

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

Document Signature DWB

1. File Number: 15288	2. Status Change Date: <i>12/29/2016</i>	3. Change Num: C3	4. Field Office: 04	5. GMD: 03
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6. Status: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied by DWR/GMD <input type="checkbox"/> Dismiss by Request/Failure to Return	7. Filing Date of Change: 6/13/16
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8a. Applicant(s) Person ID _____ Add Seq# _____ New to system <input type="checkbox"/> TODD HAMILTON PO BOX 149 ENSIGN KS 67841	8c. Landowner(s) Person ID _____ Add Seq# _____ New to system <input type="checkbox"/>
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8b. Landowner(s) Person ID 65038 Add Seq# _____ New to system <input type="checkbox"/> 8D	8d. WUC Person ID 65038 Add Seq# _____ New to system <input type="checkbox"/> HAMILTON BROS PARTNERSHIP PO BOX 149 ENSIGN KS 67841
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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

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: **10/17/16** By: **LI**
 Date Entered: *1/3/2017* By: *CLM*

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

File Number: 15288

FO: 4

GMD: 3

WAIVER REQUEST:

UMW	Date Requested	Rule ID	Applies	Rule Type	Rule Subtype
IRR	6/13/16	27	GMD 3	Well Spacing Change Apps	Well to Well Spacing
Rule Number	Date Granted	Date Denied	Justification:	The physical wells are remaining as authorized and do not currently meet spacing. The board of GMD 3 recommends approval as the owner is shifting rights between existing wells.	
K.A.R. 5-23-3(a)(1)	12/29/2016				

WAIVER RULE:

Rule ID	Applicability	Type	Subtype	Rule Number	Date Active	Date Inactive
				K.A.R.		

Date Prepared 12/13/16 By LI

Date Entered 1/3/2017 By UM

THE STATE



OF KANSAS

KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

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

Date: 12/29/2010
Re: File No. 15,288

1. That K.A.R. 5-23-3(a)(1) states in part, that the minimum well spacing shall be based on the authorized maximum annual quantity of water and requested for the proposed well or authorized and requested by a senior application, permit or water right, if the change in point of diversion is greater than 300 feet and does not improve the well to well spacing.
2. The owners propose to authorize existing wells by shifting rights between the authorized points of diversion, essentially flipping the well authorized by File Nos. 4,809 & 15,288, moving to the well authorized by File No. 25,196-D2 and vice versa. These wells have been determined to be 1,698 feet apart.
3. That the 480 acre-feet authorized by File Nos. 4,809 & 15,288 requires 2,300 feet of well to well spacing per the regulation. The proposed well meets the required spacing to all other domestic and non-domestic wells.
4. The rights are under a common ownership and the wells serve the same place of use.
5. That the Southwest Groundwater Management District No. 3, recommended a waiver of part (a)(1) of K.A.R. 5-23-3.
6. That the waiver will not prejudicially or unreasonably affect the public interest.

Comments:

A handwritten signature in black ink that reads "David W. Barfield".

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

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: December 13, 2016

FROM: Leslie Ireland

RE: Water Right, File Nos. 4,809; 15,288 & 25,196-D2

Todd Hamilton on behalf of the Hamilton Brothers Partnership, as owner of the referenced water rights have filed applications for approval to change the points of diversion authorized for irrigation use under the referenced files. The applicant was assisted by Thom Makens, Assistant Water Commissioner of the Garden City Field Office were received in our headquarters office on June 13, 2016.

The referenced water rights are considered in good standing as per K.S.A. 82a-718, and also appear to be in compliance with K.S.A. 82a-732. The division of File No. 25,196 was completed in July 2016. The applications are complete and comply with 5-5-2a, *Complete change application*.

The rights are located in the Arkansas River Basin in Gray County, and are within the boundaries of Groundwater Management District No. 3. The applications propose to flip the rights between the two (2) authorized points of diversion, no new wells are proposed to be completed. The source of supply for the wells has been determined to be the Ogallala Formation (Code 211) and the Ogallala (Code 211) and unconfined Dakota Formations (Code 331). The reported well depths range from 340 feet to 354 feet. It appears the source of supply will remain the same for these rights.

