

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

Document Signature _____

1. File Number: 452	2. Status Change Date: <i>7/13/2016</i>	3. Change Num: C2	4. Field Office: 04	5. GMD: 03
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6. Status: <input type="checkbox"/> Approved <input type="checkbox"/> Denied by DWR/GMD <input type="checkbox"/> Dismiss by Request/Failure to Return	7. Filing Date of Change: 10-MAR-2016
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8a. Applicant(s) <input type="checkbox"/> New to system <input type="checkbox"/> Person ID <u>54250</u> Add Seq# <u>1</u> MCCLURE FAMILY TRUST KEENAN MCCLURE 853 WEST CALIFORNIA AVE UNIT J SUNNYVALE CA 94086	8c. Landowner(s) <input type="checkbox"/> New to system <input type="checkbox"/> Person ID _____ Add Seq# _____
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8b. Landowner(s) <input type="checkbox"/> New to system <input type="checkbox"/> Person ID <u>54250</u> Add Seq# <u>1</u> MCCLURE FAMILY TRUST KEENAN MCCLURE 853 WEST CALIFORNIA AVE UNIT J SUNNYVALE CA 94086	8d. WUC <input type="checkbox"/> New to system <input type="checkbox"/> Person ID <u>54250</u> Add Seq# <u>1</u> NO CHANGE MCCLURE FAMILY TRUST KEENAN MCCLURE 853 WEST CALIFORNIA AVE UNIT J SUNNYVALE CA 94086
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9. Documents and Enclosure(s): DWR Meter(s) Date to Comply: 12/31/16 N & P Date to Comply: 12/31/16

Anti-Reverse Meter Meter Seal 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: **06/30/16** By: **RAK**
 Date Entered: *7/14/2016* By: *LLM*

File No. **452** 11. County: **HS** Basin: **CROOKED CREEK** Stream: Formation Code: **211/331** 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	Rate gpm	Quantity AF	
DEL	72710			SWSNW	25	29	32W	5	2825	3725						NO
ENT	19836			NWSNW	25	29	32W	3	3845	4650		900 g.p.m.	320 AF	900 g.p.m.	320 AF	NO

CAUTION – Temporary reduction in quantity in place. Check Legal Action Trail for details (CHANGED NO SUSPENSION; REDUCED TO 108.674 FOR 2016)

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) _____
 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										
NO CHANGES																																	
✓			2976	24	29	32W	2																					8B	NO	452, 4117 & 21814			
✓			17278	25	29	32W	1	40	39	40	40	30	10	40	40													279	↓	↓	↓		
✓			9606	26	29	32W	1					40	37	40	40	40	40	40	40	40	40	40	40	40	40	40	317	↓	↓	↓			

Comments:

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources
MEMORANDUM

TO: Files
FROM: Richelle A. Krueger

DATE: July 5, 2016
RE: Water Right
File Nos. 452 and 21,814

Janice Lee McClure and Keenan McClure, on behalf of McClure Family Trust, water right owner, filed applications for approval to change the authorized points of diversion, authorized for irrigation use in the Crooked Creek drainage basin.

The referenced water rights do not appear abandoned as per K.S.A. 82a-718.

The referenced file numbers have no overlaps in their authorized points of diversion but overlap in the 615 acre place of use with each other and Water Right, File No. 4,117 all located in Sections 24, 25 and 26, Township 29 South, Range 32 West, Haskell County, Kansas. File No. 452 is authorized 320 acre-feet and 900 gallons per minute from one well located 2,825 feet North and 3,725 feet West of the Southeast corner of the aforementioned Section 25, and File No. 21,814 is authorized 462 acre-feet and 1,540 gallons per minute from a well located 3,845 feet North and 4,650 feet West of the Southeast corner of Section 25. The well now authorized by File No. 452 was overpumped, the water right owner was penalized, and the quantity of File No. 452 is temporarily reduced to 108.674 acre-feet for 2016 (see legal action trail for details). The water right owner proposes to "flip flop" the diversion rates and quantities between the wells authorized by File Nos. 452 and 21,814, a distance of approximately 1,377 feet, to put more quantity on the better well. No new wells will be drilled.

WRIS and the application map indicate there are two irrigation wells (File No. 6,725 and File No. 7,418/20127098MF) within one-half mile of the existing point of diversion proposed for File No. 452. There are two irrigation wells (File No. 7,418/20127098MF and File No. 22,790) within one-half mile of the existing well proposed for File No. 21,814.

The nearby well owners were notified of the proposed changes in letters dated April 19, 2016. A letter was sent out three different times in attempts to notify the owner of File No. 22,790; all three were returned. However, Tim Webber, the water use correspondent of the file was notified by letter and he left a message to contact him. A call to him on April 25, 2016 was not returned by Mr. Webber; no further responses have been received as of today's date.

The same local source of supply does not appear to change, which appears to be Ogallala Formation (211) and Unconfined Dakota Formation (331).

In a letter dated June 9, 2016, Jason Norquest, Assistant Manager of Southwest Kansas Groundwater Management District No. 3 indicated that the applications should be approved and a waiver of K.A.R. 5-23-3(a)(1) be granted since spacing requirements are not met and spacing is not improved between the wells authorized/proposed by File Nos. 452 and 21,814. Jason also indicated the proposed well does not meet spacing to a domestic well in the Northwest Quarter but they believe the well belongs to the applicant or relation. A lesser quantity of water is being moved closer to the domestic well than the quantity currently authorized. The GMD No. 3 review indicates that spacing to all other neighboring wells is met. However, the proposed existing well for File No. 21,814 does not meet 2,300 feet well spacing requirements of K.A.R. 5-23-3(a)(1) to a well authorized by Water Right, File No. 7,418 and Multi-Year Flex Account (MYFA) Term Permit, File No. 20127098 MF since the wells are approximately 2,135 feet apart. The wells in question would meet well spacing requirements if the nearby well was not enrolled in a MYFA so GMD No. 3 does not require a waiver to the well. However it was determined that K.A.R. 5-23-3(a)(1) should be waived by the Chief Engineer since File No. 20127098 MF is authorized 1,600 acre-feet on the well authorized by base right File No. 7,418 and since the initial approval of the MYFA permit required a waiver of the well spacing regulation to the well now proposed for File No. 21,814.

In an e-mail dated June 22, 2016, Michael Meyer, Water Commissioner of the Garden City Field Office, indicated he has no objection to approval of the referenced change applications.

Water flow meters are required. Check valves are required if any chemical or foreign substance is injected into the water through the diversion works.

Based on the above discussion, that the change is reasonable, that impairment to existing water rights is unlikely, that no change in the local source of supply will occur, and if the Chief Engineer waives K.A.R. 5-23-3(a)(1) it has been recommended that the referenced applications be approved.


Richelle A. Krueger
Environmental Scientist

Kansas Department of Agriculture
 Division of Water Resources
WAIVER REQUEST & WAIVER RULE WORKSHEET

File Number: 452

FO: 4

GMD: 3

WAIVER REQUEST:

UMW	Date Requested	Rule ID	Applies	Rule Type	Rule Subtype
IRR	03/10/16	27		Well Spacing	Well to Well Spacing
Rule Number	Date Granted	Date Denied	Justification:	GMD No. 3 recommends a waiver of well spacing regulations since the wells in question are under common ownership, and have not met spacing requirements in the past with no known problems.	
K.A.R. 5-23-3(a)(1)	7/13/2016				

WAIVER RULE:

Rule ID	Applicability	Type	Subtype	Rule Number	Date Active	Date Inactive

Date Prepared 06/30/16 By RAK

Date Entered 7/14/2016 By UM



KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Acting Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

**WAIVER OF REGULATION
K.A.R 5-23-3(a)(1) Well Spacing**

Date: July 13, 2010

Re: Water Right, File No. 452

1. That K.A.R. 5-23-3(a)(1) states in part that the minimum well spacing shall be based on the maximum annual quantity of water in acre-feet either authorized and requested for the proposed well, or authorized and requested by a senior application, permit, or water right for the nontemporary, nondomestic well to which the spacing is being measured, whichever is greater.
2. That the application to change the point of diversion for Water Right, File No. 452 received in the office of the Chief Engineer on March 10, 2016, requests to exchange the authorized quantities and diversion rates between two irrigation wells under common ownership, one well authorized by File No. 452 and one well authorized by Water Right, File No. 21,814. The proposed well for File No. 452 is located 3,845 feet North and 4,650 feet West of the Southeast corner of Section 25, Township 29 South, Range 32 West, Haskell County, Kansas, a distance of approximately 1,377 feet from its presently authorized location.
3. The proposed well location will not meet 2,100 feet well spacing requirements of K.A.R. 5-23-3(a)(1) *Minimum well spacing requirements: high plains aquifer* to the irrigation well under common ownership to be authorized by Water Right, File No. 21,814 serving the same place of use authorized by File No. 452 since the wells are approximately 1,377 feet apart. No new wells will be drilled. Also, the proposed change for File No. 452 will not meet spacing to a domestic well in the Northwest Quarter of the section, however, the well belongs to the applicant or relation. In addition, the proposal moves a smaller quantity of water to the well than that presently authorized on the well.
4. That in a letter dated June 9, 2016, Jason L. Norquest, Assistant Manager of Southwest Kansas Groundwater Management District No. 3, indicated that the Board of Directors of Southwest Kansas Groundwater Management District No. 3 reviewed the application, and has recommended a waiver of the spacing requirement of K.A.R. 5-23-3(a)(1) for the referenced change application for File No. 452. The wells in question are under common ownership, have not met spacing in the past with no known problems, and there was no response from neighboring well owners opposing the change.
5. That the referenced application for File No. 452 should be approved with a waiver of the well spacing requirement of K.A.R. 5-23-3(a)(1).
6. That the waiver of K.A.R. 5-23-3(a)(1) will not prejudicially nor unreasonably affect the public interest and it will not impair an existing water right.

