

STATE OF KANSAS



DEPARTMENT OF AGRICULTURE  
DIVISION OF WATER RESOURCES  
GARDEN CITY FIELD OFFICE  
2508 JOHNS STREET  
GARDEN CITY, KS 67846-2804

PHONE: (620) 276-2901  
FAX: (620) 276-9315  
www.agriculture.ks.gov

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

September 20, 2018

LEAR FARMS INC  
THOMAS J LEAR  
4280 E LEAR RD  
GARDEN CITY KS 67846-8937

RE: Water Right 33901

Dear Mr. Lear:

This is to advise you that the Bill Heiman has filed an application for approval of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, to change the point of diversion under the above referenced application.

You can find the complete application posted by water right file number as referenced above at [www.agriculture.ks.gov/divisions-programs/dwr/water-appropriation/notices](http://www.agriculture.ks.gov/divisions-programs/dwr/water-appropriation/notices)

You are notified on this proposed change in point of diversion so that you may furnish this office with any comments or other information you may want to submit. Such comments or other information must be received in this office within 15 days from the date of this letter.

Should you have any questions, please feel free to call this office. If you would prefer, an appointment could be arranged for additional assistance. Please refer to the file number when you contact us if you wish to discuss a specific file.

Sincerely,

A handwritten signature in black ink, appearing to read "Thomas P. Makens".

Thomas P. Makens  
Environmental Scientist III

pc: GMD#3

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.

RECEIVED  
 8:30 AM  
 SEP 18 2018

File No. 33901

Garden City Field Office  
 Division of Water Resources

1. Application is hereby made for approval of the Chief Engineer to change the (check one or both):

Place of Use                       Point of Diversion

under the water right which is the subject of this application in accordance with the conditions described below.

The source of supply is:                       Groundwater                       Surface water

2. Name and address of Applicant: GCH INC  
9460 SOUTH ROAD 15 GARDEN CITY KS 67846

Phone Number: (     )                      Email address: \_\_\_\_\_

Name and address of Water Use Correspondent: WILLIAM AND JANELL HEIMAN  
2121 BUFFALO HEIGHTS DR GARDEN CITY KS 67846-3512

Phone Number: (620)277-5998                      Email address: \_\_\_\_\_

3. The presently authorized place of use is:  
 Owner of Land ---- NAME: GCH INC, HARRIER FAMILY LIVING TRUST, JOAN WAGNER

ADDRESS: 1)                      2)                      3)

(If there is more than one landowner, attach supplemental sheets as necessary.)

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		

4. If this application is for a change in place of use, it is proposed that the place of use be changed to:  
 Owner of Land ---- NAME: no change to acres irrigated

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

(If there is more than one landowner, attach supplemental sheets as necessary.)

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		

For Office Use Only: Code _____	Fee \$ <u>200</u>	TR # _____	Receipt Date <u>9/18/18</u>	Check # <u>7495</u>
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5. **Presently authorized point of diversion:**  
 One in the \_\_\_\_\_ Quarter of the \_\_\_\_\_ ce Quarter of the \_\_\_\_\_ nw Quarter  
 of Section \_\_\_\_\_ 36 \_\_\_\_\_, Township \_\_\_\_\_ 26 \_\_\_\_\_ South, Range \_\_\_\_\_ 32 \_\_\_\_\_ W,  
 in Finney \_\_\_\_\_ County, Kansas, \_\_\_\_\_ 3950 \_\_\_\_\_ feet North \_\_\_\_\_ 2700 \_\_\_\_\_ feet West of Southeast corner of section.  
 Authorized Rate \_\_\_\_\_ Authorized Quantity \_\_\_\_\_ Depth of well \_\_\_\_\_ (feet)  
**(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:  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 \_\_\_\_\_ sw \_\_\_\_\_ Quarter of the \_\_\_\_\_ sw \_\_\_\_\_ Quarter of the \_\_\_\_\_ nw \_\_\_\_\_ Quarter  
 of Section \_\_\_\_\_ 36 \_\_\_\_\_, Township \_\_\_\_\_ 26 \_\_\_\_\_ South, Range \_\_\_\_\_ 32 \_\_\_\_\_ W,  
 in Finney \_\_\_\_\_ County, Kansas, \_\_\_\_\_ 2674 \_\_\_\_\_ feet North \_\_\_\_\_ 4937 \_\_\_\_\_ 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 \_\_\_\_\_

