NOTICE

This scan only represents the application as filed. The information contained herein meets the requirements of K.A.R. 5-3-1 or K.A.R. 5-5-1, and has been found acceptable for filing in the office of the Chief Engineer. The application should not be considered to be a complete application as per K.A.R. 5-3-1b or K.A.R. 5-5-2a.

Submit completed application to: Kansas Department of Agriculture **Division of Water Resources** Field Office for your area. Call for address:

Topeka -- (785) 296-5733 Stafford -- (620) 234-5311 Stockton -- (785) 425-6787 Garden City -- (620) 276-2901 http://agriculture.ks.gov/dwr

DWR FIELD OFFICE APPLICATION FOR APPROVAL TO CHANGE THE PLACE OF **USE AND/OR THE** POINT OF DIVERSION



STATE OF KANSAS

Filing Fee Must Accompany the Application, K.S.A. 82a-708b(b), as amended.

Fee Schedule is on the third page of this application form.

than	100 fee	t, or if	place	of use	will b	e cha													sion is greate and proposed
poin	t(s) of di	version	and/or	r place	of use) .			<u></u>							W		RESOI CEIVE	URCE S :D
						i	File No	. <u>4204</u>	12					-			_	152	
1.	Applicati	on is he	ereby r	made f	or app		of the O		ingine		nange Point	,		ne or b	oth):	KS DI	EPT OF		CULTURE
	under th	a water	riaht v	which i	e tha e				cation i					ndition	e doec	ribod l		45/4	W_
	The sou		-		5 tile 5	-		water			Surfa			idition	s uesc	iibea i	oeiow.		
2.	Name and address of Applicant: HARDEN FARMS INC % DEAN HARDEN																		
	28120 5 RD PLAINS KS-67869-9128 PO BOX 458 OGDEN KS 66517 4												• 						
	Phone Number: () Email address:																		
	Name and address of Water Use Correspondent: HARDEN FARMS INC % DEAN HARDEN																		
	281205RD-PLAINS-KS-67869-9128- PD BOX 458 OLDEN KS 66517 #																		
	Phone Number: ()																		
3.	The presently authorized place of use is:																		
	Owner of Land NAME: HARDEN FARMS INC % DEAN HARDEN																		
			ADDR	ESS:	<u> 28120</u>	5 RD	PLA	INS K	<u>S 678</u>	<u>69-912</u>	28								
	(If there is	more th	nan one	e landov	vner, a	ttach su	ippleme	ental sh	eets as	neces	sary.)								
NE1/4							NV	N1⁄4		SW1/4				SE¼				TOTAL	
Sec	. Twp.	Range	NE¼	NW1/4	SW1/4	SE¼	NE¼	NW¼	SW1/4	SE¼	NE¼	NW¼	SW1/4	SE¼	NE¼	NW¼	SW1/4	SE¼	ACRES
				_															
	-	-																	
	If this ap Owner o	•			•	_			•	ed that	the pl	ace of	use be	e chan	ged to	:			
				ESS:															
	(If there is	more th	an one	landov	vner, at	tach su	ppleme	ental sh	eets as	neces	sary.)								
					NE¼			NW¼				SW¼			SE¼				TOTAL
Sec	. Twp.	Range	NE¼	NW¼	SW¼	SE¼	NE1/4	NW¼	SW1/4	SE¼	NE¼	NW¼	SW1/4	SE¼	NE¼	NW1/4	SW¼	SE¼	ACRES

