

Kansas Department of Agriculture
 Division of Water Resources
CHANGE: P/U WORKSHEET & ORDER IN MATTER OF PD

1. File Number: 26918	2. Status Change Date: 12/14/2018	3. Change Num: C1	4. Field Office: 03	5. GMD:
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: 4/6/18
8a. Applicant(s) New to system <input type="checkbox"/> SPARLING FARMS LLC DANE BARCLAY 105 INDUSTRIAL RD CONCORDIA KS 66901		Person ID 65833 Add Seq# _____		
8b. Landowner(s) New to system <input type="checkbox"/>		Person ID _____ Add Seq# _____		
		8d. WUC New to system <input type="checkbox"/>		
		Person ID _____ Add Seq# _____		
9. Documents and Enclosure(s): <input checked="" type="checkbox"/> DWR Meter(s) Date to Comply: 12/31/2019 <input type="checkbox"/> N & P Date to Comply: _____				
<input type="checkbox"/> Anti-Reverse Meter <input type="checkbox"/> Meter Seal <input type="checkbox"/> Check Valve <input type="checkbox"/> N & P Form <input type="checkbox"/> Water Tube <input type="checkbox"/> Driller Copy <input type="checkbox"/> H & E Letter				
<input type="checkbox"/> Conservation Plan Date Required: _____ Date Approved: _____ Date to Comply: _____				
10. Use Made of Water From: _____ To: _____				
Date Prepared: 12/10/2018 By: LI Date Entered: 12/17/2018 By: LM				

File No. **26918** 11. County: CD Basin: **REPUBLICAN RIVER** Stream: **NA** Formation Code: **113** Special Use: **034**

12. Points of Diversion
 CHK
 MOD
 DEL PDIV
 ENT

Rate and Quantity
 Authorized Additional

Qualifier S T R ID 'N 'W Comment (AKA Line) Rate gpm Quantity af Rate gpm Quantity af Overlap PD Files

MOD 25548 LOT 9 5 5 4W 2 1221 345 750 110 750 110 NONE

FIX LISTED ADDITIONAL QUANTITY PER VALUE LISTED ON CERTIFICATE & PD LOCATION PER 2012 COMPLIANCE INVESTIGATION

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

14. Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) **NONE NO CHANGE**
 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 CHK MOD DEL ENT					NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg?	Overlap Files
					NE %	NW %	SW %	SE %	NE %	NW %	SW %	SE %	NE %	NW %	SW %	SE %	NE %	NW %	SW %	SE %				
PUSE	S	T	R	ID																				
MOD 2500	5	5	4W	2																				

Base Acres: Year: Minimum Reasonable Quantity:

Comments:

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files
FROM: Leslie Ireland

DATE: December 7, 2018
RE: Water Right,
File Nos. 19,379 & 26,918

Dane Q. Barclay along with his wife, Gretchen L. Barclay, signed the April 6, 2018 applications for change behalf of Sparling Farms LLC, owner of the irrigated places of use authorized by the referenced files. The applications for change were proposed in conjunction with the new appropriation File No. 50,032, that was processed by Douglas Schemm, Environmental Scientist, Topek Field Office.

The referenced rights are considered to be in good standing and not abandoned as per K.A.R. 82a-718.

File No. 19,379, authorizes 33 acre-feet of groundwater at a rate of 585 gallons per minute for the irrigation of 35 acres in the Southeast Quarter of Section 5, Township 5, Range 4 West, Cloud County. The place of use is also partially authorized by File No. 26,918, which authorizes 104.5 acres, of which approximately 22 are authorized by File No. 19,376. The junior right is authorized 110 acre-feet due to the partial overlap, but is not limited with File No. 19,379. The separate well under File No. 26,918 is authorized to divert at 750 gallons per minute. A 2012 Compliance Investigation determined the location of the well under File No. 26,918, would be better described as being 1,221 feet North and 345 feet West of the Southeast Quarter, Lot 9 in Section 5, Township 5 South, Township 4 West, Cloud County. The approval document for File No. 26,918, will update the location of the well as the actual location is approximately 98 feet from the authorized complying with part (a) of K.A.R. 5-5-6, *Failure to construct diversion works at authorized location*. The source of supply for both rights is the effective alluvium of the Republican River, and the points of diversion and place of use are located in river lots.