Comments:

David W. Barfield

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

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

MCCLURE FAMILY TRUST
KEENAN MCCLURE/JANICE LEE MCCLURE
853 WEST CALIFORNIA AVE UNIT J
SUNNYVALE CA 94086

FILE COPY

RE: Water Right, File Nos. 452 and 21,814

Dear Mr. McClure:

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

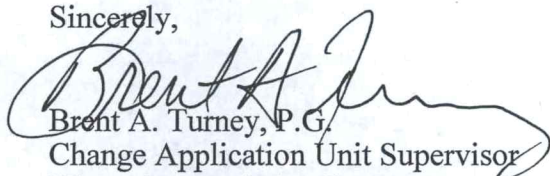
Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in these approvals for change. A condition of these approvals is that acceptable water flow meters must be installed on the diversion works authorized under the referenced file numbers. Prior to the diversion of water for irrigation purposes, you must install an anti-reverse totalizing water flowmeter which meets or exceeds specifications adopted by the Chief Engineer on the well to be authorized by File No. 452. In addition, a seal shall be placed on the water flowmeter to be used by File No. 452 by the Division of Water Resources in such a manner as to render the meter non-removable from the measuring chamber without breaking the seal.

Please return the required notification of completion of the diversion works and installation of the required meters 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.

If you have any questions, please contact this office. 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 Application Unit Supervisor
Water Appropriation Program

BAT:rak
Enclosures

pc: Garden City Field Office
Groundwater Management District No. 3



KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

**APPROVAL OF APPLICATION
FOR
CHANGE IN
POINT OF DIVERSION
WATER RIGHT
FILE NO. 452**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Janice Lee McClure and Keenan McClure, on behalf of McClure Family Trust, 853 West California Avenue, Unit J, Sunnyvale, California, 94086, received in this office on March 10, 2016, for approval of a change in the location of the point of diversion under the certificate of appropriation issued pursuant to the application for permit to appropriate water for beneficial use, as modified and amended by the Findings and Order of the Chief Engineer dated September 7, 1979, establishing the ten acre tract upon which the point of diversion is located, by the Order of the Chief Engineer dated March 30, 1987, approving the application to change the place of use, and by the Order of the Chief Engineer dated May 8, 2006, approving the application to change the point of diversion, 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 point of diversion shall be:

one (1) well located in the Northwest Quarter of the Southwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 25, more particularly described as being near a point 3,845 feet North and 4,650 feet West of the Southeast corner of said section, in Township 29 South, Range 32 West, Haskell County, Kansas,

located substantially as shown on the map accompanying the application to change the point of diversion.

Installation of the works for diversion of water shall be completed on or before December 31, 2016, or within any authorized extension of time. The water right owner shall notify the Chief Engineer of the Division of Water Resources, Kansas Department of Agriculture, when construction of the works for diversion has been completed.

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.

The owner of the Water Right(s) identified in this order shall install an anti-reverse totalizing water flowmeter which meets or exceed specifications adopted by the Chief Engineer.

A seal shall be placed on the water flowmeter by the Division of Water Resources in such a manner as to render the meter non-removable from the measuring chamber without breaking the seal. If the seal is broken without the written permission of the chief engineer, this shall create a rebuttable presumption that the point of diversion had been unlawfully operated in violation of the order of the chief engineer and that the water right holder had been acting in violation of the conditions of his or her water right. If any such violation occurs, a written order shall be issued by the chief engineer stating the nature of the violation and the civil penalty, suspension of water right or modification to the water right, or any combination of these to be imposed.

In all other respects, the Certificate of Appropriation issued pursuant to Approval of Application, File No. 452, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated June 20, 1951, as modified and amended by the aforementioned orders.

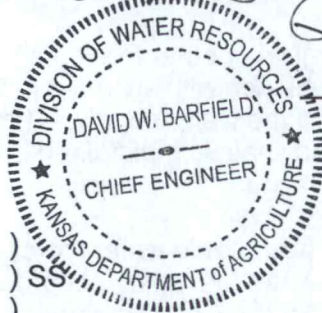
This Order shall become a final agency action, as defined by K.S.A. 77-607(b), without further notice to the parties, if a request for hearing or a petition for administrative review is not filed as set forth below.

Request for Hearing. According to K.A.R. 5-14-3(c), any party who desires a hearing must submit a request within 15 days after the date shown on the Certificate of Service attached to this Order. Filing a request for a hearing will give you the opportunity to submit additional facts for consideration, contest any findings made by the Chief Engineer or present any other information you believe should be considered in this matter. A timely-filed request for hearing will stay the deadline for requesting administrative review of this Order pending the outcome of the hearing.

Petition for Review. Any person aggrieved by this Order may petition for administrative review, pursuant to K.S.A. 82a-708b(a) and K.S.A. 82a-1901(a). The petition must be filed within 30 days after the date shown on the Certificate of Service attached to this Order and must set forth the basis for the review, unless stayed by the timely filing of a request for hearing.

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 13th day of July, 2016, in Topeka, Shawnee County, Kansas.



David W. Barfield

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

State of Kansas)
County of Riley)

The foregoing instrument was acknowledged before me this 13th day of July, 2016, by David W. Barfield, P.E., Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.



Karen Hunter
Notary Public

CERTIFICATE OF SERVICE

On this 14th day of July, 2016, I hereby certify that the foregoing Approval of Application for Change in Point of Diversion, File No. 452, dated [redacted] was mailed postage prepaid, first class, US mail to the following:

MCCLURE FAMILY TRUST
KEENAN MCCLURE/JANICE LEE MCCLURE
853 WEST CALIFORNIA AVE UNIT J
SUNNYVALE CA 94086

With photocopies to:

Garden City Field Office
Groundwater Management District No. 3

Ambree L. Herring
Division of Water Resources

Submit To: CHIEF ENGINEER
 (Division of Water Resources)
 Kansas Department of Agriculture
 (1320 Research Park Drive)
 Manhattan, Kansas 66502
 http://agriculture.ks.gov/dwr

**APPLICATION FOR APPROVAL TO
 CHANGE THE PLACE OF USE, THE
 POINT OF DIVERSION OR THE USE
 MADE OF THE WATER UNDER AN
 EXISTING WATER RIGHT**



State of Kansas

*Filing Fee Must Accompany the Application
 (Please refer to Fee Schedule on signature page of application form.)*

Paragraph Nos. 1, 2, 3, 4 & 8 must be completed. Complete all other applicable portions. A topographic map or detailed plat showing the authorized and proposed points(s) of diversion and/or place of use must accompany this application.

1. Application is hereby made for approval of the Chief Engineer to change the

**WATER RESOURCES
 RECEIVED**

- (Check one or more) Place of Use
 Point of Diversion
 Use Made of Water

**MAR 10 2016
 11:15
 KS DEPT OF AGRICULTURE**

File No. 452

2. Name of applicant: JANICE McCLURE * McClure Family Trust/Keenan McClure
 Address: 1730 ROAD RR 853 West California Avenue Unit J
 City, State and Zip: SUBLETTE, KS 67877 Sunnyvale CA 94086
 Phone Number: () E-mail address: _____

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

* Name of water use correspondent: McCLURE FAMILY TRUST / JANICE McCLURE * Keenan McClure
 Address: 1730 ROAD RR 853 West California Avenue Unit J
 City, State and Zip: SUBLETTE, KS 67877 Sunnyvale CA 94086
 Phone Number: () E-mail address: _____

3. The change(s) proposed herein are desired for the following reasons (please be specific): Move priority to File No. 21814. File No. 21814 move to current location under this priority

The change(s) (was) (will be) completed by 2016 (Date)

For Office Use Only:							
F.O. <u>4</u>	GMD <u>3</u>	Meets K.A.R. 5-5-1 (YES/NO) <u>(YES)</u>	Use <u>IRR</u>	Source <u>G/S</u>	County <u>HS</u>	By <u>ASW</u>	Date <u>3/10/16</u>
Code <u>CGT</u>	Fee \$ <u>200</u>	TR # <u>16033634</u>	Receipt Date <u>3/10/16</u>	Check # <u>1003</u>			

* per WRIS & 5/18/16 address change worksheet + attachments
 * RAK/owr 6/27/16

APPLICATION COMPLETE
 SCANNED viewer RSK
 Assisted by: IEG/MAM

3/16/2016 ULM

4. The presently authorized place of use is:

Owner of Land — NAME:

NO CHANGE

McClure Family Trust
Keenan McClure

ADDRESS:

853 West California Ave Unit J Sunnyvale, CA 94086

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.

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:

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.

Owner of Land — NAME:

