

# 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, KS 66502  
[www.ksda.gov/dwr](http://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  
(Check one or more)  Point of Diversion  
 Use Made of Water

**Water Resources  
Received  
APR 06 2018  
10:57  
KS Dept Of Agriculture**

File No. 26918

2. Name of applicant: Sparling Farms, LLC Attn Dane Barclay

Address: 105 Industrial Rd

City, State and Zip: Concordia, KS 66901

Phone Number: (785)243-4249 E-mail address: \_\_\_\_\_

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

Name of water use correspondent: Same

Address: \_\_\_\_\_

City, State and Zip: \_\_\_\_\_

Phone Number: ( ) \_\_\_\_\_ E-mail address: \_\_\_\_\_

3. The change(s) proposed herein are desired for the following reasons (please be specific): The proposed changes will completely overlap File Nos. 19376 and 26918. An additional new application for surface water is also being proposed that will overlap with the two referenced files

The change(s) will be completed by ASAP

(Date)

**For Office Use Only:**

F.O. 3 GMD  Meets K.A.R. 5-5-1  (YES/ NO) Use IRR Source  S County CD By HW Date 4/6/18  
Code CPU Fee \$ hex TR # \_\_\_\_\_ Receipt Date 4/6/18 Check # 2010

4/11/2018 LM

4. The presently authorized place of use is:

Owner of Land — NAME: Sparling Farms, LLC

ADDRESS: 105 Industrial Rd, Concordia, KS 66901

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES				
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	LOT 8	LOT 7	LOT 7	LOT 9					
05	05S	04W																	17.3	30.2	34.4	22.6	104.5

List any other water rights that cover this place of use. 19376

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: Sparling Farms, LLC

ADDRESS: 105 Industrial Rd, Concordia, KS 66901

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES				
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	LOT 8	LOT 7	LOT 7	LOT 9					
05	05S	04W																	17.3	30.2	34.4	35	116.9

List any other water rights that cover this place of use. 19376

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

6. The presently authorized point(s) of diversion is 1 well  
(Provide description and number of points)
7. The proposed point(s) of diversion is 1 Well  
(Provide description and number of points)

**List all presently authorized point(s) of diversion:**

8. **Presently authorized point of diversion:**  
 One in the Lot 9 Quarter of the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter  
 of Section 05, Township 05 South, Range 04 W,  
 in Cloud County, Kansas, 1172 feet North 430 feet West of Southeast corner of section.  
 Authorized Rate 750 gpm Authorized Quantity 110 AF  
 (DWR use only: Computer ID No. 2 GPS 1221 feet North 345 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 \_\_\_\_\_ 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 \_\_\_\_\_

11. Describe the current condition of and future plans for any point(s) of diversion which will no longer be used \_\_\_\_\_

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IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

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12. The presently authorized use of water is for Irrigation 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.  
The proposed change will overlap two existing files with no change in rate or quantities proposed with either file.  
It is our intent to apply for additional quantity and rate through a surface water diversion.

\_\_\_\_\_  
\_\_\_\_\_  
(Please show any calculations here.)

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

15. It is requested that the maximum rate of diversion of water be reduced to NA 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](http://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.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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** **Water Resources Received**

**APR 06 2018**

**KS Dept Of Agriculture**

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 \_\_\_\_\_, Kansas, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

Dave Barclay  
(Owner)  
DANE Q. BARCLAY  
(Please Print)

Gretchen Barclay  
(Spouse)  
GRETCHEN L. BARCLAY  
(Please Print)

\_\_\_\_\_  
(Owner)

\_\_\_\_\_  
(Spouse)

\_\_\_\_\_  
(Please Print)

\_\_\_\_\_  
(Please Print)

\_\_\_\_\_  
(Owner)

\_\_\_\_\_  
(Spouse)

\_\_\_\_\_  
(Please Print)

\_\_\_\_\_  
(Please Print)

State of Kansas }  
County of Cloud } SS



I hereby certify that the foregoing application was signed in my presence and sworn to before me this 3rd day of April, 2018.

Kathleen M. Miller  
Notary Public

My Commission Expires 9-3-18

**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 Right 26918 Change in Place of Use

Water Right 29587  
DENNIS LARSEN TRUST  
473 TEAL RD  
JAMESTOWN KS 66948

JANET L CUNNINGHAM  
401 N CENTER ST  
GLEN ELDER KS 67446-9043

Others

Entered in transfer record in my Office this  
26<sup>th</sup> day of March A.D. 2018  
Stella Thoman<sup>sl</sup>  
County Clerk



JANA ROUSH  
REGISTER OF DEEDS - CLOUD COUNTY KANSAS  
Book: D163 Page: 199-201  
Receipt #: 37805  
Pages Recorded: 3  
Recording Fee: \$55.00  
*Jana Roush*  
Date Recorded: 3/26/2018 9:08:17 AM

**TRUSTEES' DEED**

Thayne A. Larson and Jeanne M. Larson, as Co-Trustees of the Thayne A. Larson Trust No. 1, under Trust Agreement dated December 1, 2011, and

Jeanne M. Larson and Thayne A. Larson, as Co-Trustees of the Jeanne Larson Trust No. 1, under Trust Agreement dated December 1, 2011, as Grantors,

**CONVEY AND WARRANT TO**

Sparling Farms, L.L.C., a Kansas Limited Liability Company, as Grantee.

**WITNESSETH:**

WHEREAS, Thayne A. Larson established a trust known as the "Thayne A. Larson Trust No. 1" pursuant to a Trust Agreement dated December 1, 2011, wherein Thayne A. Larson and Jeanne M. Larson were designated as the Co-Trustees thereof; and

WHEREAS, Thayne A. Larson and Jeanne M. Larson, as Co-Trustees, state that they have the authority to sell, grant, transfer and assign real estate in said trust estate for such considerations and upon such terms as the Trustees may determine pursuant to Section 15 (b) of said Trust.