File Nos. 4,809 & 15,288

These two (2) rights authorized a limited to 480 acre-feet at 1,145 gallons per minute due to the limitation on File No. 15,288, from the same well authorized as being 2,748 feet North 5,021 feet West of the Southeast corner of Section 36, described as being in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 36, Township 27 South, Range 30 West. These two (2) rights are proposed to move to the North to the well authorized by File No. 25,162-D2. A January 2016, Compliance Investigation determined the proposed well to be located 4,162 feet North and 4,037 feet West of the Southeast corner of Section 36, described as in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ of said section in Township 27 South, Range 30 West, Gray County. A Compliance Investigation also determined the location of the currently authorized point of diversion under File Nos. 4,809 & 15,288 to be 2,724 feet North and 4,940 feet West of the Southeast corner. The orders will reflect the updated feet distances.

File No. 25,196-D2

The 250 acre-feet at a maximum rate of 775 gallons per minute authorized by this file is proposed to move to the well that had been authorized by File Nos. 4,809 & 15,288. It will authorize the point of diversion described as being in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 36, be 2,724 feet North and 4,940 feet West of the Southeast corner Township 27 South, Range 30 West.

The actual location of the authorized points of diversion are 1,698 feet apart. The proposed changes comply with part(b) of K.A.R. 5-23-3, *Minimum well spacing requirements: high plains aquifer*, as the approval will move the authorized diversions less than 2,640 feet. The change will move the authorized diversions more than 300 feet, therefor, per part(c) of K.A.R. 5-23-3, the well to well spacing meet the parameters of part (a)(1) of K.A.R. 5-23-3. The 480 acre-feet that can be diverted requires 2,100 feet of spacing. This is not met between the wells being changed. It does appear that each well involved in the change meets the spacing to all other surrounding wells. A **waiver of well to well spacing of K.A.R. 5-23-3 (a)(1)** has been requested.

The identification of wells within one-half (1/2) mile of the proposed existing points of diversion completed by the applicant indicated the domestic well of Dave Koehn, located approximately 2,400 feet to the North of the proposed well under File Nos. 4809 & 15,288. Then an irrigation well under File No. 12,850 approximately 2,640 feet to the west of the well proposed by File No. 25,196-D2. These owners were contacted by letter dated September 2, 2016. No comments were received. My review found no other wells other than the irrigation wells involved with the changes as wells within one-half (1/2) mile of the proposed existing points of diversion.

Other than the requested waiver between the existing wells involved in the change, the proposed applications appear to comply with the rules and regulations of the Southwest Kansas Groundwater Management District No. 3 (GMD). Jason Norquest Assistant Manager, indicated in his November 10, 2016, letter that a **waiver of K.A.R. 5-23-3(a)(1) be granted** and the applications be approved.

Mike Meyer, Water Commissioner of the Garden City Field Office was contacted for a recommendation on the proposed changes. In his email dated December 12, 2016, he indicated that as he recommended approval of the changes. He did comment that the change will allow more water to be pumped with the larger well now authorizing the larger water right. That this change has been a chasing of water from the previous changes to move these right to the current location from previously dry wells.

A water flowmeter will be required on the points of diversion and a check valve will also be required if chemigating. Information indicates the existing wells have water level measurement tubes installed and will be a condition of the approval. A WWC-5 will not be required as the wells are all existing

Based on the above discussion, that a waiver of K.A.R. 5-23-3 (a)(1) for File No. 25,196-D2 is granted, the proposed changes are reasonable, that impairment to existing water rights is unlikely and that no change in the local source of supply should occur, it is recommended that the referenced applications be approved.


Leslie Ireland
Environmental Scientist
Water Appropriation Program

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

January 4, 2017

FILE COPY

HAMILTON BROS PARTNERSHIP
TODD HAMILTON
PO BOX 149
ENSIGN, KS 67841

RE: Water Right, File No. 4,809, 15,288 & 25,196-D2

Dear Mr. Hamilton:

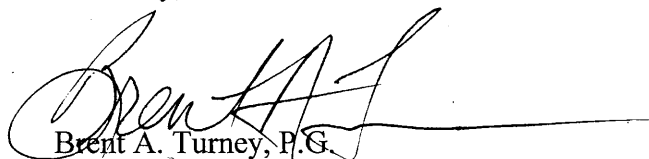
Enclosed are the orders executed by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the applications for change under the above referenced files.

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in this approval for change. A condition of the approval is that an acceptable water flow meter must be installed on the diversion works authorized under the referenced file number. Please return the required enclosed form, *Notification of the Completion of the Diversion Works*, upon completion of these actions.

