on their own property in Sections 31 and 32. Accompanying the application is a water right agreement between Clint Ade/Nathan L. Ade Family Limited Partnership and Don Larson/Dennis and Eunice Larson Family Trust indicating that any water right developed on Larson property would be owned solely by the Ades. After reviewing the agreement with Brent Turney, Change Application Unit Supervisor and Kelly Stewart, Water Commissioner of the Stockton Field Office, it was determined that the Larsons did not need to sign the change application. The application appears to meet K.A.R. 5-5-3 and K.A.R. 5-5-11 since the proposed 166 acres is a decrease in irrigated acres-no notifications sent to water right owners within one-half mile. The authorized 216 acre-feet can potentially irrigate the proposed 166 acres with 1.30 acre-feet per acre, which appears reasonable in Saline County since 80% NIR with 85% efficiency in Saline County is 1.30 acre-feet per acre.

The authorized point of diversion will be better described as: a battery of two (2) wells with a geographic center located in the Southwest Quarter of the Northeast Quarter of the Northeast Quarter (SW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 31, more particularly described as being near a point 4,093 feet North and 1,202 feet West of the Southeast corner of said section, in Township 15 South, Range 2 West, Saline County, Kansas.

The source of supply will not change.

In an e-mail dated September 15, 2017, Kelly Stewart, Water Commissioner of the Stockton Field Office, indicated no objection to approval of the referenced change application.

A water flow meter is required. A check valve is required if any chemical or foreign substance is injected into the water through the diversion works.


Richelle A. Krueger
Environmental Scientist

1320 Research Park Drive
Manhattan, Kansas 66502
(785) 564-6700



900 SW Jackson, Room 456
Topeka, Kansas 66612
(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

September 26, 2017

NATHAN L ADE FAMILY LP
5180 S KIPP
GYPSUM KS 67448

FILE COPY

RE: Appropriation of Water File No. 47,678

Dear Mr. Ade:

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

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in this approval for change. A condition of this approval is that an acceptable water flow meter must be installed on the diversion works authorized under the referenced file number. Please return the required notification of completion of the diversion works and/or installation of the required meter as soon as these actions are completed.

If you have any questions, please contact this office. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

A handwritten signature in black ink that reads "Brent A. Turney".

Brent A. Turney, P.G.
Change Application Unit Supervisor
Water Appropriation Program

Enclosures

pc: Stockton Field Office
Clint Ade
Don R.. Larson, Dennis and Eunice Larson Family Trust


 THE STATE OF KANSAS

KANSAS DEPARTMENT OF AGRICULTURE
 Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
 David W. Barfield, Chief Engineer

**APPROVAL OF APPLICATION
 FOR
 CHANGE IN PLACE OF USE AND ORDER
 BETTER DESCRIBING THE LOCATION OF THE
 AUTHORIZED POINT OF DIVERSION
 APPROPRIATION OF WATER
 FILE NO. 47,678**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Clint Ade, 7932 East Mentor Road, Gypsum, Kansas, 67448 and Kenneth Ade, Eldon A. and Hallie Ade, and John R. and Lois G. Show, on behalf of Nathan L. Ade Family L.P., 5180 South Kipp, Gypsum, Kansas, 67448, received in this office on August 21, 2017, for approval of a change in the location of the place of use under the Approval of Application, File No. 47,678, for permit to appropriate water for beneficial use, as modified and amended by the Order of the Chief Engineer dated March 27, 2014, approving the application to change the place of use, finds that the change is reasonable and will not impair existing rights, and that the application should be and is hereby approved.

The effective date of the change shall be the date this order is executed by the Chief Engineer, after which the authorized location of the place of use shall be:

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
31	15S	2W	6.00	4.00	34.00	26.00				2.00									72.00
32	15S	2W					6.00	8.00	39.00	16.00	7.00	18.00							94.00

a total of 166.00 acres in Township 15 South, Range 2 West, Saline County, Kansas,

located substantially as shown on the map accompanying the application to change the place of use, and the location of the authorized point of diversion is better described as:

one (1) battery of two (2) wells with a geographic center located in the Southwest Quarter of the Northeast Quarter of the Northeast Quarter (SW¼ NE¼ NE¼) of Section 31, more particularly described as being near a point 4,093 feet North and 1,202 feet West of the Southeast corner of said section, in Township 15 South, Range 2 West, Saline County, Kansas.

