Kansas Department of Agriculture Division of Water Resources

CHANGE: P/U WORKSHEET

1. File Number: 22214	2. Status Change Date:	3. Change Num:	4. Field Office: 04	5. GMD:					
6. Status: Approved Deni	ed by DWR/GMD	Dismiss by Reques	t/Failure to Return	7. Filing Date of Change: 8/10/18					
8a. Applicant(s) New to system □	Person ID 57020 Add Seq#	8c. Landown	• •	Person ID 22519 Add Seq#					
CLAWSON LAND PARTN PO BOX 279 PLAINS KS 67869	NERSHIP	309 NC	HITCH ENTERPRISES INC 309 NORTHRIDGE CIR GUYMON OK 73942						
		NAME Addres	UPDATE SS						
8b. Landowner(s) New to system □	Person ID 28750 Add Seq#	8d. WUC New to sy	rstem 🗌	Person ID 57020 Add Seq#					
HENRY C HITCH RANCH BOX 1308 GUYMON OK 73942	TRUST	РО ВО	SON LAND PAR ⁻ X 279 S KS 67869	TNERSHIP					
NAME UPDATE Address									
9. Documents and Enclosure(s): 🛛 DV	VR Meter(s) Date to Comp	y: <u>12/31/2018</u>	N & P Date to	Comply:					
☐ Anti-Reverse Meter ☐ Meter				Oriller Copy					
☐ Conservation Plan Date Requir	ed: Da	te Approved:	Date to	o Comply:					
10. Use Made of Water From:		To: _							
			Date Prepared: 10/8/ Date Entered: 10 26						

File No. 22214	4		11	. County: §	SW	Ba	sin: Cl	MARF	ON R	IVER			S	tream:						_	Fo	rmation	Code: 2	11 Special Use: N	A
12. Points of Dive CHK MOD DEL PDIV ENT		alifier		S	T	R	ID	ı	N	'W		Com	nment	(AKA I	_ine)			authori:	uantity zed Quantit af/mgy		Ad Rate gpm/d		l Quantity af/mgy	Overlap PD Files	
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13. Storage: Rate	·			N	F	Quar	ntity					ac/ft	A	ddition	al Rat	e				NF	Addi	tional C	uantity _		ac/ft
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ENT 6237	24	32	34W	2										40	40						80	8B	NC)	**
ENT 19159	24	32	34W										40			40					80	8C	YE	S	**
ENT 16012	23	32	34W	1													40	40	40	40	160	8B	. NC		**
ENT 2318	23	32	34W	2	40	40	40	40	40	40	40	40	40	40	40	40					480	8B	NC)	**
ENT 24644	25	32	34W	1		40	40		40			40	40	40	40	40		40			360	8B	NC)	**
ENT 33475	26	32	34W	3	40	40	40	40									40	40	40	40	320	8B	NC)	**
ENT 9508	24	32	34W	1					40	40	40	40									160	8B 8	8C YI	S	**
ENT 38609	35	32	34W	2	40	40	40	40											_		160	8B	NC)	**
MOD 26638	36	32	34w	1	40	40	40	40	40	40	40	40									320	8B	NC)	**
Base Acres: Comments:	11,2	Yea	ar:	Mil	nimum	Reas	onable	Quar	itity:																

KANSAS DEPARTMENT OF AGRICULTURE Division of Water Resources

MEMORANDUM

TO: File DATE: October 8, 2018

FROM: Leslie Ireland RE: Water Right, File Nos. 20,986; 20,990; 20,991;

20,992; 22,214; 22,215; 22,216 & 22,218

Christina G. Staufenberger represented as Trustee of the Henry C. Hitch Ranch Trust and Jason Hitch, CEO, on behalf of Hitch Enterprises Inc., submitted applications on August 1, 2018, to change the irrigated place of use. The applications were completed on filed office approvable forms, but request to overlap 2,120 acres of irrigated land in Seward County. The applications were submitted by the water use correspondent, Clawson Land Partnership.