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 contract Leslie Ireland, Environmental Scientist, at (785) 564-6633. 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

BAT:LI:li:
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. 15,288**

FILE COPY

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Todd Hamilton on behalf of the Hamilton Bros Partnership, PO Box 149, Ensign, Kansas 67841, received on June 13, 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 Orders of the Chief Engineer dated June 25, 2013 and April 20, 2015, approving the applications to change the point of diversion, and by the Findings and Order dated July 1, 2016, in the matter of the authorized place of use, finds that the change is reasonable and will not impair existing rights, that the change relates to the same local source of supply 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 Southeast Quarter of the Northwest Quarter of the Northwest Quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 36, more particularly described as being near a point 4,162 feet North and 4,037 feet West of the Southeast corner of said section, in Township 27 South, Range 30 West, Gray County, Kansas,

located substantially as shown on the topographic 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, 2017, or within any authorized extension of time. The applicant 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.

The water right owner shall properly install an acceptable water meter on each of 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.

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.

CERTIFICATE OF SERVICE

On this *4th* day of *January, 2007*, I hereby certify that the attached Approval of Application for Change in Point of Diversion, Water Right, File No. 15,288, dated *December 29, 2016* was mailed postage prepaid, first class, US mail to the following:

Hamilton Bros Partnership
Todd Hamilton
PO Box 149
Ensign, KS 67841

With photocopies to:

Garden City Field
Groundwater Management District No. 3



Division of Water Resources Staff

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 WATER RESOURCES
CHANGE THE PLACE OF USE, THE
POINT OF DIVERSION OR THE USE
MADE OF THE WATER UNDER AN
EXISTING WATER RIGHT**

RECEIVED

AUG 30 2016



State of Kansas

KS DEPT OF AGRICULTURE

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

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

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

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

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11 20

KS DEPT OF AGRICULTURE

File No. 15288

2. Name of applicant: Todd Hamilton

Address: 24506 22 RD

City, State and Zip: ENSIGN KS 67841

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: Hamilton Brothers

Address: PO Box 149

City, State and Zip: Ensign KS 67841

Phone Number: () _____ E-mail address: _____

3. The change(s) proposed herein are desired for the following reasons (please be specific): _____

to flip flop water rights on wells authorized by: 4809, 15288 and 25196

The change(s) (was) (will be) completed by upon approval _____ (Date)

For Office Use Only:					
F.O. Code	<u>4</u>	GMD	<u>3</u>	Meets K.A.R. 5-5-1 (YES/NO)	Use <u>lr</u>
Source	<u>(G) S</u>	County	<u>GRAY</u>	By	<u>AJW</u>
Receipt Date	<u>6/13/16</u>	Check #	<u>6889</u>	Date	<u>6/13/16</u>
Fee \$	<u>200</u>	TR #	<u>600</u>		

APPLICATION COMPLETE
11/16/16
Reviewer LI SCANNED

Assisted by: TPM

SCANNED 6/20/2016 UM

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 sw Quarter of the nw Quarter
 of Section 36, Township 27 South, Range 30 w,
 in gray County, Kansas, 2748 feet North 5021 feet West of Southeast corner of section.
 Authorized Rate nc Authorized Quantity nc
 (DWR use only: Computer ID No. 4 GPS 2724 * feet North 4940 feet West) LI/OWR
 This point will not be changed This point will be changed as follows: DATE FROM 1/27/16
COMPLETED CREDIT
Proposed point of diversion: (Complete only if change is requested)
 One in the se Quarter of the nw Quarter of the nw Quarter
 of Section 36, Township 27 South, Range 30 w,
 in Gray County, Kansas, 4118.62 feet North 3997.03 feet West of Southeast corner of section.
 Proposed Rate nc 1,145 Proposed Quantity nc 480 LIMITED TO 480 AF/YR @ 1145 WITH 4809 *
 This point is: Additional Well Geo Center List other water rights that will use this point 4809 *

9. **Presently authorized point of diversion:**
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter
 of Section _____, Township _____ South, Range _____ (E/W),
 in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section.
 Authorized Rate _____ Authorized Quantity _____
 (DWR use only: Computer ID No. _____ GPS _____ feet North _____ feet West)
 This point will not be changed This point will be changed as follows:
Proposed point of diversion: (Complete only if change is requested)
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter
 of Section _____, Township _____ South, Range _____ (E/W),
 in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section.
 Proposed Rate _____ Proposed Quantity _____
 This point is: Additional Well Geo Center List other water rights that will use this point _____