RECEIVED

6. **Presently authorized point of diversion:**  
 One in the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of the \_\_\_\_\_ SEP 18 2018 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 \_\_\_\_\_

Garden City Field Office  
 Division of Water Resources

7. The changes herein are desired for the following reasons?  
 (please be specific) \_\_\_\_\_  
 to replace old well. \_\_\_\_\_

8. If a well, is the test hole log attached?  Yes  No

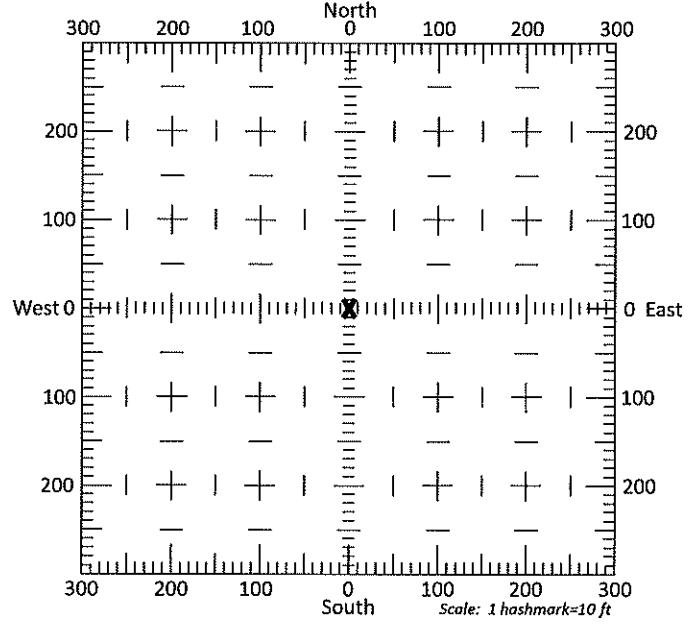
9. The change(s) (was)(will be) completed by?  
 September 1, 2018

10. If the point of diversion is a well:  
 (a) What are you going to do with the old well?  
 plug  
 (b) When will this be done? 2018

11. Groundwater Management District recommendation attached?  
 Yes  No

12. Assisted by tpm \_\_\_\_\_

13a. If the proposed point of diversion will be relocated more than 300 feet but within 2,640 feet of the existing point of diversion, attach 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