The applications propose to increase the place of use under the referenced rights from 104.5 to 116.9 acres under a pivot and southeastern corner located in the Southeast Quarter (SE¼) of Section 5, Township 5, Range 4 West. This increase in place of use was submitted with a new permit File No. 50,032 to provide additional water. The senior rights provide a combined total of 143 acre-feet of groundwater. It appears there is a typo on the additional quantity listed for File No. 26,918 of 109 and should list the authorized of 110 acre-feet.

IN WRS DATABASE - JD

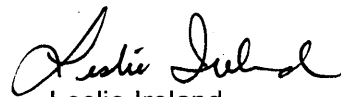
The new permit under File No. 50,032, requests 151.97 acre-feet at a rate of 1,200 gallons per minute from the Republican River. The rights are allowed a maximum of 1.3 acre-foot per acre, in Cloud County per K.A.R. 5-3-24, *Reasonable quantity for irrigation use*. The new appropriation will be limited to 151.97 acre-feet with File Nos. 19,379 & 26,918. The new applications approval assures compliance with Part(b)(6) of K.A.R. 5-5-11: *Applications for change in place of use for irrigation purposes*, and there will be no increase in the historic net consumptive use as detailed in K.A.R. 5-5-3, *Change in consumptive use*

Nearby landowners, within one-half (½) mile upstream and downstream of the point of diversion were notified by Doug Schemm and his letter of September 19, 2018. He received one comment letter, and it appears the issues have been addressed. Doug Schemm acknowledged the comments with his October 8, 2018, letter.

Kelly Stewart, Water Commissioner recommended the new permit, File No. 50,032, for approval on October 3, 2018. He was contacted for a recommendation on the requests to change in place of use under the referenced files. In his e-Mail dated December 7, 2018, he recommended approval of the applications for change.

In accordance with K.S.A. 82a-706c, the Chief Engineer will retain full authority to require any water user to install meters, gages, or other measuring devices, which devices he or she or his or her agents may read at any time. A water flowmeter per K.A.R. 5-1-4 through K.A.R 5-1-12, will be required. If any chemical or foreign substance is injected into the water pumped under the referenced files, a check valve will be required.

Based on the above discussion, that the proposed changes should not increase consumptive use due to the permitting of a new appropriation, impairment to existing water rights is unlikely and that no change in the local source of supply will occur, it is recommended that the applications for change be approved.



Leslie Ireland
Environmental Scientist
Water Appropriation Program

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

January 2, 2019

SPARLING FARMS LLC
DANE BARCLAY
105 INDUSTRIAL RD
CONCORDIA KS 66901

FILE COPY

RE: Water Right, File Nos. 19,376 & 26,918

Dear Mr. Barclay:

Enclosed are the orders executed by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the applications for change under the referenced files.

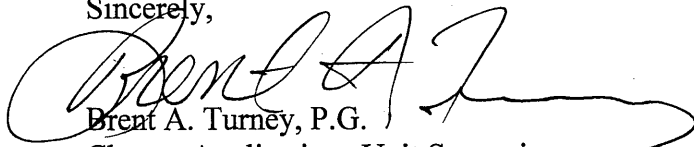
Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in the approvals for change. A condition of the approvals is that an acceptable water flowmeter must be installed on the diversion works authorized. Please return the required notification of installation of the meter as soon as these actions are completed.

Since these orders modify the original documents referred to above, they should be recorded with the Register of Deeds as other instruments affecting real estate.

Please be reminded that reports of water usage must be submitted annually. Records indicating the amount of water used should be furnished to the Chief Engineer by March 1 following the end of the previous calendar year so that the continued use of water becomes a matter of record in this office. The owner, or his or her legally designated agent, is held responsible for submitting annual water use reports. Failure to file an accurate water use report is a violation of law which makes you subject to civil penalties.

If you have any questions, please contact Leslie Ireland, Environmental Scientist, at (785) 564-6633 or the Stockton Field Office at (785) 425-6787. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,


Brent A. Turney, P.G.
Change Applications Unit Supervisor

BAT:LI:li
Enclosures
pc: Stockton Field Office



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 IN THE MATTER OF THE AUTHORIZED POINT OF DIVERSION
 WATER RIGHT, FILE NO. 26,918**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Danie Q. and Gretchen L. Barclay on behalf of Sparling Farms LLC, 105 Industrial Road, Concordia, Kansas 66901, received in the office of the Chief Engineer on April 6, 2018, for approval of a change in the location of the place of use under the certificate of appropriation issued pursuant to the permit to appropriate water for beneficial 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
	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	Lot 8	Lot 7	Lot 7	Lot 9	
5 5S 4W													17.3	30.2	34.4	35.0	116.9

a total of 116.9 acres in Section 5, Township 5 South, Range 4 West, Cloud County, Kansas,

located substantially as shown on the topographic map accompanying the application to change the place of use.