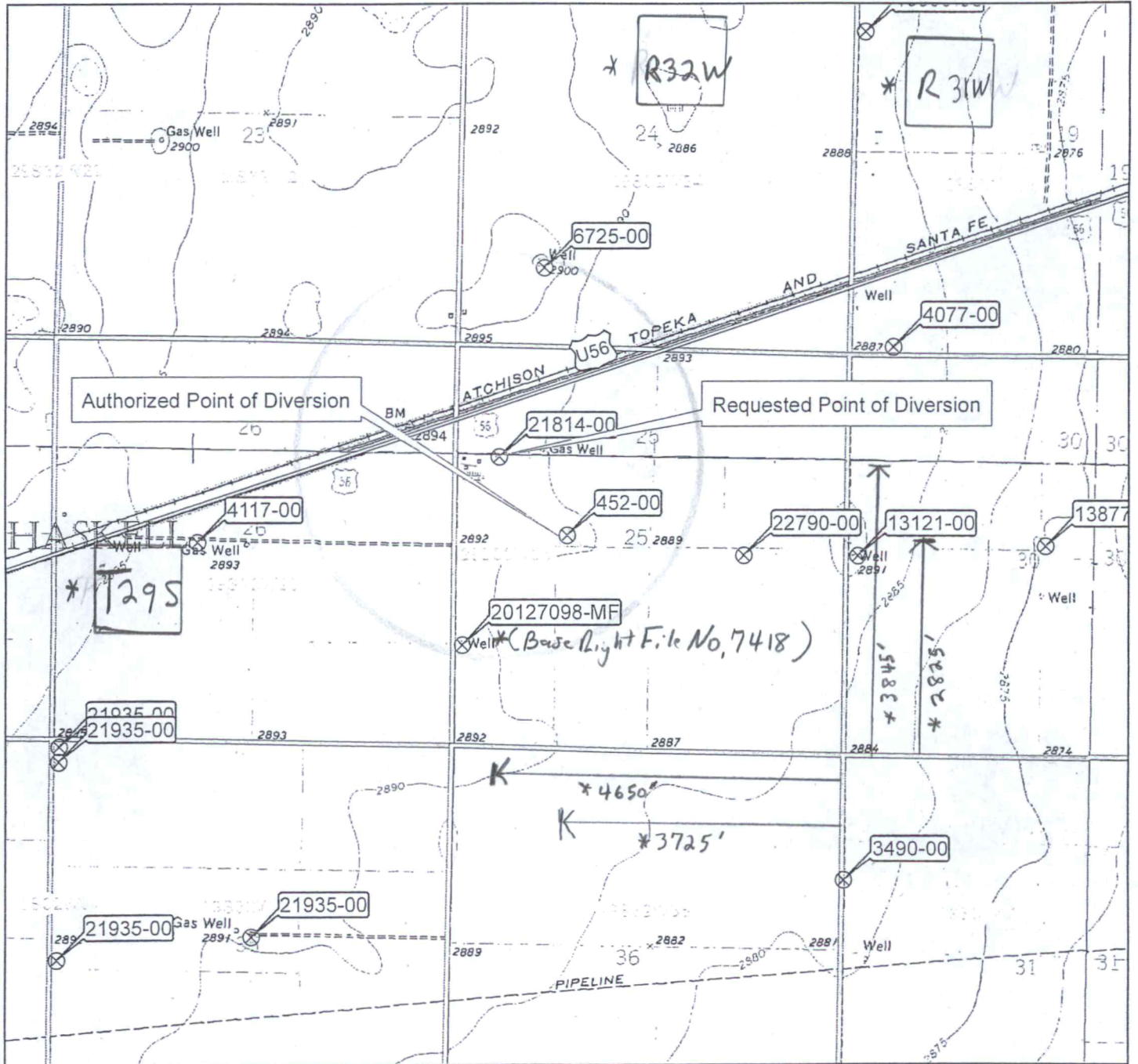
ADDRESS:

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.

* per WRIS & 5/18/16 address change worksheet & attachments
* RAIC/OWN 6/27/16

APPLICATION TO CHANGE THE POINT OF DIVERSION Water Right, File No. 452



All wells of any kind within 1/2 mile of the requested point of diversion have been plotted.

Section Line



⊗ Point of Diversion

X _____

* per WMS + Par No 8
* RAK/AM 4/14/16

1:24,000

6. The presently authorized point(s) of diversion (is) (are) 1 well
(Provide description and number of points)
7. The proposed point(s) of diversion (is) (are) 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 SW Quarter of the SE Quarter of the NW Quarter of Section 25, Township 29 South, Range 32 (EW), in HASKELL County, Kansas, 2825 feet North 3775 feet West of Southeast corner of section. Authorized Rate 900 GPM Authorized Quantity 320 AF
 (DWR use only: Computer ID No. 5 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 NW Quarter of the SW Quarter of the NW Quarter of Section 25, Township 29 South, Range 32 (EW), in HASKELL County, Kansas, 3845 feet North 4650 feet West of Southeast corner of section. Proposed Rate 1540 GPM Proposed Quantity 462 AF * 900 gpm 320 AF
 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 _____ (EW), 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 _____ (EW), 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 _____ (EW), 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 _____ (EW), 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 _____

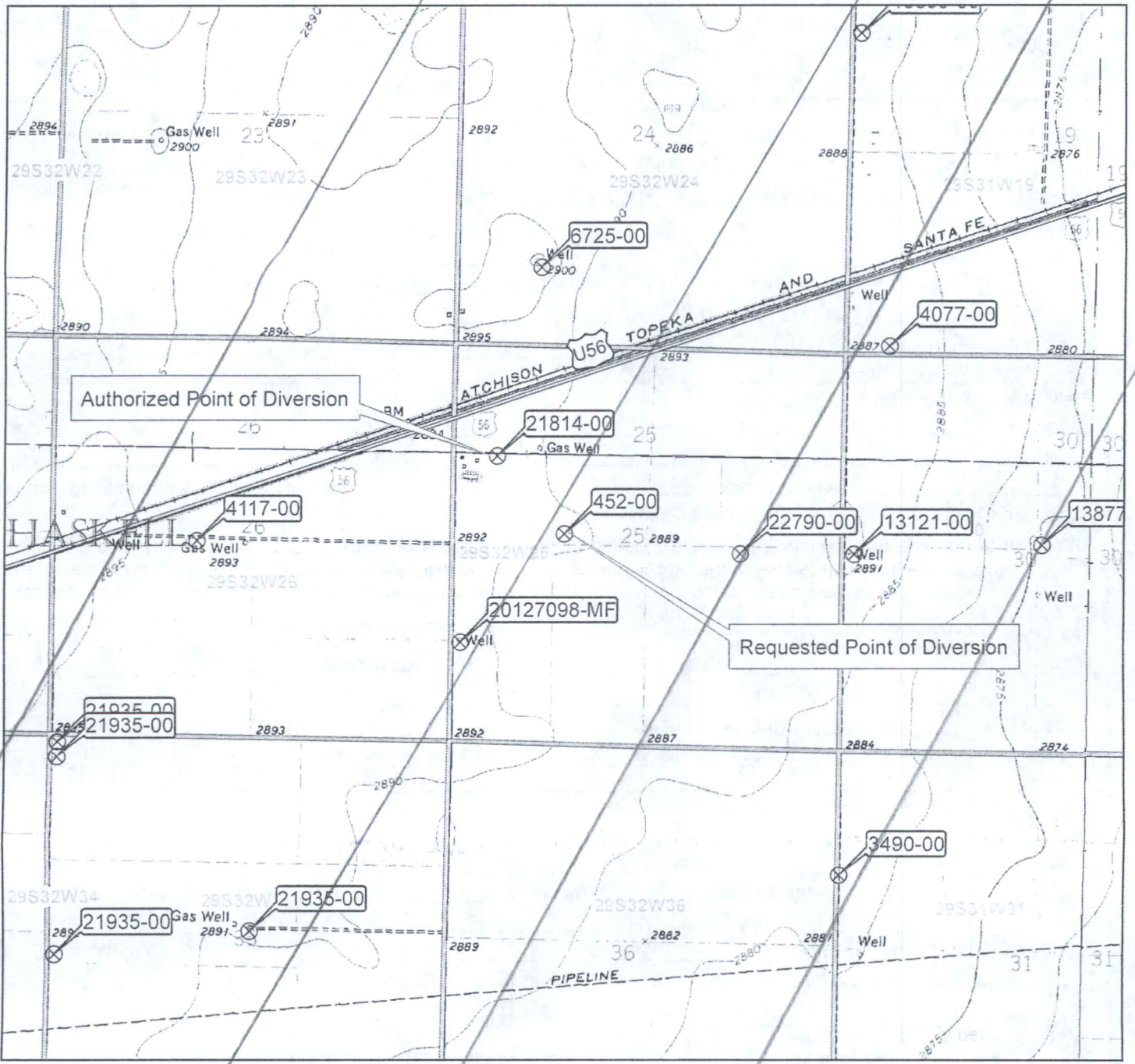
11. Describe the current condition of and future plans for any point(s) of diversion which will no longer be used.

* R + Q Modified per Paragraph No. 3
 * RAK/DWR 4/14/16

WATER RESOURCES RECEIVED
 SCANNED MAR 10 2016
 KS DEPT OF AGRICULTURE

* See Map for File No 452

APPLICATION TO CHANGE THE POINT OF DIVERSION Water Right, File No. 21,814



All wells of any kind within 1/2 mile of the requested point of diversion have been plotted.

Section Line

Point of Diversion



1:24,000

X MAR 10 2016

* Rak/Sm 4/14/16

12. The presently authorized use of water is for IRR purposes.
It is proposed that the use be changed to NO CHANGE purposes.

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

(Please show any calculations here.)

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

15. It is requested that the maximum rate of diversion of water be reduced to N/A 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.

WELLS DO NOT MEET SPACING - EXISTING WELLS
NO HISTORY OF IMPAIRMENT

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.

WAIVER OF K.A.R. 5-23-3(a)(1) requested - Wells do not
currently meet spacing to each other. No history of
impairment

WATER RESOURCES RECEIVED

SCANNED MAR 10 2016

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 Haskell Co., Kansas, this 22nd day of February, 20 16.

Janice Lee McClure
(Owner)

(Spouse)

JANICE LEE MCCLURE
(Please Print)

(Please Print)

Keenan McClure
(Owner)

(Spouse)

Keenan McClure
(Please Print)

(Please Print)

(Owner)

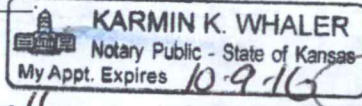
(Spouse)

(Please Print)

(Please Print)

State of Kansas }
County of Haskell } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 22nd day of February, 20 16.



[Signature]
Notary Public

My Commission Expires 10-9-16

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
MAR 1 0 2016
KANSAS DEPARTMENT OF AGRICULTURE

Krueger, Richelle

From: Meyer, Mike
Sent: Wednesday, June 22, 2016 11:10 AM
To: Krueger, Richelle
Subject: RE: Request for Recommendation Change in PDs File Nos. 452 and 21814 Janice McClure/McClure Family Trust

Please approve and reinforce the seal and arv requirement on 452

From: Krueger, Richelle
Sent: Monday, June 20, 2016 5:04 PM
To: Meyer, Mike <Mike.Meyer@KDA.KS.GOV>
Cc: Makens, Thom <Thom.Makens@KDA.KS.GOV>; Turney, Brent <Brent.Turney@KDA.KS.GOV>
Subject: Request for Recommendation Change in PDs File Nos. 452 and 21814 Janice McClure/McClure Family Trust

Hi Mike,
Attached is a draft memo for the referenced changes in pd, do you recommend approval?
Thanks,
Richelle

Krueger, Richelle

From: Krueger, Richelle
Sent: Thursday, June 09, 2016 3:04 PM
To: 'Jason Norquest'
Subject: RE: 39161

Thanks Jason, you too!