The referenced water rights appear to be in compliance with K.S.A. 82a-732 and the additional requested signature and submitted maps indicate the owners are requesting a complete overlap in the place of use without any modifications so it would appear the applications comply with K.A.R. 5-5-2a.

The referenced files are authorized to irrigate 2,120 acres from a total of 13 wells authorized a combined total of 3,250 acre-feet at an average rate of 867 gallons per minute. The acres are located in Sections 23, 24, 25, 26, 35 & 36 of Township 32 Range 34 West, Seward County. The rights are not located within a special use area but are within the boundaries of Southwest Kansas Groundwater Management District No. 3. The proposed changes are to make a complete overlap of the authorized acres without any modifications to the irrigated acres. The applications will be processed by Part b(1) of K.A.R. 5-5-11 Applications for change in place of use for irrigation purposes. The rights are all certified and the applications were filed to make an **identical place of use with each right**. It appears the determination of base acres is not necessary per the regulation.

The changes should help with the historical pumping above authorized in the 1990's under the junior rights. It will also resolve the incomplete overlap between File Nos. 20,992 & 22,215. The total combined quantity will provide 1.53 acre-foot acre, complying with 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.* As detailed in K.A.R. 5-5-12, *Net irrigation requirements*, at an 80% chance of rainfall, Seward County irrigation requires 1.37 acre-foot per acre. It appears the combined quantity is reasonable and sufficient for the irrigation of corn and a conservation or operational plan will not be needed for the proposed changes. As the place of use will not be increasing, the changes should not result in an increase in the consumptive use, thus complying with K.A.R. 5-5-3, *Change in consumptive use*.

Compliance Investigations on the points of diversion under File Nos. 22,215; 22,216 & 22,218 were completed by the area field office. The locations were determined to be within 300 feet of authorized with the exception of ID 4 under Water Right, File No. 22,216, determined to be 359 feet from the authorized. The actual location complies with part (b) of K.A.R. 5-5-6, *Failure to construct diversion works at authorized location*, the right was approved in 1975, after construction, at a location approvable today. The locations will be updated by the approvals.

In a letter dated October 8, 2018, Jason Norquest, Assistant Manager, Southwest Kansas Groundwater Management District No. 3, recommend approval of the applications.

Michael Meyer, Water Commissioner of the Garden City Field Office area reviewed the proposed applications. In an email dated October 8, 2018, he recommended their approval.

Water flowmeters will be required for the change approvals pursuant to K.A.R. 5-5-11(e)(2) indicating 3,417 acre-feed is needed to be exempt from metering. Check valves will be required, if chemigating. As no new wells will be drilled a water level measurement tube and WWC-5 will not be a condition of the approvals.

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

Leslie Ireland

Ashi Ireland

Environmental Scientist

Water Appropriation Program

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

CLAWSON LAND PARTNERSHIP DAVID CLAWSON PO BOX 279 PLAINS KS 67869

October 29, 2018

FILE COPY

RE: Water Right, File Nos. 20,986; 20,990; 20,991; 20,992; 22,214; 22,215; 22,216 & 22,218

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.

Since these orders modify the original documents referred to above, they should be recorded with the Register of Deeds as other instruments affecting real estate.

Your attention is directed to the enclosures and to the terms and conditions specified in these approvals for change. A condition of the approvals is that an acceptable water flowmeter must be installed on the diversion works authorized under the referenced files.

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. If an annual water use report is not received by the deadline, a fine may be assessed and all water use under such right may be suspended. For your convenience, reports may be filed online at www.kswaterusereport.org.

If you have any questions, please contract Leslie Ireland, Environmental Scientist, at (785) 566-6633. 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 Applications Unit Supervisor

BAT:LI:li Enclosures

pc: Garden City Field Office

Groundwater Management District No. 3 Hitch Enterprises, Inc., Jason Hitch CEO

KANSAS DEPARTMENT OF AGRICULTURE Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCESDavid W. Barfield, Chief Engineer

APPROVAL OF APPLICATION FOR CHANGE IN PLACE OF USE WATER RIGHT, FILE NO. 22,214

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Christina G. Staufenberger on behalf of Henry C. Hitch Ranch Trust, Box 1308, Guymon, Oklahoma 73942, received in the office of the Chief Engineer on August 10, 2018, for approval of a change in the location of the place of use under the certificate of appropriation issued pursuant to the permit to appropriate water for beneficial use finds that the change is reasonable and will not impair existing rights, and that the application should be and is hereby approved.

