

Kansas Department of Agriculture
Division of Water Resources
CHANGE: PD WORKSHEET

Document Signature LPL _____

1. File Number: 9249	2. Status Change Date: <i>6/25/2018</i>	3. Change Num: 2	4. Field Office: 4	5. GMD: 3
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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: 4/10/2018
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8a. Applicant(s) Person ID **65962**
 New to system Add Seq# _____

REDDHAWK, LLC
 RICK AND KATHRYN REDD
 PO BOX 296
 SUBLETTE, KANSAS 67877

8c. Landowner(s) Person ID **65963**
 New to system Add Seq# _____

DAVID J. DIETZ
 PO BOX 296
 SUBLETTE, KANSAS 67877

8b. Landowner(s) Person ID **65961**
 New to system Add Seq# _____

ZANE B. EILERTS
 8155 SILKWOOD
 HUNTINGTON BEACH, CALIFORNIA 91464

T BRIAN EILERTS
 2023 N. CHIPMUNK CT
 FLAGSTAFF, ARIZONA 86004

8d. WUC Person ID _____
 New to system Add Seq# _____

SAME AS 8a

9. Documents and Enclosure(s): DWR Meter(s) Date to Comply: 12/31/2018 N & P Date to Comply: 12/31/2018

Check Valve N & P Form Water Tube Driller Copy H & E Letter

Conservation Plan Date Required: _____ Date Approved: _____ Date to Comply: _____

10. Use Made of Water From _____ To: _____

entered 7/2/2018 LCM

File No. 9249 11. County: HS Basin: Stream: Formation Code: 211 Special Use:

12. Points of Diversion										Rate and Quantity				
MOD DEL ENT	PDIV	Qualifier	S	T	R	ID	'N	'W	Comment	Authorized		Additional		Overlap PD Files
										Rate gpm/cfs	Quantity af/mgy	Rate gpm/cfs	Quantity af/mgy	
ENT	81104	NW SW NW	8	30	32W	6	3,705	5082					9249	
CHK	25187	SE NE NW	8	30	32W	4	4,505	2,945					9249 20180131	
DEL	26425	NW SW NW	8	30	32W	3	2,600	3,840					NONE	
MOD	28875	SW SW NW	17	30	32W	6	2,900	5,140					NONE	

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) _____
 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																		Total	Owner	Chg?	Overlap Files				
MOD DEL ENT	PUSE	S	T	R	ID	NE¼				NW¼				SW¼				SE¼							
						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				

Comments: PLACE OF USE OVERLAP

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: June 25, 2018

FROM: Brent A. Turney

RE: Water Right
File Nos. 3,493; 9,249 and 21,107

Applications to change the authorized point of diversion have been filed under the above referenced water rights. The applications to change the point of diversion under File Nos. 3,493 and 9,249 propose to return to an existing well previously authorized by these water rights. While the change to File No. 21,107 proposes to drill a new well.

The change to File Nos. 3,493 and 9,249 are intended to return to a well that was previously authorized but revoked by order of the Chief Engineer dated March 9, 2018. The change in point of diversion dated January 15, 2013, had authorized the proposed points of diversion, however, it was discovered that the application to change the point of diversion had not been signed by all landowners. The proposed applications to change the point of diversion have now been signed by all landowners and the applicant can proceed with drilling a new well under File No. 21,107 and can now legally appropriate water from the existing completed wells.

There are no other wells of any kind located within one half mile of the proposed wells. Therefore, no notifications were sent.

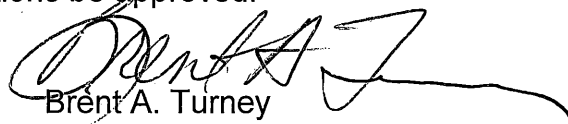
The source of supply for the existing well and well proposed under 21,107, appears to be the Ogallala formation, there should be no change in the local source of supply.

In an letter dated June 19, 2018, Jason L. Norquest, Assistant Manager, GMD 3, recommended approval of the applications.

In an e-mail dated June 25, 2017, Mike Meyer, Water Commissioner of the Garden City Field Office, recommended approval of the applications.

A water flow meter will be required on each point of diversion. A check valve will be required if any chemical or foreign substance is injected into the water through the diversion works.

Based on the above discussion, that the change is reasonable, that impairment to existing water rights is unlikely, that no change in the local source of supply will occur, it is recommended that the referenced applications be approved.