From: Jason Norquest [mailto:norquest@gmd3.org]
Sent: Thursday, June 09, 2016 2:26 PM
To: Krueger, Richelle
Subject: RE: 39161

OK, seems we are really getting into the summer temps now. They say a little sweat is good for a person.

Here are the reviews for you. I sent all the info that we went through and copy of the letter sent to neighbors. Those that got the letter are listed at the end of the letter. Hope the letters are OK. I will put the hard copies in the mail.

Have a good day!!!

Jason Norquest

Assistant Manager, GMD3
Office: 620-275-7147 Cell: 620-271-1289
norquest@gmd3.org
www.gmd3.org

From: Krueger, Richelle [mailto:Richelle.Krueger@KDA.KS.GOV]
Sent: Wednesday, June 08, 2016 4:01 PM
To: Jason Norquest
Subject: RE: 39161

Hi Jason,
It is getting hot up here too, and it does look like wheat harvest is just around the corner, believe it or not! Hey, I just pulled the file out of the drawer, just go ahead and send the letter to me.
Thanks,
Richelle

From: Jason Norquest [mailto:norquest@gmd3.org]
Sent: Wednesday, June 08, 2016 1:57 PM
To: Krueger, Richelle
Subject: 39161

Good afternoon Richelle. Things are warming up out here and seems we have some folks thinking hard about starting the wheat harvests.

A while back we talked about this water right and how Harshberger submitted the application and after he found out it was taking a waiver, requested we look at it as soon as we could. Well we did review it with the Board today at the monthly meeting. Question is, did I ever ask who was assigned the review in your office and who I should make the

letter out to? I will send all my info with it and a copy of the letter sent to the applicant and neighbors (all neighbors listed at bottom of the letter).

Also, I plan to get you the review letter for the apps on 452 & 21814 by the end of the week. We review that today also.

Thanks for the info.

Jason Norquest

Assistant Manager, GMD3

Office: 620-275-7147 Cell: 620-271-1289

norquest@gmd3.org

www.gmd3.org



Southwest Kansas
Groundwater Management District No. 3
2009 E. Spruce Street
Garden City, Kansas 67846
(620) 275-7147 phone (620) 275-1431 fax
www.gmd3.org

June 9, 2016

Richelle A. Krueger
Kansas Department of Agriculture
Division of Water Resources
1320 Research Park Drive
Manhattan, Kansas 66502

RE: Change Application,
Water Right, File Nos. 452 & 21,814

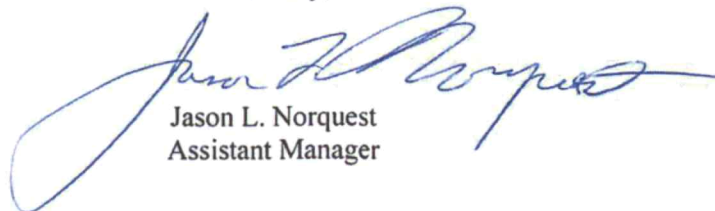
Dear Richelle:

We have completed a review of the applications for the above referenced water rights. The proposal is in conflict with the Management Program of the Southwest Kansas Groundwater Management District No. 3 (GMD3). More specifically K.A.R. 5-23-3(a)(1), the minimum spacing to a neighboring well is not met. In this case, where the applicant is just proposing to flip the authority between two wells, the spacing between the wells is not met and spacing is not improved. We were able to review this application with the Board at our June 8, 2016 monthly board meeting.

The applicant's tenant, Mike Sherwood, was able to attend the meeting to answer questions for the Board to consider. As previously stated, the spacing is not met between the two existing wells. Spacing is met to all other neighboring wells. Mr. Sherwood stated that they have gone over or been very close to using their authority on the well currently under Water Right 452, since it is the slightly better well. These two wells, along with a third are used together to water four quarters under varying sizes of center pivots. They no longer flood irrigate on any of the land. With the proposed flipping of authority between these two wells, they will be able to run the wells more efficiently they believe and save on input costs. The Board discussed the need to be sure we continue to review these applications on a case by case basis's and consider each aquifer setting. In this case the wells in question are run at almost a similar rate for their system, with the south well able to have a slightly higher rate. It was noted that these wells have not met spacing, with no known problems, and that there was no response from neighboring well owners opposing the change. With a final vote of 7 to 5, it is therefore recommended a waiver to K.A.R. 5-23-3(a)(1) be granted and that the applications be approved at this time.

Thank you for the opportunity to review the applications and to provide a recommendation. If you have any questions, please don't hesitate to contact us.

Sincerely,



Jason L. Norquest
Assistant Manager

GMD3 Change Review

Change Application(s); PD
 File No(s). 452 & 21814; McClure



Applicant proposes flip/flopping the authority between the 2 wells, is not drilling any new wells.

Had conversation with one neighboring tenant come in to discuss the change. They did not want to stand in the way of the change and understood what the applicant was trying to accomplish. Two issues/concerns was made. 1) with the 21814 moving to the south well with the larger quantity, that could further limit them where they could redrill in the future if needed. It would cause a 200' difference in the spacing required with current rules. 2) Could this be accomplished with other tools such as a MYFA or other program?

	ft. North	ft. West	
Authorized P/D	2825	3725	Current 452
Proposed P/D	3845	4650	Current 218147
Difference	-1020	-925	
$a^2 + b^2 = c^2$	1040400	855625	1377.0 feet between wells

Neighboring wells: **Spacing is NOT met between the two wells of the applications to flip authorities.** Spacing to all other neighboring wells is MET.

GMD3 Change Review

Domestic wells: Spacing NOT met to a domestic well in the NW4, but believe it belongs to applicant or relation.

Regulation(s) Reviewed: KAR 5-23-3

Board Review Date: June 8, 2016

Board Recommendation: Waiver of Spacing under KAR 5-23-3(a)

Waiver Reason: These are existing wells that never met the current spacing and owned/operated by the same person. The farmer stated that they no longer flood irrigate anything and that by flipping the authority, they would be able to utilize existing authority and save input costs. Board voted for the waiver on a vote of 7-5.

Final Recommendation: After discussion with the applicant's tenant and the attending Board members, staff recommends a waiver to the minimum spacing requirement in KAR 5-23-3(a).

A handwritten signature in blue ink, appearing to be the initials 'JA', is located below the text.

AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 21814 00

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AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 21814 00 IRR

Proposed WR 452

Water Right and Points of Diversion Within 1.00 miles of point defined as:

3845 Feet North and 4650 Feet West of the Southeast Corner of Section 25 T 29S R 32W

GROUNDWATER ONLY

File Number	Use	ST	SR	Dist (ft)	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Tw	Rng	ID	Batt	Auth	Quan	Add_Quan	Unit
A_ 452	00	IRR	NK	G*	1377	--	SW	SE	NW	2825	3725	25	29	32W	5	2100	320.00 ⁴⁶²	320.00	AF*
A_ 4117	00	IRR	NK	G	4188	--	NW	NE	SW	2595	3410	26	29	32W	2	2100	414.00	414.00	AF
A_ 6725	00	IRR	NK	G	2566	NC	N2	S2	SW	1100	4150	24	29	32W	1	7300	1260.00	1260.00	AF
A_ 7418	00	IRR	NK	G	2621	--	CW	SW	1280	5200	25	29	32W	2	1400	320.00	320.00	AF	
A_ 13121	00	IRR	NK	G	4984	NC	W2	W2	W2	2700	5100	30	29	31W	1	2300	630.00	630.00	AF
A_ 21814	00	IRR	NK	G*	0	--	NW	SW	NW	3845	4650	25	29	32W	3		320.00	462.00	AF
A_ 22790	00	IRR	NK	G	3528	--	CN	SE	2600	1350	25	29	32W	4	1900	320.00	320.00	AF	
T_20127098	MF	IRR	GY	G	2621	--	CW	SW	1280	5200	25	29	32W	2		1600.00	.00	AF	



445 AF Remains

Total Net Quantities Authorized:	Direct	Storage
Total Requested Amount (AF) =	.00	.00
Total Permitted Amount (AF) =	.00	.00
Total Inspected Amount (AF) =	.00	.00
Total Pro_Cert Amount (AF) =	.00	.00
Total Certified Amount (AF) =	3726.00	.00
Total Vested Amount (AF) =	.00	.00
TOTAL AMOUNT (AF) =	3726.00	.00

Only spacing NOT MET is to each well.

An * after the source of supply indicates a pending application for change under the file number.
 An * after the ID indicates a 15 AF exemption was granted under the file number.
 A "G" in the Batt column indicates the GEO CTR of a battery. A "B" indicates a well in the battery.
 The number in the Batt column is the number of wells in the battery.

