

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

1. File Number: <b>12332</b>	2. Status Change Date: <i>7/10/2018</i>	3. Change Num: <b>C1</b>	4. Field Office: <b>4</b>	5. GMD: <b>3</b>
6. Status: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied by DWR/GMD <input type="checkbox"/> Dismiss by Request/Failure to Return				7. Filing Date of Change: <b>6/26/2017</b>
8a. Applicant(s) New to system <input type="checkbox"/>  <b>HIGH PLAINS PONDEROSA DAIRY LLC DAVID CLAWSON 2042 V RD PLAINS KS 67869</b>		8c. Landowner(s) New to system <input type="checkbox"/>  Person ID _____ Add Seq# _____		
8b. Landowner(s) New to system <input type="checkbox"/>  <b>HIGH PLAINS PONDEROSA DAIRY LLC 2042 V RD PLAINS KS 67869</b>		8d. WUC New to system <input type="checkbox"/>  <b>8b</b>  Person ID _____ Add Seq# _____		
9. Documents and Enclosure(s): <input checked="" type="checkbox"/> DWR Meter(s) Date to Comply: <b>12/31/2018</b> <input type="checkbox"/> N & P Date to Comply: _____				
<input type="checkbox"/> Anti-Reverse Meter <input type="checkbox"/> Meter Seal <input type="checkbox"/> Check Valve <input type="checkbox"/> N & P Form <input type="checkbox"/> Water Tube <input type="checkbox"/> Driller Copy <input type="checkbox"/> H & E Letter  <input type="checkbox"/> Conservation Plan    Date Required: _____    Date Approved: _____    Date to Comply: _____				
10. Use Made of Water    From: _____    To: _____				
Date Prepared: <b>4/27/2018</b> By: <b>LI</b> Date Entered: <i>7/11/2018</i> By: <i>LCM</i>				

File No. **12332**      11. County: **ME**      Basin: **CIMARRON RIVER**      Stream: **NA**      Formation Code: **211**      Special Use: **NA**

12. Points of Diversion  
 CHK  
 MOD  
 DEL PDIV  
 ENT  
 Qualifier      S      T      R      ID      'N      'W      Comment (AKA Line)  
 Rate and Quantity  
 Authorized  
 Additional  
 Rate      Quantity  
 gpm/cfs      af/mgy  
 Rate      Quantity  
 gpm/cfs      af/mgy      Overlap PD Files

**NO CHANGE**

13. Storage: Rate \_\_\_\_\_ NF      Quantity \_\_\_\_\_ ac/ft      Additional Rate \_\_\_\_\_ NF      Additional Quantity \_\_\_\_\_ ac/ft

14. Limitation: \_\_\_\_\_ af/yr at \_\_\_\_\_ gpm (\_\_\_\_\_ cfs) when combined with file number(s) **NONE NO CHANGE**  
 Limitation: \_\_\_\_\_ af/yr at \_\_\_\_\_ gpm (\_\_\_\_\_ cfs) when combined with file number(s) \_\_\_\_\_

15. 5YR Allocation:    Allocation Type \_\_\_\_\_    Start Year \_\_\_\_\_    5 YR Amount \_\_\_\_\_    Amount Unit \_\_\_\_\_    Base Acres \_\_\_\_\_    Comment \_\_\_\_\_

16. Place of Use CHK MOD DEL ENT    PUSE    S    T    R    ID	NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg?	Overlap Files
	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼				
<b>MOD 54211 18 33 30W 3</b>	<b>DAIRY W ½ &amp; SE ¼</b>																	<b>8b</b>	<b>NO</b>	<b>45387</b>

Base Acres:      Year:      Minimum Reasonable Quantity:  
 Comments:

**KANSAS DEPARTMENT OF AGRICULTURE**  
**Division of Water Resources**

**M E M O R A N D U M**

**TO:** Files

**DATE:** April 26, 2018

**FROM:** Leslie Ireland

**RE:** Water Right, File No. 12,332  
Appropriation of Water, File No. 45,387

David Clawson on behalf of High Plains Ponderosa Dairy, LLC, filed applications for approval to change the place of use authorized for stockwatering use. The applications for change were received in the Office of the Chief Engineer on June 26, 2017. It was determined toward the end of the processing a portion of the proposed stockwatering place of use is authorized for irrigation. The owners decided to change the irrigated place of use and applications for change were received on February 20, 2018. The change to the irrigated place of use will be summarized separately, but all of the applications will be worked as a package.