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

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Sec.	lwp.	Range	NE1⁄4	NW¼	SW1/4	SE1/4	NE¼	NW¼	SW1/4	SE¼	NE¼	NW¼	SW1/4	SE1/4	NE1/4	NW¼	SW1/4	SE1/4	TOTAL
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24	32	34W					40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0					320
25	32	34W		40.0	40.0		40.0			40.0	40.0	40.0	40.0	40.0		40.0	-		360
26	32	34W	40.0	40.0	40.0	40.0									40.0	40.0	40.0	40.0	320
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a total of 2,120 acres in Sections 23, 24, 25, 26, 35 and 36, all in Township 32 South, Range 34 West, Seward 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 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. 22,214, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated June 17, 1987.

Ordered this 23 day of October, 2018, at Manhattan, Riley County, Kansas.

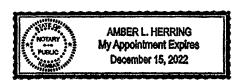
Lane P. Letourneau, P.G.
Program Manager
Division of Water Resources
Kansas Department of Agriculture

State of Kansas

22

County of Riley

The foregoing instrument was acknowledged before me this 23 day of Ctober, 2018, by Lane P. Letourneau, P.G., Program Manager, Division of Water Resources, Kansas Department of Agriculture.



ambu S. Herring
Notary Public

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.

CERTIFICATE OF SERVICE

On this 21 day Octoo , 2018, I hereby certify that the attached Approval of Application for Change in Place of Use, Water Right, File No. 22,214 dated, October 33,208 was mailed postage prepaid, first class, US mail to the following:

CLAWSON LAND PARTNERSHIP DAVID CLAWSON PO BOX 279 PLAINS KS 67869

With photocopies sent to:

Garden City Field Office

Groundwater Management District No. 3

Division of Water Resources

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

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

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



STATE OF KANSAS

Filing Fee Must Accompany the Application, K.S.A. 82a-708b(b), as amended. Fee Schedule is on the third page of this application form.

Paragraph Nos. 1, 2, 3 & 5 must be completed. Complete all other applicable portions. If change in point of diversion is greater than 100 feet, or if place of use will be changed, include a topographic map or detailed plat showing the authorized and proposed point(s) of diversion and/or place of use.

File No. 22214 1. Application is hereby made for approval of the Chief Engineer to change the (check one or both): Place of Use
1. Application is hereby made for approval of the Chief Engineer to change the (check one or both): AUG 1 0 2018
Application is releasy make to applicate of training and religious of the collection of the collecti
under the water right which is the subject of this application in accordance with the conditions described below. The source of supply is:
The source of supply is: S Groundwater Surface water 2. Name and address of Applicant: CLAWSON LAND PARTNERSHIP PO BOX 279 PLAINS KS 67869 Phone Number: S Water Use Correspondent: CLAWSON LAND PARTNERSHIP PO BOX 279 PLAINS KS 67869 Phone Number: S Email address: 3. The presently authorized place of use is: Owner of Land NAME: see supplemental page ADDRESS: (If there is more than one landowner, attach supplemental sheets as necessary.) Sec. Twp. Range NEW NWW SWW SEW NEW NWW SWW SWW SEW NWW SWW SWW SWW SWW SWW SWW SWW SWW SW
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DWR 1-121 (Revised 04/5/2018) Page 1
APPLICATION o -
APPLICATION COMPLETE SCANNED
Reviewer /T