10. **Presently authorized point of diversion:**
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter
 of Section _____, Township _____ South, Range _____ (E/W),
 in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section.
 Authorized Rate _____ Authorized Quantity _____
 (DWR use only: Computer ID No. _____ GPS _____ feet North _____ feet West)
 This point will not be changed This point will be changed as follows:
Proposed point of diversion: (Complete only if change is requested)
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter
 of Section _____, Township _____ South, Range _____ (E/W),
 in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section.
 Proposed Rate _____ Proposed Quantity _____
 This point is: Additional Well Geo Center List other water rights that will use this point _____

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

* LI/OWR 8/17/16

AUG 30 2016

SCANNED

JUN 13 2016

4. The presently authorized place of use is:

Owner of Land — NAME: Todd Hamilton

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 other water rights that cover this place of use. 4809, 15288 and 25196

Owner of Land — NAME: Jantz

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 other water rights that cover this place of use. 4809, 15288 and 25196

(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: no change to acres irrigated

ADDRESS: _____

NO CHANGE PROPOSED ON SEPARATE APPLICATION

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 other water rights that cover this place of use. _____

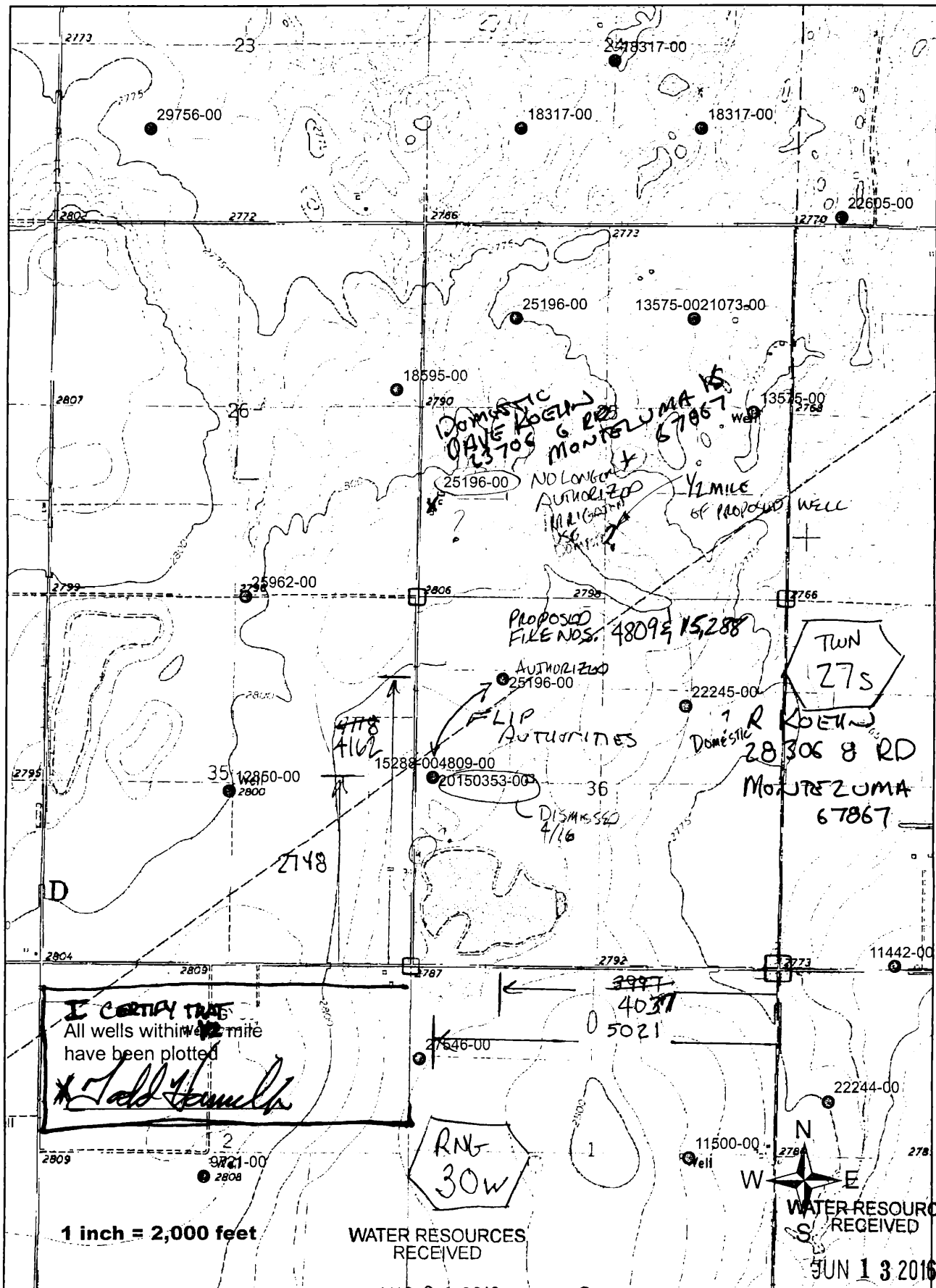
Owner of Land — NAME: _____

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 other water rights that cover this place of use. _____