The rights comply with K.S.A. 82a-718. The stockwatering place of use is utilized for a dairy cattle operation which has expanded onto unauthorized land. There was an error on the application for File No. 12,332 showing it as a change in point of diversion, but this was from an old request and a change in place of use is shown on the map. The WRIS database needs to be updated to show a change in place of use for File No. 12,332. The applications are in compliance with K.A.R 5-5-2a and appear to comply with K.S.A. 82a-1906, without any sent notifications as there are no well owners within one-half mile of the wells authorized under these rights other than the owners of the referenced rights.

The expansion of the dairy is to the North and East proposing the stockwatering place of use to be the West Half (W ½) and the Southeast Quarter (SE ¼) of Section 18, Township 33 Range 30 West, Meade County.

File No. 12,332 authorizes 93.5 million gallons (287 acre-feet) at 725 gallons per minute with the File No. 45,387, authorized to divert 130 million gallons (400 acre-feet) per year at 500 gallons per minute. Both rights have a standby well. An extension to perfect has been approved thru 2021 for File No. 45,387, which has its wells in separate counties. The place of use authorized under these rights has been described as being located in the Southwest Quarter of Section 18, Township 33 South, Range 30 West, Meade County. The aerial of the proposed place of use would appear to have a pivot in the Northwest Quarter, but a review found no irrigation rights in this area. It also showed a half pivot in the North half of the Southeast Quarter (N½ SE¼) is authorized under twenty-one files that have a combined total of 3,300 acres. Applications to change the irrigated place of use have been filed to relocate these acres and remove any overlap with irrigated acres.

The applications will increase the place of use but should not result in an increase in consumptive use as required by K.A.R. 5-5-3, *Consumptive use* as stockwatering is considered 100% consumptive. A review of their water use found only the dairy routinely uses 55% of the total authorized.

In a letter dated July 17, 2017, copies of the applications were sent to Mark Rude, Manager of Southwest Kansas Groundwater Management District No. 3 (GMD 3) along with a request to make a recommendation. In a letter dated August 8, 2017, Jason Norquest, Assistant Manager of GMD 3, indicated the proposal is not in conflict with their management plan and recommended approval of the applications.

Mike Meyer, Water Commissioner of the Garden City Field Office, indicated that he is not opposed to approval of the applications, per his email dated April 26, 2018. Water flowmeters are required. Check valves are required if any chemical or foreign substance is injected into the water through the diversion works.

RE: File Nos. 12,332 & 45,387

A condition of the approvals will be the requirement of flow meters pursuant to K.S.A. 82a-706c. A check valve will be required if there will be any chemigation, but would be prudent for this type of stockwatering facility that will water dairy cattle.

Based on the above discussion, that the changes are reasonable, consumptive use will not increase, impairment of existing water rights is unlikely, and that no change in the local source of supply will occur, it is recommended that the referenced applications for change be approved.



Leslie Ireland  
Environmental Scientist  
Water Appropriation Program

STATE OF KANSAS

DEPARTMENT OF AGRICULTURE  
1320 RESEARCH PARK DRIVE  
MANHATTAN, KS 66502  
PHONE: (785) 564-6700  
FAX: (785) 564-6777



900 SW JACKSON, ROOM 456  
TOPEKA, KS 66612  
PHONE: (785) 296-3556  
www.agriculture.ks.gov

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

HIGH PLAINS PONDEROSA DAIRY LLC     July 12, 2018  
DAVID CLAWSON  
2042 V RD  
PLAINS KS 67869

**FILE COPY**

RE:    Water Right, File No. 12,332  
       Appropriation of Water, File No. 45,387

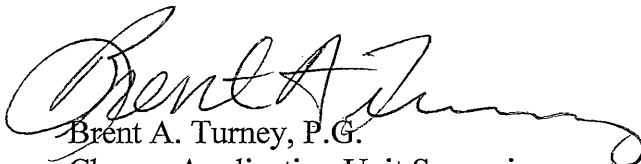
Dear Mr. Clawson:

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

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in the approvals for change. A condition of the approvals is that an acceptable water flow meter must be installed on the diversion works authorized under the referenced file number.