Brent A. Turney
Change Application Unit Supervisor

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

REDDHAWK, LLC
RICK AND KATHRYN REDD
PO BOX 296
SUBLETTE, KANSAS 67877

June 28, 2018

FILE COPY

RE: Water Right
File Nos. 3,493, 9,249 & 27,107

Dear Mr. and Mrs. Redd:

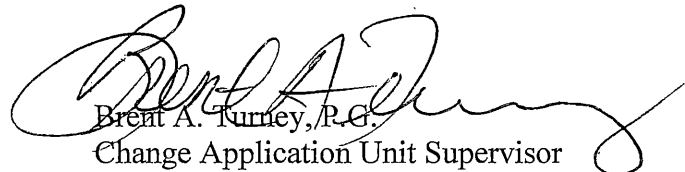
Enclosed are the orders executed by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the applications for change under the above referenced water rights.

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 acceptable water flow meters must be installed on the diversion works authorized under the referenced water rights. Please return the required notification of completion of the diversion works and installation of the required meters as soon as these actions are completed.

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.

If you have any questions, please contact this office. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,


Brent A. Turney, P.C.
Change Application Unit Supervisor
Water Appropriation Program

BAT
Enclosures
pc: Garden City Field Office
GMD No. 3
David J. Dietz
T Brian Eilerts
Zane B. Eilerts



KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

**APPROVAL OF APPLICATION
FOR
CHANGE IN
POINT OF DIVERSION
WATER RIGHT
FILE NO. 9,249**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Kyle and Heidi Simmons, Rick and Kathryn Redd on behalf of Reddhawk, LLC, PO Box 296, Sublette, Kansas 67877, and David J. Dietz, PO Box 296, Sublette, Kansas 67877, T Brian Eilerts, 2023 N. Chipmunk Ct, Flagstaff, Arizona 86004, and Zane B. Eilerts, 8155 Silkwood, Huntington Beach, California 91464, received in this office on April 10, 2018, for approval of a change in the location of the point of diversion under the certificate of appropriation issued pursuant to the application for permit to appropriate water for beneficial use, as modified and amended by the orders of the Chief Engineer dated November 7, 1983, February 24, 1994, and January 15, 2013, approving the applications to change the point of diversion, and the order of the Chief Engineer, dated March 9, 2018, revoking the January 15, 2013 change in point of diversion, 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 changes shall be the date this order is executed by the Chief Engineer, after which the points of diversion shall be described as being:

one (1) well located in the Northwest Quarter of the Southwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 8, more particularly described as being located near a point 3,705 feet North and 5,082 feet West of the Southeast corner of said Section, and

one (1) well located in the Southeast Quarter of the Northeast Quarter of the Northwest Quarter (SE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 8, more particularly described as being located near a point 4,505 feet North and 2,945 feet West of the Southeast corner of said Section, and

one (1) well located in the Southwest Quarter of the Southwest Quarter of the Northwest Quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 17, more particularly described as being located near a point 2,900 feet North and 5,140 feet West of the Southeast corner of said Section,

both in Township 30 South, Range 32 West, Haskell 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.

Installation of the works for diversion of water shall be completed on or before December 31, 2018, or within any authorized extension of time. The applicant shall notify the Chief Engineer of the Division of Water Resources, Kansas Department of Agriculture, when construction of the works for diversion has been completed.

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. 9,249, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated May 12, 1978, and as modified and amended by the aforementioned orders.

Ordered this 25th day of June, 2018, in Topeka, Shawnee County, Kansas.

Lane P. Letourneau

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

State of Kansas)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this 25th day of June, 2018, by Lane P. Letourneau, P.G., Water Appropriation Program Manager, Division of Water Resources, Kansas Department of Agriculture.



Danielle Wilson

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.

Any request for hearing or petition for administrative review shall be in writing and shall be submitted to the attention of: Chief Legal Counsel, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, Fax: (785) 564 – 6777.

CERTIFICATE OF SERVICE

On this ^{28th} day of June, 2018, I hereby certify that the attached Approval of Application to Change the Authorized Point of Diversion, File No. 9,249, dated June 25th, 2018, was mailed postage prepaid, first class, US mail to the following:

REDDHAWK, LLC
RICK AND KATHRYN REDD
PO BOX 296
SUBLETTE, KANSAS 67877

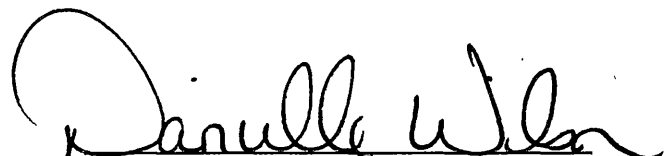
With photocopies to:

DAVID J. DIETZ
PO BOX 296
SUBLETTE, KANSAS 67877

T BRIAN EILERTS
2023 N. CHIPMUNK CT
FLAGSTAFF, ARIZONA 86004

ZANE B. EILERTS
8155 SILKWOOD
HUNTINGTON BEACH, CALIFORNIA 91464

Garden City Field Office
GMD No. 3


Staff

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

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



Water Resources
 Received
APR 26 2018
 STATE OF KANSAS
 KS Dept Of Agriculture

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. 9249

RECEIVED
 11:11 AM
 APR 10 2018

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

Garden City Field Office
 Division of Water Resources

2. Name and address of Applicant: REDDHAWK LLC

PO BOX 296 SUBLETTE KS 67877

Phone Number: () _____ Email address: _____

Name and address of Water Use Correspondent: REDDHAWK LLC

PO BOX 296 SUBLETTE KS 67877

Phone Number: () _____ Email address: _____

3. The presently authorized place of use is:

Owner of Land ---- NAME: REDDHAWK LLC & JOHN L DIETZ ETAL & ZANE B EILERTS ETAL

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			

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 \$ 200 TR # _____ Receipt Date 4/10/18 Check # 5013

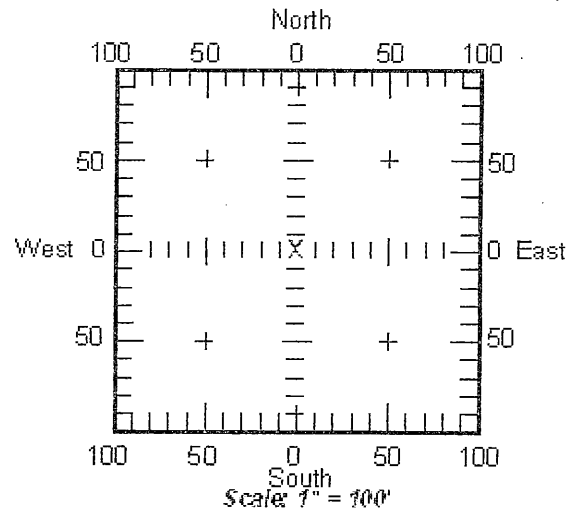
4/26/18 SCANNED

5. **Presently authorized point of diversion:**
 One in the nw Quarter of the ne Quarter of the sw Quarter of Section 8 , Township 30 South, Range 32 W, in Haskell County, Kansas, 2600 feet North 3840 feet West of Southeast corner of section. Authorized Rate 3 Authorized Quantity _____ Depth of well _____ (feet)
(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: 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 nw Quarter of the sw Quarter of the nw Quarter of Section 8 , Township 30 South, Range 32 W, in Haskell County, Kansas, 3705 feet North 5082 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 _____

6. **Presently authorized point of diversion:**
 One in the se Quarter of the ne Quarter of the nw Quarter of Section 8 , Township 30 South, Range 32 W, in Haskell County, Kansas, 4505 feet North 2945 feet West of Southeast corner of section. Authorized Rate _____ Authorized Quantity _____ Depth of well _____ (feet)
(DWR use only: Computer ID No. 4 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) old well redrilled, then revoked,
now wish to re-approve redrilled well

13a. If the proposed point of diversion will be relocated within 100 feet of the existing point of diversion, indicate its location on the diagram below in relation to the existing point of diversion. (PLEASE NOTE: The "X" in center of diagram below represents presently authorized point of diversion.)



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?
na

(b) When will this be done? na

11. Groundwater Management District recommendation attached? Yes No

12. Assisted by tpm

13b. If the proposed point of diversion will be relocated more than 100 feet but within 1320 feet from 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.

Water Resources
 Received

APR 26 2018

KS Dept Of Agriculture

SCANNED

APPLICATION FOR APPROVAL TO CHANGE
THE PLACE OF USE AND/OR POINT OF DIVERSION
SUPPLEMENTAL SHEET
FILE NO. _____

Presently authorized point of diversion:

One in the SW Quarter of the SW Quarter of the NW Quarter
of Section 19, Township 30 South, Range 32 (E/W),
in Haskell County, Kansas, 2,900 feet North, 5,140 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:

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 _____ 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 _____ 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:

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 _____ 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 _____ 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:

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 _____ 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 _____ 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:

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 _____ Proposed well depth (feet) _____
This point is: Additional Well Geo Center List other water rights that will use this point _____

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. 9249.