4809, 15288, 25196



I CERTIFY THAT
 All wells within 1/2 mile
 have been plotted
Todd Hambley

1 inch = 2,000 feet

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AUG 30 2016

SCANNED KS DEPT OF AGRICULTURE

KS DEPT OF AGRICULTURE

SCANNED

JUN 13 2016

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.

No increase in acre feet proposed beyond the normal authorized quantities.

(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.

spacing to neighbors' wells are met by both Hamilton's well locations

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.

wells do not meet spacing to each other.

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AUG 30 2016

JUN 13 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 Ensign, Kansas, this 6th day of June, 2016.

Todd Hamilton (Owner) _____ (Spouse) _____

Todd Hamilton (Please Print) _____ (Please Print) _____

(Owner) _____ (Spouse) _____

(Please Print) _____ (Please Print) _____

(Owner) _____ (Spouse) _____

(Please Print) _____ (Please Print) _____

State of Kansas }
County of Gray }



I hereby certify that the foregoing application was signed in my presence and sworn to before me this 6th day of June, 2016.

Linda Leann Sobba
Notary Public

My Commission Expires 5/25/2020.

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 Rights and Points of Diversion Within 1.50 miles of point defined as:

4118 ft N and 3997 ft W of the SE Corner of Section 36, T 27S, R 30W

Located at: 100.556363 West Longitude and 37.660799 North Latitude

PROPOSED FILE NO. 15288

GROUNDWATER ONLY

File Number	Use	ST	SR	Dist (ft)	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Twp	Rng	ID	Batt	Auth_Quan	Add_Quan	Unit	
A_ 4809	00	IRR	NK	G*	1710	--	SW	SW	NW	2748	5021	36	27	30W	4	210.00	210.00	AF	
A_ 11442	00	IRR	NK	G	6946	--	SW	SE	SW	78	3501	31	27	29W	4	284.00	284.00	AF	
A_ 11500	00	IRR	NK	G	7306	--	NW	NE	SE	2620	1210	1	28	30W	5	402.00	402.00	AF	
A_ 12850	00	IRR	NK	G	4197	--	NW	NW	SE	2482	2595	35	27	30W	4	520.00	520.00	AF	
A_ 13575	00	IRR	NK	G	5117	--	NE	NE	SE	2500	500	25	27	30W	2	173.00	173.00	AF	
Same					5840	--	SE	NW	NE	4000	1400	25	27	30W	8	28.00	28.00	AF	
A_ 15288	00	IRR	NK	G*	1710	--	SW	SW	NW	2748	5021	36	27	30W	4	480.00	270.00	AF	
A_ 18317	00	IRR	NK	G	7905	--	--	NC	SW	1320	3960	24	27	30W	2	272.00	272.00	AF	
A_ 18595	00	IRR	NK	G	4371	--	SE	SE	NE	2850	340	26	27	30W	2	293.00	293.00	AF	
A_ 20165	00	IRR	NK	G	7849	--	--	NC	NE	3970	1330	31	27	29W	3	260.00	260.00	AF	
A_ 20694	00	IRR	NK	G	7886	--	SW	SW	SE	50	2400	31	27	29W	2	234.00	234.00	AF	
A_ 21073	00	IRR	NK	G	5840	--	SE	NW	NE	4000	1400	25	27	30W	8	272.00	272.00	AF	
A_ 22244	00	IRR	NK	G	7618	--	NE	SW	NW	3443	4396	6	28	29W	2	360.00	360.00	AF	
A_ 22245	00	IRR	NK	G	2707	--	NE	SW	NE	3750	1315	36	27	30W	2	270.00	270.00	AF	
A_ 25196	D1	IRR	NK	G	5197	--	--	NC	NW	3970	3960	25	27	30W	4	260.00	260.00	AF	
A_ 25196	D2	IRR	NK	G*	0	--	SE	NW	NW	4118	3997	36	27	30W	3	250.00	250.00	AF	
A_ 25962	00	IRR	NK	G	3933	--	NW	NW	NE	5180	2500	35	27	30W	2	380.00	380.00	AF	
A_ 27546	00	IRR	NK	G	5540	--	--	CW	NW	3940	5120	1	28	30W	2	214.00	214.00	AF	
P_20150353	00	IND	GY	G	1710	--	SW	SW	NW	2748	5021	36	27	30W	4	2.76	2.76	AF	
VGY	30	00	IRR	AA	G	6924	--	NE	SE	NW	3800	2860	2	28	30W	1	320.00	320.00	AF