All diversion works into which any type of chemical or other foreign substance will be injected into the water pumped from the diversion works shall be equipped with an in-line, automatic, quick-closing check valve capable of preventing pollution of the source of the water supply. The type of valve installed shall meet specifications adopted by the Chief Engineer and shall be maintained in an operating condition satisfactory to the Chief Engineer.

The water right owner shall properly install an acceptable water meter on the diversion works authorized under this water right, prior to the use of water, in strict accordance with the Kansas Administrative Regulations 5-1-4 through 5-1-12 adopted by the Chief Engineer. The water right owner shall notify the Chief Engineer when installation of the water meter has been completed. The water right owner shall maintain the water meter in an operating condition satisfactory to the Chief Engineer, at all times during diversion of water and shall maintain records from which the total quantity of water diverted may be determined. The water right owner shall also report the reading of said water meter and the total quantity of water diverted annually to the Chief Engineer. Such records shall be furnished to the Chief Engineer by March 1 following the end of each calendar year.

In all other respects, the Approval of Application, File No. 47,678, for permit to appropriate water for beneficial use, is as stated and set forth in the approval dated March 23, 2011, as modified and amended by the aforementioned order.

RIGHT TO A HEARING AND TO ADMINISTRATIVE REVIEW

If you are aggrieved by this Order, then pursuant to K.S.A. 82a-1901, you may:

- 1) request an evidentiary hearing before the Chief Engineer, or
- 2) request administrative review by the Secretary of Agriculture.

Failure to request an evidentiary hearing before the Chief Engineer does not preclude your right to administrative review by the Secretary.

To obtain an evidentiary hearing before the Chief Engineer, a written request for hearing must be filed within 15 days after service of this Order as provided in K.S.A. 77-531 (i.e., **within a total of 18 days after this Order was mailed to you**), with: Kansas Department of Agriculture, Attn: Legal Section, 1320 Research Park Drive, Manhattan, KS 66502, FAX (785) 564-6777.

If you do not file a request for an evidentiary hearing before the Chief Engineer, you may petition for administrative review of the Order by the Secretary of Agriculture. A petition for review shall be in writing and state the basis for requesting administrative review. The request for hearing may be denied if the request fails to clearly establish factual or legal issues for review. See K.S.A. 77-527. The petition must be filed within 30 days after service of this Order as provided in K.S.A. 77-531 (i.e., **within a total of 33 days after this Order was mailed to you**), and be filed with: Secretary of Agriculture, Attn: Legal Division, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, KS 66502, FAX (785) 564-6777.

If neither a request for an evidentiary hearing nor a petition for administrative review is filed as set forth above, then this Order shall be effective and become a final agency action as defined in K.S.A. 77-607(b). Failure to timely request either an evidentiary hearing or administrative review may preclude further judicial review under the Kansas Judicial Review Act.

Any request for hearing or petition for administrative review shall be in writing and shall be submitted to the attention of: Chief Legal Counsel, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, Fax: (785) 564 - 6777.

Ordered this 25th day of September, 2017, in Topeka, Shawnee County, Kansas.

Lane P. Letourneau

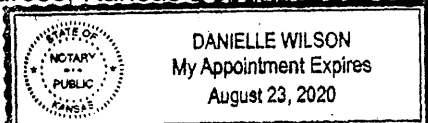
Lane P. Letourneau, P.G.
Program Manager
Water Appropriation Program
Division of Water Resources
Kansas Department of Agriculture

State of Kansas)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this 25th day of September, 2017, by Lane P. Letourneau, P.G., Program Manager, Water Appropriation Program, Division of Water Resources, Kansas Department of Agriculture.