That information in the office of the Chief Engineer finds the point of diversion would more accurately be defined as:

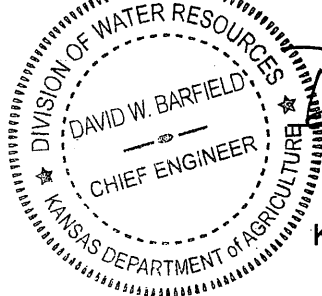
one (1) well located in Lot 9 of Section 5, more particularly described as being near a point 1,221 feet North and 345 feet West of the Southeast corner of said section, in Township 5 South, Range 4 West, Cloud County, Kansas.

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 Certificate of Appropriation issued pursuant to Approval of Application, File No. 26,918, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated August 1, 1985.

Ordered this 14th day of December, 2018, at Manhattan, Riley County, Kansas.



David W. Barfield
David W. Barfield
Chief Engineer
Division of Water Resources
Kansas Department of Agriculture

State of Kansas)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this 14th day of December 2018, by David W. Barfield, Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.



Karen Hunter
Notary Public

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 a 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.

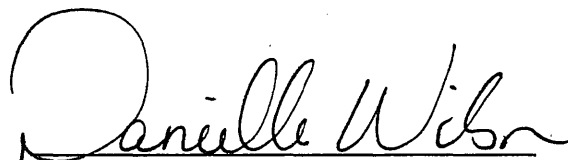
CERTIFICATE OF SERVICE

On this 31st day December, 2018, I hereby certify that the attached Approval of Application for Change in Place of Use and Order in the Matter of the Authorized Point of Diversion, Water Right, File No. 26,918 dated, December 14th 2018 was mailed postage prepaid, first class, US mail to the following:

Sparling Farms LLC
Dane Barclay
105 Industrial Rd
Concordia, KS 66901

With photocopies sent to:

Stockton Field Office


Division of Water Resources

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
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 \$ 2600 TR # _____ Receipt Date 4/6/18 Check # 2010

APPLICATION COMPLETE

121718
Reviewer LS

SCANNED

Assisted by: _____

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					

**Water Resources
Received
APR 06 2018**

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

KS Dept Of Agriculture

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

SCANNED

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: *From 2012 compliance - investigation*
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 _____

Water Resources
Received

APR 06 2018

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

KS Dept Of Agriculture
SCANNED

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). 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
SCANNED

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.**

**Water Resources
Received**

APR 06 2018

**KS Dept Of Agriculture
SCANNED**

DIVISION OF WATER RESOURCES-KANSAS DEPARTMENT OF AGRICULTURE
COMPLIANCE INVESTIGATION

Field Office No. 3 G.M.D. No. - County CD
 File No. 26918 Overlap P/D or P/U File No(s). 19376
 Agency DWR Inspector MEANS

In Compliance/ Date	
<input checked="" type="checkbox"/> Yes	<u>7-25-12</u>
<input type="checkbox"/> No, see comments	_____
<input type="checkbox"/> Re-investigation	_____

Reason: New Application Regular P/D Change P/U Change
 Meter Installed Short Move P/D Change Other Mtr. Repair

Date of Order _____ Date of N of C Ack _____ Chg No. C _____ Date completed _____ If PD chg, old PD ID _____

Current Landowner R. Gene Saltzman & Norman Anderson Phone No. (785) 439-6607

Address 591 Vale Rd Jamestown, KS 66948-9595
 Additional landowners and addresses identified in remarks section.

Water Use Correspondent Same as above Phone No. _____

Authorized Water Use Classification: Domestic Industrial Irrigation Municipal Hydraulic Dredging
 Recreation Stockwatering Water Power Artificial Recharge Contamination Remediation
 Dewatering Fire Protection Thermal Exchange Sediment Control Other _____

Water currently being used for IRR

Source: Groundwater Surface Water Basin/Stream Republican River

Authorized Point of Diversion: Lot 9 Sec. 5, T. 5 S, R. 4 W ID No. 2

Approximately 1172 ft. North and 430 ft. West of SE corner of Sec 5.

Actual Point of Diversion: Lot 9 Sec. 5, T. 5 S, R. 4 W

Approximately 1221 ft. North and 345 ft. West of SE corner of Sec 5.

How were distances determined? GPS/LEO Latitude 39.64259 Longitude 97.78246°

Distance from old pd _____ ft (N / S) and _____ ft (E / W) Old well: plugged capped equipped other: _____?