PROPOSED

Total Net Quantities Authorized:	Direct	Storage
Total Requested Amount (AF) =	.00	.00
Total Permitted Amount (AF) =	2.76	.00
Total Inspected Amount (AF) =	.00	.00
Total Pro_Cert Amount (AF) =	.00	.00
Total Certified Amount (AF) =	4952.00	.00
Total Vested Amount (AF) =	320.00	.00
TOTAL AMOUNT (AF) =	5274.76	.00

*MOVE 1710' --
OVERLAP w/ 4809 & 15,288 MAINTAINED -*

An * after the source of supply indicates a pending application for change for the file number.
An * after the ID indicates a 15 AF exemption was granted for 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 1.50 miles of point defined as:

100.556363 West Longitude and 37.660799 North Latitude

GROUNDWATER ONLY

WATER USE CORRESPONDENTS:

File Number	Use	ST	SR	
A_ 4809	00	IRR	NK	G
> HAMILTON BROS PARTNERSHIP				
>				
> PO BOX 149				
> ENSIGN KS 67841				

*• ID 2 - 22245, N
ACTUAL. 3816 + 391
• ID 3 - 25196-D2 4162 4057
346² + 2666²*

7227272

• 2688' APART

Ireland, Leslie

From: Meyer, Mike
Sent: Monday, December 12, 2016 2:15 PM
To: Ireland, Leslie
Subject: RE: Recommendation for Change in PD, File Nos. 4809xx Hamilton

(15288) { 25196-D2

I recommend approval but would like to comment in the memo that approval of these applications allow more water to be pumped with the larger well now authorizing the larger water right. This has been a chasing of water from the previously changes to move these rights to the current location from previously dry wells.

Mike

From: Ireland, Leslie
Sent: Monday, December 12, 2016 1:50 PM
To: Meyer, Mike <Mike.Meyer@ks.gov>
Subject: Recommendation for Change in PD, File Nos. 4809xx Hamilton

Mike,

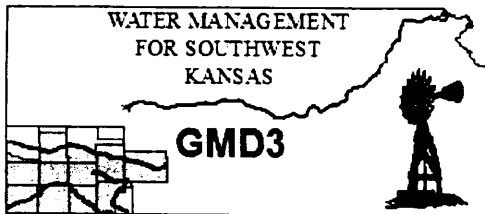
These changes will flip the rights between existing wells. The overlap between File Nos. 4809 & 15,288 will remain as they move to the North, with 25196-D2 moving to the southwest well.

No comments were received from the nearbys,,, Koehn or Rexford.

GMD 3 recommended approval with a waiver of well to well spacing per their Nov. 10 letter

As always your comments and concerns are welcome.

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



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

November 10, 2016

Leslie Ireland
Kansas Department of Agriculture
Division of Water Resources
1320 Research Park Drive
Manhattan, Kansas 66502

WATER RESOURCES
RECEIVED

NOV 16 2016

KS DEPT OF AGRICULTURE

RE: Change Applications,
Water Right, File Nos. 4,809; 15,288 & 25,196D2

Dear Leslie:

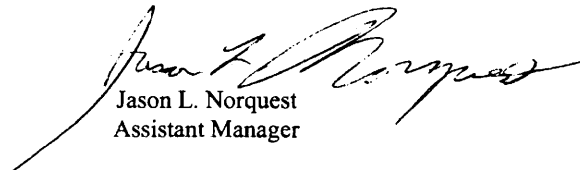
We have completed a review of the applications for the above referenced water rights. The proposal is in conflict with the Management Program of the Southwest Kansas Groundwater Management District No. 3 (GMD3). More specifically, it does not meet the minimum spacing requirement between the two wells the applicant is wanting to flip authority on under these water rights in accordance with K.A.R. 5-23-3(a). We reviewed the application at our November 9, 2016 Board meeting.