WHEREAS, Jeanne M. Larson established a trust known as the "Jeanne Larson Trust No. 1" pursuant to a Trust Agreement dated December 1, 2011, wherein, Jeanne M. Larson and Thayne A. Larson were designated as the Co-Trustees thereof; and

WHEREAS, Jeanne M. Larson and Thayne A. Larson, as Co-Trustees, state that they have the authority to sell, grant, transfer and assign real estate in said trust estate for such considerations and upon such terms as the Trustees may determine pursuant to Section 15 (b) of said Trust.

NOW THEREFORE, in consideration of the sum of Ten Dollars (\$10.00) and other



valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Thayne A. Larson and Jeanne M. Larson, as Co-Trustees of the Thayne A. Larson Trust No. 1, under Trust Agreement dated December 1, 2011, and Jeanne M. Larson and Thayne A. Larson, as Co-Trustees of the Jeanne Larson Trust No. 1, under Trust Agreement dated December 1, 2011, as Grantors

do by this Trustees' Deed grant, bargain, sell, and convey unto

Sparling Farms, L.L.C., a Kansas Limited Liability Company, as Grantee, all interest in and to the following described real estate, to wit:

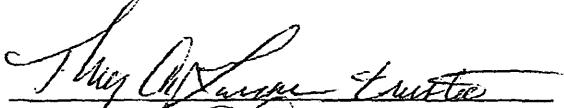
**All of the West Sixty (W 60) Acres of the Southwest Quarter (SW<sup>1</sup>/<sub>4</sub>), lying West of the Centerline of the Republican River as it now exists, of Section Four (4), Township Five (5) South, Range Four (4) West of the 6th PM, Cloud County, Kansas.**

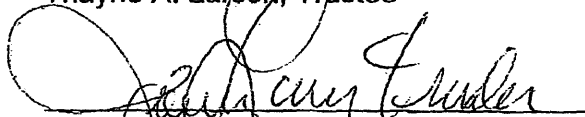
To have and to hold the same, together with all and singular the tenements, hereditaments, and appurtenances thereunto belonging or in any wise appertaining forever. Subject to all easements and restrictions, if any, of record.

IN WITNESS WHEREOF, the Grantors as duly authorized Co-Trustees have executed this Trustees' Deed on the day and year as written in the acknowledgements.

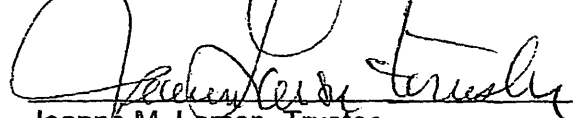
Dated February 15, 2018.

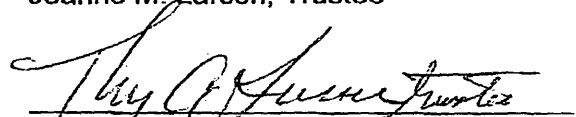
Thayne A. Larson Trust No. 1  
dated December 1, 2011

  
Thayne A. Larson, Trustee

  
Jeanne M. Larson, Trustee

Jeanne Larson Trust No. 1  
dated December 1, 2011

  
Jeanne M. Larson, Trustee

  
Thayne A. Larson, Trustee

Water Resources  
Received

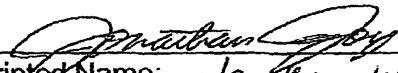
APR 06 2018

KS Dept Of Agriculture

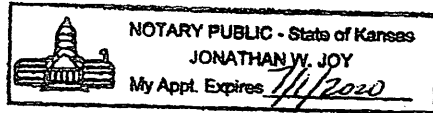
ACKNOWLEDGEMENT

STATE OF KANSAS,        )  
                                  )ss:  
COUNTY OF CLOUD,     )

The above and foregoing instrument was acknowledged before me by Thayne A. Larson and Jeanne M. Larson, as Co-Trustees of the Thayne A. Larson Trust No. 1, under Trust Agreement dated December 1, 2011, and Jeanne M. Larson and Thayne A. Larson, as Co-Trustees of the Jeanne Larson Trust No. 1, under Trust Agreement dated December 1, 2011, who are personally known to me to be the same persons who executed the within instrument of writing and such persons duly acknowledged the execution of the same, on February 15, 2018.

  
Printed Name: Jonathan W. Joy  
Notary Public

My Commission Expires: 7/1/2020



Scott R. Condray  
CONDRA Y & THOMPSON, LLC  
812 Washington  
P.O. Box 407  
Concordia, KS 66901-0407  
(785) 243-1357  
FAX (785) 243-1359  
condraylaw@condraylaw.com

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Received  
APR 06 2018

STATE OF KANSAS

DEPARTMENT OF AGRICULTURE  
1320 RESEARCH PARK DRIVE  
MANHATTAN, KS 66502  
PHONE: (785) 564-6700  
FAX: (785) 564-6777

900 SW JACKSON, ROOM 456  
TOPEKA, KS 66612  
PHONE: (785) 296-3556  
www.agriculture.ks.gov



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

April 10, 2018

DANE BARCLAY  
105 INDUSTRIAL RD  
CONCORDIA, KS 66901

RE: File No ~~2018~~ *20370* *26918*

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

Application for Change in  
Place of Use  
Water Right File No. 19376



Authorized Place of Use



Proposed Place of Use



1/2 mile buffer

▲ Surface Water Point of Diversion

● Groundwater Point of Diversion

● Current Point of Diversion

+ WWC5 records

*David Early*

Water Resources  
Received

APR 06 2018

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All wells owners within 1/2 mile of the proposed point of diversion are identified on the map and addresses included on the attached list.