15/al 5/15/17 Prom Man-

5/16/17 DW LE/OUR

Page 1

For Office Use Only: Code CLT Fee \$ 100.00 TR #

Receipt Date 5/15/11 Check # 1239

5.	Presently authorized point of diversion:											
Ì	One in the		_ Quarter of the	cw	Quarter	of the	SW	Quarter				
	of Section	22	, Township	34	South, F	Range	30	W,				
	in Meade	County	, Kansas, 1320	feet No	rth <u>5180</u> fee	t West of S	outheast cor	mer of section.				
1	Authorized Rate		Authorized Quantity		Depth of v	vell	(feet)				
	(DWR use only: Comp	outer ID No	. 1 ĞI	 PS	feet Nort	h	feet	West)				
Ì	☐ This point will not b							•				
	Proposed point of diversion: (Complete only if change is requested)											
	One in thes					of the	SW	Quarter				
	of Section	<u> </u>	_ Quarter of the	34	South F	Sange	30	W				
	in Moode	Count	, rownship , Kansas = 1/17/	feet No	00uiii, i	at West of S	Southeast cor	outheast corner of section.				
	Proposed Rate Proposed Quantity Proposed well depth (feet) This point is: Additional Well Geo Center List other water rights that will use this point											
L	This point is. Addition		Geo Center List t	Juliel Wate	rights that will use	tills politi		·				
Г					·	*						
6.	Presently authorized r					- £ 4l		Occamban				
	One in the		_ Quarter of the		Quarter	of the		Quarter				
l	of Section	0 1	, I ownsnip	f4 NI-	South, F	kange	(E/W),					
	Authoritant Date	County	/, Kansas,	teet ino	rtn tee	et west of S	outneast cor	theast corner of section.				
	Authorized Rate	autor ID No	Authorized Quantity		Depin of v	veii	(feet) feet West)					
						.11	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)											
:								Outenten				
	One in the	-	_ Quarter of the		Quarter	of the		Quarter				
	of Section		, Township	f4 NI-	South, F	kange	`t	(E/VV),				
ľ	in County, Kansas, feet North feet West of Southeast corner of section. Proposed Rate Proposed Quantity Proposed well depth (feet)											
- 1	• —											
Ĺ	This point is: Addition	nai well [Geo Center List o	otner wate	r rights that will use	this point		•				
7	Why do you need a new point of diversion? 13a. If the proposed point of diversion will be relocated within 10											
۲.	willy do you need a new	point of dive	151011:	. 100.	feet of the existing	point of div	version, indic	ate its location or				
	Old well needs to be repl	aced			the diagram below (PLEASE NOTE:	in relation to	o the existing	point of diversion				
					represents presen	ntly authori	zed point of	diversion.)				
						Nort	th					
8	If a well, is the test hole I	og attached	?⊠Yes □No		100	50 0	50 1111	100				
٥.	in a trong to the toot more.	og				111114		Щ				
9.	When do you propos	e to comp	lete the new point	of	<u> </u>		•	3				
	diversion?				50 📙			 1 5 0				
	June 1, 2017				⁵⁰ F	_	· -	\exists^{∞}				
					F	_		7				
10.	If the point of diversion is	s a well:			West 0 - III	$1 + 1 + 1 + \overline{X}$	1111111	ıゴo East				
	(a) What are you going	to do with th	e old well?		E	' -	,	\exists				
					F	_		-				
	plug				50 🗀	+ -	. +]50				
		0.0047			<u> </u>	_		7				
	(b) When will this be do	ne? <u>2017 </u>		•	L ,,,	1+		. 🗇				
					400			400				
11.	Groundwater Manage		strict recommendat	tion	100	50 O Sou	th 50	100				
	Scale: 1" = 100'											
12	Assisted by tpm			13b.	If the proposed po	int of divers	ion will be re	located more than				
	Accided by the			-	100 feet but with diversion, attach	iin 1320 te a tonograph	et from the	existing point o aerial photograph				
					For groundwater s	ources, sho	w all wells (ir	ncluding domestic				
					within one-half mile names and mailin	e of the prop	osed point of	t diversion and the				
					water sources, s	how the n	ames and a	addresses of the				
					landowner(s) one- upstream from you	half mile d	lownstream a	and one-half mile				
					upstream nom you	i property iii	Hes.					