Mr. Hamilton, the applicant, was able to be in attendance for the review. A brief history of the water rights was discussed and shown that the Board reviewed these applications at our April 14, 2016. At that time the Hamilton's were in the process of buying a portion of the land and Water Right 25,196 had not yet been split. The timeline was discussed showing how the well under 4,809 & 15,288 was redrilled to the SW corner of the quarter and a waiver was needed to move 25,196 to the well just vacated. The pending sale depended on the ability to have both of the wells as presented at the time. Three quarters of the ground are now authorized under these three water rights in a complete overlap. Mr. Hamilton stated that they need to run both wells in order to efficiently operate the three pivots and that the SW well was never set up to accommodate that usage. The bowls are too small and the pipeline between the two wells was not big enough to handle the rate they needed. The original plan they believed was to flip the authority, as they have applied to do. He also stated that both wells seem to have similar saturated thickness, so this is not a matter of trying to put the higher authority on the better well, it is a matter of utilizing existing infrastructure.

GMD3 staff personally called the neighboring wells that were contacted in the first review earlier in the year to ensure that they fully understood what the change was for during this submittal. All those contacted appreciated the notice and stated that they now fully understood what was being applied for and had no objections to the proposals. It was noted that spacing was met to all of the neighboring wells and that the only issue was with the spacing between the two wells, as was the case earlier in the year. Seeing as how the only spacing issue is between the applicant's wells and that the only reason for the proposal is to better utilize the existing infrastructure, the Board recommends a waiver to KAR 5-23-3(a) and that the current application be approved.

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

Serving Southwest Kansas Since 1976

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

October 11, 2016

SOUTHWEST KANSAS GROUNDWATER
MANAGEMENT DISTRICT NO 3
ATTN MARK RUDE
2009 E SPRUCE
GARDEN CITY KS 67846

Re: Applications for Change, Water Right, File Nos. 4,809; 15,288 & 25,196-D2

Dear Mr. Rude:

We are enclosing a copy of the applications referred to above which appear to be in proper form.

We are delaying any further action for a period of 30 days from the date of this letter to allow you time to submit your recommendations concerning the applications.

Please submit your recommendations within the allotted time, or any authorized extension of time.

Sincerely,

A handwritten signature in cursive script that reads "Leslie Ireland".

Leslie Ireland
Environmental Scientist
Water Appropriation Program

LI:li
Enclosures

pc: Garden City Field Office
Todd Hamilton

FILE COPY

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

September 2, 2016

FILE COPY

DAVE KOEHN
23706 6 RD
MONTEZUMA KS 67867-9021

RE: Water Right,
File Nos. 4,809; 15,288 & 25,196-D2

Dear Sir or Madam:

This is to advise you that Todd Hamilton on behalf of the Hamilton Brothers Partnership has filed applications for approval of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, to change the points of diversion authorized under the above referenced files.

The applications are proposing to change the referenced files to switch the rights between the existing authorized well locations. The changes will result in File Nos. 4,809 & 15,288, moving their authorized total combined quantity of 480 acre-feet of water to be diverted at a maximum rate of 1,145 gallons per minute:

from: one (1) well located in the Southwest Quarter of the Southwest Quarter of the Northwest Quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 36, more particularly described as being near a point 2,748 feet North and 5,021 feet West of the Southeast corner of said section in Township 27 South, Range 30 West,

to: one (1) existing well located in the Southeast Quarter of the Northwest Quarter of the Northwest Quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 36, more particularly described as being near a point 4,118 feet North and 3,997 feet West of the Southeast corner of said section in Township 27 South, Range 30 West,

both in Gray County, Kansas.

The change under File No. 25,196-D2, will authorized the well that had been authorized by File Nos. 4,809 & 15,288, resulting in the 250 acre-feet at a maximum rate of 775 gallons per minute under File No. 25,196-D2, moving

from: one (1) well, located in the Southeast Quarter of the Northwest Quarter of the Northwest Quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 36, more particularly described as being near a point 4,118 feet North and 3,997 feet West of the Southeast corner of said section in Township 27 South, Range 30 West,

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both in Gray County, Kansas.

SCANNED

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

If you have any questions, please contact our office, my desk phone is (785) 564-6633. If you wish to discuss a specific file, please have the file numbers ready so that we may help you more efficiently.

Sincerely,

A handwritten signature in cursive script that reads "Leslie Ireland".