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

Sincerely,

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

BAT:LI:li  
Enclosures  
pc:    Garden City Field Office  
       Groundwater Management District No. 3

**KANSAS DEPARTMENT OF AGRICULTURE**

Jackie McClaskey, Secretary of Agriculture

**DIVISION OF WATER RESOURCES**

David W. Barfield, Chief Engineer

**APPROVAL OF APPLICATION  
FOR  
CHANGE IN PLACE OF USE  
WATER RIGHT  
FILE NO. 12,332**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of David Clawson, High Plains Ponderosa Dairy LLC, 2042 V Road, Plains, Kansas 67869, received in this office on June 26, 2017, for approval of a change in the location of the place of use under the certificate of application, issued pursuant to the permit to appropriate water for beneficial use, as modified and amended by the Findings and Order of the Chief Engineer dated November 17, 2000, to reduce the authorized place of use, and by the Order of the Chief Engineer dated June 12, 2001, approving the application to change the place of use and use made of water, and by the Order of the Chief Engineer dated December 26, 2001, approving the application to change the point of diversion, finds that the change is reasonable and will not impair existing rights, that the change relates to the same local source of supply and that the application should be and is hereby approved.

The effective date of the change shall be the date this order is executed by the Chief Engineer, after which the authorized location of the place of use shall be:

a dairy located in the West Half (W $\frac{1}{2}$ ) and the Southeast Quarter (SE $\frac{1}{4}$ )  
of Section 18, in Township 33 South, Range 30 West, Meade County, Kansas,

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

All diversion works into which any type of chemical or other foreign substance will be injected into the water pumped from the diversion works shall be equipped with an in-line, automatic, quick-closing check valve capable of preventing pollution of the source of the water supply. The type of valve installed shall meet specifications adopted by the Chief Engineer and shall be maintained in an operating condition satisfactory to the Chief Engineer.

The water right owner shall properly install an acceptable water meter on each of the diversion works authorized under this water right, prior to the use of water, in strict accordance with the Kansas Administrative Regulations 5-1-4 through 5-1-12 adopted by the Chief Engineer. The water right owner shall notify the Chief Engineer when installation of the water meter has been completed. The water right owner shall maintain the water meter in an operating condition satisfactory to the Chief Engineer, at all times during diversion of water and shall maintain records from which the total quantity of water diverted may be determined. The water right owner shall also report the reading of said water meter and the total quantity of water diverted annually to the Chief Engineer. Such records shall be furnished to the Chief Engineer by March 1 following the end of each calendar year.

In all other respects, the Certificate of Appropriation issued pursuant to Approval of Application, File No. 12,332, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated June 6, 1983, remains as authorized and amended by the aforementioned orders.

**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.

Ordered this 10<sup>th</sup> day of July, 2018, at 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     )  
                               )  
 County of Riley    )     SS

The foregoing instrument was acknowledged before me this 10<sup>th</sup> day of July, 2018, by Lane P. Letourneau, P.G., Program Manager, Water Appropriation Program, Division of Water Resources, Kansas Department of Agriculture.



*Danielle Wilson*  
 Notary Public

**CERTIFICATE OF SERVICE**

On this 12<sup>th</sup> day of July, 2018, I hereby certify that the attached Approval of Application for the Change in Place of Use for Water Right, File No. 12,332, dated July 10<sup>th</sup>, 2018, was mailed postage prepaid, first class, US mail to the following:

High Plains Ponderosa Dairy LLC  
David Clawson  
2042 V Rd  
Plains, KS 67869

With photocopies sent to:

Garden City Field Office  
Groundwater Management District No. 3

  
Danielle Wilson  
Division of Water Resources



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

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



State of Kansas

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

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

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

Place of Use

(Check one or more)

~~Point of Diversion~~

Use Made of Water

NOT

PER JASON NORQUEST  
GMD  
LI/AW 8/8/17  
WATER RESOURCES RECEIVED  
JUN 26 2017 11:41  
KS DEPT OF AGRICULTURE

File No. 12332

2. Name of applicant: HIGH PLAINS PONDEROSA DAIRY LLC

Address: 2042 V RD

City, State and Zip: PLAINS KS 67869

Phone Number: ( ) \_\_\_\_\_

E-mail address: \_\_\_\_\_

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

Name of water use correspondent: HIGH PLAINS PONDEROSA DAIRY LLC

Address: 2042 V RD

City, State and Zip: PLAINS KS 67869

Phone Number: ( ) \_\_\_\_\_

E-mail address: \_\_\_\_\_

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

dairy expansion

The change(s) (was) (will be) completed by proceeding currently

(Date)

**For Office Use Only:**

F.O. 4 GMD 3 Meets K.A.R. 5-5-1 (YES / NO) Use STK Source G/S County ME By ASW Date 6/26/17  
Code EGT Fee \$ 200 TR # \_\_\_\_\_ Receipt Date 6/26/17 Check # 4113

CPU  
8/8/17

LI/AW  
DWR

APPLICATION COMPLETE  
6/26/17  
Reviewer LI

Assisted by: \_\_\_\_\_

4. The presently authorized place of use is:

Owner of Land — NAME: HIGH PLAINS PONDEROSA DAIRY LLC

ADDRESS: 2042 V RD PLAINS KS 67869

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES			
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼				
18	33	30w									Dairy	in	SW									

List any other water rights that cover this place of use. 45387

Owner of Land — NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES				
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼					

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

(If there are more than two landowners, attach additional sheets as necessary.)