14. If the proposed groundwater point of diversion is 300	or fewer feet from e	existing point of dive	ersion, complete the following:					
(a) Does the undersigned represent all owners of th ☐ Yes ☐ No (If no, all owners mus			dentified in this application?					
(b) Will the ownership interest of any owner of the affected if this application is approved as reques ☐ Yes ☐ No (If yes, all owners much	currently authorized sted?	place(s) of use id	lentified in this application be	adversely				
(c) If this application is not approved expeditiously, ☐ Yes ☐ No (If no, all owners must			perty, public health or safety?					
If the application proposes a surface water change in point or a change in place of use, the application must be signed agent (attach notarized statement authorizing representation).	ed by all owners of t	undwater change i he currently author	n point of diversion greater tha ized place of use, or their duly	ın 300 feet authorized				
I hereby verify, being first duly sworn upon my age and the owner, the spouse of the owner, or their behalf, in regard to the water right(s) to w contained in this application are true, correct an	a duly authorized which this applicated complete.	l agent of the ov tion pertains. I	vner(s) to make this appli further verify that the st	cation on atements				
Dated at	, Kansas, this	day of	, 20	·				
× Dan Harles								
(Owner)			(Spouse)					
(Please Print)			(Please Print)					
(Owner)	<u> </u>		(Spouse)					
(Please Print)			(Please Print)					
(Owner)			(Spouse)					
(Please Print)			(Please Print)					
State of Kansas County of Riley SS	·							
I hereby certify that the foregoing application was, 20	s signed in my pr	resence and swor	In to before me this $\frac{29}{}$	_ day of				
My Commission Expires 3/17/2021	s - s	Natthew Parra NOTARY PUBLIC TATE OF KANSAS PI Exp. 3/17/2021	Notary Public					
ONLY COMPLETE APPLICATIONS WILL BE PROCESSED. To			of the application form must be co	mpleted wit				
accurate information; maps, if necessary, must be included; sign the appropriate fee must be paid.	atures of all the approp	priate owners' must be	e affixed to the application and no	arized; and				
	FEE SCHEDULE							
Each application to change the place of use or the point of forth in the schedule below: Make checks payable to: K a (1) Application to change a point of diversion 300 (2) Application to change a point of diversion mo (3) Application to change the place of use	ansas Department of feet or less ore than 300 feet	of Agriculture	,,,,,,,,,,,,,,,,,,,	\$100) \$200 \$200				
	WATER RESOURCES RECEIVED							
		MAY 1 5 20	017					
DWD 1 121 (Pavisad 06/16/2014)	Page 3		File No					

SUMMARY ORDER APPROVING APPLICATION FOR CHANGE AND IMPOSING CONDITIONS

This Summary Order is issued under authority of K.S.A. 82a-708b, as amended, and K.A.R. 5-14-3 and other applicable provisions of the Kansas Water Appropriation Law, K.S.A. 82a-701 et. seq., and rules and regulations promulgated thereunder, K.A.R. 5-1-1 et.seq. With the exception of those conditions expressly contained herein, this Summary Order does not change the terms, conditions and limitations of File No. 42042 requesting that the place of use and / or point of A change application was received on diversion authorized under the above-referenced file number be changed as described in the application. On and after the effective date of this summary order, the authorized place(s) of use shall be located substantially as shown on the topographic map accompanying the application to change the place of use.

Applicable

Not Applicable The change in point of diversion shall not impair existing rights and shall be limited to the same source or sources of water as previously authorized. The point of diversion authorized by this summary order shall be located within a ______ foot radius of the authorized point(s) of diversion.