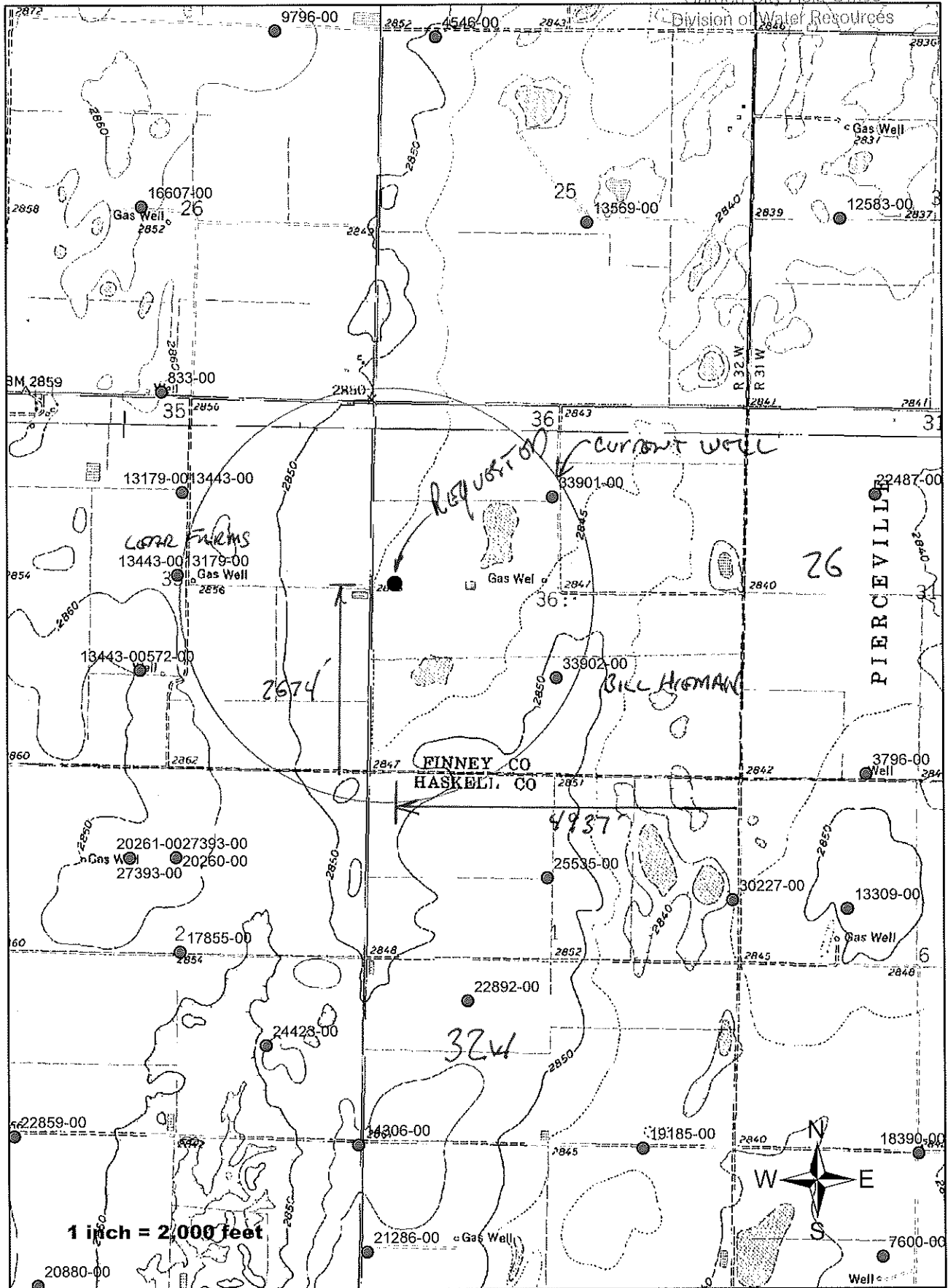


13b. If the proposed point of diversion will be relocated within 300 feet of the existing point of diversion, indicate its location on the diagram shown above in relation to the existing point of diversion. (PLEASE NOTE: The "X" in center of diagram above represents the presently authorized point of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

33901

SEP 18 2018

Garden City Field Office  
Division of Water Resources



3795 W. Jones Ave.  
Garden City, KS 67846  
PH: 620-277-2389



**Hydro**  
resources

PO Box 639  
Garden City, KS 67846  
Fax: 620-277-0224

BILL HEIMAN 620-277-5998 CHRIS HEIMAN 620-277-6888

3390

Customer Name: GCH, inc. / Heiman WO#: 11334 Date: 8-10-18  
Street Address: 9460 S. 15 Road Test #: 6 E LOG: \_\_\_\_\_  
City, State: GARDEN CITY, KS 67846 Driller: Dale Guinn  
County: Finney Quarter: NW Section: 36 Township: 26 Range: 32  
Location: \_\_\_\_\_ GPS: N37.74387 W100.77809  
Rig #: 10002 Elevation: 2843' Static WL: 248' Estimated? \_\_\_\_\_  
Proposed Well Depth 635'