5. It is proposed that the place of use be changed to:

Owner of Land — NAME: HIGH PLAINS PONDEROSA DAIRY LLC

ADDRESS: 2042 V RD PLAINS KS 67869

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES				
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼					
18	33	30w									dairy	in	<del>SW</del>	&	<del>S2se</del>	&	<del>SW</del>		<del>SE¼</del>				QUARTER (SE¼) *

List any other water rights that cover this place of use. 45387

Owner of Land — NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES				
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼					

WATER RESOURCES RECEIVED

JUN 26 2017

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

OWNER'S INITIALS \_\_\_\_\_  
DATE \_\_\_\_\_

\* LI/OWR 7/14/17

⊗ LI/OWR 11/14/17 SCANNED

6. The presently authorized point(s) of diversion is one well  
(Provide description and number of points)
7. The proposed point(s) of diversion (is) (are) one well (application to chagne submitted 4/17/17)  
(Provide description and number of points)

**List all presently authorized point(s) of diversion:**

8. **Presently authorized point of diversion:**  
 One in the \_\_\_\_\_ Quarter of the \_\_\_\_\_ cn Quarter of the \_\_\_\_\_ se Quarter of Section 18, Township 33 South, Range 30 W, in Meade County, Kansas, 2630 feet North 1330 feet West of Southeast corner of section.  
 Authorized Rate \_\_\_\_\_ Authorized Quantity \_\_\_\_\_  
**(DWR use only: Computer ID No. 1 GPS \_\_\_\_\_ feet North \_\_\_\_\_ feet West)**  
 This point will not be changed     This point will be changed as follows:  
**Proposed point of diversion: (Complete only if change is requested)**  
 One in the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of Section \_\_\_\_\_, Township \_\_\_\_\_ South, Range \_\_\_\_\_, in \_\_\_\_\_ County, Kansas, \_\_\_\_\_ feet North \_\_\_\_\_ feet West of Southeast corner of section.  
 Proposed Rate \_\_\_\_\_ Proposed Quantity \_\_\_\_\_  
 This point is:  Additional Well     Geo Center    List other water rights that will use this point \_\_\_\_\_

9. **Presently authorized point of diversion:**  
 One in the \_\_\_\_\_ ne Quarter of the \_\_\_\_\_ nw Quarter of the \_\_\_\_\_ se Quarter of Section 18, Township 33 South, Range 30 W, in Meade County, Kansas, 2630 feet North 1405 feet West of Southeast corner of section.  
 Authorized Rate \_\_\_\_\_ Authorized Quantity \_\_\_\_\_  
**(DWR use only: Computer ID No. 3 GPS \_\_\_\_\_ feet North \_\_\_\_\_ feet West)**  
 This point will not be changed     This point will be changed as follows:  
**Proposed point of diversion: (Complete only if change is requested)**  
 One in the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of Section \_\_\_\_\_, Township \_\_\_\_\_ South, Range \_\_\_\_\_, in \_\_\_\_\_ County, Kansas, \_\_\_\_\_ feet North \_\_\_\_\_ feet West of Southeast corner of section.  
 Proposed Rate \_\_\_\_\_ Proposed Quantity \_\_\_\_\_  
 This point is:  Additional Well     Geo Center    List other water rights that will use this point \_\_\_\_\_

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

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

Any use of water that is not as authorized by the water right or permit to authorize water **before** the chief engineer approves this application is a violation of the Kansas Water Appropriation Act for which criminal or civil penalties may be assessed. Such violation is a class C misdemeanor, punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. K.S.A. 82a-728(b). Civil penalties shall be not less than \$100 nor more than \$1,000 per violation. In the case of a continuing violation, each day such violation continues may be deemed a separate violation. In addition to these penalties the water right may be modified or suspended. K.S.A. 82a-737, as amended.

**The application must be signed by all owners of the place of use authorized under the water right and his or her spouse, if married. Please indicate if there is no spouse.** If land is being purchased under contract, the seller must sign as landowner until such time as the contract is completed.

In the event that all applicants cannot appear before one notary public, they may as necessary sign separate copies of the application before any notary public conveniently available to them. All copies signed in this manner shall be considered to be valid parts of the application.