Water Rights and Points of Diversion Within 1.00 miles of point defined as:

3845 Feet North and 4650 Feet West of the Southeast Corner of Section 25 T 29S R 32W

GROUNDWATER ONLY

WATER USE CORRESPONDENTS:

File Number	Use	ST	SR
A_ 452	00	IRR	NK G
>	MCCLURE FAMILY TRUST		
>	JANICE MCCLURE		
>	1730 ROAD RR		
>	SUBLETTE KS 67877		

A_ 4117	00	IRR	NK G
>	MCCLURE FAMILY TRUST		
>	JANICE MCCLURE		
>	1730 ROAD RR		
>	SUBLETTE KS 67877		

A_ 6725	00	IRR	NK G
>	MICHAEL T SHERWOOD		
>			
>	1656 RD 55		

> SUBLETTE KS 67877

A__ 7418 00 IRR NK G

> MCCLURE FARMS PARTNERSHIP

>

> 4120 N TOWNS RD

> GARDEN CITY KS 67846

A__ 13121 00 IRR NK G

> RICHARD WEDEL

>

> 1625 VV RD

> COPELAND KS 67837

A__ 21814 00 IRR NK G

> MCCLURE FAMILY TRUST

> JANICE MCCLURE

> 1730 ROAD RR

> SUBLETTE KS 67877

A__ 22790 00 IRR NK G

> TIM & VIRGINIA WEBBER

>

> PO BOX 327

> SUBLETTE KS 67877

T_20127098 MF IRR GY G

> MCCLURE FARMS PARTNERSHIP

>

> 4120 N TOWNS RD

> GARDEN CITY KS 67846

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AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 452 00

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AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 452 00 IRR

Proposed 21814

Water Right and Points of Diversion Within 1.00 miles of point defined as:

2825 Feet North and 3725 Feet West of the Southeast Corner of Section 25 T 29S R 32W

GROUNDWATER ONLY

File Number	Use	ST	SR	Dist (ft)	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Tw	Rng	ID	Batt	Auth	Quan	Add_Quan	Unit
A_ 452 00	IRR	NK	G*	0	--	SW	SE	NW	2825	3725	25	29	32W	5			452 320.00	320.00	AF
A_ 4077 00	IRR	NK	G	5028	--	SW	SW	SW	91	4695	19	29	31W	4		2300	567.00	567.00	AF
A_ 4117 00	IRR	NK	G	4943	--	NW	NE	SW	2595	3410	26	29	32W	2		2100	414.00	414.00	AF
A_ 6725 00	IRR	NK	G	3546	NC	N2	S2	SW	1100	4150	24	29	32W	1		2300	1260.00	1260.00	AF
A_ 7418 00	IRR	NK	G	2135	--	--	CW	SW	1280	5200	25	29	32W	2		2100	320.00	320.00	AF
A_ 13121 00	IRR	NK	G	3912	NC	W2	W2	W2	2700	5100	30	29	31W	1		2300	630.00	630.00	AF
A_ 21814 00	IRR	NK	G*	1377	--	NW	SW	NW	3845	4650	25	29	32W	3		2100	462 462.00	462.00	AF*
A_ 22790 00	IRR	NK	G	2386	--	--	CN	SE	2600	1350	25	29	32W	4		2100	320.00	320.00	AF
T_20127098	MF	IRR	GY	G	2135	--	--	CW	SW	1280	5200	25	29	32W	2		1600.00	.00	AF

Flipping

Total Net Quantities Authorized:	Direct	Storage
Total Requested Amount (AF) =	.00	.00
Total Permitted Amount (AF) =	.00	.00
Total Inspected Amount (AF) =	.00	.00
Total Pro_Cert Amount (AF) =	.00	.00
Total Certified Amount (AF) =	4293.00	.00
Total Vested Amount (AF) =	.00	.00
TOTAL AMOUNT (AF) =	4293.00	.00

Only well spacing NOT MET too are each other

An * after the source of supply indicates a pending application for change under the file number.

An * after the ID indicates a 15 AF exemption was granted under the file number.

A "G" in the Batt column indicates the GEO CTR of a battery. A "B" indicates a well in the battery.

The number in the Batt column is the number of wells in the battery.

Water Rights and Points of Diversion Within 1.00 miles of point defined as:

2825 Feet North and 3725 Feet West of the Southeast Corner of Section 25 T 29S R 32W

GROUNDWATER ONLY

WATER USE CORRESPONDENTS:

File Number Use ST SR

A_ 452 00 IRR NK G
 > MCCLURE FAMILY TRUST
 > JANICE MCCLURE
 > 1730 ROAD RR
 > SUBLETTE KS 67877

A_ 4077 00 IRR NK G
 > MICHAEL T SHERWOOD
 >
 > 1656 RD 55
 > SUBLETTE KS 67877

A_ 4117 00 IRR NK G
 > MCCLURE FAMILY TRUST
 > JANICE MCCLURE

*Domestics
26 Mike Hooker*

X

> 1730 ROAD RR
> SUBLETTE KS 67877

A_ 6725 00 IRR NK G
> MICHAEL T SHERWOOD

>
> 1656 RD 55
> SUBLETTE KS 67877

A_ 7418 00 IRR NK G
> MCCLURE FARMS PARTNERSHIP

>
> 4120 N TOWNS RD
> GARDEN CITY KS 67846

A_ 13121 00 IRR NK G
> RICHARD WEDEL

>
> 1625 VV RD
> COPELAND KS 67837

A_ 21814 00 IRR NK G
> MCCLURE FAMILY TRUST

> JANICE MCCLURE
> 1730 ROAD RR
> SUBLETTE KS 67877

A_ 22790 00 IRR NK G
> TIM & VIRGINIA WEBBER

>
> PO BOX 327
> SUBLETTE KS 67877

T_20127098 MF IRR GY G
> MCCLURE FARMS PARTNERSHIP

>
> 4120 N TOWNS RD
> GARDEN CITY KS 67846

#####



Southwest Kansas
Groundwater Management District No. 3
2009 E. Spruce Street
Garden City, Kansas 67846
(620) 275-7147 phone (620) 275-1431 fax
www.gmd3.org

May 24, 2016

McClure Family Trust
% Janice McClure
1730 Road RR
Sublette, KS 67877

RE: Water Right, File Nos. 452 & 21,814

Dear McClure Family Trust and Neighbors,

This is to advise you that your application for approval of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, to change the point of diversions under the above referenced applications requires a waiver of a rule, specifically, K.A.R. 5-23-3 as it pertains to spacing to neighboring wells. Specifically, the wells do not meet the minimum spacing between the two wells.

The application proposes to flip the authority between the two existing wells, where they are currently located in Section 25, Township 29s, Range 32w, in Haskell County. Neither application is actually drilling a new well. A plat and groundwater resource review information is enclosed for your reference.

Changing a water right in a local aquifer area can affect the water supply to the project and to other water rights and users. Kansas law (K.S.A. 82a-708b (2)) requires a demonstration that any change is reasonable and will not impair existing rights. Spacing rules provide a standard for implementing this requirement. Conversely, not meeting the spacing standard creates a presumption that impairment will occur

To meet the need for added due process beyond the ½ mile courtesy notice from the state, the GMD3 Board passed Resolution 2013-6, adopted December 17, 2013. This resolution established a process of seeking more information from you and the neighboring water right owners whose wells are located within a mile of a proposed location requiring a rule waiver.

Accordingly, local resource information is included with this letter and you are requested to provide information in response to the following questions:

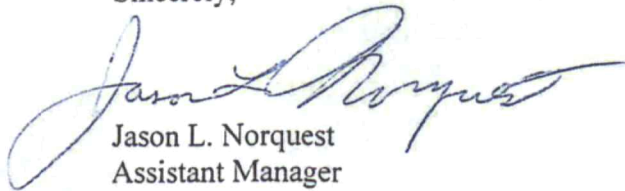
- 1) Can the aquifer yield a similar water supply at both the present well location and at the proposed well location(s)? In other words, how might the well yield differ in the proposed location from the present location?
- 2) Can the addition of infrastructure, such as pipelines or purchase of neighboring wells with water rights, meet the need without a rule waiver?
- 3) How do the specifics of the proposal conserve energy and/or water over other alternatives?

The GMD3 board supports the pursuit of high value water use, through reasonable changes that don't have an unreasonable affect to other water rights. We request that any response you or your neighbors wish to provide should occur within 15 days from the date of this letter or any extension of

time granted. If no response is received from you, the applicant, and concerns of merit are received from the area water right owners, within that time, we may recommend that the rule be upheld and the application denied. We will consider information from the neighbors responding to their copy of this letter.

Should you have any questions, please feel free to call this office. If you would prefer, an appointment could be arranged for additional assistance. Please refer to the water right file number when you contact us.