Danielle Wilson

Notary Public



CERTIFICATE OF SERVICE

On this 26th day of September, 2017, I hereby certify that the attached Approval of Application for the Change in Place of Use, File No. 47,678, dated September 25, 2017 was mailed postage prepaid, first class, US mail to the following:

NATHAN L ADE FAMILY LP
5180 S KIPP
GYPSUM KS 67448

with photocopies to:

CLINT ADE
7932 E MENTOR RD
GYPSUM KS 67448

DON R LARSON
DENNIS AND EUNICE LARSON FAMILY TRUST
1698 E HWY K4
ASSARIA KS 67416-8732

Stockton Field Office


Division of Water Resources

WATER RESOURCES RECEIVED

AUG 20 2017

Submit To: CHIEF ENGINEER
Division of Water Resources
Kansas Department of Agriculture
1320 Research Park Drive
Manhattan, KS 66502
www.ksda.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)

WATER RESOURCES RECEIVED
AUG 21 2017
2:00
KS DEPT OF AGRICULTURE

File No. 47,678

2. Name of applicant: Clint Ade

* 7932

Address: 6832 E. Mentor Rd.

City, State and Zip: Gypsum, Ks. 67448

Phone Number: (785)822-6366

E-mail address: Cade-13@hotmail.com

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

Name of water use correspondent: Clint Ade

* 7932

Address: 6832 E. Mentor Rd.

City, State and Zip: Gypsum, Ks. 67448

Phone Number: (785) 822-6366

E-mail address: Cade-13@hotmail.com

3. The change(s) proposed herein are desired for the following reasons (please be specific): Reversion back to the previous place of use

The change(s) (was) (will be) completed by date approved (Date)

For Office Use Only:

F.O. 3 GMD 8 Meets K.A.R. 5-5-1 (YES/NO) Use IRR Source G S County SA By ADW Date 8/21/17
Code CFO Fee \$ 200 TR # _____ Receipt Date 8/21/17 Check # 1042

* Modified per WRIS
* Asst/own 9/19/2017

APPLICATION COMPLETE
9/19/17
Reviewer RAK

SCANNED

8/23/17 ADW

4. The presently authorized place of use is:

Owner of Land — NAME: Nathan L. Ade Family L.P. * 5180 S Kipp
 ADDRESS: 7932 E. Mentor Rd. Gypsum, KS 67448

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	15	2w			32	29													61
32	15	2w					1.5	3.5	38	16.5	1.5	7.5							68.5

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

Owner of Land — NAME: Dennis & Eunice Larson Family Trust % Don Larson, Trustee * 1698 E HWY K4
 ADDRESS: 1648 E. HWY 4 Assaria, KS. 67416 * -8732

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	15	2w	16	30.5															46.5

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: Nathan L. Ade Family L.P. * 5180 S Kipp
 ADDRESS: 7932 E. Mentor Rd. Gypsum, Ks. 67448

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	15	2w	6	4	34	26				2									72
32	15	2w					6	8	39	16	7	18							94