WELL LOCATION

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%	Footage			Description of Strata
	From	Pay	To	
	0		2	Top Soil
	2		13	Brown Sandy Clay w/some caliche Mixed
	13		20	Brown Clay
	20		102	Sand fine to med course small med large gravel
	102		115	Brown Clay - sticky -
	115		152	Blue Clay - sticky -
	152		159	Fine Blue Sand w/few Blue clay stringers
	159		186	Sand fine to med fine course - Blue in color -
	186		211	Blue Clay w/some cemented Sand strips
	211		229	Fine Sand
	229		235	Brown Sandy Clay
	235		249	Brown Sandy Clay w/many sand strips
20	249	11	260	Sand fine to med course w/many clay ledges
30	260	50	310	Sand fine to med course small gravel
	310		314	Brown Sandy Clay
20	314	12	326	Sand fine to med
	326		340	Brown Clay
10	340	11	351	Fine Sand w/some clay stringers
25	351	12	363	Sand fine to med course
5	363	11	374	Fine Sand w/many clay stringers
20	374	16	390	Fine Sand
10	390	17	407	Fine Sand w/some clay stringers
5	407	7	414	Fine Sand w/many clay stringers
20	414	21	435	Fine Sand w/couple clay ledges
15	435	25	460	Sandstone - used water -
5	460	19	479	Sandstone w/some Soapstone ledges
15	479	21	500	Sandstone - used water -
5	500	20	520	Sandstone & Soapstone
15	520	59	579	Sandstone - used water -
5	579	36	615	Sandstone w/some Soapstone ledges
	615		660	Black Shale - Very Hard in places -
				Super Gel X -6
				Grout -5
				Bent. Plug 3/4 -8
				Perma Plug -1
				4 3/4 Drag Blade -1

AUG 15 2018

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Division of Water Resources

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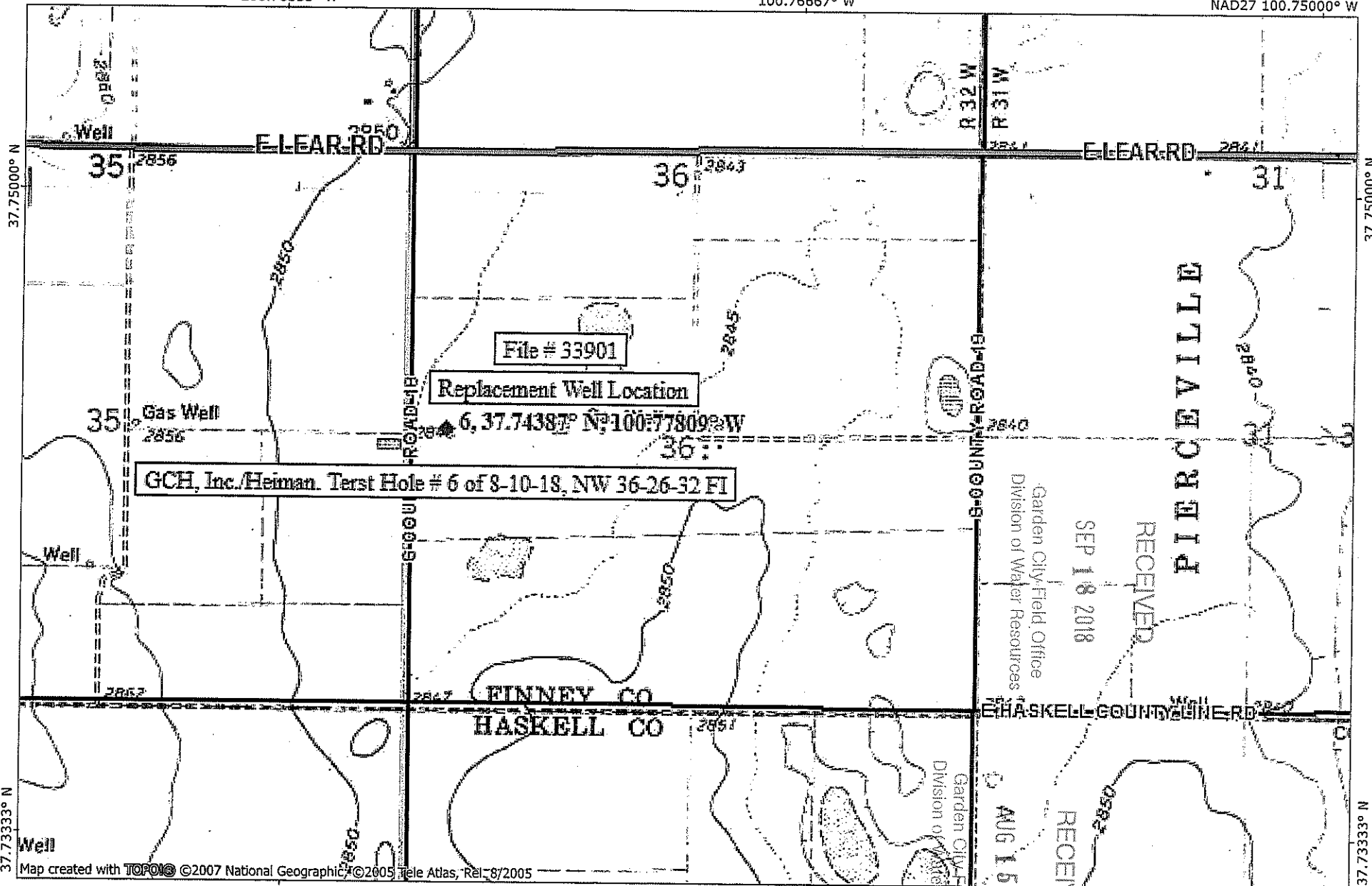
SEP 18 2018