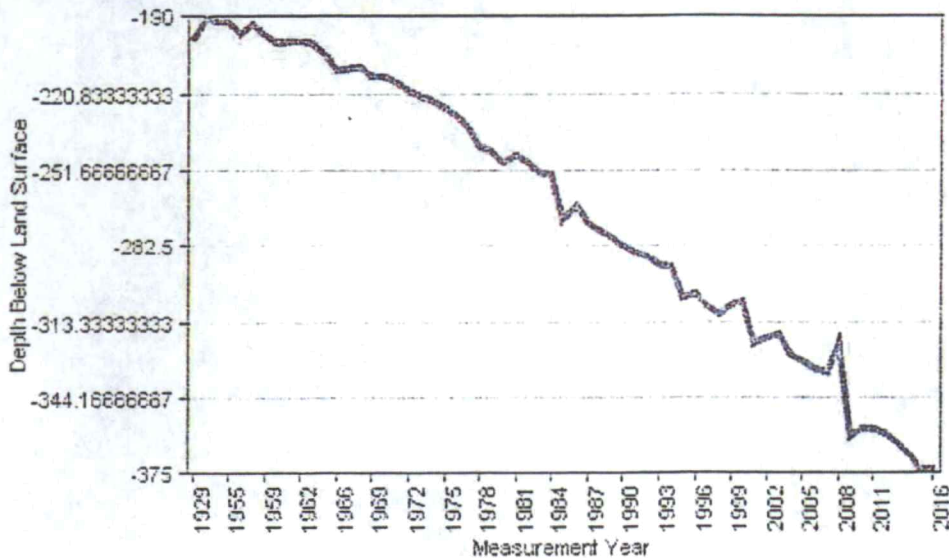
Sincerely,



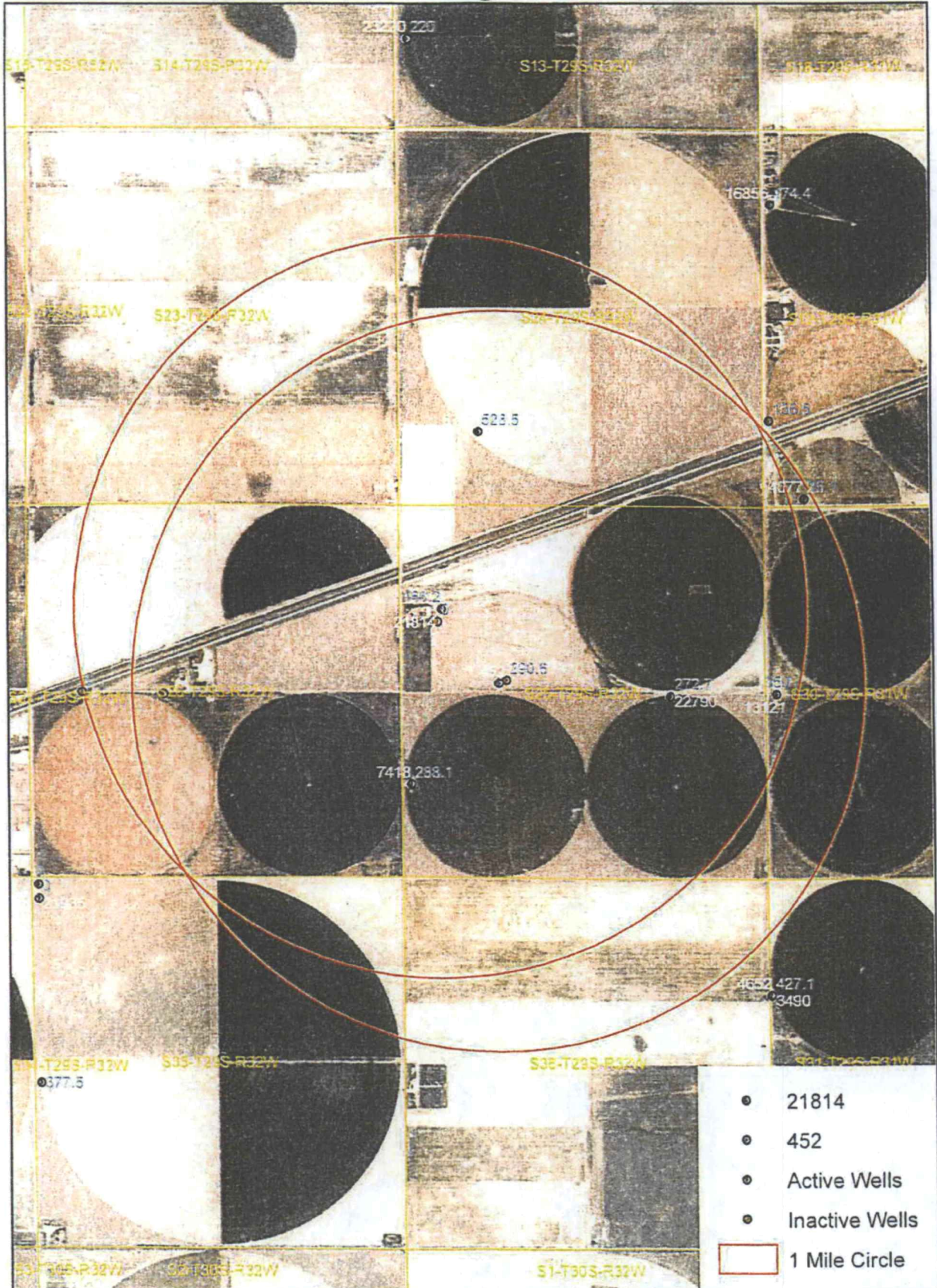
Jason L. Norquest
Assistant Manager

Attachment: GMD3 General Groundwater Resource Review, File Nos. 452 & 21,814
Copy to: Michael T Sherwood
Richard Wedel
Tim & Virginia Webber

Regional Average Trends, from
<http://hercules.kgs.ku.edu/geohydro/wizard/wizardregional.cfm>



1 Mile Circle for Water Right Nos. 452 and 21814



1:24,000

Water right numbers are in white text.
10 year average use is in blue text.

Krueger, Richelle

From: Krueger, Richelle
Sent: Wednesday, May 25, 2016 9:45 AM
To: 'Jason Norquest'
Subject: RE: File Nos. 452 and 21814 pd change McClure Family Trust

Okay, thanks Jason for the info!

From: Jason Norquest [mailto:norquest@gmd3.org]
Sent: Wednesday, May 25, 2016 9:38 AM
To: Krueger, Richelle
Subject: RE: File Nos. 452 and 21814 pd change McClure Family Trust

Here in Garden we just had wind. You go up to Scott or over to Dodge and they had a very good sized tornados. So we missed that luckily.

Thanks for the info. I sent letters out for our process on waiver. They went to Michael Sherwood, Richard Wedel and Webber too. I'm sure Tim will call in sometime. The domestic wells within a mile were a little more difficult to determine if they are part of the family for not. I will let you know what I hear, but really don't expect much knowing that neighborhood and the folks farming there.

I also will be reviewing a waiver for 39161, Gary Harshberger. You may not have this application yet. He is wanting to move a well 370" and does not meet spacing to one of his own wells. Thom Makens said he sent it your way since it will take a waiver. Gary asked for us to review it as soon as we could, so I got it on the June agenda. I will get all the info up to you on that also, and maybe avoid your notice letters if you like.

Thanks again, and I will keep you posted if I hear back anything.

Jason Norquest

Assistant Manager, GMD3

Office: 620-275-7147 Cell: 620-271-1289

norquest@gmd3.org

www.gmd3.org

From: Krueger, Richelle [mailto:Richelle.Krueger@KDA.KS.GOV]
Sent: Wednesday, May 25, 2016 9:14 AM
To: Jason Norquest
Cc: Turney, Brent
Subject: File Nos. 452 and 21814 pd change McClure Family Trust

Hi Jason,

Hope all is well your way and you avoided the worst of last night's storms! Hey I just wanted to let you know that I sent out a nearby well owner notification letter to the owner of record of nearby well authorized by File No. 22790. I sent it to Emery Stoops, who is shown as our owner of record, I sent one to Eileen Gardener GST Exempt Trust, the owner of record per Register of Deeds (sent to two different addresses). All three letters were returned not deliverable as addressed. I also sent one to Tim and Virginia Webber, the water use correspondent. Tim Webber called and left a message for me to call him, which I did and left him a message to call me 4-25-2016. He never called back. So, just wanted to let you know that I tried to notify the owner of the well but no good address, however the water use correspondent was notified.

Have a good day!

Richelle

Richelle Krueger, Environmental Scientist
Kansas Department of Agriculture
Water Appropriation Program
(785) 564-6635
Richelle.Krueger@kda.ks.gov
www.ksda.gov/dwr

Krueger, Richelle

From: Krueger, Richelle
Sent: Wednesday, May 25, 2016 9:14 AM
To: Jason Norquest
Cc: Turney, Brent
Subject: File Nos. 452 and 21814 pd change McClure Family Trust

Hi Jason,

Hope all is well your way and you avoided the worst of last night's storms! Hey I just wanted to let you know that I sent out a nearby well owner notification letter to the owner of record of nearby well authorized by File No. 22790. I sent it to Emery Stoops, who is shown as our owner of record, I sent one to Eileen Gardener GST Exempt Trust, the owner of record per Register of Deeds (sent to two different addresses). All three letters were returned not deliverable as addressed. I also sent one to Tim and Virginia Webber, the water use correspondent. Tim Webber called and left a message for me to call him, which I did and left him a message to call me 4-25-2016. He never called back. So, just wanted to let you know that I tried to notify the owner of the well but no good address, however the water use correspondent was notified.

Have a good day!

Richelle

Richelle Krueger, Environmental Scientist
Kansas Department of Agriculture
Water Appropriation Program
(785) 564-6635
Richelle.Krueger@kda.ks.gov
www.ksda.gov/dwr

Krueger, Richelle

From: Candy Huffine <hcred@unitedwireless.com>
Sent: Wednesday, May 11, 2016 11:17 AM
To: Krueger, Richelle
Subject: RE: ownership question

Eileen C Gardner GST Exempt Trust : 3805 River Road N Salem Oregon 97303

From: Krueger, Richelle [mailto:Richelle.Krueger@KDA.KS.GOV]
Sent: Tuesday, May 10, 2016 4:56 PM
To: hcred@unitedwireless.com
Subject: ownership question

Good Afternoon,

I am trying to find a mailing address and the name of the owner of the Southeast Quarter (SE¼) of Section 25, Township 29 South, Range 32 West, Haskell Co. What do your records show?

Thanks so much for your help!

Richelle Krueger, Environmental Scientist
Kansas Department of Agriculture
Water Appropriation Program
(785) 564-6635
Richelle.Krueger@kda.ks.gov
www.ksda.gov/dwr



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

~~April 19, 2016~~ *May 11, 2016*

~~EILEEN C GARDNER GST EXEMPT TRUST
C/O BRYAN P FITZSIMMONS CPA
2015 NW 39TH STE 200
LINCOLN CITY OR 97367~~ *3805 River Road N
Salem Or 97303*

RE: Water Right
File Nos. 452 and 21,814

Dear Sir or Madam:

This is to advise you that Janice McClure and Keenan McClure, on behalf of McClure Family Trust, have filed applications for approval of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, to change the points of diversion under the above referenced file numbers. The water right owners propose to exchange the authorized quantities and diversion rates between two of their currently authorized wells. Enclosed is map for your reference.

The application for File No. 452 proposes the following change in point of diversion:

- from: one (1) well located in the Southwest Quarter of the Southeast Quarter of the Northwest Quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 25, more particularly described as being near a point 2,825 feet North and 3,725 feet West of the Southeast corner of said section, in a quantity not to exceed 320 acre-feet of water per calendar year at a diversion rate not in excess of 900 gallons per minute (2.00 c.f.s.), in Township 29 South, Range 32 West, Haskell County, Kansas,
- to: one (1) well located in the Northwest Quarter of the Southwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 25, more particularly described as being near a point 3,845 feet North and 4,650 feet West of the Southeast corner of said section, in a quantity not to exceed 320 acre-feet of water per calendar year at a diversion rate not in excess of 900 gallons per minute (2.00 c.f.s.), in Township 29 South, Range 32 West, Haskell County, Kansas.