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

Owner of Land — NAME: _____
 ADDRESS: _____

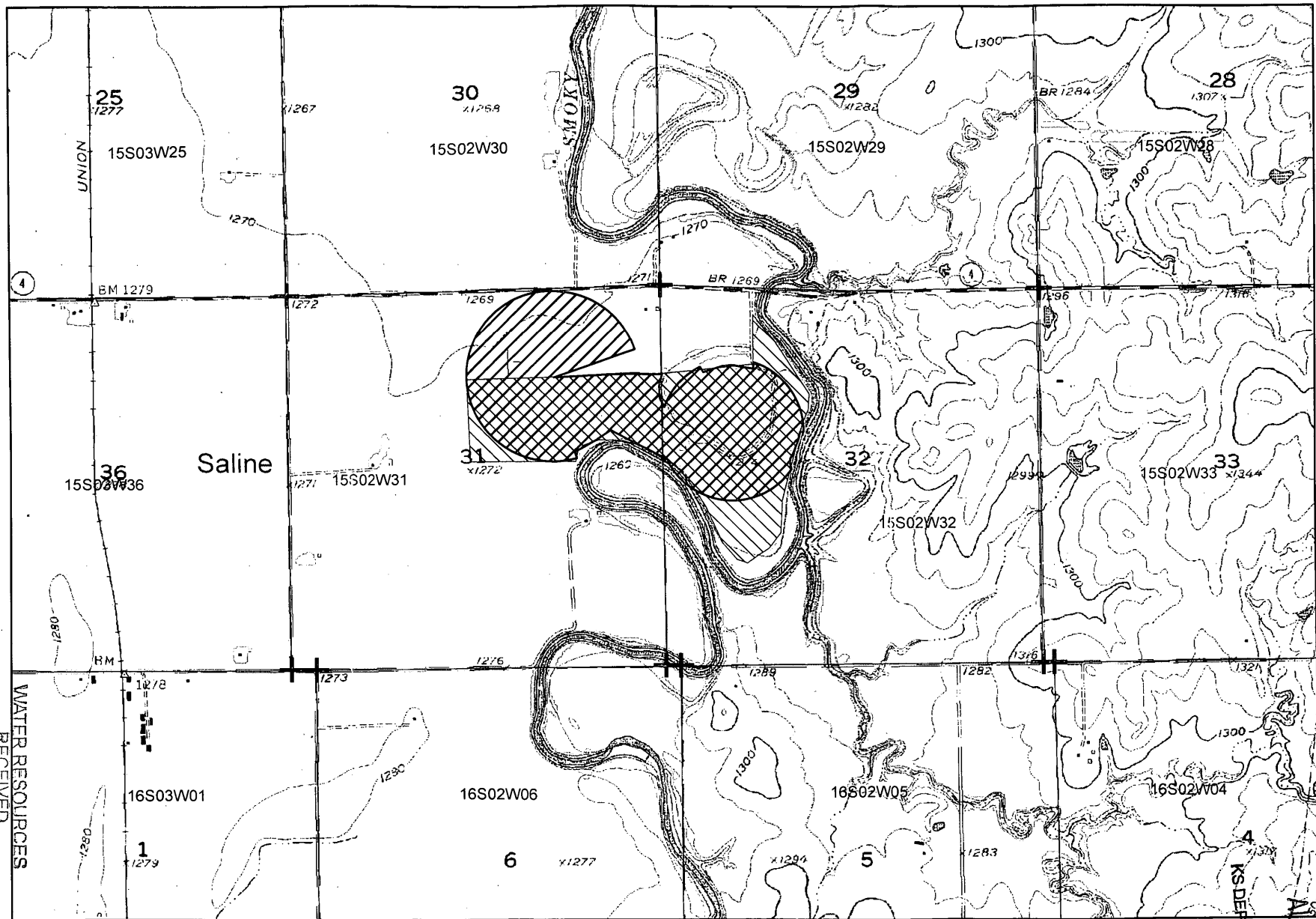
Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

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

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY


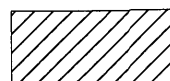
* Modified per WRIS * RAK/DWR 9/19/17

Application to Change the Place of Use,
Appropriation of Water, File No. 47,678



KANSAS DEPT. OF AGRICULTURE
 AUG 21 2017
 WATER RESOURCES RECEIVED

SCANNED

-  * Proposed Present Place of Use
-  * Present Proposed Place of Use

+ Section Corners

* per 9/14/17 e-mail Kelly Stewart Stockton FO
 * PAK/DWR 9/14/17

WATER RESOURCES RECEIVED
 AUG 20 2017
 KANSAS DEPT. OF AGRICULTURE
 1:24,000



WATER RESOURCES RECEIVED

AUG 21 2017

Dennis + Eunice Larson Family Trust # 46-6860435
 Don Larson Trustee:
 1648 E. Hwy. K4
 ASSARIA, KS 67416

KS DEPT OF AGRICULTURE

NATHAN L. ADE Family Limited Partnership.
 APPROVAL of Application: File No. 47,678
 800 gallons per minute
 216 Acre-foot

Kelly C. Stewart
 Assistant Water Commissioner
 Division of Water Resources
 STARKEN, KS 67669

(785)-425-6787
 WORK # SCANNED

- 6. The presently authorized point(s) of diversion (is) (are) No change to p/d
(Provide description and number of points)
- 7. The proposed point(s) of diversion (is) (are) _____
(Provide description and number of points)

List all presently authorized point(s) of diversion:

8. **Presently authorized point of diversion:**
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter
 of Section _____, Township _____ South, Range _____ 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 _____ 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 _____

9. **Presently authorized point of diversion:**
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter
 of Section _____, Township _____ South, Range _____ 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 _____ 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 _____ **WATER RESOURCES RECEIVED**,
 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) **AUG 21 2017**
 This point will not be changed This point will be changed as follows: **KS DEPT OF AGRICULTURE**
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 _____ 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. _____

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

SCANNED

12. The presently authorized use of water is for irrigation purposes.
It is proposed that the use be changed to no change to umw purposes.
13. If changing the place of use and/or use made of water, describe how the consumptive use will not be increased.

