

Kansas Department of Agriculture
Division of Water Resources
PERMIT OF NEW APPLICATION WORKSHEET

1. File Number: 49759	2. Status Change Date: 12/18/2017	3. Field Office: 04	4. GMD: 03
5. Status: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied by DWR/GMD <input type="checkbox"/> Dismiss by Request/Failure to Return			
6. Enclosures: <input checked="" type="checkbox"/> Check Valve <input checked="" type="checkbox"/> N of C Form <input checked="" type="checkbox"/> Water Tube <input type="checkbox"/> Driller Copy <input checked="" type="checkbox"/> Meter			
7a. Applicant(s) New to system <input type="checkbox"/>		Person ID 62359 Add Seq# 1	
HAMLIN FARMS PARTNERSHIP 1503 RD 26 HUGOTON KS 67951-5152			
7b. Landowner(s) New to system <input type="checkbox"/>		Person ID 58120 Add Seq# 1	
DEBRA HARRIS C/O DENNIS D & KATHY A HAMLIN TRUSTS 1503 ROAD 26 HUGOTON KS 67951-5152		<i>Add chg</i>	
7c. Landowner(s) New to system <input type="checkbox"/>		Person ID 35047 Add Seq# 1	
HELEN GUTTRIDGE TRUST DEBRA HARRIS PETERSON TRUSTEE C/O DENNIS D HAMLIN 1503 ROAD 26 HUGOTON KS 67951-5152		<i>Name + Add Chg</i>	
7d. Landowner New to system <input type="checkbox"/>		Person ID 39671 Add Seq# 1	
DENNIS D & KATHY A HAMLIN TRUSTS D D & K A HAMLIN TTEES 1503 ROAD 26 HUGOTON KS 67951-5152			
7e. Landowner New to system <input type="checkbox"/>		Person ID 65890 Add Seq# 1	
RYAN HAMLIN C/O DENNIS D HAMLIN 1503 ROAD 26 HUGOTON KS 67951-5152			
8. WUR Correspondent New to system <input type="checkbox"/> Overlap File (s) WUC <input type="checkbox"/> Agree <input type="checkbox"/> Yes <input type="checkbox"/> No		Person ID 62359 Add Seq# 1 Notarized WUC Form	
HAMLIN FARMS PARTNERSHIP 1503 RD 26 HUGOTON KS 67951-5152			
9. Use of Water: Changing? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
<input checked="" type="checkbox"/> Groundwater <input type="checkbox"/> Surface Water			
<input checked="" type="checkbox"/> IRR	<input type="checkbox"/> REC	<input type="checkbox"/> DEW	<input type="checkbox"/> MUN
<input type="checkbox"/> STK	<input type="checkbox"/> SED	<input type="checkbox"/> DOM	<input type="checkbox"/> CON
<input type="checkbox"/> HYD DRG	<input type="checkbox"/> WTR PWR	<input type="checkbox"/> ART RECHRG	
<input type="checkbox"/> IND SIC: _____		<input type="checkbox"/> OTHER: _____	
10. Completion Date: 12/31/2018		11. Perfection Date: 12/31/2022	
12. Exp Date: _____			
13. Conservation Plan Required? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Date Required: _____ Date Approved: _____ Date to Comply: _____			
14. Water Level Measuring Device? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Date to Comply: _____ Date WLMD Installed: _____			
Date Prepared: 11/29/2017 By: RAK Date Entered: 12/20/2017 By: LLM			

File No. 49,759	15. Formation Code: <u>211/331</u>	Drainage Basin: <u>CIMARRON RIVER</u>	County: <u>SW</u>	Special Use:	Stream:																																				
16. Points of Diversion ✓ MOD DEL PDIV ENT Qualifier S T R ID 'N 'W			17. Rate and Quantity Authorized Additional Rate gpm Quantity af Rate gpm Quantity af Overlap PD Files																																						
MOD 80946 NW¼ SE¼ NW¼ 29 33S 34W 2 3831 3955			880 g.p.m. 260 AF 115 g.p.m. 0 19102																																						
18. Storage: Rate _____ NF Quantity _____ ac/ft Additional Rate _____ NF Additional Quantity _____ ac/ft																																									
19. ADD Limitation: 260 AF af/yr at 880 gpm (_____ cfs) when combined with file number(s) 19102 Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) _____																																									
20. Meter Required? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No To be installed by <u>12/31/2018</u> Date Acceptable Meter Installed _____																																									
21. Place of Use ✓ MOD DEL ENT PUSE S T R ID		<table border="1" style="width:100%; border-collapse: collapse; text-align: center;"> <tr> <th colspan="4">NE¼</th> <th colspan="4">NW¼</th> <th colspan="4">SW¼</th> <th colspan="4">SE¼</th> <th rowspan="2">Total</th> <th rowspan="2">Owner</th> <th rowspan="2">Chg?</th> <th rowspan="2">Overlap Files</th> </tr> <tr> <th>NE¼</th><th>NW¼</th><th>SW¼</th><th>SE¼</th> <th>NE¼</th><th>NW¼</th><th>SW¼</th><th>SE¼</th> <th>NE¼</th><th>NW¼</th><th>SW¼</th><th>SE¼</th> <th>NE¼</th><th>NW¼</th><th>SW¼</th><th>SE¼</th> </tr> </table>				NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg?	Overlap Files	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼
NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg?	Overlap Files																						
NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼																										
MOD 2940 19 33S 34W 1 Lot 1 (NWNW) Lot 2(SWNW) Lot 3 (NWSW) Lot 4(SWSW)		<table border="1" style="width:100%; border-collapse: collapse; text-align: center;"> <tr> <td>34</td><td>34</td><td>34</td><td>34</td> <td>34</td><td>L-1 34</td><td>L-2 34</td><td>34-</td> <td>34</td><td>L-3 34</td><td>L-4 34</td><td>34</td> <td>34</td><td>34</td><td>34</td><td>34</td> <td>544</td> <td>7b & 7e yes 10736;19102;43728;49759</td> </tr> </table>				34	34	34	34	34	L-1 34	L-2 34	34-	34	L-3 34	L-4 34	34	34	34	34	34	544	7b & 7e yes 10736;19102;43728;49759																		
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Comments:																																									

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources
MEMORANDUM

TO: Files

DATE: November 29, 2017

FROM: Richelle A. Krueger

RE: Application, File No. 49,759
Water Right
File Nos. 10,736; 19,102; and 43,728

Hamlin Farms Partnership etal, filed additional rate only Application, File No. 49,759 for irrigation use, requesting a quantity of 260 acre-feet and a diversion rate of 880 gallons per minute from one of the two existing irrigation wells authorized by Water Right, File No. 19,102. File No. 49,759 will be limited to 260 acre-feet and 880 gallons per minute when combined with File No. 19,102 from the well located 3,831 feet North and 3,955 feet West of the Southeast corner of the Section 29, Township 33 South, Range 34 West Seward County. File No. 49,759 is exempt from a safe yield calculation and appears to meet the criteria of K.A.R. 5-4-5. Applications to change the place of use filed for Water Right, File Nos. 10,736; 19,102; and 43,728 propose to create an exact overlap in place of use with File No. 49,759, all files located in the Cimarron River Basin.

The referenced change applications are not abandoned pursuant to K.S.A. 82a-718.

The second well authorized by File No. 19,102 is overlapped by File No. 43,728 and the two files are authorized a limited total of 1,005 acre-feet with a limited diversion rate of 1,255 gallons per minute for irrigation use on the same 680 acres located in Sections 19 and 29, Township 33 South, Range 34 West, Seward County. File No. 10,736 has no overlaps in its authorized point of diversion or 320-acre place of use all located in the North Half (N½) of Section 32 of the abovementioned township and range. The proposed irrigation place of use for the referenced file numbers totals 1,000 acres all located in Sections 19, 29 and 32, Township 33 South, Range 34 West, Seward County, and the 1,705 acre-feet to be authorized for the irrigation place of use appears reasonable.

There are no non-domestic wells within one-half mile of the proposed point of diversion. Nearby domestic well owners identified on the map and not owned by the water right owners were notified of the proposed applications through a letter dated March 8, 2017; no responses have been received as of today's date.

The same local source of supply will not change, previously determined to be Ogallala Formation (211)/Dakota Formation (331).

In a letter dated November 17, 2017, Jason Norquest, Assistant Manager of Southwest Kansas Groundwater Management District No. 3 recommended approval of the applications at this time.

Authorized points of diversion will be better described with g.p.s. feet distances as indicated in compliance investigations.

In a November 27, 2017 e-mail Michael Meyer, Water Commissioner of the Garden City Field Office, recommended approval of the referenced applications.

Based on the above discussion, it has been recommended that the referenced applications be approved.


Richelle A. Krueger
Environmental Scientist

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

December 21, 2017

HAMLIN FARMS PARTNERSHIP
DENNIS D & KATHY A HAMLIN ETAL
1503 ROAD 26
HUGOTON KS 67951-5152

FILE COPY

RE: Appropriation of Water, File No. 49,759
Water Right, File Nos. 10,736; 19,102 and 43,728

Dear Mr. and Mrs. Hamlin:

There is enclosed a permit (File No. 49,759) to appropriate water authorizing you to proceed with construction of the proposed diversion works (except those dams and stream obstructions regulated by K.S.A. 82a-301 through 305a), to divert such unappropriated water as may be available from the source and at the location specified in the permit, and to use it for the purpose and at the location described in the permit.

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in this permit. A water meter is required and you must install it prior to water being put to beneficial use in order for you to maintain accurate records of water use. The meter should be used to provide the information required on the annual water use report.

Failure to notify the Chief Engineer of the Division of Water Resources of the completion of the diversion works within the time allowed, or within any authorized extension of time thereof, will result in the dismissal of this permit. Enclosed is a form which may be used to notify the Chief Engineer that the proposed diversion works have been completed.