The application for File No. 21,814 proposes the following change in point of diversion:

- from: one (1) well located in the Northwest Quarter of the Southwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 25, more particularly described as being near a point 3,845 feet North and 4,650 feet West of the Southeast corner of said section, in a quantity not to exceed 462 acre-feet of water per calendar year at a diversion rate not in excess of 1,540 gallons per minute (3.43 c.f.s.), in Township 29 South, Range 32 West, Haskell County, Kansas,
- to: one (1) well located in the Southwest Quarter of the Southeast Quarter of the Northwest Quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 25, more particularly described as being near a point 2,825 feet North and 3,725 feet West of the Southeast corner of said section, in a quantity not to exceed 462 acre-feet of water per calendar year at a diversion rate not in excess of 1,540 gallons per minute (3.43 c.f.s.) in Township 29 South, Range 32 West, Haskell County, Kansas.

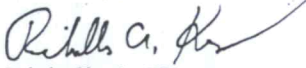
You are being notified of these proposed changes in the points of diversion so that you may furnish this office such comments or other information you may desire to submit. Such comments or other information must be received in this office within 15 days from the date of this letter.

OVER →

RE: File Nos. 452 and 21,814

If you have any questions, please contact me at (785) 564-6635 or Change Application Unit Supervisor Brent Turney at (785) 564-6645. If you call, please reference the file number so we can help you more efficiently.

Sincerely,



Richelle A. Krueger
Environmental Scientist
Change Application Unit

RAK

Enclosure

pc: Garden City Field Office
Groundwater Management District No. 3
Janice McClure, McClure Family Trust
Keenan McClure

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

May 3, 2016

SOUTHWEST KANSAS GROUNDWATER
MANAGEMENT DISTRICT NO 3
ATTN JASON NORQUEST
2009 E SPRUCE ST
GARDEN CITY KS 67846

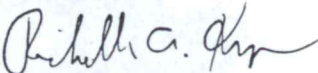
Re: Water Right, File Nos. 452 and 21,814

Dear Jason:

In accordance with your May 2, 2016 e-mail, the Chief Engineer has extended until June 15, 2016, the time in which to submit your recommendations concerning the Applications for Approval to Change the Points of Diversion for Water Right, File Nos. 452 and 21,814.

If you have any questions, please contact me at (785) 564-6635. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,


Richelle A. Krueger
Environmental Scientist
Water Appropriation Program

Enclosures

pc: Garden City Field Office

SCANNED

Tax Year: 2014

Other Unpaid Years: 2015

Stmt: 17705 Type: REAL ESTATE Parcel ID: 041-107-25-0-00-00-004.00-0-00

Property Address:

LOCKPORT TOWNSHIP

Legal Description:

S25 , T29 , R32W , ACRES 156.0 , SE LESS RD ROW

T/U: 007 - LOCKPORT-374 City/Twp: LOCKPORT TOWNSHIP Sub Div: USD: 374

Levy: 86.628 Sec: 25 Twp: 29 Rng: 32W Lot: Blk:

General Tax: \$1,646.88
Specials: 39.80
Total Tax: 1,686.68
Rec To-Dt: 1,686.68
Balance: 0.00
Int-To-Dt (As of 05/09/2016): 0.00
Fees: 0.00
Total Due: \$0.00

Owner Information:
 GARDNER, EILEEN C GST
 EXEMPT TRUST
 C/O FITZSIMMONS, BRYAN P
 CPA
 2015 NW 39TH STE 200
 LINCOLN CITY OR 97367

Taxpayer Information:
 C/O FITZSIMMONS, BRYAN P
 CPA
 2015 NW 39TH STE 200
 LINCOLN CITY OR 97367

Receipt Information

Type	Receipt Number	Date	Tax	Int/Fee
CUR *	01 761	11/13/2014	1,686.68	0.00

Additional Years Statements

Tax Year	Stmt #	Redemption #	Owner Name	Taxpayer Name	Total Due
<u>2015</u>	17295		GARDNER, EILEEN C GST EXEMPT TRUST	C/O JOHNSON, GLAZE & CO PC	\$2,169.30

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Jackie McClaskey, Secretary

Governor Sam Brownback

May 3, 2016

SOUTHWEST KANSAS GROUNDWATER
MANAGEMENT DISTRICT NO 3
ATTN JASON NORQUEST
2009 E SPRUCE ST
GARDEN CITY KS 67846

Re: Water Right, File Nos. 452 and 21,814

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If you have any questions, please contact me at (785) 564-6635. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

A handwritten signature in cursive script that reads "Richelle A. Krueger".

Richelle A. Krueger
Environmental Scientist
Water Appropriation Program

Enclosures

pc: Garden City Field Office

Krueger, Richelle

From: Jason Norquest <norquest@gmd3.org>
Sent: Monday, May 02, 2016 2:05 PM
To: Krueger, Richelle
Subject: RE: 452 & 21814

I was looking at that one too. There are a couple of ways to take the well under 7418/20127098MF. The first is that we have proposed rule changes that takes MYFAs into account and say we look at the base water right authority, which we would be fine with. Second we can also look at the remaining quantity on the MYFA and see what authority is left. So I don't think that well will be a problem for us.

Thanks!!!

Jason Norquest

Assistant Manager, GMD3
Office: 620-275-7147 Cell: 620-271-1289
norquest@gmd3.org
www.gmd3.org

From: Krueger, Richelle [mailto:Richelle.Krueger@KDA.KS.GOV]
Sent: Monday, May 02, 2016 1:57 PM
To: Jason Norquest
Subject: RE: 452 & 21814

Hi Jason,
The rain is great! Hopefully it will take a break for planting. I will get that extension out to you, not sure if proposed well for File No. 21814 meets spacing to nearby well authorized by File No. 7418/20127098 MF either.

I haven't received any written responses yet, someone left a message for me to call them, but then they never returned my call, no comments were left.

Have a good one!

Thanks,
Richelle

From: Jason Norquest [mailto:norquest@gmd3.org]
Sent: Monday, May 02, 2016 1:38 PM
To: Krueger, Richelle
Cc: Mark Rude
Subject: 452 & 21814

Good afternoon Richelle, hope you made it through the rough weather up there. We had some nice rains here over the weekend. I have heard amounts from 1.4" up to 2.5' this last go around. Love the moisture, but folks would really like to get more planted.

Anyway, I need to ask for an extension on these two applications since it will take a waiver due to the spacing not being met between the two wells themselves. It is late for the May meeting, but I should be able to get it on the June

agenda. So I would like to request the extension until at least June 10th. This should be enough time to have the Board review and get the response written to you. Also, if you had any responses from the notice letters you sent out, I would appreciate a copy for our records.

Appreciate your time and have a good week.

Jason Norquest

Assistant Manager, GMD3

Office: 620-275-7147 Cell: 620-271-1289

norquest@gmd3.org

www.gmd3.org

WATER RESOURCES
RECEIVED

MAY 02 2016

KS DEPT OF AGRICULTURE

WATER RESOURCES
RECEIVED

MAY 02 2016

KS DEPT OF AGRICULTURE

Krueger, Richelle

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Appreciate your time and have a good week.

Jason Norquest

Assistant Manager, GMD3

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Topeka, Kansas 66612
(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

April 19, 2016

SOUTHWEST KANSAS GROUNDWATER
MANAGEMENT DISTRICT NO 3
ATTN JASON NORQUEST
2009 E SPRUCE ST
GARDEN CITY KS 67846

Re: Water Right, File Nos. 452 and 21,814

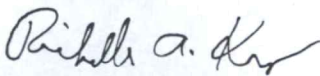
Dear Jason:

We are enclosing copies of the applications to change the point of diversion for File Nos. 452 and 21,814.

We are delaying further action for a period of 15 days from the date of this letter to allow you time to submit your recommendations concerning these applications.

Please submit your recommendations within the allowed time, or any authorized extension of time thereof. If you have any questions, please contact me at (785) 564-6635. If you call, please reference the file number so we can help you more efficiently.