Location (site) map attached? Y / N Sketch or Map below

Comments: _____

$$-492 + 85^2 = 19626' = 98' \text{ off}$$

WATER RESOURCES
 RECEIVED
 DEC 31 2012
 KS DEPT OF AGRICULTURE

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

SCANNED

Entered in transfer record in my Office this
26th day of March A.D. 2018
Stella Thoman^{sl}
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

F:\Legal\Title\TI\Sparling Farms, L.L.C\TRUSTEES' DEED.wpd

Water Resources
Received

APR 06 2018

SCANNED
KS Dept. of Agriculture

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:

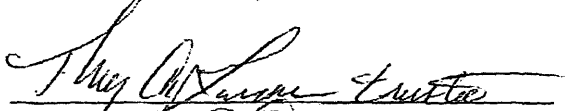
All of the West Sixty (W 60) Acres of the Southwest Quarter (SW¹/₄), lying West of the Centerline of the Republican River as it now exists, of Section Four (4), Township Five (5) South, Range Four (4) West of the 6th PM, Cloud County, Kansas.

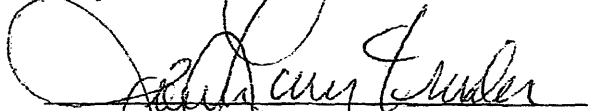
To have and to hold the same, together with all and singular the tenements, hereditaments, and appurtenances thereunto belonging or in any wise appertaining forever. Subject to all easements and restrictions, if any, of record.

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.

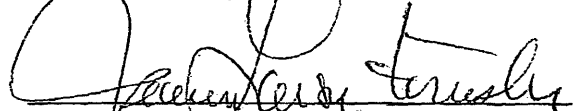
Dated February 15, 2018.

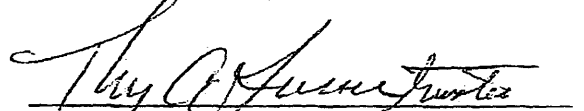
Thayne A. Larson Trust No. 1
dated December 1, 2011


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

SCANNED

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

Water Resources
Received
APR 06 2018

Ireland, Leslie [KDA]

From: Stewart, Kelly [KDA]
Sent: Friday, December 7, 2018 3:07 PM
To: Ireland, Leslie [KDA]; Billinger, Mark [KDA]
Cc: Hageman, Rebecca [KDA]
Subject: RE: Recommendation for Change in Place of Use, File Nos. 19379 & 26918 Sparling Farms

Leslie,

I recommend approval of the referenced change applications.

Kelly

From: Ireland, Leslie [KDA]
Sent: Friday, December 7, 2018 2:46 PM
To: Stewart, Kelly [KDA] <Kelly.Stewart@ks.gov>; Billinger, Mark [KDA] <Mark.Billinger@ks.gov>
Subject: Recommendation for Change in Place of Use, File Nos. 19379 & 26918 Sparling Farms

Please let me know if you could recommend this change in place of use for these rights that is requested with the new permit, File No. 50032.

It all looks straight forward, but as always comments and concerns are welcome.

Leslie Ireland, Environmental Scientist
Kansas Department of Agriculture
Division of Water Resources - Change Unit
(785) 564-6633
Leslie.Ireland@ks.gov
www.agriculture.ks.gov

STATE OF KANSAS

DEPARTMENT OF AGRICULTURE
DIVISION OF WATER RESOURCES
TOPEKA FIELD OFFICE
6531 SE FORBES AVE., SUITE B
TOPEKA, KS 66619



PHONE: (785) 296-5733
FAX: (785) 296-8298
www.agriculture.ks.gov

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

September 19, 2018

HAYDEN TRUST NO 1 LINDA
HAYDEN TRUST NO 1 JARED
1650 UNION ROAD
CONCORDIA KS 66901

Re: Pending New Application, File No. 50,032, and
Water Right, File Nos. 19,376 and 26,918 Change Applications (Place of Use)

Dear Sir or Madam:

This is to advise you that Sparling Farms LLC has filed the new application referred to above for a permit to appropriate 151.97 acre-feet of surface water per calendar year from the Republican River, for irrigation use to be diverted at a maximum rate of 1,200 gallons per minute. The Applications to Change the Place of use for File Nos. 19,376 and 26,918 will allow for an expanded place of use and create a complete overlap with the new application. Surface water under File No. 50,032 will be diverted by means of one (1) pump site located as follows:

in Lot 2 of Section 4, more particularly described as being near a point 362 feet North and 5,013 feet West of the Southeast corner of said section, in Township 5 South, Range 4 West, Cloud County, Kansas.