Leslie Ireland
Environmental Scientist
Water Appropriation Program

pc: Garden City Field Office
Groundwater Management District No. 3
Todd Hamilton, Hamilton Brothers Partnership

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



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

Jackie McClaskey, Secretary

Governor Sam Brownback

September 2, 2016

FILE COPY

CHESTER REXFORD INC
2206 9 RD
MONTEZUMA KS 67867

RE: Water Right,
File Nos. 4,809; 15,288 & 25,196-D2

Dear Sir or Madam:

This is to advise you that Todd Hamilton on behalf of the Hamilton Brothers Partnership has filed applications for approval of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, to change the points of diversion authorized under the above referenced files.

The applications are proposing to change the referenced files to switch the rights between the existing authorized well locations. The changes will result in File Nos. 4,809 & 15,288, moving their authorized total combined quantity of 480 acre-feet of water to be diverted at a maximum rate of 1,145 gallons per minute:

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both in Gray County, Kansas.

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both in Gray County, Kansas.

SCANNED

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

If you have any questions, please contact our office, my desk phone is (785) 564-6633. If you wish to discuss a specific file, please have the file numbers ready so that we may help you more efficiently.

Sincerely,

A handwritten signature in cursive script that reads "Leslie Ireland".

Leslie Ireland
Environmental Scientist
Water Appropriation Program

pc: Garden City Field Office
Groundwater Management District No. 3
Todd Hamilton, Hamilton Brothers Partnership



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

August 18, 2016

TODD HAMILTON
PO BOX 149
24506 22 ROAD
ENSIEN KS 67841

RE: Water Right, File Nos. 4,809; 15,288 & 25,196-D2

Dear Mr. Hamilton,

Reference is made to the applications for approval of the Chief Engineer to change the place of use under the referenced file numbers which were received in the office of the Chief Engineer on June 13, 2016. Upon review of the applications, we find that additional information is needed.

Please find enclosed the original applications for File Nos. 4,809; 15,288 and 25,196- D2. Effective July 1, 2016, Senate Bill No. 337, enacted by the Legislature of the State of Kansas, requires the Division of Water Resources to notify all water right owners with a point of diversion within half a mile of a water right pending a request to change the water right. Please indicate on your submitted maps the location of all water wells of any kind (including domestic wells) within one-half mile of the proposed point of diversion and provide well owner names and mailing addresses on the maps. In addition, you must sign where indicated on the application maps certifying that all water wells of any kind located within one-half mile of the requested point of diversion have been plotted on the maps.

Your applications in Part 18, indicate that the wells do not meet the required spacing to each other, and it appears a waiver of the Southwest Kansas Groundwater Management District No. 3, spacing regulation K.A.R. 5-23-3, *Minimum well spacing requirements: high plains aquifer* is needed for each application. Please provide information to support your requested waiver as required by Part (b) of K.A.R. 5-5-2a, *Complete change application*.

I am returning the referenced applications so that you may provide the requested justification for the needed waivers, ownership information and the needed signature on each map.

In order that the applications will retain their priority date of filing, the original applications and attachments must be returned, along with the requested updates, to this office on or before September 17, 2016, or within any authorized extension of time thereof. According to the law, default in the refileing of the completed applications and attachments as outlined above, within the time allowed, shall constitute forfeiture of the priority date and dismissal of the applications.

FILE COPY

Should you need to request additional time in which to return the applications please do so prior to the deadline. You may email me at leslie.ireland@ks.gov to request additional time in which to provide the required information and return the applications. Please state in your request the amount of time that is needed.

Assistance is available from staff at Southwest Kansas Groundwater Management District No. 3 in Garden City should you need assistance. Please call (620) 275-7147 to set an appointment time. Assistance is also available from the Garden City Field Office.

If you have any questions, please contact me at (785) 564-6633, or Brent Turney, P.G., Change Application Unit Supervisor 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,



Leslie Ireland
Change Application Unit
Water Appropriation Program

LI

Enclosures

pc: Garden City Field Office

Groundwater Management District No. 3



1320 Research Park Drive
Manhattan, Kansas 66502

Jackie McClaskey, Secretary

Phone: (785) 564-6700

Fax: (785) 564-6777

Email: ksag@kda.ks.gov

www.agriculture.ks.gov

Sam Brownback, Governor

TODD HAMILTON
PO BOX 149
ENSIGN KS 67841

June 13, 2016

RE: File No. 15288

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 3

SCANNED