All requests for extensions of time to complete diversion works, or to perfect appropriations, must be submitted to the Chief Engineer before the expiration of time originally set forth in the permit to complete diversion works or to perfect an appropriation. If for any reason, you require an extension of time, you must request it before the expiration of time set forth in this permit. Failure to comply with this regulation will result in the dismissal of your permit or your water right. Any request for an extension of time shall be accompanied by the required statutory fee, which is currently \$100.00.

There is also enclosed an information sheet setting forth the procedure to obtain a Certificate of Appropriation which will establish the extent of your water right.

In addition, enclosed are orders executed by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the applications for change under Water Right, File Nos. 10,736; 19,102 and 43,728. 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. Please return the required notification of completion of the installation of the required meters as soon as these actions are completed.

Hamlin Farms Partnership
File Nos. 10,736; 19,102 and 43,728
Page 2

Since the orders for File Nos. 10,736; 19,102 and 43,728 modify the original documents referred to above they should be recorded with the Register of Deeds as other instruments affecting real estate.

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

If you have any questions, please contact our 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

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

**APPROVAL OF APPLICATION
and
PERMIT TO PROCEED**
(This is not a Certificate of Appropriation)

This is to certify that I have examined Application File No. 49,759 of the applicant

**HAMLIN FARMS PARTNERSHIP
1503 RD 26
HUGOTON KS 67951**

for a permit to appropriate water for beneficial use, together with the maps, plans and other submitted data, and that the application is hereby approved and the applicant is hereby authorized, subject to vested rights and prior appropriations, to proceed with the construction of the proposed diversion works (except those dams and stream obstructions regulated by K.S.A. 82a-301 through 305a, as amended), and to proceed with all steps necessary for the application of the water to the approved and proposed beneficial use and otherwise perfect the proposed appropriation subject to the following terms, conditions and limitations:

1. That the priority date assigned to such application is **January 17, 2017**.
2. That the water sought to be appropriated shall be used for irrigation use on land described in the application, as follows:

Sec. Twp. Range	NE¼				NW¼				SW¼				SE¼				TOTAL	
	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼		
19 33S 34W	34.00	34.00	34.00	34.00	34.00	34.00	34.00	34.00	34.00	34.00	34.00	34.00	34.00	34.00	34.00	34.00	34.00	544.00
29 33S 34W					34.00	34.00	34.00	34.00										136.00
32 33S 34W	40.00	40.00	40.00	40.00	40.00	40.00	40.00	40.00										320.00

3. That the authorized source from which the appropriation shall be made is groundwater, to be withdrawn by means of one (1) well located in the Northwest Quarter of the Southeast Quarter of the Northwest Quarter (NW¼ SE¼ NW¼) of Section 29, more particularly described as being near a point 3,831 feet North and 3,955 feet West of the Southeast corner of said section, in Township 33 South, Range 34 West, Seward County, Kansas, located substantially as shown on the topographic map accompanying the application.

4. That the appropriation sought shall be limited to a maximum diversion rate not in excess of **880 gallons per minute (1.96 c.f.s.)** and to a quantity not to exceed **260 acre-feet** of water for any calendar year.

5. That installation of works for diversion of water shall be completed on or before **December 31, 2018** or within any authorized extension thereof. The applicant shall notify the Chief Engineer and pay the statutorily required field inspection fee, which is currently \$400.00, when construction of the works has been completed. Failure to timely submit the notice and the fee will result in revocation of the permit. Any request for an extension of time shall be submitted prior to the expiration of the deadline and shall be accompanied by the required statutory fee, which is currently \$100.00.

6. That the proposed appropriation shall be perfected by the actual application of water to the proposed beneficial use on or before **December 31, 2022** or any authorized extension thereof. Any request for an extension of time shall be submitted prior to the expiration of the deadline and shall be accompanied by the required statutory fee, which is currently \$100.00.

7. That the applicant shall not be deemed to have acquired a water appropriation for a quantity in excess of the amount approved herein nor in excess of the amount found by the Chief Engineer to have been actually used for the approved purpose during one calendar year subsequent to approval of the application and within the time specified for perfection or any authorized extension thereof.

8. That the use of water herein authorized shall not be made so as to impair any use under existing water rights nor prejudicially and unreasonably affect the public interest.

9. That the right of the appropriator shall relate to a specific quantity of water and such right must allow for a reasonable raising or lowering of the static water level and for the reasonable increase or decrease of the streamflow at the appropriator's point of diversion.

10. That this permit does not constitute authority under K.S.A. 82a-301 through 305a to construct any dam or other obstruction; nor does it grant any right-of-way, or authorize entry upon or injury to, public or private property.

11. That all diversion works constructed under the authority of this permit 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.

12. That all wells with a diversion rate of 100 gallons per minute or more drilled under the authority of this permit shall have a tube or other device installed in a manner acceptable to, and in accordance with specifications adopted by, the Chief Engineer. This tube or device shall be suitable for making water level measurements and shall be maintained in a condition satisfactory to the Chief Engineer.

13. That an acceptable water flow meter shall be installed on the diversion works authorized by this permit in accordance with the Kansas Administrative Regulations 5-1-4 through 5-1-12 adopted by the Chief Engineer. This water flow meter shall be used to provide an accurate quantity of water diverted as required for the annual water use report (including the meter reading at the beginning and ending of the report year).

14. That the applicant shall maintain accurate and complete records from which the quantity of water diverted during each calendar year may be readily determined and the applicant shall file an annual water use report with the Chief Engineer by March 1 following the end of each calendar year. Failure to file the annual water use report by the due date shall cause the applicant to be subject to a civil penalty.

15. That no water user shall engage in nor allow the waste of any water diverted under the authority of this permit.

16. That failure without cause to comply with provisions of the permit and its terms, conditions and limitations will result in the forfeiture of the priority date, revocation of the permit and dismissal of the application.

17. That the right to appropriate water under authority of this permit is subject to any minimum desirable streamflow requirements identified and established pursuant to K.S.A. 82a-703c for the source of supply to which this water right applies.

18. That the quantity of water and rate of diversion approved under this permit is further limited to the quantity and rate which combined with Water Right, File no. 19,102, will provide a total not to exceed 260 acre-feet of water per calendar year to be diverted at a maximum diversion rate not in excess of 880 gallons per minute (1.96 c.f.s.) from the well at the location described herein for irrigation purposes.

RIGHT TO A HEARING AND TO ADMINISTRATIVE REVIEW

If you are aggrieved by this Order, then pursuant to K.S.A. 82a-1901, you may:

- 1) request an evidentiary hearing before the Chief Engineer, or
- 2) request administrative review by the Secretary of Agriculture.

Failure to request an evidentiary hearing before the Chief Engineer does not preclude your right to administrative review by the Secretary.

To obtain an evidentiary hearing before the Chief Engineer, a written request for hearing must be filed within 15 days after service of this Order as provided in K.S.A. 77-531 (i.e., **within a total of 18 days after this Order was mailed to you**), with: Kansas Department of Agriculture, Attn: Legal Section, 1320 Research Park Drive, Manhattan, KS 66502, FAX (785) 564-6777.

If you do not file a request for an evidentiary hearing before the Chief Engineer, you may petition for administrative review of the Order by the Secretary of Agriculture. A petition for review shall be in writing and state the basis for requesting administrative review. The request for hearing may be denied if the request fails to clearly establish factual or legal issues for review. See K.S.A. 77-527. The petition must be filed within 30 days after service of this Order as provided in K.S.A. 77-531 (i.e., **within a total of 33 days after this Order was mailed to you**), and be filed with: Secretary of Agriculture, Attn: Legal Division, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, KS 66502, FAX (785) 564-6777.

If neither a request for an evidentiary hearing nor a petition for administrative review is filed as set forth above, then this Order shall be effective and become a final agency action as defined in K.S.A. 77-607(b). Failure to timely request either an evidentiary hearing or administrative review may preclude further judicial review under the Kansas Judicial Review Act.

Any request for 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 18th day of December, 2017, in Topeka, Shawnee County, Kansas.

Lane P. Letourneau

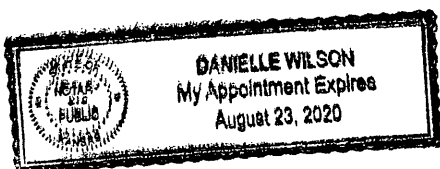
Lane P. Letourneau, P.G.
Program Manager
Water Appropriation Program
Division of Water Resources
Kansas Department of Agriculture

State of Kansas)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this 18th day of December, 2017, by Lane P. Letourneau, P.G., Program Manager, Division of Water Resources, Kansas Department of Agriculture.

Danielle Wilson

Notary Public



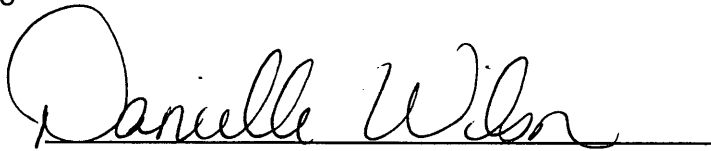
CERTIFICATE OF SERVICE

On this 21st day of December, 2017, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 49,759, dated December 18th 2017 was mailed postage prepaid, first class, US mail to the following:

HAMLIN FARMS PARTNERSHIP
DENNIS D AND KATHY A HAMLIN ETAL
1503 RD 26
HUGOTON KS 67951

With photocopies to:

Garden City Field Office
Groundwater Management District No. 3

A handwritten signature in cursive script that reads "Daniella Wilson". The signature is written in black ink and is positioned above a horizontal line.

Division of Water Resources

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

File Number ~~490759~~ 49759
This item to be completed by the Division of Water Resources.

WATER RESOURCES
RECEIVED
JAN 17 2017
11:14
KS DEPT OF AGRICULTURE

**APPLICATION FOR PERMIT TO
APPROPRIATE WATER FOR BENEFICIAL USE**
Filing Fee Must Accompany the Application
(Please refer to Fee Schedule attached to this application form.)