APPLICATION FOR APPROVAL TO CHANGE THE PLACE OF USE AND/OR POINT OF DIVERSION SUPPLEMENTAL SHEET

FILE NO. 22214_

ATTECHMENTA

MAKE ADDITIONAL COPIES AS NECESSARY

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Sec. 23 24 25 O	Twp. 32 32 32 wner of 32 32 32 32 32 wner-of-or-or-or-or-or-or-or-or-or-or-or-or-or-	Range 34w 34w 34w FLand Range 34w 34w 34w	NE½ 40 ADDRI NE½ 40 40 40 ADDRI	ME: ESS: NE NW% 40 40 AME: ESS: NE NW% 40 AME: SS: NE NW% AME: SS: NE NW% AME: NE: NE NE NE NE	HENR BOX 1	SE% 40 X SE% 40 40 40 MASE	NE% 40 40 40 ITCH F GUYM NE% 40 40 ITCH F GUYM	RANCHON OI NW/4 40 40 RANCHON OI NW/4 40 AU NW/4 AU NW/4 AU NW/4 AU NW/4 NW/4 NW/4	TRU (739- V/2 SW/2 40 40 TRU (739- V/2 SW/2 SW/2 SW/2 V/2 V/	SE% 40 40 40 ST 42 SE% 40) \(\rightarrow \) \(NE% 40 40 40 NE%	SV NW½ 40 40 40 8V NW½	SW% 40 40 40 40 SW% SW%	SE% 40 10 40 40 SE% 2 2	NE% 40	SI NW% 40 40 SI NW% 40 SI SI SI SI SI SI	SW% 40 SW% 40 21 5 5 5 6 6 6 6 6 6 6	SE% 40 SE% 40	TOTAL ACRES 640 320 360 TOTAL ACRES 320 160 320 2120 797221
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Sec. 23 24 25 O	Twp. 32 32 32 wner of 32 32 32 32 32 wner-of-or-or-or-or-or-or-or-or-or-or-or-or-or-	Range 34w 34w 34w FLand Range 34w 34w 34w	NE½ 40 ADDRI NE½ 40 40 40 ADDRI	ME: ESS: NE NW% 40 40 AME: ESS: NE NW% 40 AME: SS: NE NW% AME: SS: NE NW% AME: NE: NE NE NE NE	HENR BOX 1	SE% 40 X SE% 40 40 40 MASE	NE% 40 40 40 TCH F GUYM NE% 40 NE%	RANCHON OI NW/A 40 40 RANCHON OI NW/A 40 AU NW/A AU NW/A AU NW/A AU NW/A	TRU	SE% 40 40 40 ST 40 42 SE% 40 SE%	NE% 40	SV NW½ 40 40 40 SV NW½	SW% 40 40 40 5W% 5W%	SE% 40 0 40 40 SE% SE% SE%	NE% 40	SI NW% 40 40 SI NW% 40 SI NW% 40 NW%	SW% 40 SW% 40 SW% SW%	SE% 40 SE% 40	TOTAL ACRES 640 320 360 TOTAL ACRES 320 160 320 2120 797221
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Sec. 23 24 25 O	Twp. 32 32 32 wner of Twp. 32 32 32 32 wner-of Twp. Twp.	Range 34w 34w 34w FLand Range 34w 34w 34w Range	NE% 40 ADDRI NE% 40 40 40 40 ADDRI NE%	ME: ESS: NE NW% 40 40 AME: ESS: NE NW% 40 40 AME: NW%	HENR BOX 1	SE% 40 X SE% 40 40 40 MASE	NE% 40 40 40 TCH F GUYM NE% 40 NE%	RANCHON OI NW/A 40 40 RANCHON OI NW/A 40 AU NW/A AU NW/A AU NW/A AU NW/A	TRU	SE% 40 40 40 ST 40 42 SE% 40 SE%	NE% 40	SV NW½ 40 40 40 SV NW½	SW% 40 40 40 5W% 5W%	SE% 40 0 40 40 SE% SE%	NE% 40	SI NW% 40 40 SI NW% 40 SI NW% 40 VED	SW% 40 SW% 40 SW% SW%	SE% 40 SE% File N	TOTAL ACRES 640 320 360 TOTAL ACRES 320 160 320 2120 TOTAL ACRES
Sec. 23 24 25 O	Twp. 32 32 32 wner of Twp. 32 32 32 32 wner-of Twp. Twp.	Range 34w 34w 34w FLand Range 34w 34w 34w Range	NE% 40 ADDRI NE% 40 40 40 40 ADDRI NE%	ME: ESS: NE NW% 40 40 AME: ESS: NE NW% 40 40 AME: NW%	HENR BOX 1	SE% 40 X SE% 40 40 40 MASE	NE% 40 40 40 TCH F GUYM NE% 40 NE%	RANCHON OI NW/A 40 40 RANCHON OI NW/A 40 AU NW/A AU NW/A AU NW/A AU NW/A	TRU	SE% 40 40 40 ST 40 42 SE% 40 SE%	NE% 40	SV NW½ 40 40 40 SV NW½	SW% 40 40 40 5W% 5W%	SE% 40 0 40 40 SE% SE% R	NE% 40 NE% A0 NE%	SI NW% 40 40 SI NW% 40 SI NW% 40 VED	SW% 40 SW% 40 SW% SW%	SE% 40 SE% File N	TOTAL ACRES 640 320 360 TOTAL ACRES 320 160 320 2120 TOTAL ACRES
Sec. 23 24 25 O	Twp. 32 32 32 wner of Twp. 32 32 32 32 wner-of Twp. Twp.	Range 34w 34w 34w FLand Range 34w 34w 34w Range	NE% 40 ADDRI NE% 40 40 40 40 ADDRI NE%	ME: ESS: NE NW% 40 40 AME: ESS: NE NW% 40 40 AME: NW%	HENR BOX 1	SE% 40 X SE% 40 40 40 MASE	NE% 40 40 40 TCH F GUYM NE% 40 NE%	RANCHON OI NW/A 40 40 RANCHON OI NW/A 40 AU NW/A AU NW/A AU NW/A AU NW/A	TRU	SE% 40 40 40 ST 40 42 SE% 40 SE%	NE% 40 40 40 NE%	SV NW½ 40 40 40 SV NW½	xw/x 40 40 40 40 xw/x xw/x 2090 xw/x	SE% 40 0 40 40 SE% AU	NE% 40 NE% A0 NE%	SI NW% 40 40 40 51 NW% 40 122 SI NW% VED 2011	SW% 40 SW% 40 SW% SW%	SE% 40 SE% 40 SE% File N	TOTAL ACRES 640 320 360 TOTAL ACRES 320 160 320 2120 (9 1221 TOTAL ACRES