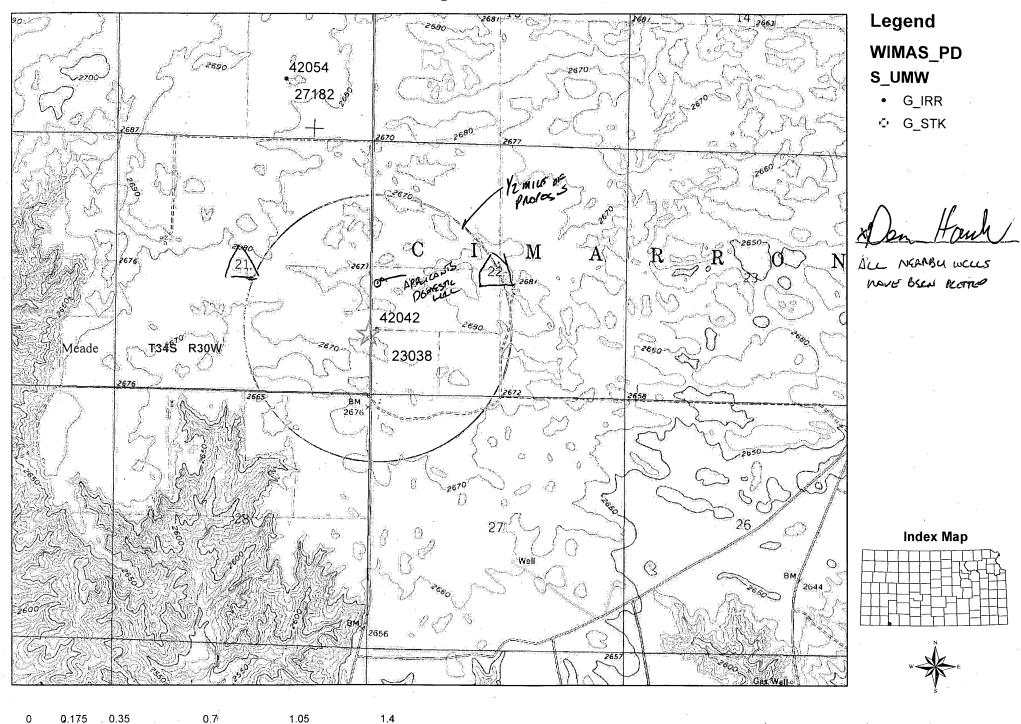
Applicable Not Applicable The point(s) of diversion authorized herein shall not actually be located more than ______ feet from the previously ☐ Applicable authorized point(s) of diversion. As required by K.A.R. 5-3-5d, if the works for diversion is a well with a diversion rate of 100 gallons per minute or more, a tube or other device suitable for making water level measurements shall be installed, operated and maintained in accordance with K.A.R. 5-6-13. ☐ Applicable ☐ Not Applicable The owner of the authorized place(s) of use shall properly install an acceptable water flow meter on or before December 31, 20_____, or before the first use of water, whichever occurs first. The water flow meter shall be installed, operated and maintained in accordance with K.A.R. 5-1-4 through 5-1-12. As required by K.S.A. 82a-732, as amended, and K.A.R. 5-3-5e, the owner shall maintain records and report the reading of the water flow meter and the total quantity of water diverted annually to the Chief Engineer by March 1 following the end of each calendar year. ☐ Not Applicable Installation of the works for diversion of water shall be completed on or before December 31, 20_ authorized extension of time. By March 1, 20____ the applicant shall notify the Chief Engineer that construction of the works for diversion has been completed, on the form provided by the Chief Engineer, as required by K.A.R. 5-8-4e. ☐ Not Applicable ☐ Applicable The completed well log shall be submitted with the required notice. ☐ Applicable ☐ Not Applicable All diversion works into which any type of chemical or other foreign substance will be injected into the water shall be equipped with an in-line, automatic, quick-closing check valve capable of preventing pollution of the source of the water supply. The check valve(s) shall be installed, operated and maintained in accordance with K.A.R. 5-3-5c.