(Please show any calculations here.)

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

This change is intended to revert the p/u back to that previously authorized.

An application to extend the perfection period (waiver required) should accompany the change application.

18. If the proposed change(s) does not meet all applicable rules and regulations of the Kansas Water Appropriation Act, please identify the rules and regulations for which you request a waiver. State the reason why a waiver is needed and why the request should be granted. Attach documentation showing that granting the request will not impair existing water rights and will not prejudicially and unreasonably affect the public interest.

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

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 Gypsum, Kansas, this 13th day of July, 2017.

Kenneth Ade
(Owner)

KENNETH ADE
(Please Print)

Eldon Ade
(Owner)

Eldon A. Ade
(Please Print)

(Owner)

(Please Print)

(Spouse)

(Please Print)

Hallie Ade
(Spouse)

Hallie Ade
(Please Print)

(Spouse)

(Please Print)

State of Kansas }
County of Saline } SS



I hereby certify that the foregoing application was signed in my presence and sworn to before me this 13th day of July, 2017.

Annette Mannel
Notary Public

My Commission Expires 5-11-2021

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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SCANNED

File No. 47,678 AUG 20 2017

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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 Gypsum, Kansas, this 13th day of July, 20 17.

John R. Show
(Owner)
John R Show
(Please Print)

Jain M. Show
(Spouse)
Lois G. Show
(Please Print)

(Owner)
(Please Print)
(Owner)
(Please Print)
(Owner)
(Please Print)

(Spouse)
(Please Print)
(Spouse)
(Please Print)
(Spouse)
(Please Print)

State of Kansas }
County of Saline } SS



I hereby certify that the foregoing application was signed in my presence and sworn to before me this 13th day of July, 20 17.

Annette Mannel
Notary Public

My Commission Expires 5-11-2021

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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WATER RIGHTS AGREEMENT

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This Agreement made this _____ day of February, 2014, by and between DON LARSON as Trustee and on behalf of the DENNIS AND EUNICE LARSON FAMILY TRUST, and CLINT ADE, individually, and as Agent and on behalf of the NATHAN L. ADE FAMILY LIMITED PARTNERSHIP.

SECTION 1

RECITALS

1.1 The NATHAN L. ADE FAMILY LIMITED PARTNERSHIP, hereinafter referred to as "ADE," is the owner of a tract of land in Section 31, Township 15 South, Range 2 West of the 6th Principal Meridian in Saline County, Kansas;

1.2 CLINT ADE, hereinafter referred to as "CLINT", is named on a State of Kansas, Division of Water Resource's Permit Number 46,678.

1.3 The DENNIS AND EUNICE LARSON FAMILY TRUST, hereinafter referred to as "LARSON", is the owner of a tract of land in Section 32, Township 15 South, Range 2 West of the 6th Principal Meridian in Saline County, Kansas;

1.4 The LARSON land is farmed by CLINT and ADE and will be irrigated under the referenced permit.

1.5 The parties wish to reach an agreement regarding water rights and all rights related thereto for said tracts and any lease involving the same.

SECTION 2

AGREEMENT

2.1 CLINT will cause the LARSON land to be irrigated under the referenced permit.

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2.2 Any beneficial use of said water consistent with Kansas law, could create rights for either party at the locations in the above referenced sections owned by ADE and LARSON.

2.3 The parties acknowledge and state that any and all rights currently existing are owned by ADE, with CLINT as agent, and those affiliated with it.

2.4 The parties agree that any water rights used in the leasing of the property on the tract owned by LARSON shall not create any water rights in LARSON and any and all water rights shall remain ADE.

2.5 Upon the termination of any lease of CLINT, ADE and LARSON, any water rights then existing shall remain the property of CLINT and ADE and any water use on LARSON'S property shall cease.

SECTION 3

GOVERNING LAW

3.1 This Agreement shall be governed by, and construed and enforced in accordance with, the laws of the State of Kansas.

SECTION 4

CAPTIONS

4.1 The captions contained herein are for the purpose of convenient reference and do not separately define, limit or describe the scope and intent of any section to the exclusion of consideration of all other provisions of the Agreement contained in all other sections.