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 ____ Depth of well _____ (feet)

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

(DWR use only: Computer ID No. ____ GPS ____ feet North _____ feet West) ☐ This point will not be changed ☐ This point will be changed as follows: ☐ No change, point better described with GPS as follows: Proposed point of diversion: (Complete only if change is requested or if existing point is better described by GPS) 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 _____ Proposed well depth (feet) _____. This point is: Additional Well Geo Center List other water rights that will use this point 7. The changes herein are desired for the following reasons? (please be specific) no chnage to wells, want to overlap the place off use for the hitch trust rights 8. If a well, is the test hole log attached? Yes No 9. The change(s) (was)(will be) completed by? upon approval 10. If the point of diversion is a well: (a) What are you going to do with the old well? (b) When will this be done? _____ 11. Groundwater Management District recommendation attached? ☐ Yes 🖾 No 12. Assisted by tpm 0 South

13a. If the proposed point of diversion will be relocated more than 300 a topographic map or aerial photograph. For groundwater sources, show all wells (including domestic) within one-half mile of the proposed point of diversion and the names and mailing addresses of the owners. For surface water sources, show the names and addresses of the landowner(s) one-half mile downstream and one-half mile upstream from your property lines

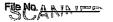
feet but within 2,640 feet of the existing point of diversion, attach 13b.If the proposed point of diversion will be relocated within 300 feet of the existing point of diversion, indicate its location on the diagram shown above in relation to the existing point of diversion. (PLEASE NOTE: The "X" in center of diagram above represents the presently authorized point of diversion.)