Garden City Field Office  
Division of Water Resources

100.78333° W

100.76667° W

NAD27 100.75000° W



GCH, Inc./Heiman, Terst Hole # 6 of 8-10-18, NW 36-26-32 FT

File # 33901  
Replacement Well Location

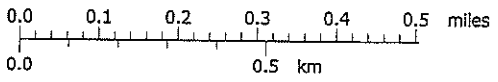
6, 37.74387° N; 100.77809° W

FINNEY CO  
HASKELL CO

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SEP 18 2018  
Garden City Field Office  
Division of Water Resources

RECEIVED  
AUG 15 2018  
Garden City Field Office  
Division of Water Resources

PIERCEVILLE



14. If the proposed groundwater point of diversion is 300 or fewer feet from the existing point of diversion, complete the following:

- (a) Does the undersigned represent all owners of the currently authorized place(s) of use identified in this application?  
 Yes     No    (If no, all owners must sign this application.)
- (b) Will the ownership interest of any owner of the currently authorized place(s) of use identified in this application be adversely affected if this application is approved as requested?  
 Yes     No    (If yes, all owners must sign this application.)
- (c) If this application is not approved expeditiously, will there be substantial damage to property, public health or safety?  
 Yes     No    (If no, all owners must sign this application.)

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SEP 18 2018

Garden City Field Office  
Division of Water Resources

If the application proposes a surface water change in point of diversion, a groundwater change in point of diversion greater than 300 feet, or a change in place of use, the application must be signed by all owners of the currently authorized place of use, or their duly authorized agent (attach notarized statement authorizing representation).

I hereby verify, being first duly sworn upon my oath or affirmation and under penalty of perjury, that I am of lawful age and the owner, the spouse of the owner, or a duly authorized agent of the owner(s) to make this application on their behalf, in regards to the water right(s) to which this application pertains. I further verify that the statements contained in this application are true, correct and complete.

Dated at Garden City, Kansas, this 17 day of September, 2018.