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SECTION 5

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CONSTRUCTION

5.1 The language used in this Agreement shall be deemed to be language chosen by all parties hereto to express their mutual intent, and no rule of strict construction against any party shall apply to any term or condition of this Agreement.

SECTION 6

APPLICABILITY

6.1 This Agreement shall be binding upon the respective heirs, devisees, legatees, representatives, fiduciaries, successor and assigns as herein provided of each of the parties hereto.

SECTION 7

REPRESENTATIONS

7.1 That each of the parties acknowledge that they are the owners of the respective tracts listed for them and that those signing on their behalf have the ability and authority to sign on behalf of the entities involved as agents hereunder.

IN WITNESS WHEREOF, the parties have executed this Agreement this ____ day of February, 2014.

DENNIS AND EUNICE LARSON FAMILY TRUST

By Don Larson - Trustee
DON LARSON, Trustee

NATHAN L. ADE FAMILY LIMITED PARTNERSHIP

By Clint Ade Agent
CLINT ADE, Agent

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STATE OF KANSAS, COUNTY OF SALINE, ss:

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MARCH

The foregoing instrument was acknowledged before me this 7th day of ~~February~~, 2014, by

DON LARSON, Trustee of the DENNIS AND EUNICE LARSON FAMILY TRUST.

Stephanie R Holt

NOTARY PUBLIC

STEPHANIE R. HOLT
Notary Public - State of Kansas
My Appt. Expires 6-28-17

STATE OF KANSAS, COUNTY OF SALINE, ss:

The foregoing instrument was acknowledged before me this 7th day of ~~February~~ March, 2014,

by CLINT ADE, Agent of the NATHAN L. ADE FAMILY LIMITED PARTNERSHIP.

Stephanie R Holt

NOTARY PUBLIC

STEPHANIE R. HOLT
Notary Public - State of Kansas
My Appt. Expires 6-28-17

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE
Dale A. Rodman, 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)

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This is to certify that I have examined Application, File No. 47,678 of the applicant

Clint Ade
6832 East Mentor Road
Gypsum, Kansas 67448

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 **January 5, 2011**.
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	
31	15S	2W	6	4	34	26				2									72 - Acre
32	15S	2W					6	8	39	16	7	18							94 - Acre

3. That the authorized source from which the appropriation shall be made is groundwater from ~~10-Acre~~ ^{166-Acre} the alluvial aquifer, to be withdrawn by means of a battery of two (2) wells, with a geographic center ¹⁷⁶ located in the Southwest Quarter of the Northeast Quarter of the Northeast Quarter (SW¼ NE¼ NE¼) of Section 31, more particularly described as being near a point 4,100 feet North and 1,280 feet West of the Southeast corner of said section, in Township 15 South, Range 2 West, Saline County, Kansas, located ^{Ac} substantially as shown on the topographic map accompanying the application. ^{Total}

4. That the appropriation sought shall be limited to a maximum diversion rate not in excess of **800 gallons per minute (1.78 c.f.s.)** and to a quantity not to exceed **216 acre-feet** of water for any calendar year.

WATER METER REQUIRED

SCANNED

Krueger, Richelle

From: Stewart, Kelly
Sent: Friday, September 15, 2017 7:12 AM
To: Krueger, Richelle
Cc: Billinger, Mark; Barker, Jodie; Philip, Charlotte; Hageman, Rebecca
Subject: RE: Request for Recommendation Change in PU File No. 47678 Clint Ade/Don Larson

Richelle,

I have no objection to the approval of this change application.

Kelly

From: Krueger, Richelle
Sent: Thursday, September 14, 2017 4:13 PM
To: Stewart, Kelly <Kelly.Stewart@ks.gov>
Cc: Billinger, Mark <Mark.Billinger@ks.gov>; Barker, Jodie <Jodie.Barker@ks.gov>; Philip, Charlotte <Charlotte.Philip@ks.gov>
Subject: Request for Recommendation Change in PU File No. 47678 Clint Ade/Don Larson

Hi Kelly,
Attached is a draft memorandum for the referenced change in pu, do you recommend approval?