DWR 1-121 (Revised 04/5/2018)

* LT/ Dure 9/5/18



AUG 1 0 2018



14. If the proposed groundwater point of diversion is 300 o	r fewer feet fro	m the existing point of	of diversion, comple	te the following:
(a) Does the undersigned represent all owners of the Yes No (If no, all owners must			identified in this ap	plication?
(b) Will the ownership interest of any owner of the confidence of this application is approved as requeste ☐ Yes ☐ No (If yes, all owners must	ed?		identified in this ap	plication be adversely
(c) If this application is not approved expeditiously, wi ☐ Yes ☐ No (If no, all owners must			operty, public heatt	n or safety?
If the application proposes a surface water change in point or a change in place of use, the application must be signed agent (attach notarized statement authorizing representatio	l by all owners	groundwater change of the currently autho	in point of diversio orized place of use,	n greater than 300 feet, or their duly authorized
I hereby verify, being first duly sworn upon my or age and the owner, the spouse of the owner, or a their behalf, in regards to the water right(s) to wh contained in this application are true, correct and	duly authori nich this app complete.	zed agent of the c lication pertains.	owner(s) to make I further verify	this application on that the statements
Dated at 13ethesda, MD	, Kaasas, this_	<u>7 HM</u> day of	Hugus V	20_/8
(Owner) (Owner)	EC.		(Spouse)	***************************************
(Please Print)	£01		(Please Print)	
(Owner)			(Spouse)	······································
(Please Print)			(Please Print)	· · · · · · · · · · · · · · · · · · ·
(Owner)	TERE	SAS, FRENE	(Spouse)	
(Please Print) State of Kansas Maryland County of Montcomery SS	MONTGO	ARY PUBLIC OMERY COUNTY ARYLAND ON EXPIRES MAY 15, 201	(Please Print)	
I hereby certify that the foregoing application was of	signed in m	y presence and s	sworn to before r	ne this $2^{+/-}$ day
Mu Commission Fining 5/15/2019		Jeres .	Notary Public	<u> </u>
My Commission Expires ONLY COMPLETE APPLICATIONS WILL BE PROCESSED. To b	o complete all c	f the applicable portion		m must be completed with
accurate information; maps, if necessary, must be included; signatuthe appropriate fee must be paid.	ures of all the ap	propriate owners' must	be affixed to the appli	cation and notarized; and
Each application to change the place of use or the point of content in the schedule below: Make checks payable to: Kans (1) Application to change a point of diversion 300 for (2) Application to change a point of diversion more (3) Application to change the place of use	sas Departme feet or less than 300 feet	this section shall be nt of Agriculture		
		WATER RE	RESOURCES ECEIVED	
DWR 1-121 (Revised 04/5/2018)	Page 3	AUG	i 1 0 2018	File No. <u>32214</u>