Records in this office indicate that you own land along the stream in this vicinity and you are being notified of receipt of these applications in order that you may be fully informed of the proposed location of the applicant's point of diversion and proposed use of water. Consideration will be given to comments or other information which you desire to submit to this office **within 15 days** from the date of this letter.

You can find the applications and site maps posted by the file numbers referenced above at:
<http://agriculture.ks.gov/divisions-programs/dwr/water-appropriation/notices>

If you have any questions or comments, you may also contact me at (785) 296-3495. If you call, please reference the file number so I can help you more efficiently.

Sincerely,

Douglas W. Schemm
Environmental Scientist
Topeka Field Office

pc: Sparling Farms LLC %Dane Barclay

STATE OF KANSAS

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DIVISION OF WATER RESOURCES
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GOVERNOR JEFF COLYER, M.D.
JACKIE MCCLASKEY, SECRETARY OF AGRICULTURE

September 19, 2018

DEAN A HANSON LIVING TRUST
R E HANSON DAUGHTER & SONS LLC
2117 N 90TH ROAD
JAMESTOWN KS 66948

Re: Pending New Application, File No. 50,032, and
Water Right, File Nos. 19,376 and 26,918 Change Applications (Place of Use)

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Sincerely,

Douglas W. Schemm
Environmental Scientist
Topeka Field Office

pc: Sparling Farms LLC %Dane Barclay

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

September 19, 2018

GLENN H STENSAAS TRUST
JOYCE I STENSAAS TRUST
985 YOUNG ROAD
CONCORDIA KS 66901

Re: Pending New Application, File No. 50,032, and
Water Right, File Nos. 19,376 and 26,918 Change Applications (Place of Use)

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Sincerely,

Douglas W. Schemm
Environmental Scientist
Topeka Field Office

pc: Sparling Farms LLC %Dane Barclay

STATE OF KANSAS

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

September 19, 2018

DENNIS J LARSEN TRUST
JANET L CUNNINGHAM TRUST
473 TEAL ROAD
JAMESTOWN KS 66948

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Sincerely,

Douglas W. Schemm
Environmental Scientist
Topeka Field Office

pc: Sparling Farms LLC %Dane Barclay

STATE OF KANSAS



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

September 19, 2018

THAYNE LARSON TRUST NO 1
JEANNE LARSON TRUST NO 1
1325 US HWY 36
BELLEVILLE KS 66935

Re: Pending New Application, File No. 50,032, and
Water Right, File Nos. 19,376 and 26,918 Change Applications (Place of Use)

Dear Sir or Madam:

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Sincerely,

Douglas W. Schemm
Environmental Scientist
Topeka Field Office

pc: Sparling Farms LLC %Dane Barclay

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

September 19, 2018

CHRISTOPHER M TEGLEY LIVING TRUST
ELIZABETH A CURTIS
478 THUNDERHEAD STREET
THOUSAND OAKS CA 91360

Re: Pending New Application, File No. 50,032, and
Water Right, File Nos. 19,376 and 26,918 Change Applications (Place of Use)

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If you have any questions or comments, you may also contact me at (785) 296-3495. If you call, please reference the file number so I can help you more efficiently.

Sincerely,

A handwritten signature in black ink that reads "Doug Schemm".

Douglas W. Schemm
Environmental Scientist
Topeka Field Office

pc: Sparling Farms LLC %Dane Barclay

STATE OF KANSAS



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

September 19, 2018

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

Re: Pending New Application, File No. 50,032, and
Water Right, File Nos. 19,376 and 26,918 Change Applications (Place of Use)

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Sincerely,

Douglas W. Schemm
Environmental Scientist
Topeka Field Office

pc: Sparling Farms LLC %Dane Barclay

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. ~~2010~~ *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

SCANNED



Application for Change in
Place of Use
Water Right File No. 26918



 Authorized Place of Use

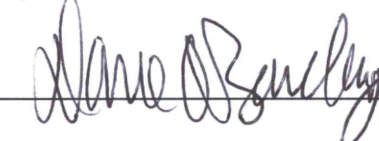
 Proposed Place of Use

 1/2 mile buffer

 Surface Water Point of Diversion
 Groundwater Point of Diversion

 Current Point of Diversion

 WWC5 records



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.

Water Resources
Received

APR 06 2018

KS Dept Of Agriculture

* STR
PT DISTANCE
LE/DIA
12/2/18

SCANNED