To the Chief Engineer of the Division of Water Resources, Kansas Department of Agriculture,
1320 Research Park Drive, Manhattan, Kansas 66502:

1. Name of Applicant (Please Print): Hamlin Farms Partnership
Address: 1503 Rd 26
City: Hugoton State KS Zip Code 67951
Telephone Number: (620) 598-2610

2. The source of water is: surface water in _____ (stream)
OR groundwater in Cimarron River Basin (drainage basin)

Certain streams in Kansas have minimum target flows established by law or may be subject to administration when water is released from storage for use by water assurance district members. If your application is subject to these regulations on the date we receive your application, you will be sent the appropriate form to complete and return to the Division of Water Resources.

3. The maximum quantity of water desired is 260 acre-feet OR -- gallons per calendar year,
to be diverted at a maximum rate of 880 gallons per minute OR -- cubic feet per second.

Once your application has been assigned a priority, the requested maximum rate of diversion and maximum requested quantity of water under that priority number can **NOT** be increased. Please be certain your requested maximum rate of diversion and maximum quantity of water are appropriate and reasonable for your proposed project and are in agreement with the Division of Water Resources' requirements.

4. The water is intended to be appropriated for (Check use intended):

(a) <input type="checkbox"/> Artificial Recharge	(b) <input checked="" type="checkbox"/> Irrigation	(c) <input type="checkbox"/> Recreational	(d) <input type="checkbox"/> Water Power
(e) <input type="checkbox"/> Industrial	(f) <input type="checkbox"/> Municipal	(g) <input type="checkbox"/> Stockwatering	(h) <input type="checkbox"/> Sediment Control
(i) <input type="checkbox"/> Domestic	(j) <input type="checkbox"/> Dewatering	(k) <input type="checkbox"/> Hydraulic Dredging	(l) <input type="checkbox"/> Fire Protection
(m) <input type="checkbox"/> Thermal Exchange	(n) <input type="checkbox"/> Contamination Remediation		

YOU **MUST** COMPLETE AND ATTACH ADDITIONAL DIVISION OF WATER RESOURCES FORM(S) PROVIDING INFORMATION TO SUBSTANTIATE YOUR REQUEST FOR THE AMOUNT OF WATER FOR THE INTENDED USE REFERENCED ABOVE.

For Office Use Only:			
F.O. <u>4</u>	GMD <u>3</u>	Meets K.A.R. 5-3-1 (YES/NO) <u>YES</u>	Use <u>LRR</u> Source <u>G/S</u> County <u>SW</u>
Code <u>RED</u>	Fee \$ <u>300</u>	TR # _____	By <u>AW</u> Date <u>1/17/17</u>
		Receipt Date <u>1/17/17</u>	Check # <u>1242</u>

APPLICATION COMPLETE
1/17/2017
Reviewer RAK

1/19/2017 UM

SCANNED

5. The location of the proposed wells, pump sites or other works for diversion of water is:

Note: For the application to be accepted, the point of diversion location must be described to at least a 10 acre tract, unless you specifically request a 60 day period of time in which to locate the site within a specifically described, minimal legal quarter section of land.

- * (A) One in the ~~_____~~ quarter of the ~~NE~~ quarter of the ~~NW~~ quarter of Section 29, more particularly described as being near a point ³⁸³3900 feet North and ³⁹⁵⁵4000 feet West of the Southeast corner of said section, in Township 33 South, Range 34 West, Seward County, Kansas. 1915m
- (B) One in the _____ quarter of the _____ quarter of the _____ quarter of Section _____, more particularly described as being near a point _____ feet North and _____ feet West of the Southeast corner of said section, in Township _____ South, Range _____ East/West (circle one), _____ County, Kansas.
- (C) One in the _____ quarter of the _____ quarter of the _____ quarter of Section _____, more particularly described as being near a point _____ feet North and _____ feet West of the Southeast corner of said section, in Township _____ South, Range _____ East/West (circle one), _____ County, Kansas.
- (D) One in the _____ quarter of the _____ quarter of the _____ quarter of Section _____, more particularly described as being near a point _____ feet North and _____ feet West of the Southeast corner of said section, in Township _____ South, Range _____ East/West (circle one), _____ County, Kansas.

If the source of supply is groundwater, a separate application shall be filed for each proposed well or battery of wells, except that a single application may include up to four wells within a circle with a quarter (1/4) mile radius in the same local source of supply which do not exceed a maximum diversion rate of 20 gallons per minute per well.

A battery of wells is defined as two or more wells connected to a common pump by a manifold; or not more than four wells in the same local source of supply within a 300 foot radius circle which are being operated by pumps not to exceed a total maximum diversion rate of 800 gallons per minute and which supply water to a common distribution system.

6. The owner of the point of diversion, if other than the applicant is (please print):
Same as applicant

 (name, address and telephone number)

 (name, address and telephone number)

You must provide evidence of legal access to, or control of, the point of diversion from the landowner or the landowner's authorized representative. Provide a copy of a recorded deed, lease, easement or other document with this application. In lieu thereof, you may sign the following sworn statement:

I have legal access to, or control of, the point of diversion described in this application from the landowner or the landowner's authorized representative. I declare under penalty of perjury that the foregoing is true and correct.

Executed on 1-10, 2017. [Signature]
 Applicant's Signature

The applicant must provide the required information or signature irrespective of whether they are the landowner. Failure to complete this portion of the application will cause it to be unacceptable for filing and the application will be returned to the applicant.

7. The proposed project for diversion of water will consist of 1 well _____
 (number of wells, pumps or dams, etc.)
 and (was)(will be) completed (by) 2017
 (Month/Day/Year - each was or will be completed)

8. The first actual application of water for the proposed beneficial use was or is estimated to be RECEIVED
 (Mo/Day/Year)

* per gps feet distances in WRIS
 * RAK/own 11/28/17

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9. Will pesticide, fertilizer, or other foreign substance be injected into the water pumped from the diversion works?
 Yes No If "yes", a check valve shall be required.

All chemigation safety requirements must be met including a chemigation permit and reporting requirements.

10. If you are planning to impound water, please contact the Division of Water Resources for assistance, prior to submitting the application. Please attach a reservoir area capacity table and inform us of the total acres of surface drainage area above the reservoir.

Have you also made an application for a permit for construction of this dam and reservoir with the Division of Water Resources? Yes No

- If yes, show the Water Structures permit number here _____
- If no, explain here why a Water Structures permit is not required _____

11. The application must be supplemented by a U.S.G.S. topographic map, aerial photograph or a detailed plat showing the following information: On the topographic map, aerial photograph, or plat, identify the center of the section, the section lines or the section corners and show the appropriate section, township and range numbers. Also, please show the following information:

- (a) The location of the proposed point(s) of diversion (wells, stream-bank installations, dams, or other diversion works) should be plotted as described in Paragraph No. 5 of the application, showing the North-South distance and the East-West distance from a section line or southeast corner of section.
- (b) If the application is for groundwater, please show the location of any existing water wells of any kind within 1/2 mile of the proposed well or wells. Identify each existing well as to its use and furnish the name and mailing address of the property owner or owners. If there are no wells within 1/2 mile, please advise us.
- (c) If the application is for surface water, the names and addresses of the landowner(s) 1/2 mile downstream and 1/2 mile upstream from your property lines must be shown.
- (d) The location of the proposed place of use should be shown by crosshatching on the topographic map, aerial photograph or plat.
- (e) Show the location of the pipelines, canals, reservoirs or other facilities for conveying water from the point of diversion to the place of use.

A 7.5 minute U.S.G.S. topographic map may be obtained by providing the section, township and range numbers to: Kansas Geological Survey, 1930 Constant, Campus West, University of Kansas, Lawrence, Kansas 66047.

12. List any application, appropriation of water, water right, or vested right file number that covers the same diversion points or any of the same place of use described in this application. Also list any other recent modifications made to existing permits or water rights in conjunction with the filing of this application.

Place of diversion and place of use for water right 19102 (ID# 2), 10736, 43728
application is requesting additional rate only. (15% increase).

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13. Furnish the following well information if the proposed appropriation is for the use of groundwater. If the well has not been completed, give information obtained from test holes, if available.

Information below is from: Test holes Well as completed Drillers log attached

Well location as shown in paragraph No.	(A)	(B)	(C)	(D)
Date Drilled	See File			
Total depth of well	See File			
Depth to water bearing formation	See File			
Depth to static water level	See File			
Depth to bottom of pump intake pipe	See File			

14. The relationship of the applicant to the proposed place where the water will be used is that of

Owner, Tenant
(owner, tenant, agent or otherwise)

15. The owner(s) of the property where the water is used, if other than the applicant, is (please print):

DENNIS D & KATHY A HAMLIN TRUSTS, 1503 ROAD 26, HUGOTON KS 67951-5152
(name, address and telephone number)

DEBRA HARRIS, 18070 ROAD B, LIBERAL KS 67901-5388
(name, address and telephone number)

16. The undersigned states that the information set forth above is true to the best of his/her knowledge and that this application is submitted in good faith.

Dated at 1-10, Kansas, this 10 day of Jan, 2017.
(month) (year)


(Applicant Signature)

By _____
(Agent or Officer Signature)

(Agent or Officer - Please Print)

Assisted by AZ GCFO Date: 10-31-2016
(office/title)

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~~49759~~
49759

33S35W13

Well 2922 17 2900 Gas We 33S34W18 33S34W17 33S34W16

I agree to the best of my knowledge that all known water wells (IRR, DOM, IND, etc) are shown within green circles on map. If not, I have edited the map indicating the location of the well, type, & owner information.