If the request is signed on behalf of any Owner by someone with legal authority to do so (for example, an agent, one who has power of attorney, or an executor, executrix, conservator), it will be necessary to attach proper documents showing such authority.

**I declare that I am an owner of the currently authorized place of use as identified herein, or that I represent all such owners and am authorized to make this application on their behalf, and declare further that the statements contained herein are true, correct, and complete. By filing this application I authorize the chief engineer to permanently reduce the quantity of water and/or rate of diversion as specified in sections 14 and 15 of this application.**

Dated at Garden City, Kansas, this 16<sup>th</sup> day of June, 2017.

x David Clauson  
(Owner)

\_\_\_\_\_  
(Spouse)

\_\_\_\_\_  
(Please Print)

\_\_\_\_\_  
(Please Print)

\_\_\_\_\_  
(Owner)

\_\_\_\_\_  
(Spouse)

\_\_\_\_\_  
(Please Print)

\_\_\_\_\_  
(Please Print)

\_\_\_\_\_  
(Owner)

\_\_\_\_\_  
(Spouse)

\_\_\_\_\_  
(Please Print)

\_\_\_\_\_  
(Please Print)

State of Kansas }  
County of Stimney } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 16<sup>th</sup> day of June, 2017.



Julie Jones  
Notary Public

My Commission Expires \_\_\_\_\_

**FEE SCHEDULE**

Each application to change the place of use, the point of diversion or the use made of the water under this section shall be accompanied by the application fee set forth in the schedule below:

- (1) Application to change a point of diversion 300 feet or less . . . . . \$100
- (2) Application to change a point of diversion more than 300 feet . . . . . \$200
- (3) Application to change the place of use . . . . . \$200
- (4) Application to change the use made of the water . . . . . \$300

Make check payable to **Kansas Department of Agriculture.**

12. The presently authorized use of water is for stock purposes.

It is proposed that the use be changed to stock purposes.

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

na  
\_\_\_\_\_  
\_\_\_\_\_

(Please show any calculations here.)

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

15. It is requested that the maximum rate of diversion of water be reduced to \_\_\_\_\_ gallons per minute (\_\_\_\_ c.f.s.).

16. The application must include either a topographic map or detailed plat. A U.S. Geological Survey Topographic Map, scale 1:24,000, is available through the Kansas Geological Survey, 1930 Constant Avenue, University of Kansas, Lawrence, Kansas 66047-3726 ([www.usgs.gov](http://www.usgs.gov)). The map should show the location of the presently authorized point(s) of diversion. Distances North and West of the Southeast corner of the section must be shown. The presently authorized place of use should also be shown. Identify the center of the section, the section lines and the section corners and show the appropriate section, township, and range numbers on the map. In addition the following information must also be shown on the map.

- a. If a change in the location of the point(s) of diversion is proposed, show:
  - 1) The location of the proposed point(s) of diversion. Distances North and West of the Southeast corner of the section must be shown. Please be certain that the information shown on the map agrees with the information shown in Paragraph Nos. 9, 10 and 11 of the application.
  - 2) If the source of supply is groundwater, please show the location of existing water wells of any kind, including domestic wells, within 1/2 mile of the proposed well or wells. Identify each well as to its use and furnish name and mailing address of the property owner or owners. If there are no wells within 1/2 mile, please indicate so on the map.
  - 3) If the source of supply is surface water, the names and mailing addresses of all landowner(s) 1/2 mile downstream and 1/2 mile upstream from your property lines must be shown.
- b. If a change in the place of use is desired, show the proposed place of use by crosshatching on the map. Please be certain that the information shown on the map agrees with the information shown in Paragraph No. 5 of the application.

17. Attach documentation to show the change(s) proposed herein will not impair existing water rights and relates to the same local source of supply as to which the water right relates. This information may include statements, plats, geology reports, well logs, test hole logs, and other information as necessary information to show the above. Additional comments may be made below.

All wells in area owned by the applicant. current approved rights are not currently using total approvaed quantity.  
\_\_\_\_\_  
\_\_\_\_\_

18. If the proposed change(s) does not meet all applicable rules and regulations of the Kansas Water Appropriation Act, please identify the rules and regulations for which you request a waiver. State the reason why a waiver is needed and why the request should be granted. Attach documentation showing that granting the request will not impair existing water rights and will not prejudicially and unreasonably affect the public interest.

na  
\_\_\_\_\_

WATER RESOURCES  
RECEIVED

JUN 26 2017

KS DEPT OF AGRICULTURE

SCANNED



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



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

Jackie McClaskey, Secretary

Governor Sam Brownback

October 5, 2017

**FILE COPY**

HIGH PLAINS PONDEROSA DAIRY LLC  
DAVID CLAWSON  
2042 V RD  
PLAINS KS 67869

RE: Water Right, File No. 12,332  
Appropriation of Water, File No. 45,387

Dear Mr. Clawson;

Reference is made to your applications for approval of the Chief Engineer to change the place of use authorized for stockwatering use under the referenced files received in our office on June 26, 2017. Upon review of the applications, it is found that they cannot be approved as proposed.