Applicable
Not Applicable 10. Additional Conditions are attached. ☐ Yes ΠNo 11. In accordance with K.S.A. 82a-708a, as amended, and K.A.R. 5-5-14, all of the owners of the authorized place(s) of use of water appropriated under the above-referenced file number are responsible for compliance with its terms, conditions and limitations, as amended and/or supplemented by this Summary Order, and with applicable provisions of the *Kansas Water Appropriation Law* and the *Rules and Regulations* promulgated thereunder. Failure to comply with these provisions may result in civil penalties pursuant to K.S.A. 82a-737, as amended, and/or the suspension or revocation and dismissal of the water or appropriation right or any other enforcement actions authorized by law. FOR OFFICE USE ONLY Administrative Appeal and Effective Date of Order APPLICATION APPROVED AND You have the right to a hearing in accordance with K.A.R. 5-14-3 **SUMMARY ORDER ISSUED** before this Summary Order becomes final action of the Kansas Department of Agriculture. Any request for a hearing must be filed with the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, 1320 Research Park Drive, Topeka, Kansas 66502, within 15 days after the date Duly Authorized Designee of the Chief Engineer shown on the Certificate of Service attached hereto. If a hearing is not requested in accordance with K.A.R. 5-14-3, this Summary Order will become effective on the 15th day after the date shown (Print Name): Division of Water Resources - Kansas Department of Agriculture on the Certificate of Service. Date of Issuance: For Use by Register of Deeds State of Kansas) SS County of __ Acknowledged before me on ______ WATER RESOURCES Signature: __ RECEIVED Notary Public KS DEPT OF AGRICULTURE My commission expires: _____ (Notary Seal) DWR 1-121 (Revised 06/16/2014) Page 4 File No. _____

Water Rights and Points of Diversion Within 1.50 miles of point defined as: 1474 ft N and 5260 ft W of the SE Corner of Section 22, T 34S, R 30W Located at: 100.578683 West Longitude and 37.072270 North Latitude GROUNDWATER ONLY _______ Use ST SR Dist (ft) Q4 Q3 Q2 Q1 FeetN FeetW Sec Twp Rng ID Batt Auth_Quan Add_Quan Unit 169 -- -- CW SW 1320 5180 22 34 30W 1 282.00 A 23038 00 IRR NK G .5408 -- NE SW SE 1262 1834 16 34 30W 27182 00 IRR NK G 260.00 260.00 AF A__ 42042 00 IRR NK G 169 - -- CW SW 1320 5180 22 34 30W 1 206.00 206.00 AF 42054 00 IRR NK G 5408 -- NE SW SE 1262 1834 16 34 30W 7 320.00 60.00 AF ______ Total Net Quantities Authorized: Direct Storage Total Requested Amount (AF) = .00 .00 Total Permitted Amount (AF) = .00 .00 Total Inspected Amount (AF) = .00 Total Pro_Cert Amount (AF) = .00 .00 808.00 Total Certified Amount (AF) = . 00 Total Vested Amount (AF) = .00 .00 TOTAL AMOUNT (AF) = 808.00 An * after the source of supply indicates a pending application for change for the file number. An \star 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: 100.578683 West Longitude and 37.072270 North Latitude GROUNDWATER ONLY WATER USE CORRESPONDENTS: ______ File Number Use ST SR A 23038 00 IRR NK G HARDEN FARMS INC % DEAN HARDEN 28120 5 RD > PLAINS KS 67869 _____ 27182 00 IRR NK G HARDEN FARMS INC % DEAN HARDEN 28120 5 RD PLAINS KS 67869 **____** 42042 00 IRR NK G HARDEN FARMS INC > % DEAN HARDEN 28120 5 RD > PLAINS KS 67869 >-----A__ 42054 00 IRR NK G

- HARDEN FARMS INC
- > % DEAN HARDEN
- 28120 5 RD

Water Right File Nos. 23038 & 42042



This map was created by l.ireland on 5/15/2017

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

HARDEN FARMS, INC % DEAN HARDEN PO BOX 458 OGDEN, KS 66517 May 16, 2017

FILE COPY

RE: File No 42042

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,

Kristen A. Baum

New Applications Unit Supervisor Water Appropriation Program

rister a Baum

BAT: DLW

pc: GARDEN CITY Field Office GMD3