Signature *Ryan Hamilton*

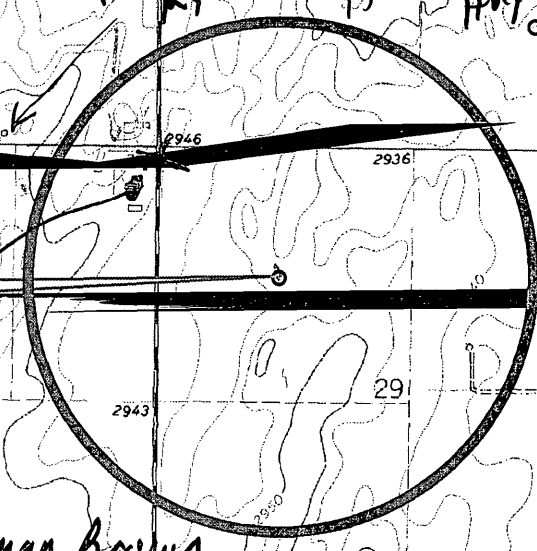
0.25 0.5 Miles

Domestic
Ryan Hamilton
1503
Ad 26
Hugoton

Stevens

Seward

Proposed well



33S35W25

SEWARD CO

Domestic
Thurman Brown

Gas Well

33S35W36

33S34W31

33S34W32

33S34W33

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JAN 10 2017

Pleasant Valley Community Hall

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34S35W01

34S34W06

34S34W05

34S34W04

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Change in Place of Use: WR 19102

49759

33S35W13

Well
33S34W18

33S34W17

33S34W16

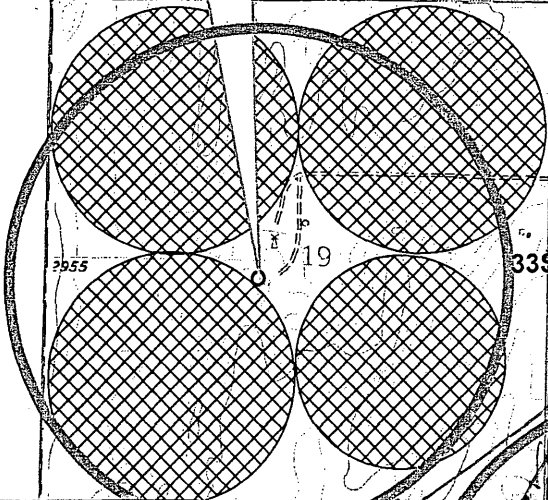
Gas Well

WR 19102/43728

I agree to the best of my knowledge that all known water wells (IRR, DOM, IND, etc) are shown within green circles on map. If not, I have edited the map indicating the location of the well, type, & owner information.

Signature (*see other map*)

33S35W24



33S34W19

33S34W20

33S34W26

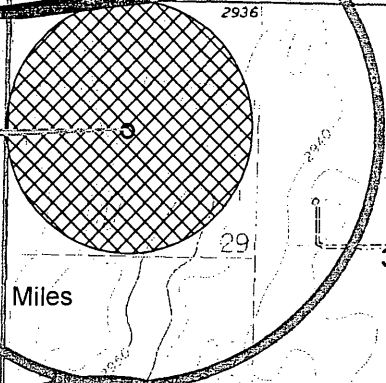
applicant

WR 19102

33S35W25

SEWARD CO
0.25 Gas Well 0.5
Miles

Therman Brown



33S34W26

33S34W28 Gas Well

as Well

Legend

33S35W36

33S34W31

Current Place of Use

existing WR

Proposed Place of Use

for permit

Pleasant Valley Community Hall

34S35W01

34S34W06

34S34W05

34S34W04

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33S34W52

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IRRIGATION USE SUPPLEMENTAL SHEET

File No. _____

Name of Applicant (Please Print): Hamlin Farms Partnership

1. Please supply the name and address of each landowner, the legal description of the lands to be irrigated, and designate the actual number of acres to be irrigated in each forty acre tract or fractional portion thereof:

* Landowner of Record NAME: (A) DENNIS D & KATHY A HAMLIN TRUSTS of Equitable Interest *Affidavit filed on Sec 32 by Dennis Hamlin*
 ADDRESS: 1503 ROAD 26, HUGOTON KS 67951-5152 *(B) Helen Gutteridge Trust Debra Harris Peterson Trustee c/o Dennis Hamlin*

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
(A) 29	33S	34W					34	34	34	34									136
(B) 32	33S	34W	40	40	40	40	40	40	40	40									320

* Landowner of Record NAME: DEBRA HARRIS *Affidavit of Equitable Interest filed by Ryan Hamlin 12-11-12*
 ADDRESS: 18070 ROAD B, LIBERAL KS 67901-5388 *c/o Dennis Hamlin*

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
(*) 19	33S	34W	34	34	34	34	34	L-1	L-2	34	34	L-3	L-4	34	34	34	34	34	544

Landowner of Record NAME: _____
 ADDRESS: _____

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

* per 3/1/17 email Seward Co Register of Deeds DWR-100.23 (Revised 07/07/2000)

(*) Lots per Original Survey plat RECEIVED
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* TRK/owner 10/31/17

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49759

2. Please complete the following information for the description of the operation for the irrigation project. Attach supplemental sheets as needed.

a. Indicate the soils in the field(s) and their intake rates:

Soil Name	Percent of field (%)	Intake Rate (in/hr)	Irrigation Design Group
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
Total:	100 %		

b. Estimate the average land slope in the field(s): _____ %

Estimate the maximum land slope in the field(s): _____ %

c. Type of irrigation system you propose to use (check one):

- Center pivot Center pivot - LEPA "Big gun" sprinkler
- Gravity system (furrows) Gravity system (borders) Sideroll sprinkler

Other, please describe: _____

d. System design features:

i. Describe how you will control tailwater:

ii. For sprinkler systems:

- (1) Estimate the operating pressure at the distribution system: _____ psi
- (2) What is the sprinkler package design rate? _____ gpm
- (3) What is the wetted diameter (twice the distance the sprinkler throws water) of a sprinkler on the outer 100 feet of the system? _____ feet
- (4) Please include a copy of the sprinkler package design information.

e. Crop(s) you intend to irrigate. Please note any planned crop rotations:

f. Please describe how you will determine when to irrigate and how much water to apply (particularly important if you do not plan a full irrigation).

You may attach any additional information you believe will assist in informing the Division of the need for your request.

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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 19, 2017

HAMLIN FARMS PARTNERSHIP
1503 RD 26
HUGOTON, KS 67951

FILE COPY

Re: Application,
File No. **49759**

Dear Sir or Madam:

The purpose of this letter is to correct the file number assigned to your Application for Permit to Appropriate Water. In a letter from our office dated, January 18, 2017, your application was erroneously assigned File No. 49758. The correct File No. is 49759.

For all future reference to your Application for Permit to Appropriate Water located in 29-33S-34W in Seward County, please use File No. 49759.

If you have any questions, please contact me at 785-564-6631. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

A handwritten signature in black ink, appearing to read "Alex Whitesell".

Alex Whitesell
Environmental Scientist
Water Appropriation Program

AJW: dlw

pc: GARDEN CITY Field Office
GMD 3

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FILE

TRUST AGREEMENT

HELEN GUTTRIDGE TRUST

THIS AGREEMENT made June 3, 1995, between HELEN GUTTRIDGE, (hereinafter called Settlor), and DEBRA HARRIS PETERSON, BETTY MITCHELL, and HELEN GUTTRIDGE, (hereinafter called the Trustees), shall be known as "HELEN GUTTRIDGE TRUST."

1. TRUST PROPERTY. For good and valuable consideration, the Settlor hereby transfers and delivers to the Trustees the property listed in the schedule annexed hereto, to have and to hold the same and any cash, securities, or other property which the Trustees may, pursuant to any of the provisions hereof at any time hereafter hold or acquire (all of such property being hereinafter referred to, collectively, as the "Trust Estate"), for the uses and purposes and upon the terms and conditions herein set forth.
2. DISPOSITIVE PROVISIONS. The Trustees shall hold, manage, invest and reinvest the "Trust Estate" and shall collect the income thereof and shall dispose of the net income and principal as follows:
 - a.) During the lifetime of the Settlor, the Trustees in their sole discretion, may pay to the Settlor, such amounts of the net income and principal as they may determine. If, at any time, the Settlor should become incompetent or for any other reason be unable to act in her own behalf, the Trustees, DEBRA HARRIS PETERSON and BETTY MITCHELL, may in their absolute discretion, pay to or apply for the benefit of the Settlor, in addition to the payments hereinabove provided for her such amounts from the principal of the "Trust Estate", up to the whole thereof, as the Trustees, DEBRA HARRIS PETERSON and BETTY MITCHELL may, from time to time, deem necessary or advisable for the Settlor's use and benefit. In the exercise of this power to distribute to the Settlor the Trustees, DEBRA HARRIS PETERSON and BETTY MITCHELL may exercise this power jointly or severally.
 - b.) Upon the death of the Settlor, the Trustees shall distribute the trust principal and accumulated income as follows:
 - 1) The Trustees shall distribute to PHYLLIS KAY BOLLER five (5) percent of the trust principal and accumulated income. The distribution to PHYLLIS KAY BOLLER shall be divided into 3 shares with one share being distributed each year for 3 years, the first distribution being made on the

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administering different Trusts wholly or in part for the benefit of a particular beneficiary or group of beneficiaries, to adopt different investment patterns and objectives for different Trusts based on their generation-skipping ratios, and to prefer making distributions from non-exempt Trusts to beneficiaries who are non-skip persons for generation-skipping purposes and from exempt Trusts to those who are skip persons.