Our records indicate a portion of the proposed stockwatering use place of use is acreage authorized for irrigation use under File Nos. 22,306; 26,247; 40,445; 41,192; 41,578; 41,579; 41,580; 41,581; 42,084; 42,110; 42,708; 43,082; 43,105; 43,220; 43,333; 43,635; 43,880; 44,248; 44,945; 44,946 and 45,295. We have identified approximately 61.0 acres of land located in the South half of the Southeast Quarter (S $\frac{1}{2}$  SE $\frac{1}{4}$ ) of Section 18, Township 33 South, Range 30 West, Mead County that is currently authorized for irrigation use. Enclosed please find a copy of a map for the referenced applications detailing the 61 acres.

Rules and Regulations of the Water Appropriation Act in Part (www)(2) of K.A.R. 5-1-1, *Definitions*, define stockwatering to not include the irrigation of feed grains or other crops. The proposed or existing use of water in the South half of the Southeast Quarter (S $\frac{1}{2}$  SE $\frac{1}{4}$ ) of Section 18, Township 33 South, Range 30 West, Mead County will need to be modified.

The identified 61 irrigated acres will either need to be reallocated to other contiguous land which can be irrigated, or permanently reduced from the water rights listed in paragraph No. 2.

Should all owners determine that the 61 acres will be permanently removed from the irrigated place of use, the total irrigated acres will be reduced from 3,300 to 3,239 acres. A reduction in the overall place of use may result in a reduction of the overall quantity of water that may be authorized by the listed rights authorized for irrigation use as required by K.A.R. 5-3-23. *Maximum reasonable annual quantity approvable for irrigation use for an application for change in place of use and a request to reduce a water right.*

**SCANNED**

Should you choose to modify the irrigation water rights, please contact Thom Makens, Assistant Water Commissioner, Garden City Field Office (620) 276-2901, to arrange an appointment. Additionally, I may assist you in the completion of any needed forms for applications to change or reduce the authorized irrigated place of use.

Should you want to modify the applications for change under the referenced file numbers, I may be reached via phone at (785) 564-6633 or my email, [Leslie.Ireland@ks.gov](mailto:Leslie.Ireland@ks.gov). Please reference the water right file numbers in any correspondence so that we may help you more efficiently.

Sincerely,



Leslie Ireland  
Environmental Scientist  
Water Appropriation Program

LI:li

Enclosure

pc: Garden City Field Office  
Groundwater Management District No. 3  
Rock Ormiston, Parity Investments Inc.



AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 12332 00

#####

AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 12332 00 STK

Water Right and Points of Diversion Within 1.25 miles of point defined as:

2630 Feet North and 1330 Feet West of the Southeast Corner of Section 18 T 33S R 30W

*CMS PU*

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 12332 00	STK	NK	G*	0	--	--	CN	SE	2630	1330	18	33	30W	1		286.94	286.94	AF
Same				75	--	NE	NW	SE	2630	1405	18	33	30W	3				
A 21287 00	IRR	NK	G	5421	--	SW	NE	NE	3959	1333	17	33	30W	1		600.00	430.00	AF
A 41578 00	IRR	NK	G	5444	--	--	--	NC	2660	2750	19	33	30W	1		141.00	141.00	AF
A 42382 00	IRR	NK	G	3178	--	NW	NW	NW	5215	4715	17	33	30W	3		324.00	324.00	AF
A 45387 00	STK	LR	G*	5230	--	NE	SW	NW	3787	4550	19	33	30W	3		398.96	398.96	AF
Same				4648	--	SE	SE	SE	594	8	13	33	31W	2				

Total Net Quantities Authorized:	Direct	Storage
Total Requested Amount (AF) =	.00	.00
Total Permitted Amount (AF) =	.00	.00
Total Inspected Amount (AF) =	398.96	.00
Total Pro_Cert Amount (AF) =	.00	.00
Total Certified Amount (AF) =	1181.94	.00
Total Vested Amount (AF) =	.00	.00
TOTAL AMOUNT (AF) =	1580.90	.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.