KS DEPT OF AGRICULTURE

SUMMARY ORDER APPROVING APPLICATION FOR CHANGE AND IMPOSING CONDITIONS

pro Wit	s Summary Order is issued under authority of K.S.A. 82a visions of the Kansas Water Appropriation Law, K.S.A. 8 the exception of those conditions expressly contained he tations of File No. 22214	a-701 et. seg., and rules and regulations or	omulgated thereunder.
1.	A change application was received on diversion authorized under the above-referenced file no	requesting that the place of mber be changed as described in the applica	of use and / or point of tion.
2.	On and after the effective date of this summary order, the the topographic map accompanying the application to	authorized place(s) of use shall be located sub hange the place of use. Applicable	ostantially as shown on ☐ Not Applicable
3.	The change in point of diversion shall not impair existing previously authorized. The point of diversion authorize radius of the authorized point(s) of diversion. Applied	I by this summary order shall be located withi	or sources of water as n afoot
4.	The point(s) of diversion described herein is administrated Positioning System (GPS), as described in the application	ively corrected to be more accurately descron. Applicable Not Applicable	ibed using the Global
5.	The point(s) of diversion authorized herein shall not actual authorized point(s) of diversion. Applicable	ly be located more thanfe	eet from the previously
6.	As required by K.A.R. 5-3-5d, if the works for diversion is or other device suitable for making water level measure K.A.R. 5-6-13. Applicable Not Applicable	well with a diversion rate of 100 gallons per nents shall be installed, operated and maintain	minute or more, a tube ned in accordance with
7.	The owner of the authorized place(s) of use shall December 31, 2018, or before the first use of water, wh and maintained in accordance with K.A.R. 5-1-4 through 5-3-5e, the owner shall maintain records and report the annually to the Chief Engineer by March 1 following the Applicable Not Applicable	chever occurs first. The water flow meter shal h 5-1-12. As required by K.S.A. 82a-732, as eading of the water flow meter and the total qu	I be installed, operated amended, and K.A.R.
8.	Installation of the works for diversion of water shall authorized extension of time. By March 1, 20 to works for diversion has been completed, on the form polyphicable Not Applicable	e applicant shall notify the Chief Engineer the	nat construction of the
9.	The completed well log shall be submitted with the re	uired notice. Applicable Not	Applicable
10.	All diversion works into which any type of chemical or oth with an in-line, automatic, quick-closing check valve cacheck valve(s) shall be installed, operated and maintain	pable of preventing pollution of the source of	the water supply. The
11.	Additional Conditions are attached. Yes No		
12.	In accordance with K.S.A. 82a-708a, as amended, and I water appropriated under the above-referenced file nu limitations, as amended and/or supplemented by this \$ Appropriation Law and the Rules and Regulations procesult in civil penalties pursuant to K.S.A. 82a-737, as water or appropriation right or any other enforcement a	nber are responsible for compliance with its ummary Order, and with applicable provision: nulgated thereunder. Failure to comply with imended, and/or the suspension or revocatio	terms, conditions and s of the <i>Kansas Water</i> these provisions may
1	Administrative Appeal and Effective Date of Order	FOR OFFICE USE ONL'	
lf v.c	ou are aggrieved by this order, pursuant to K.S.A. 82a-1901,	APPLICATION APPROV	
võu	may request an evidentiary hearing before the Chief	SUMMARY ORDER IS	SUED
Eng Aari	ineer or request administrative review by the Secretary of culture. A request for hearing by the Chief Engineer must be	By:	
filed	within 15 days of service of this Order and a request for ininistrative review by the Secretary must be filed within 30	Duly Authorized Designee of the	Chief Engineer
day	s pursuant to K.S.A. 77-531. Any request for administrative	(Print Name):	,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,
revio File	ew must state a basis for review pursuant to K.S.A. 77-527. any request with Kansas Department of Agriculture,	Division of Water Resources - Kansas De	
Leg	al Division, 1320 Research Park Drive, Manhattan, KS	Date of Issuance:	
pred	02. Failure to timely request a hearing or review may clude review under the Kansas Judicial Review Act.	State of Kansas)	SS
	For Use by Register of Deeds	County of)	55
		Acknowledged before me on	
		by	·
		Signature:Notary P	ublic
		·	
		My commission expires:	otary Seal)
		WATER RESOUR CES RECEIVED	•
DWI	R 1-121 (Revised 04/5/2018)	age 4 ΔΠC 1 0 2019	File No.

SCANNED

Ireland, Leslie [KDA]

From:

Meyer, Mike [KDA]

Sent:

Monday, October 8, 2018 1:53 PM

To:

Ireland, Leslie [KDA]

Subject:

RE: Recommendation for Change in PU, File Nos. 20986xx22218_Hitch

Approve please

thanks

Mike

From: Ireland, Leslie [KDA]

Sent: Monday, October 8, 2018 1:49 PM

To: Meyer, Mike [KDA] < Mike. Meyer@ks.gov>

Subject: Recommendation for Change in PU, File Nos. 20986xx22218_Hitch

Mike,

Attached is the GMD review and my summary memo. Complete overlap & PD Updates, File Nos. 22,215 & 22,216. Please let me know if you could recommend these changes.