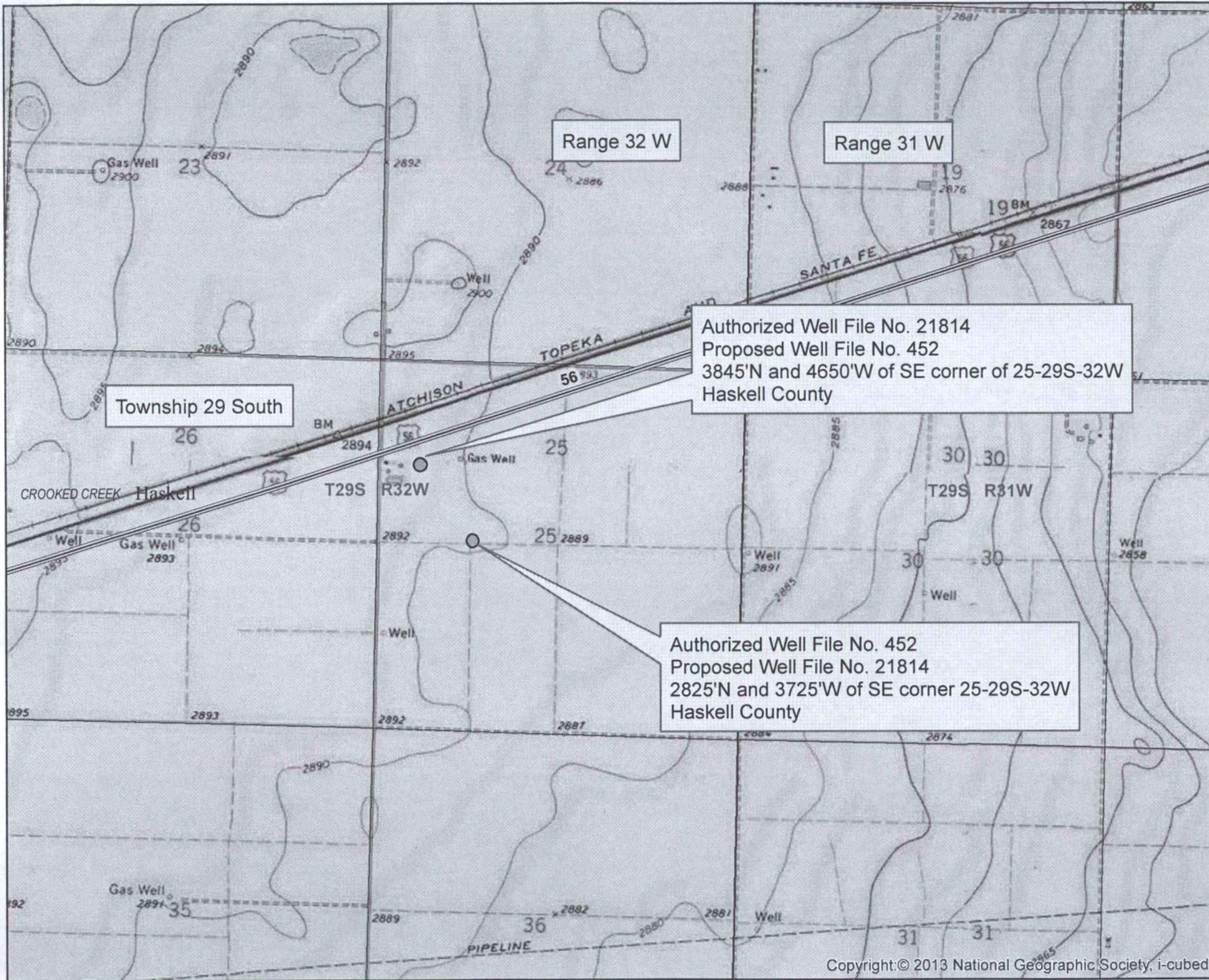
Sincerely,


Richelle A. Krueger
Environmental Scientist
Water Appropriation Program

Enclosures

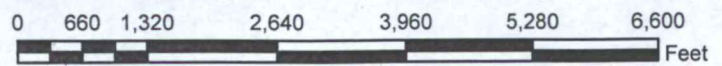
pc: Garden City Field Office

Applications to Change the PD File Nos. 452 and 21,814



1:24,000

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This map was created by WIMAS on 4/18/2016 3:52:14 PM

SCANNED



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

April 19, 2016

EMERY STOOPS
1634 CASALE RD
PACIFIC PALISADES CA 90272

RE: Water Right
File Nos. 452 and 21,814

Dear Sir or Madam:

This is to advise you that Janice McClure and Keenan McClure, on behalf of McClure Family Trust, have filed applications for approval of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, to change the points of diversion under the above referenced file numbers. The water right owners propose to exchange the authorized quantities and diversion rates between two of their currently authorized wells. Enclosed is map for your reference.

The application for File No. 452 proposes the following change in point of diversion:

from: one (1) well located in the Southwest Quarter of the Southeast Quarter of the Northwest Quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 25, more particularly described as being near a point 2,825 feet North and 3,725 feet West of the Southeast corner of said section, in a quantity not to exceed 320 acre-feet of water per calendar year at a diversion rate not in excess of 900 gallons per minute (2.00 c.f.s.), in Township 29 South, Range 32 West, Haskell County, Kansas,

to: one (1) well located in the Northwest Quarter of the Southwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 25, more particularly described as being near a point 3,845 feet North and 4,650 feet West of the Southeast corner of said section, in a quantity not to exceed 320 acre-feet of water per calendar year at a diversion rate not in excess of 900 gallons per minute (2.00 c.f.s.), in Township 29 South, Range 32 West, Haskell County, Kansas.

The application for File No. 21,814 proposes the following change in point of diversion:

from: one (1) well located in the Northwest Quarter of the Southwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 25, more particularly described as being near a point 3,845 feet North and 4,650 feet West of the Southeast corner of said section, in a quantity not to exceed 462 acre-feet of water per calendar year at a diversion rate not in excess of 1,540 gallons per minute (3.43 c.f.s.), in Township 29 South, Range 32 West, Haskell County, Kansas,

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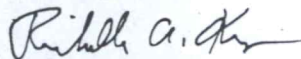
You are being notified of these proposed changes in the points of diversion so that you may furnish this office such comments or other information you may desire to submit. Such comments or other information must be received in this office within 15 days from the date of this letter.

OVER →

RE: File Nos. 452 and 21,814

If you have any questions, please contact me at (785) 564-6635 or Change Application Unit Supervisor Brent Turney at (785) 564-6645. If you call, please reference the file number so we can help you more efficiently.

Sincerely,



Richelle A. Krueger
Environmental Scientist
Change Application Unit

RAK

Enclosure

pc: Garden City Field Office
Groundwater Management District No. 3
Janice McClure, McClure Family Trust
Keenan McClure



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

Jackie McClaskey, Secretary

Governor Sam Brownback

April 19, 2016

TIM & VIRGINIA WEBBER
PO BOX 327
SUBLETTE KS 67877

RE: Water Right
File Nos. 452 and 21,814

Dear Sir or Madam:

This is to advise you that Janice McClure and Keenan McClure, on behalf of McClure Family Trust, have filed applications for approval of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, to change the points of diversion under the above referenced file numbers. The water right owners propose to exchange the authorized quantities and diversion rates between two of their currently authorized wells. Enclosed is map for your reference.

The application for File No. 452 proposes the following change in point of diversion:

from: one (1) well located in the Southwest Quarter of the Southeast Quarter of the Northwest Quarter (SW¹/₄ SE¹/₄ NW¹/₄) of Section 25, more particularly described as being near a point 2,825 feet North and 3,725 feet West of the Southeast corner of said section, in a quantity not to exceed 320 acre-feet of water per calendar year at a diversion rate not in excess of 900 gallons per minute (2.00 c.f.s.), in Township 29 South, Range 32 West, Haskell County, Kansas,

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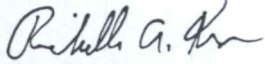
You are being notified of these proposed changes in the points of diversion so that you may furnish this office such comments or other information you may desire to submit. Such comments or other information must be received in this office within 15 days from the date of this letter.

OVER →

RE: File Nos. 452 and 21,814

If you have any questions, please contact me at (785) 564-6635 or Change Application Unit Supervisor Brent Turney at (785) 564-6645. If you call, please reference the file number so we can help you more efficiently.

Sincerely,



Richelle A. Krueger
Environmental Scientist
Change Application Unit

RAK

Enclosure

pc: Garden City Field Office
Groundwater Management District No. 3
Janice McClure, McClure Family Trust
Keenan McClure

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Jackie McClaskey, Secretary

Governor Sam Brownback

April 19, 2016

EILEEN C GARDNER GST EXEMPT TRUST
C/O BRYAN P FITZSIMMONS CPA
2015 NW 39TH STE 200
LINCOLN CITY OR 97367

RE: Water Right
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Dear Sir or Madam:

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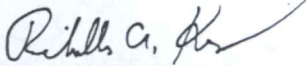
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OVER →

RE: File Nos. 452 and 21,814

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Sincerely,



Richelle A. Krueger
Environmental Scientist
Change Application Unit

RAK

Enclosure

pc: Garden City Field Office
Groundwater Management District No. 3
Janice McClure, McClure Family Trust
Keenan McClure



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

Jackie McClaskey, Secretary

Governor Sam Brownback

April 19, 2016

MICHAEL T SHERWOOD
1656 RD 55
SUBLETTE KS 67877

RE: Water Right
File Nos. 452 and 21,814

Dear Sir or Madam:

This is to advise you that Janice McClure and Keenan McClure, on behalf of McClure Family Trust, have filed applications for approval of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, to change the points of diversion under the above referenced file numbers. The water right owners propose to exchange the authorized quantities and diversion rates between two of their currently authorized wells. Enclosed is map for your reference.

The application for File No. 452 proposes the following change in point of diversion:

from: one (1) well located in the Southwest Quarter of the Southeast Quarter of the Northwest Quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 25, more particularly described as being near a point 2,825 feet North and 3,725 feet West of the Southeast corner of said section, in a quantity not to exceed 320 acre-feet of water per calendar year at a diversion rate not in excess of 900 gallons per minute (2.00 c.f.s.), in Township 29 South, Range 32 West, Haskell County, Kansas,

to: one (1) well located in the Northwest Quarter of the Southwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 25, more particularly described as being near a point 3,845 feet North and 4,650 feet West of the Southeast corner of said section, in a quantity not to exceed 320 acre-feet of water per calendar year at a diversion rate not in excess of 900 gallons per minute (2.00 c.f.s.), in Township 29 South, Range 32 West, Haskell County, Kansas.

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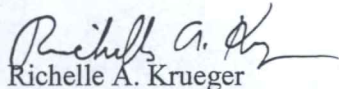
You are being notified of these proposed changes in the points of diversion so that you may furnish this office such comments or other information you may desire to submit. Such comments or other information must be received in this office within 15 days from the date of this letter.

OVER →

RE: File Nos. 452 and 21,814

If you have any questions, please contact me at (785) 564-6635 or Change Application Unit Supervisor Brent Turney at (785) 564-6645. If you call, please reference the file number so we can help you more efficiently.

Sincerely,



Richelle A. Krueger
Environmental Scientist
Change Application Unit

RAK

Enclosure

pc: Garden City Field Office
Groundwater Management District No. 3
Janice McClure, McClure Family Trust
Keenan McClure



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

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

Jackie McClaskey, Secretary

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GOLDIE COX ESTATE
GARY COX AND TODD BOBBITT
7997 WINTERBERRY DR
HUDSON OH 44236

April 19, 2016

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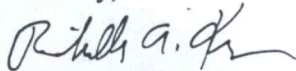
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pc: Garden City Field Office
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Jackie McClaskey, Secretary

Governor Sam Brownback

MCCLURE FARMS PARTNERSHIP
4120 N TOWNS RD
GARDEN CITY KS 67846

April 19, 2016

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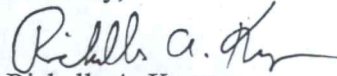
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1320 Research Park Drive
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Jackie McClaskey, Secretary

Phone: (785) 564-6700
Fax: (785) 564-6777
Email: ksag@kda.ks.gov
www.agriculture.ks.gov
Sam Brownback, Governor

JANICE MCCLURE
1730 ROAD RR
SUBLETTE KS 67877

March 11, 2016

RE: File No. 452

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 PD
- 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 A Turney, L.G.
Change Applications Unit Supervisor
Water Appropriation Program

BAT: DLW
pc: GARDEN CITY Field Office GMD 3

SCANNED