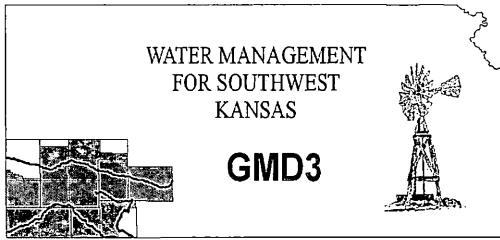
Water Rights and Points of Diversion Within 1.25 miles of point defined as:

2630 Feet North and 1330 Feet West of the Southeast Corner of Section 18 T 33S R 30W

GROUNDWATER ONLY

WATER USE CORRESPONDENTS:

File Number	Use	ST	SR
A 12332 00	STK	NK	G
>	HIGH PLAINS PONDEROSA DAIRY LLC		
>	2042 V RD		
>	PLAINS KS 67869		
-----			
A 21287 00	IRR	NK	G
>	JAMES A HUSH		
>	PO BOX 458		
>	PLAINS KS 67869		
-----			
A 41578 00	IRR	NK	G
>	PARITY INVESTMENTS INC		
>	303 MAIN		
>	KISMET KS 67859		



**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

August 8, 2017

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

WATER RESOURCES  
RECEIVED  
AUG 10 2017  
KS DEPT OF AGRICULTURE

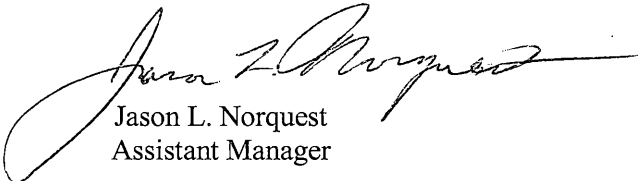
RE: Applications for Change in Place of Use  
Water Right, File Nos. 12332 & 45387

Dear Leslie:

We have completed a review of the applications for the above referenced water rights. The proposal is not in conflict with the Management Program of the Southwest Kansas Groundwater Management District No. 3 (GMD3). The applicant is increasing size of the dairy operation and seems to have sufficient stock water rights at this time, in accordance with K.A.R. 5-5-11. It is therefore recommended that the applications be approved at this time.

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

Sincerely,

  
Jason L. Norquest  
Assistant Manager

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

July 17, 2017

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

Re: Applications for Change,  
Water Right, File No. 12,332 &  
Appropriation of Water, File No. 45,387

Dear Mr. Rude:

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

We are delaying any further action for a period of 15 days from the date of this letter to allow you time to submit a recommendation concerning the applications referenced above.

Please submit your recommendation within the allotted time, or any authorized extension of time thereof. If you wish to refer to a specific file, please reference it when you contact our office.

Sincerely,

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

Leslie Ireland  
Environmental Scientist  
Water Appropriation Program

LI:li  
Enclosures

pc: Garden City Field Office  
David Clawson, High Plains Ponderosa Dairy LLC

SCANNED

FILE COPY



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

HIGH PLAINS PONDEROSA DAIRY, LLC  
2042 V RD  
PLAINS, KS 67869

June 27, 2017

**FILE COPY**

RE: File No 12332

Dear Sir or Madam:

An application for approval of the Chief Engineer to change the following condition or conditions of the file number referred to above has been received:

- place of use PD
- point of diversion
- use made of water

As a matter of record, the Division of Water Resources has on hand a large number of applications awaiting processing. Therefore, to be fair to all concerned, and so that we can process those applications on hand in the order they were received, we intend to concentrate on the backlog of applications until the issue is resolved. You will be contacted regarding this application as soon as it has been examined.

In accordance with the provisions of the Kansas Water Appropriation Act, a portion of which is included below, the use of water prior to approval of the application is unlawful. You should not proceed and divert water as indicated by your plans in your application for a change for this file until you receive approval for this change from the Chief Engineer. Once approved, compliance with the terms, conditions and limitations of the permit is necessary. Conservation of the water resources of Kansas is required.

**Section 82a-728 of the Kansas Water Appropriation Act, provides (a) except for the appropriation of water for the purpose of domestic use, . . . it shall be unlawful for any person to appropriate or threaten to appropriate water from any source without first applying for and obtaining a permit to appropriate water in accordance with the provisions of the Water Appropriation Act or for any person to violate any condition of a vested right, appropriation right or an approved application for a permit to appropriate water for beneficial use.**

**(b) (1) The violation of any provision of this section by any person is a class C misdemeanor...**

**A class C misdemeanor is punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. Each day that the violation occurs constitutes a separate offense.**

If you have any questions, please contact me at (785) 564-6645. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.