As always comments and concerns are welcome.

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



Southwest Kansas Groundwater Management District No. 3 2009 E. Spruce Street Garden City, Kansas 67846

(620) 275-7147 phone (620) 275-1431 fax www.gmd3.org

October 8, 2018

Water Resources
Received

OCT 15 2018

KS Dept Of Agriculture

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

RE: Application for Change in place of Use

Water Right, File Nos. 20986, 20990, 20991, 20992, 22214, 22215, 22216 & 22218

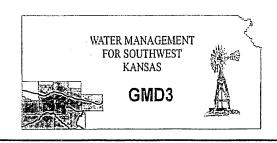
Dear Leslie:

We have completed a review of the applications for the above referenced water rights. The proposals are not in conflict with the Management Program of the Southwest Kansas Groundwater Management District No. 3 (GMD3). The request for change in place of use will create a complete overlap and is not requesting any new acres not currently authorized by a water right, in accordance with K.A.R. 5-5-11(b)(1). 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



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

October 8, 2018

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

RE:

Application for Change in place of Use

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Sincerely,

Jason L. Norquest Assistant Manager

Water Resources
Received

OCT 08 2018

KS Dept Of Agriculture

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

October 5, 2018

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

EMAIL: Norquest@gmd3.org

Re: Change in Place of Use Applications,

Water Right, File Nos. 20,986; 20,990; 20,991; 20,992; 22,214;

22,215; 22,216 & 22,218

Dear Mr. Rude:

Due to the volume of this package which proposes a complete overlap in irrigated acres authorized by the referenced files, we are providing by email an electronic copy of the applications referred to above. The applications 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 your recommendations concerning the applications.

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

Sincerely,

Leslie Ireland

Environmental Scientist

Water Appropriation Program

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Enclosures

pc:

Garden City Field Office

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

October 2, 2018

NIX BROTHERS DAVID NIX 2279 ROAD M HUGOTON KS 67951

RE: Water Right, File Nos. 20,986; 20,990; 20,991; 20,992; 22,214;

22,215; 22,216 & 22,218

Dear Mr. Nix:

This letter is to **provide notice** as required by K.S.A. 82a-1906, which became effective on July 1, 2016. This notice is to inform you that the owners of the referenced appropriations of water have filed applications for approval of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.

The applications for Water Right, File Nos. 20,986; 20,990; 20,991; 20,992; 22,214; 22,215; 22,216 & 22,218, propose a change in the authorized places of use to overlap all their irrigated acres. These changes will not alter the quantity of water or rate of diversion authorized for irrigation use. The applications will not increase the number of acres authorized for irrigation use, and the place of use as a whole will remain as authorized. The 2,120 acres currently authorized in Sections 23, 24, 25, 26, 35 & 36, all in Township 32 South, Range 34 West, Seward County, Kansas would be authorized by each of the referenced files.

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

Sincerely,

Leslie Ireland

Environmental Scientist

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Water Appropriation Program

pc: Garden City Field Office

Groundwater Management District No. 3

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

October 2, 2018

CLAWSON LAND PARTNERSHIP DAVID CLAWSON PO BOX 279 PLAINS KS 67869

RE: Water Right, File Nos. 20,986; 20,990; 20,991; 20,992; 22,214;

22,215; 22,216 & 22,218

Dear Mr. Clawson:

This letter is to **provide notice** as required by K.S.A. 82a-1906, which became effective on July 1, 2016. This notice is to inform you that the owners of the referenced appropriations of water have filed applications for approval of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.

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

Sincerely.

Leslie Ireland

Environmental Scientist

Rulie Ireland

Water Appropriation Program

pc: Garden City Field Office

Groundwater Management District No. 3

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

CLAWSON LAND PARTNERSHIP

August 13, 2018

PO BOX 279 PLAINS, KS 67869

RE: File No 22214

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 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

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BAT: DLW

pc: GARDEN CITY Field Office GMD3

SCANNED