4. TRUSTEES' POWERS. Without regard to any legal restrictions otherwise applicable to Trustees, the Trustees are authorized and empowered, in their sole discretion, to exercise the following discretionary powers as well as any other powers conferred by law:

a.) To retain, whether originally a part of the "Trust Estate" or subsequently acquired, and to purchase or otherwise acquire and to retain any property, whether or not such property is authorized for investment, by law, or is unsecured, unproductive, or of a wasting nature, all without diversification as to kind and amount. To commingle Trust funds of the various trusts hereunder for the purposes of investment.

b.) To transfer, sell, exchange, partition, lease, mortgage, create a security interest in, pledge, give options upon or otherwise dispose of any property at any time held by them, at public or private sale or otherwise, for cash or other consideration or on credit and upon such terms and conditions, with or without security and for such price as they may determine.

c.) To hold any part of the "Trust Estate" in cash or uninvested for any period deemed advisable.

d.) To extend, modify or waive the terms of any bond and mortgage at any time forming a part of the Trust; to foreclose any such mortgage or take title to the property securing it by deed, in lieu of foreclosure or otherwise; to protect or redeem any such property from forfeiture for non-payment of taxes or other liens; and, generally, to exercise as to such bonds and mortgage or such property, all powers that an absolute owner might exercise.

e.) To exercise any option, right or privilege to convert bonds, notes, corporate shares, or other securities or to subscribe for additional or other bonds, notes, corporate shares or other securities; to make such conversions or subscriptions, to make

15. INCOMPETENCY. A determination that HELEN GUTTRIDGE is incapacitated, whether or not the Settlor has been declared legally incompetent, due to illness or any other cause may be made at any time and from time to time by DEBRA HARRIS PETERSON and BETTY MITCHELL. Any such determination, to be effective, shall be stated in writing, signed by all such persons, and delivered to the Trustees. The persons determined hereinabove, shall have the right at any time and from time to time to make a later determination that, for the purpose of this trust, the Settlor is no longer incapacitated.

The persons making such determination that HELEN GUTTRIDGE is not incapacitated may consult medical doctors and others in making any such determination, but are not required to do so, and any such determination made in good faith shall be binding and conclusive. The Trustees are entitled to rely on any determination made hereunder by the persons listed above and are relieved of any and all liabilities to any person, including the Settlor or the Settlor's estate, resulting from such reliance.

IN WITNESS WHEREOF, the Settlor and the Trustees have executed and sealed this Agreement, this 3rd day of June, 1995.

Helene Guttridge
HELEN GUTTRIDGE, Settlor

Debra Harris Peterson
DEBRA HARRIS PETERSON, Settlor

Betty Mitchell
BETTY MITCHELL, Trustee

Helene Guttridge
HELEN GUTTRIDGE, Trustee

STATE OF KANSAS)
) SS:
COUNTY OF SEWARD)

BE IT REMEMBERED that on this 3rd day of June, 1995, before me the undersigned, a Notary Public in and for the County and State aforesaid, personally appeared HELEN GUTTRIDGE to me known to be the same persons who executed the within and foregoing instrument of writing, as said person duly acknowledged the execution of the same.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above written.

My Commission Expires:

Tiffany A. Pelton
Notary Public

NOTARY PUBLIC, State of Kansas
TIFFANY A. PELTON
My Appt. Exp. 10-8-96

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YOXALL, ANTRIM, YOXALL & HASENBANK, LLP
101 West Fourth Street
Liberal, Kansas 67901
(620 624-8444

FILED
CLERK OF DIST. COURT
SEWARD COUNTY

2003 JUL 22 PM 12 18

IN THE DISTRICT COURT OF SEWARD COUNTY, KANSAS

IN THE MATTER OF THE ESTATE OF)

HELEN GUTTRIDGE, also known and being the)
same person as HELEN I. GUTTRIDGE,)
DECEASED)

Case No. 03-PR-36

Rhonda Truhlar

LETTERS TESTAMENTARY

KNOW ALL PERSONS BY THESE PRESENTS:

Debra Harris Peterson, a resident of Seward County, Kansas named as
Executor of the Will of Helen Guttridge, deceased, having been duly appointed and
qualified as Executor, is hereby granted Letters Testamentary in the estate, with full power
and authority as provided by law and the Will.

IN WITNESS WHEREOF, I, the undersigned Judge of the above entitled
Court, have subscribed my name and affixed the seal of this Court on July 22, 2003.

Kim R. Schroeder

Judge Kim R. Schroeder

JRY/ksk

STATE OF KANSAS }
COUNTY OF SEWARD } ss

I certify that this document is a full,
true and correct copy of the original
on file in this office.

Date July 22, 2003 3

Rhonda Truhlar, CLERK
SEWARD COUNTY DISTRICT COURT

By Ray Jones RECEIVED

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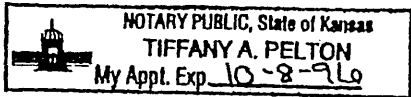
STATE OF KANSAS)
)
COUNTY OF SEWARD) ss:

BE IT REMEMBERED that on this 3rd day of June, 1995, before me the undersigned, a Notary Public in and for the County and State aforesaid, personally appeared DEBRA HARRIS PETERSON to me known to be the same persons who executed the within and foregoing instrument of writing, as said person duly acknowledged the execution of the same.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above written.

My Commission Expires:

Tiffany A. Pelton
Notary Public



STATE OF Oklahoma)
)
COUNTY OF Woodward) ss:

BE IT REMEMBERED that on this 5th day of July, 1995, before me the undersigned, a Notary Public in and for the County and State aforesaid, personally appeared BETTY MITCHELL to me known to be the same persons who executed the within and foregoing instrument of writing, as said person duly acknowledged the execution of the same.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above written.

My Commission Expires: 8-1-98

Jessie Ruttman
Notary Public

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AMENDMENT NO. 2
to the
HELEN GUTTRIDGE TRUST
Dated May 16, 1996

KNOW ALL MEN BY THESE PRESENTS:

That I, Helen Guttridge, being Settlor and Trustee of the Helen Guttridge Trust and having retained full right of revocation and amendment, do hereby amend the Helen Guttridge Trust, dated June 3, 1995, and the First Amendment to the Helen Guttridge Trust which is dated May 16, 1996, as follows:

1. Notwithstanding any other provisions to the contrary, Helen Guttridge shall be the sole Trustee of the Helen Guttridge Trust so long as I am capable and competent. If, in the event I become incompetent or incapacitated to the extent that I am unable to handle the business affairs of the trust, then I hereby designate and appoint my granddaughter, Debra Harris Peterson, as Successor Trustee, or if she be unable or unwilling to act as such Trustee, then my sister, Betty Mitchell, or should both my granddaughter and my sister be unable or refuse to act as Trustee, I hereby appoint my granddaughter, Phyllis Kay Boller, as Successor Trustee.

My incompetency or incapacity to act as Trustee must be determined by my granddaughter, Debra Harris Peterson, my sister, Betty Mitchell, my family physician and at least one other physician who must agree that I am incapable of handling the affairs of the trust due to my incompetency or incapacity.

2. I hereby amend paragraph 2(b) of my trust and the First Amendment to read as follows, to-wit:

"2b.) Upon the death of the Settlor, the Trustee shall distribute the trust principal and accumulated income in the following manner:

(1) The Trustee shall distribute to Phyllis Kay Boller five percent (5%) of the value at the time of my death of the liquid assets of the trust. The liquid assets shall be and are hereby declared to be investments, whether income producing or not, other than land and oil, gas and other minerals.

(2) All of the rest and residue of the trust principal shall be held for five (5) years, with the income being distributed no less often than annually to Debra Joan Harris Peterson. At the end of five (5) years, if Debra Joan Harris Peterson is alive, the Trustee shall distribute one-half (1/2) of the trust assets to Debra Joan Harris Peterson and one-half (1/2) shall remain in trust until the death of the said Debra Joan Harris Peterson.

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the lifetime of Debra Joan Harris Peterson the income from the one-half (1/2) of the residue remaining in trust shall be distributed no less often than quarterly to Debra Joan Harris Peterson, and upon her death said trust shall terminate and shall be distributed to my great-granddaughters, Nicole Harris, Michelle Harris, and Kirsten Harris, equally share and share alike, PROVIDED HOWEVER, that in the event of the death of Debra Joan Harris Peterson before Kirsten Harris has or would have attained the age of thirty (30) years, then and in that event, said trust shall continue until such time as Kirsten Harris has or would have attained the age of thirty (30) years, at which time it shall be distributed."

I hereby amend paragraph 2(c) to the extent that paragraph 2(c) of the Helen Guttridge Trust does not comply with the distribution under 2(b) above.

3. I hereby revoke paragraph 13 in its entirety, and 13 shall now read as follows, to-wit:

"13. APPOINTMENT OF TRUSTEES. Any Trustee designated or appointed hereunder may resign at any time by filing her written resignation with the next Successor Trustee, and upon such filing, the Successor Trustee shall become the sole Trustee. In the event all of the Successor Trustees named above are unable or unwilling to act as Trustee, then Settlor does hereby appoint such of the great-granddaughters, Nicole Harris, Michelle Harris and Kirsten Harris, as have attained the age of twenty-one (21) years, to act as Co-Trustees."

In all respects except as specifically set forth herein, the Helen Guttridge Trust, dated June 3, 1995, is hereby ratified, adopted and confirmed.

IN WITNESS WHEREOF, Helen Guttridge, as Settlor, has hereunto set her hand and seal, and Helen Guttridge, in token of her acceptance of the trust hereby amended, have caused her hand and seal to be hereto affixed, all on this 10th day of July, 2000.

Helen Guttridge
Helen Guttridge, Settlor

Helen Guttridge
Helen Guttridge, Trustee

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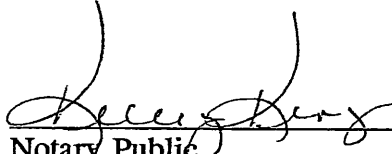
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STATE OF KANSAS, COUNTY OF SEWARD, SS:

Before me, the undersigned, a Notary Public, within and for said county and state, on this 10th day of July, 2000, personally appeared Helen Guttridge, personally known to me to be the identical person who executed the within and foregoing instrument and acknowledged to me that she executed the same as her free and voluntary act and deed for the uses and purposes therein set forth.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year last above written.