X Bill Heiman for Heiman Family Farms  
(Owner) (Spouse)

JOAN WAGNER DECEASED  
(Please Print) (Please Print)  
Heiman Family Farms

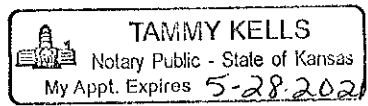
(Owner) (Spouse)

(Please Print) (Please Print)

(Owner) (Spouse)

(Please Print) (Please Print)

State of Kansas }  
County of Finney } SS



I hereby certify that the foregoing application was signed in my presence and sworn to before me this 17 day of September, 2018.

Tammy Kells  
Notary Public

My Commission Expires 5-28-2021.

ONLY COMPLETE APPLICATIONS WILL BE PROCESSED. To be complete, all of the applicable portions of the application form must be completed with accurate information; maps, if necessary, must be included; signatures of all the appropriate owners' must be affixed to the application and notarized; and the appropriate fee must be paid.

**FEE SCHEDULE**

Each application to change the place of use or the point of diversion under this section shall be accompanied by the application fee set forth in the schedule below: Make checks payable to: **Kansas Department of Agriculture**

- (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

14. If the proposed groundwater point of diversion is 300 or fewer feet from the existing point of diversion, complete the following:

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 Yes  No (If no, all owners must sign this application.)

RECEIVED

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 Yes  No (If yes, all owners must sign this application.)

SEP 18 2018

(c) If this application is not approved expeditiously, will there be substantial damage to property, public health or safety?  
 Yes  No (If no, all owners must sign this application.)

Garden City Field Office  
Division of Water Resources

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Dated at Garden City, Kansas, this 17 day of September, 2018.

\* Thomas @ Hummel  
(Owner)

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

GCH INC  
(Please Print)

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

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

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

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

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

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

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

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

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

State of Kansas }  
County of Finney } SS



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- (c) If this application is not approved expeditiously, will there be substantial damage to property, public health or safety?  
 Yes     No    (If no, all owners must sign this application.)

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 SEP 18 2018  
 Garden City Field Office  
 Division of Water Resources

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I hereby verify, being first duly sworn upon my oath or affirmation and under penalty of perjury, that I am of lawful age and the owner, the spouse of the owner, or a duly authorized agent of the owner(s) to make this application on their behalf, in regards to the water right(s) to which this application pertains. I further verify that the statements contained in this application are true, correct and complete.

Dated at Oberlin, Kansas, this 6th day of September, 2018.

X Donald J. Harrier  
(Owner)

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

HARRIER FAMILY LIVING TRUST  
(Please Print)

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

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

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

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

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

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

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

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

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

State of Kansas }  
County of Decatur } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 6th day of September, 2018.

My Commission Expires 5.4.2021



Linda M Wade  
Notary Public

**ONLY COMPLETE APPLICATIONS WILL BE PROCESSED.** To be complete, all of the applicable portions of the application form must be completed with accurate information; maps, if necessary, must be included; signatures of all the appropriate owners' must be affixed to the application and notarized; and the appropriate fee must be paid.

**FEE SCHEDULE**

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- (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

**SUMMARY ORDER APPROVING APPLICATION FOR CHANGE AND IMPOSING CONDITIONS**

This Summary Order is issued under authority of K.S.A. 82a-708b, as amended, and K.A.R. 5-5-1, et seq. and other applicable provisions of the Kansas Water Appropriation Law, K.S.A. 82a-701 et seq., and rules and regulations promulgated thereunder, With the exception of those conditions expressly contained herein, this Summary Order does not change the terms, conditions and limitations of File No. 33901.