Thanks,
Richelle

Krueger, Richelle

From: Krueger, Richelle
Sent: Monday, September 11, 2017 2:45 PM
To: Stewart, Kelly
Cc: Billinger, Mark; Barker, Jodie; Turney, Brent; Philip, Charlotte
Subject: RE: Change in PU File No. 47678 Clint Ade/Don Larson

K I will draft up a memo, etc. thanks!

From: Stewart, Kelly
Sent: Monday, September 11, 2017 2:44 PM
To: Krueger, Richelle <Richelle.Krueger@ks.gov>
Cc: Billinger, Mark <Mark.Billinger@ks.gov>; Barker, Jodie <Jodie.Barker@ks.gov>; Turney, Brent <Brent.Turney@ks.gov>; Philip, Charlotte <Charlotte.Philip@ks.gov>
Subject: RE: Change in PU File No. 47678 Clint Ade/Don Larson

I agree that Larson does not need to sign. Ade can do whatever he wants with the water right.

From: Krueger, Richelle
Sent: Monday, September 11, 2017 2:37 PM
To: Stewart, Kelly <Kelly.Stewart@ks.gov>
Cc: Billinger, Mark <Mark.Billinger@ks.gov>; Barker, Jodie <Jodie.Barker@ks.gov>; Turney, Brent <Brent.Turney@ks.gov>; Philip, Charlotte <Charlotte.Philip@ks.gov>
Subject: RE: Change in PU File No. 47678 Clint Ade/Don Larson

Hi Kelly,

Don Larson did not sign the change application, however a Water Rights Agreement was submitted which indicates that Nathan L. Ade Family Limited Partnership owns any water right developed -it is in the scanned documents. Brent looked at it and believes Don Larson should not need to sign the application, do you agree?

Kenneth Ade, Eldon A. and Hallie Ade, and John R. and Lois G. Show signed the application....
Richelle

From: Stewart, Kelly
Sent: Monday, September 11, 2017 1:18 PM
To: Krueger, Richelle <Richelle.Krueger@ks.gov>
Cc: Billinger, Mark <Mark.Billinger@ks.gov>; Barker, Jodie <Jodie.Barker@ks.gov>; Turney, Brent <Brent.Turney@ks.gov>
Subject: RE: Change in PU File No. 47678 Clint Ade/Don Larson

Hi Richelle,

Jodie and I just talked about this one. Yes, you need to flip the legend on the map. The intent is to drop off the Larson property. I'm assuming Don Larson signed on behalf of the trust so it seems either way we're covered. If we're not contacting nearby landowners when doing base + 10 or complete overlaps, I see no reason to contact anyone when reducing the place of use.

Kelly

From: Krueger, Richelle

Sent: Friday, September 8, 2017 12:13 PM

To: Stewart, Kelly <Kelly.Stewart@ks.gov>

Cc: Billinger, Mark <Mark.Billinger@ks.gov>; Barker, Jodie <Jodie.Barker@ks.gov>; Turney, Brent <Brent.Turney@ks.gov>

Subject: Change in PU File No. 47678 Clint Ade/Don Larson

Hi Kelly,

I picked this one up for review and had a couple of questions..

From what I can see in the scanned documents and the application, the Ades want the place of use to go back to the originally approved location, correct, and drop the Larson property? I think I need to flip flop the legend on the map maybe?

Anyway, Saline County Parcel Search shows the Don R. Larson as owner rather than Dennis Larson and Eunice Larson Family Trust % Don Larson trustee. Do you think the agreement they submitted with the change approval is valid and we would not have to have Don Larson's signature or how does this need to go?

Do you think I need to notify nearby on this pu change, we are reducing the place of use?

Looks like Charlotte processed the time to perfect extension on the 6th so at least that part is done.

Any info on this is appreciated. Thanks for your help!

Richelle



1320 Research Park Drive
Manhattan, Kansas 66502
(785) 564-6700

900 SW Jackson, Room 456
Topeka, Kansas 66612
(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

CLINT ADE
6832 E MENTOR RD
GYPSUM, KS 67448

8/22/2017

RE: File No 47678

Dear Sir or Madam:

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

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

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

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

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

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

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

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

Sincerely,

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

BAT: DLW
pc: STOCKTON Field Office GMD