Notary Public

My Commission Expires: 01-21-2004

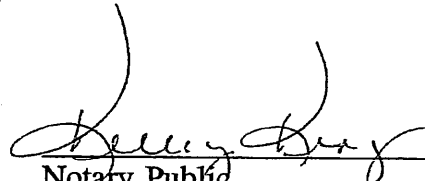
SEAL



STATE OF KANSAS, COUNTY OF SEWARD, SS:

On this 10th day of July, 2000, before me, the undersigned, a Notary Public in and for the county and state aforesaid, personally appeared Helen Guttridge to me personally known to be the identical person who signed the within and foregoing instrument as Trustee, and acknowledged to me that she executed the same as their free and voluntary act and deed for the uses and purposes therein set forth.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year last above written.


Notary Public

My Commission Expires: 01-21-2004

SEAL



JRY/ksk

RECEIVED

OCT 27 2017

Garden City Field Office
Division of Water Resources

WATER RESOURCES
RECEIVED

OCT 30 2017

Krueger, Richelle

From: Meyer, Mike
Sent: Monday, November 27, 2017 4:39 PM
To: Krueger, Richelle
Subject: RE: Request for Recommendation Hamlin Farms etal New App File No. 49759 Chg in PU File Nos. 10736,19102,43728

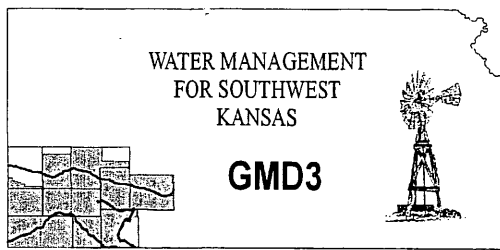
Approve
thanks

Mike

From: Krueger, Richelle
Sent: Tuesday, November 21, 2017 10:22 AM
To: Meyer, Mike <Mike.Meyer@ks.gov>
Cc: Makens, Thom <Thom.Makens@ks.gov>
Subject: Request for Recommendation Hamlin Farms etal New App File No. 49759 Chg in PU File Nos. 10736,19102,43728

Hi Mike,
Attached is a draft memo for the referenced rate only new application and change in pu applications, do you recommend approval of these applications?

Thanks,
Richelle



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 17, 2017

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

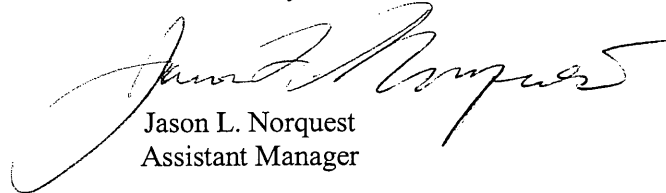
RE: Change Applications
Water Right, File Nos. 10736, 19102, & 43728
New Appropriation, File No. 49759

Dear Richelle:

We have completed a review of the applications for the above referenced water rights. The proposals for change in place of use, which will create a complete overlap, is not conflict with the Management Program of the Southwest Kansas Groundwater Management District No. 3 (GMD3) and is in accordance with K.A.R. 5-5-11. The application for new appropriation, File No. 49759, is for additional rate only and is not asking for new authority, which is in accordance with KAR 5-4-5. It is therefore recommended that 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

SCANNED

WATER RESOURCES
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NOV 20 2017

Serving Southwest Kansas Since 1976

KS DEPT OF AGRICULTURE

Krueger, Richelle

From: Jason Norquest <norquest@gmd3.org>
Sent: Friday, November 17, 2017 1:01 PM
To: Krueger, Richelle
Subject: 10736+
Attachments: 10736+_ReviewMat_PU_111717.pdf

Good afternoon Richelle. Not sure if you are there today, but thought I would send in the review material for you and then put the signed letter in mail today.

Have a good weekend.

Jason Norquest

Assistant Manager, GMD3

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

norquest@gmd3.org

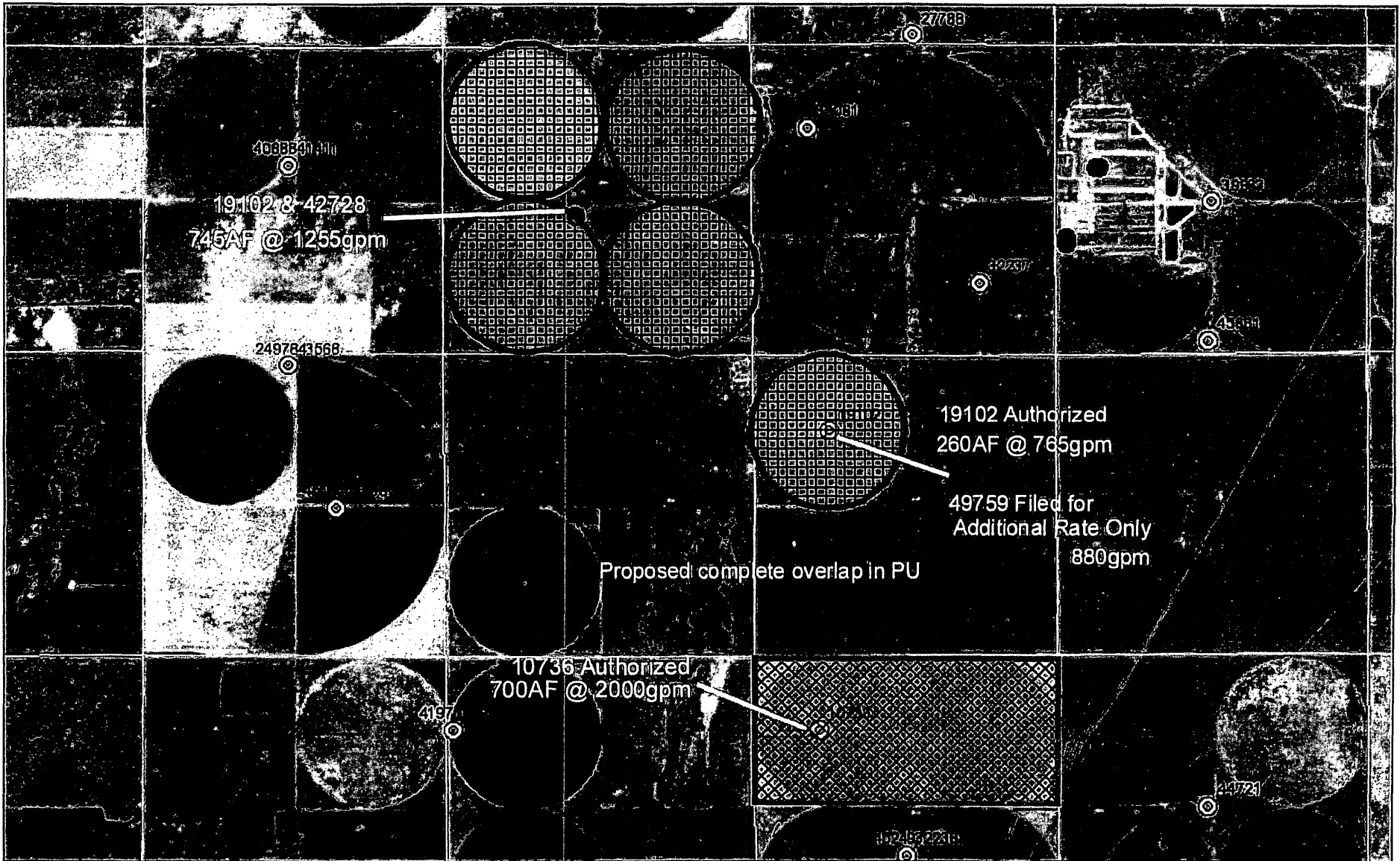
www.gmd3.org

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NOV 17 2017

KS DEPT OF AGRICULTURE

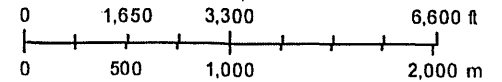
10736, 19102, 43728 & 49759 Apps



November 17, 2017
10:03 AM

DISCLAIMER: This map is not intended for conveyances, nor is it a legal survey. The information is presented on a best-efforts basis, and should not be relied upon for making financial, survey, legal or other commitments.

1:36,112



- Meters
- Sections
- Wells
- WMAS WELLS GMD3

SCANNED

PREPARED BY
 RECEIVED
 NOV 17 2017
 MISSOURI DEPT OF AGRICULTURE

GMD3 Change Review

File No(s): 10736, 19102, 43728 & 49759. DWR office: GC.

App filed to change: Overlap PU & additional rate for 49759.

Is Landowner(s) correct in WRIS: Documentation seems to support.

If NO, is documentation included?

Is Water Use Correspondent correct in WRIS? Appears correct.

If NO, is documentation included?

Regulation(s) Reviewed: KAR 5-5-11 & KAR 5-4-5

Point of diversion ID No(s) being changed.

	ft. North	ft. West			
Authorized PD					
Proposed PD					
Difference	0	0			
a2 + b2 = c2	0	0	0		

GPS for proposed PD: Lat: Long: .

Is proposed PD stacking on existing WRs? 49759 stacked on.

Is Proposed PU overlapping existing WRs? 100% overlap on all files.

Land Owner(s) notified: .

Name . Name .

Address . Address .

Zip . Zip .

Neighboring certified well(s) notified: .

Name . Name .

Address . Address .

Zip . Zip .

Domestic well(s) notified: .

Name . Name .

Address . Address .

Zip . Zip .

Base Acres: .

Perfected Acres: .

Irr. Return-Flow %

49759 is new appropriation for additional rate only on well in Sect. 29 under WR 19102.

Increases the rate to 880gpm.

The PU changes will make a complete overlap, which is within the current rules.

Is a waiver needed: NO.