- A change application was received on \_\_\_\_\_ requesting that the place of use and / or point of diversion authorized under the above-referenced file number be changed \_\_\_\_\_ as described in the application.
- On and after the effective date of this summary order, the authorized place(s) of use shall be located substantially as shown on the topographic map accompanying the application to change the place of use.  Applicable  Not Applicable
- The change in point of diversion shall not impair existing rights and shall be limited to the same source or sources of water as previously authorized. The point of diversion authorized by this summary order shall be located within a 300 \_\_\_\_\_ foot radius of the authorized point(s) of diversion.  Applicable  Not Applicable
- The point(s) of diversion described herein is administratively corrected to be more accurately described using the Global Positioning System (GPS), as described in the application.  Applicable  Not Applicable
- The point(s) of diversion authorized herein shall not actually be located more than 2640 \_\_\_\_\_ feet from the previously authorized point(s) of diversion.  Applicable  Not Applicable
- As required by K.A.R. 5-3-5d, if the works for diversion is a well with a diversion rate of 100 gallons per minute or more, a tube or other device suitable for making water level measurements shall be installed, operated and maintained in accordance with K.A.R. 5-6-13.  Applicable  Not Applicable
- The owner of the authorized place(s) of use shall properly install an acceptable water flow meter on or before December 31, 2018, or before the first use of water, whichever occurs first. The water flow meter shall be installed, operated and maintained in accordance with K.A.R. 5-1-4 through 5-1-12. As required by K.S.A. 82a-732, as amended, and K.A.R. 5-3-5e, the owner shall maintain records and report the reading of the water flow meter and the total quantity of water diverted annually to the Chief Engineer by March 1 following the end of each calendar year.  
 Applicable  Not Applicable
- Installation of the works for diversion of water shall be completed on or before December 31, 2018, or within any authorized extension of time. By March 1, 2019 the applicant shall notify the Chief Engineer that construction of the works for diversion has been completed, on the form provided by the Chief Engineer, as required by K.A.R. 5-8-4e.  
 Applicable  Not Applicable
- The completed well log shall be submitted with the required notice.  Applicable  Not Applicable
- All diversion works into which any type of chemical or other foreign substance will be injected into the water shall be equipped with an in-line, automatic, quick-closing check valve capable of preventing pollution of the source of the water supply. The check valve(s) shall be installed, operated and maintained in accordance with K.A.R. 5-3-5c.  Applicable  Not Applicable
- Additional Conditions are attached.  Yes  No
- In accordance with K.S.A. 82a-708a, as amended, and K.A.R. 5-5-14, all of the owners of the authorized place(s) of use of water appropriated under the above-referenced file number are responsible for compliance with its terms, conditions and limitations, as amended and/or supplemented by this Summary Order, and with applicable provisions of the Kansas Water Appropriation Law and the Rules and Regulations promulgated thereunder. Failure to comply with these provisions may result in civil penalties pursuant to K.S.A. 82a-737, as amended, and/or the suspension or revocation and dismissal of the water or appropriation right or any other enforcement actions authorized by law.

**Administrative Appeal and Effective Date of Order**

If you are aggrieved by this order, pursuant to K.S.A. 82a-1901, you may request an evidentiary hearing before the Chief Engineer or request administrative review by the Secretary of Agriculture. A request for hearing by the Chief Engineer must be filed within 15 days of service of this Order and a request for administrative review by the Secretary must be filed within 30 days pursuant to K.S.A. 77-531. Any request for administrative review must state a basis for review pursuant to K.S.A. 77-527. File any request with Kansas Department of Agriculture, Legal Division, 1320 Research Park Drive, Manhattan, KS 66502. Failure to timely request a hearing or review may preclude review under the Kansas Judicial Review Act.

For Use by Register of Deeds

FOR OFFICE USE ONLY  
**APPLICATION APPROVED AND  
SUMMARY ORDER ISSUED**

By: \_\_\_\_\_  
Duly Authorized Designee of the Chief Engineer

(Print Name): \_\_\_\_\_  
Division of Water Resources - Kansas Department of Agriculture

Date of Issuance: \_\_\_\_\_

State of Kansas )  
 ) SS  
County of \_\_\_\_\_ )

Acknowledged before me on \_\_\_\_\_  
by \_\_\_\_\_.

Signature: \_\_\_\_\_  
Notary Public

My commission expires: \_\_\_\_\_  
(Notary Seal)