Sincerely,


Brent Tourney, L.G.  
Change Applications Unit Supervisor  
Water Appropriation Program

BAT: DLW  
pc: GARDEN CITY Field Office GMD3

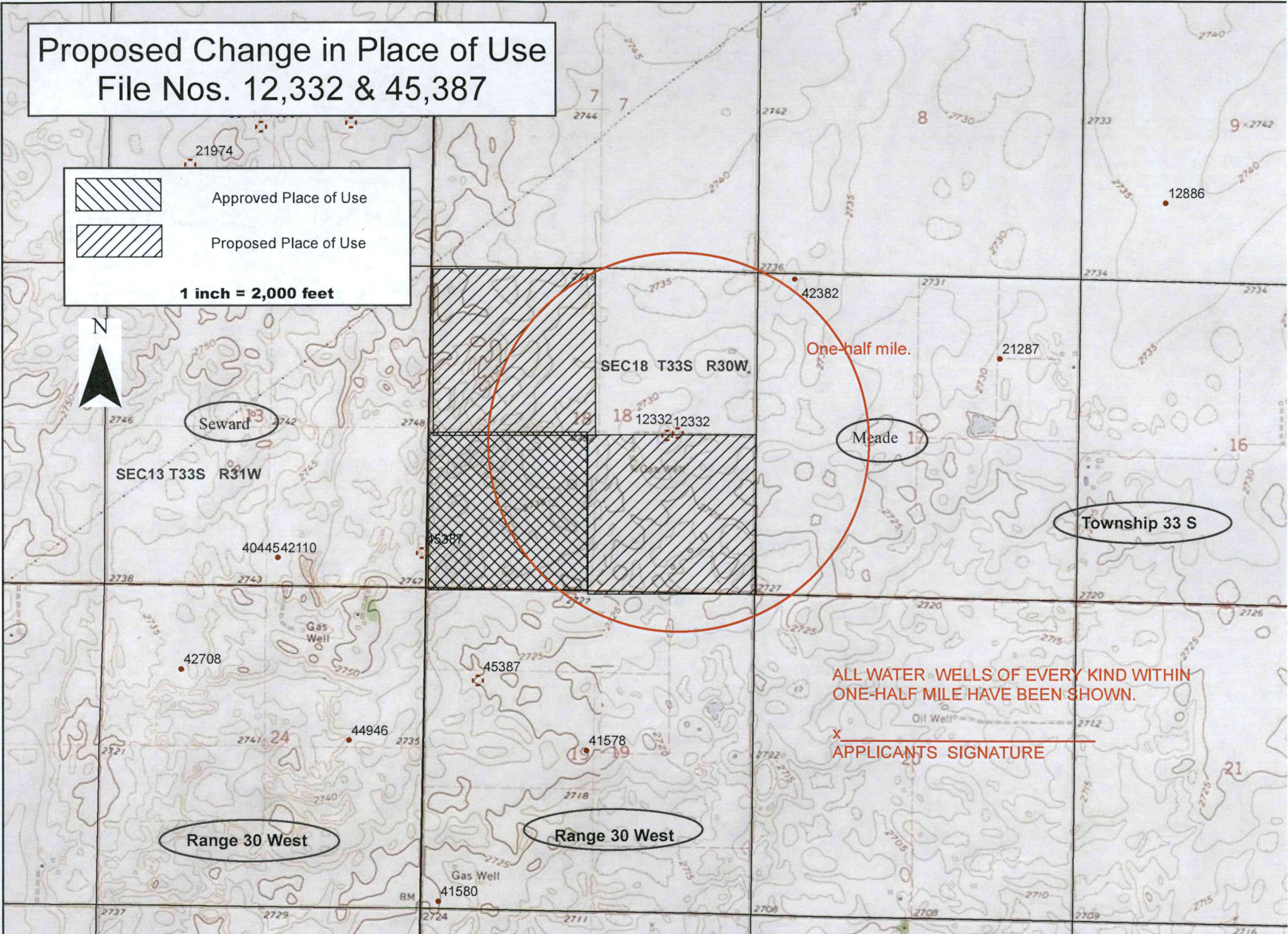


# Proposed Change in Place of Use File Nos. 12,332 & 45,387

 Approved Place of Use

 Proposed Place of Use

**1 inch = 2,000 feet**



One-half mile.

ALL WATER WELLS OF EVERY KIND WITHIN  
ONE-HALF MILE HAVE BEEN SHOWN.

X  
APPLICANTS SIGNATURE