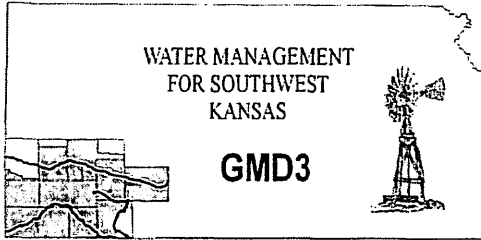
Final Recommendation: After review of all available information, it appears the applications comply with the current area rules. Staff therefore recommends approval of the applications.

WATER RESOURCES
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NOV 17 2017

KS DEPT OF AGRICULTURE





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 17, 2017

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

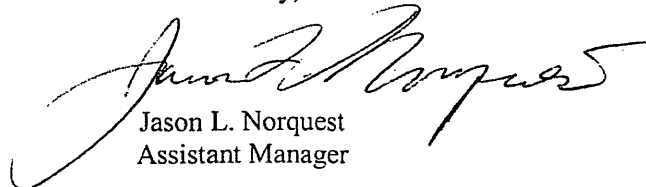
RE: Change Applications
Water Right, File Nos. 10736, 19102, & 43728
New Appropriation, File No. 49759

Dear Richelle:

We have completed a review of the applications for the above referenced water rights. The proposals for change in place of use, which will create a complete overlap, is not conflict with the Management Program of the Southwest Kansas Groundwater Management District No. 3 (GMD3) and is in accordance with K.A.R. 5-5-11. The application for new appropriation, File No. 49759, is for additional rate only and is not asking for new authority, which is in accordance with KAR 5-4-5. It is therefore recommended that 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

WATER RESOURCES
RECEIVED

NOV 17 2017

KS DEPT OF AGRICULTURE

>
> 1229 RD 26
> HUGOTON KS 67951

A__ 41411 00 IRR NK G
> THOMAS F & ALVENA HARPER

>
> 1229 RD 26
> HUGOTON KS 67951

A__ 43728 00 IRR NK G
> HAMLIN FARMS PARTNERSHIP

>
> 1503 RD 26
> HUGOTON KS 67951

=====

#####

WATER RESOURCES
RECEIVED
NOV 17 2017
KS DEPT OF AGRICULTURE

>
> 1503 RD 26
> HUGOTON KS 67951

AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 19102 00 IRR

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

2450 Feet North and 2975 Feet West of the Southeast Corner of Section 19 T 33S R 34W

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__ 19102 00	IRR	NK	G*		0	--	NE	NE	SW	2450	2975	19	33	34W	2		618.00	618.00	AF
A__ 35061 00	IRR	NK	G		4193	--	NE	SW	NW	3950	4350	20	33	34W	5		540.00	540.00	AF
A__ 40688 00	IRR	NK	G		5122	--	NE	SE	NW	3315	2690	24	33	35W	3		250.00	250.00	AF
A__ 41411 00	IRR	NK	G		5122	--	NE	SE	NW	3315	2690	24	33	35W	3		246.00	246.00	AF
A__ 43728 00	IRR	NK	G*		0	--	NE	NE	SW	2450	2975	19	33	34W	2		745.00	127.00	AF

Total Net Quantities Authorized:	Direct	Storage
Total Requested Amount (AF) =	.00	.00
Total Permitted Amount (AF) =	.00	.00
Total Inspected Amount (AF) =	.00	.00
Total Pro_Cert Amount (AF) =	.00	.00
Total Certified Amount (AF) =	1781.00	.00
Total Vested Amount (AF) =	.00	.00
TOTAL AMOUNT (AF) =	1781.00	.00

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:

2450 Feet North and 2975 Feet West of the Southeast Corner of Section 19 T 33S R 34W

GROUNDWATER ONLY

WATER USE CORRESPONDENTS:

File Number Use ST SR

A__ 19102 00 IRR NK G
> HAMLIN FARMS PARTNERSHIP
>
> 1503 RD 26
> HUGOTON KS 67951

A__ 35061 00 IRR NK G
> C S SHUCK LLC
>
> 673 ROAD 12
> HUGOTON KS 67951

A__ 40688 00 IRR NK G
> THOMAS F & ALVENA HARPER

WATER RESOURCES
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NOV 17 2017
KS DEPT OF AGRICULTURE

AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 19102 00

#####

AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 19102 00 IRR

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

3900 Feet North and 4000 Feet West of the Southeast Corner of Section 29 T 33S R 34W

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__ 10736 00 IRR NK G* 5214 -- NE SW NW 3950 4202 32 33 34W 5 700.00 700.00 AF
A__ 19102 00 IRR NK G* 0 -- -- NC NW 3900 4000 29 33 34W 2 260.00 260.00 AF
A__ 32237 00 IRR NK G 4570 -- SW SW NE 2911 2301 20 33 34W 6 260.00 260.00 AF
A__ 49759 00 IRR AY G 0 -- -- NC NW 3900 4000 29 33 34W 2 260.00 .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          .00
Total Pro_Cert Amount (AF) =      .00          .00
Total Certified Amount (AF) =    1220.00        .00
Total Vested Amount (AF) =        .00          .00
TOTAL AMOUNT (AF) =    1220.00        .00
=====

```

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:

3900 Feet North and 4000 Feet West of the Southeast Corner of Section 29 T 33S R 34W

GROUNDWATER ONLY

WATER USE CORRESPONDENTS:

```

=====
File Number   Use ST SR
A__ 10736 00 IRR NK G
> HAMLIN FARMS PARTNERSHIP
>
> 1503 RD 26
> HUGOTON KS 67951
>-----
A__ 19102 00 IRR NK G
> HAMLIN FARMS PARTNERSHIP
>
> 1503 RD 26
> HUGOTON KS 67951
>-----
A__ 32237 00 IRR NK G
> C S SHUCK LLC
>
> 673 ROAD 12
> HUGOTON KS 67951
>-----
A__ 49759 00 IRR AY G
> HAMLIN FARMS PARTNERSHIP

```

WATER RESOURCES
RECEIVED
NOV 17 2017
KS DEPT 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

November 1, 2017

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

FILE COPY

Re: Water Right, File Nos. 10,736; 19,102 and 43,728
Application, File No. 49,759

Dear Jason:

We are enclosing copies of the applications to change the place of use for File Nos. 10,736; 19,102 and 43,728 and for Application, File No. 49,759.

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 this application.

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,

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

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 28, 2017

HAMLIN FARMS PARTNERSHIP
1503 RD 26
HUGOTON KS 67951

FILE COPY

RE: Water Right, File Nos. 10,736; 19,102 and 43,728
Application, File No. 49,759

Dear Mr. and Mrs. Hamlin,

In response to the request made on your behalf received in this office on September 27, 2017, the Chief Engineer has extended until **October 30, 2017**, the time in which to submit original notarized signatures as outlined in the letter to you dated March 6, 2017. We cannot further process the applications until we receive the original notarized signatures of the following owners:


File No. 10,736: 320 acres in North Half (N½) of 32-33S-34W Seward Co. – Helen Guttridge Trust c/o Dennis Hamlin and Affidavit of Equitable Interest filed by Dennis Hamlin Trust (10-15-10); need signature of the trustee of the Helen Guttridge Trust.

File Nos. 19,102 and 43,728: 544 acres in 19-33S-34W Seward Co. – Debbie Harris c/o Dennis D. and Kathy Hamlin Trust and Affidavit of Equitable Interest filed by Ryan Hamlin (12-11-12); need signatures of Debbie Harris and spouse, and Ryan Hamlin and spouse.

Please return the forms sent to you on March 6th, 2017 with the original notarized signatures of all owners and spouses by **October 30, 2017** so that I may continue with processing your applications.

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
Groundwater Management District No. 3

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

March 8, 2017

THURMAN AND KRISTINA BROWN
11830 ROAD B
LIBERAL KS 67901-5628

Re: Water Right, File Nos. 10,736 and 19,102
Application, File No. 49,759

Dear Mr. and Mrs. Brown:

This is to advise you that Hamlin Farms Partnership filed one (1) application for permit to appropriate water for beneficial use, identified as File No. 49,759 for a permit to appropriate 260 acre-feet of ground water per calendar year for irrigation use to be diverted at a diversion rate of 880 gallons per minute, from one (1) existing well located as follows:

one(1) well located near the center of the Northwest Quarter of Section 29, more particularly described as being near a point 3,900 feet North and 4,000 feet West of the Southeast corner of said section, in Township 33 South, Range 34 West, Seward County, Kansas.

Please note the new application is not requesting additional quantity from the well but is requesting additional rate.

Hamlin Farms Partnership also filed (2) applications to change the place of use for File Nos. 10,736 and 19,102. The change applications will create a complete overlap in the place of use with File No. 49,759.

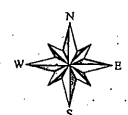
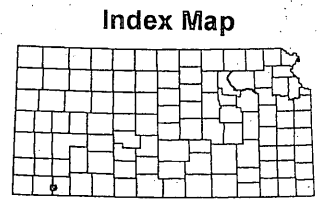
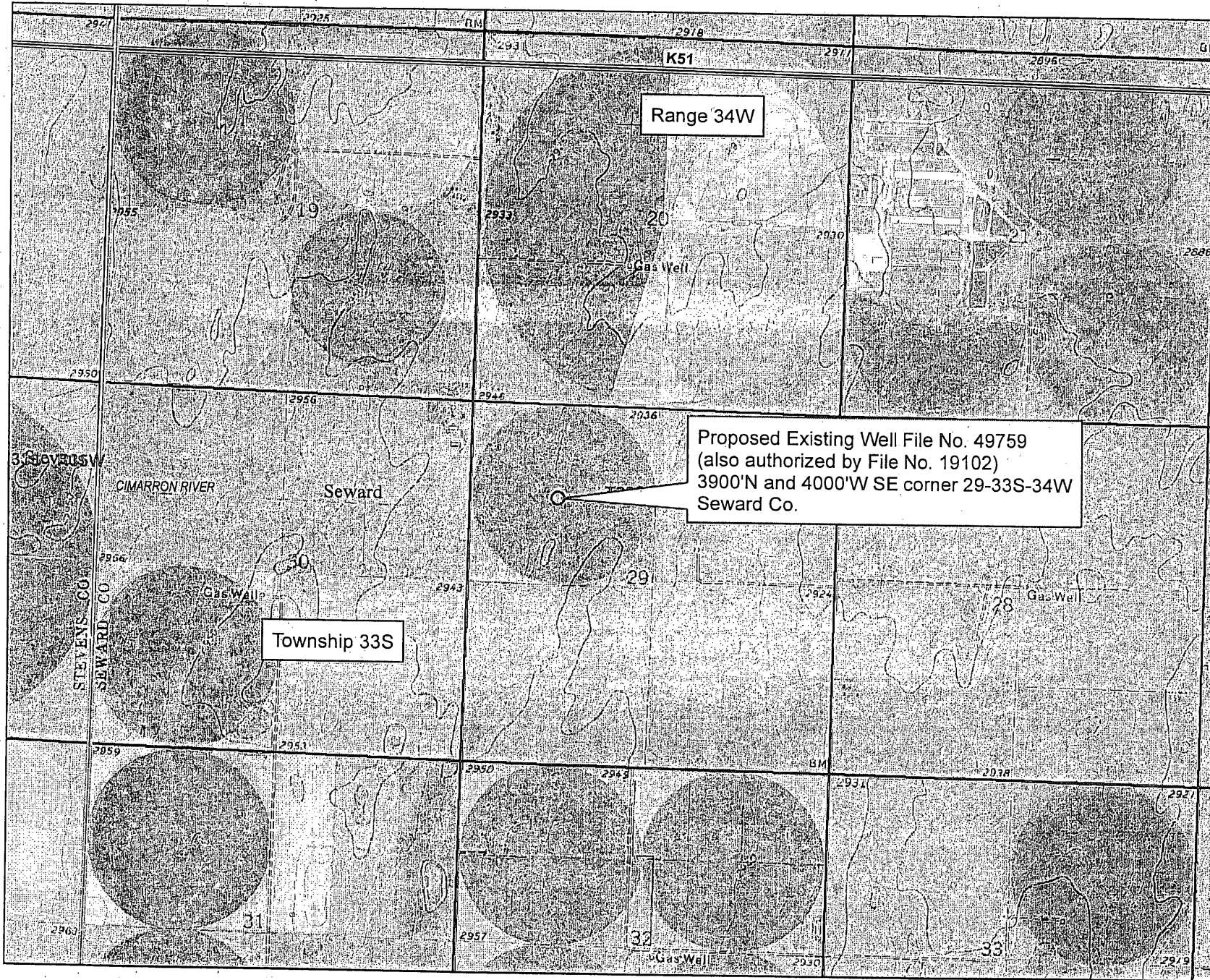
A map indicating the well location is on the reverse of this letter for your information. Records in this office indicate that you may have a well or wells in this vicinity and you are being notified of receipt of this application in order that you may be fully informed of the proposed location of the applicant's point of diversion and proposed use of water. Consideration will be given to comments or other information which you desire to submit to this office within 15 days from the date of this letter. If you have any questions about the referenced application, please contact me at 1-785-564-6635.

Sincerely,

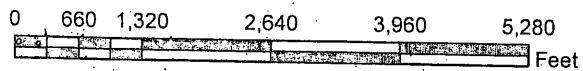
Richelle A. Krueger
Environmental Scientist

pc: Garden City Office
Groundwater Management District No.3
Hamlin Farms Partnership

SCANNED



1:24,000



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

March 6, 2017

HAMLIN FARMS PARTNERSHIP
1503 RD 26
HUGOTON KS 67951

RE: Water Right, File Nos. 10,736; 19,102 and 43,728

Dear Mr. and Mrs. Hamlin,

Reference is made to the applications for approval of the Chief Engineer to change the place of use which were received in the office of the Chief Engineer on January 17, 2017. Upon review of the applications, we find that additional information is needed.

K.A.R. 5-5-5 *Signatures required on change applications* requires in part that if the extent of each owner's interest in the water right has not been legally determined, then all landowners holding an undetermined portion of the water right must sign the change application. Therefore we will need the notarized signatures of all landowners and spouses of the authorized place of use. Information in this office indicates that the following are owners of the authorized places of use:

File No. 10,736: 320 acres in North Half (N½) of 32-33S-34W Seward Co. – Helen Guttridge Trust c/o Dennis Hamlin and Affidavit of Equitable Interest filed by Dennis Hamlin Trust (10-15-10); need signature of the trustee of the Helen Guttridge Trust.

File Nos. 19,102 and 43,728: 544 acres in 19-33S-34W Seward Co. – Debbie Harris c/o Dennis D. and Kathy Hamlin Trust and Affidavit of Equitable Interest filed by Ryan Hamlin (12-11-12); need signatures of Debbie Harris and spouse, and Ryan Hamlin and spouse.

136 acres in Northwest Quarter (NW¼) of 29-33-34W Seward Co. – Dennis Hamlin Trust (½ int) and Kathy Hamlin Trust (½ int); we have these signatures.

I am enclosing copies of the referenced change applications and additional signature forms so that you may obtain the original notarized signatures of all of the owners and spouses, if applicable. If this ownership information is not correct, please submit copies of the recorded deeds to clearly indicate the owners so that our records may be updated.

Please return the forms with the original notarized signatures of all owners and spouses at your earliest convenience so that I may continue with processing your applications.


Our staff at the Garden City Field office can provide assistance, if needed. If you would like assistance, please call (620) 276-2901 to set an appointment time. We appreciate you making an appointment, as it will save you time and allows us to better serve you. If you do go to the field office for assistance, please take this letter and any attachments.

OVER →

SCANNED

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 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

RAK
Enclosures

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

Krueger, Richelle

From: Meyer, Mike
Sent: Friday, March 3, 2017 4:01 PM
To: Krueger, Richelle
Subject: RE: Application File No. 49759, Changes in PU File Nos. 10736,19102 and 43728 Dennis Hamlin etal

we are okay with the additional rate. Old well redrilled within a few feet, need additional rate for updated sprinkler system

they will work on the signatures. They thought they could use scanned images.

Send the letter, but in the meantime they hope to get the originals if they are still around

We will conduct a compliance investigation for 19102 in section 29, for some reason we never did do that

Mike

From: Krueger, Richelle
Sent: Wednesday, March 1, 2017 4:35 PM
To: Meyer, Mike <Mike.Meyer@ks.gov>
Cc: Makens, Thom <Thom.Makens@ks.gov>; Turney, Brent <Brent.Turney@ks.gov>
Subject: Application File No. 49759, Changes in PU File Nos. 10736,19102 and 43728 Dennis Hamlin etal

Hi Mike,

I am reviewing the referenced new app and changes, which are proposing a new app for additional rate only from a well authorized by File No. 19102, and a complete overlap in pu among all the files. Looks like I am going to have to return the applications for additional signatures (they sent in copies of signatures plus looks like they need Debra Harris/Peterson spouse signatures).

I wanted to touch base with you first, are you okay with this new app in gmd 3 for additional rate only, do you think that there has been a significant physical enlargement of the well or do you think it was completed the same as the original diversion works were constructed?

The well was approved for a redrill on December 7, 2012. They sent in a notice of completion but not sure about inspection.

Thanks,
Richelle

Krueger, Richelle

From: Karen Warden <kwarden@sewardcountyks.org>
Sent: Wednesday, March 1, 2017 9:38 AM
To: Krueger, Richelle
Subject: RE: Ownership Question

Richelle,

I determined ownership by the tax records:

19-33-34: Debbie Harris c/o Dennis D. & Kathy Hamlin Trust
** Affidavit of Equitable Interest filed by Ryan Hamlin (12-11-12)

NW/4 29-33-34: Dennis Hamlin Trust (1/2 Int) & Kathy Hamlin Trust (1/2 Int)

N/2 32-33-34: Helen Guttridge Trust c/o Dennis Hamlin
**Affidavit of Equitable Interest filed by Dennis Hamlin Trust (10-15-10)

For what it's worth Debbie Harris is Helen Guttridge's granddaughter.

Hope this helps, if not let me know.

Karen Warden
Seward County
Register of Deeds

From: Krueger, Richelle [mailto:Richelle.Krueger@ks.gov]
Sent: Tuesday, February 28, 2017 5:24 PM
To: kwarden@sewardcountyks.org
Subject: Ownership Question

Good Afternoon,

I need to verify ownership of land in Seward Co. in order to update our water rights database. The land in question is :

- All of Section 19, Township 33 South, Range 34 West;
- The Northwest Quarter (NW¼) of Section 29, Township 33 South, Range 34 West;
- The North Half (N½) of Section 32, Township 33 South, Range 34 West;

What do your most recent records indicate?

Thanks so much for your help!

Richelle Krueger, Environmental Scientist

Kansas Department of Agriculture

Water Appropriation Program

(785) 564-6635

Richelle.Krueger@ks.gov (please note e-mail address change)

www.ksda.gov/dwr



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

January 18, 2017

HAMLIN FARMS PARTNERSHIP
1503 RD 26
HUGOTON KS 67951

FILE COPY

RE: Application
File No. 49758.

Dear Sir or Madam:

Your application for permit to appropriate water in 29-33S-34W in Seward County, was received and has been assigned the file number noted above.

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. Once review of your application has begun, we will contact you, if additional information is required.

In accordance with the provisions of the Kansas Water Appropriation Act, a portion of which is included below, the use of water as proposed prior to approval of the application is unlawful. 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, P.G.
Change Application Unit Supervisor
Water Appropriation Program

BAT: dlw
pc: GARDEN CITY Field Office
GMD 3

SCANNED