1. 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.
2. 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
3. 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
4. The point(s) of diversion authorized herein shall not actually be located more than _____ feet from the previously authorized point(s) of diversion. Applicable Not Applicable
5. 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
6. **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
7. **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
8. **The completed well log shall be submitted with the required notice.** Applicable Not Applicable
9. All diversion works into which any type of chemical or other foreign substance will be injected into the water shall be equipped with an in-line, automatic, quick-closing check valve capable of preventing pollution of the source of the water supply. The check valve(s) shall be installed, operated and maintained in accordance with K.A.R. 5-3-5c. Applicable Not Applicable
10. Additional Conditions are attached. Yes No
11. In accordance with K.S.A. 82a-708a, as amended, and K.A.R. 5-5-14, all of the owners of the authorized place(s) of use of water appropriated under the above-referenced file number are responsible for compliance with its terms, conditions and limitations, as amended and/or supplemented by this Summary Order, and with applicable provisions of the *Kansas Water Appropriation Law* and the *Rules and Regulations* promulgated thereunder. Failure to comply with these provisions may result in civil penalties pursuant to K.S.A. 82a-737, as amended, and/or the suspension or revocation and dismissal of the water or appropriation right or any other enforcement actions authorized by law.

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)
 File No. _____

**Water Resources
 Received**

APR 26 2018

KS Dept Of Agriculture

SCANNED

14. If the proposed groundwater point of diversion is 300 or fewer feet from 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.)

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 4/3/18, Kansas, this _____ day of _____, 20_____.

* David J. Dietz
(Owner)
David J. Dietz
(Please Print)

N/A
(Spouse)

(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

State of ~~Kansas~~ Ohio }
County of Clermont } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 3 day of April, 2018.



Melissa May Cordes
Notary Public, State of Ohio
My Commission Expires
March 30th, 2023

Mel Cordes
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

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

Water Resources
Received
APR 26 2018

7. If the proposed groundwater point of diversion is 300 or fewer feet from 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.)

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 regard 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 4/2/2018 Santa Ana, CALIFORNIA, Kansas, this 2nd day of APRIL, 2018.

[Signature]

(Owner)
LANE EILERTS

(Please Print)

N.A.

(Spouse)

(Please Print)

(Owner)

(Please Print)

(Owner)

(Please Print)

(Owner)

(Please Print)

(Spouse)

(Please Print)

(Spouse)

(Please Print)

(Spouse)

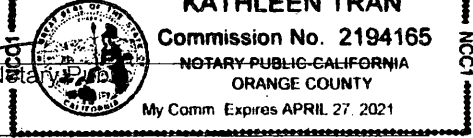
(Please Print)

State of ~~Kansas~~ California }
County of Orange } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 2nd day of April, 2018.

My Commission Expires April 27, 2021.

[Signature]

Notary Public

KATHLEEN TRAN
Commission No. 2194165
NOTARY PUBLIC-CALIFORNIA
ORANGE COUNTY
My Comm Expires APRIL 27, 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

Water Resources
Received
APR 26 2018

KS Dept Of Agriculture
SCANNED

14. If the proposed groundwater point of diversion is 300 or fewer feet from 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.)

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 regard 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 Flagstaff, Arizona, Kansas, this 27th day of March, 2018.

(Owner)
TAM B. GLEETS
(Please Print)

(Spouse)

(Please Print)

(Owner)

(Please Print)

(Spouse)

(Please Print)

(Owner)

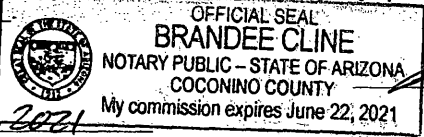
(Please Print)

(Spouse)

(Please Print)

State of Arizona }
~~State of Kansas~~ } SS
County of Coconino

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 27th day of March, 2018.



Notary Public

My Commission Expires June 22, 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

Water Resources
Received

APR 26 2018

14. If the proposed groundwater point of diversion is 300 or fewer feet from 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.)

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 regard 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 Swyler, Kansas, this 9th day of April, 2018.

Kyle Simmons
(Owner)

Heidi Simmons
(Spouse)

Kyle Simmons
(Please Print)

HEIDI SIMMONS
(Please Print)

RedHawk by Rick Redd
(Owner)

Kathryn Redd
(Spouse)

RedHawk by Rick Redd
(Please Print)

Kathryn Redd
(Please Print)

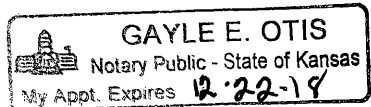
(Owner)

(Spouse)

(Please Print)

(Please Print)

State of Kansas }
County of Haskell } SS



I hereby certify that the foregoing application was signed in my presence and sworn to before me this 10 day of April, 2018.

Gayle E Otis
Notary Public

My Commission Expires 12-22-19

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

**Water Resources
Received
APR 26 2018**

T Brian Eilerts
2023 N Chipmunk Ct
Flagstaff, AZ 86004

April 10, 2018

Kansas Dept of Agriculture
Attn: Michael Meyer, L.G.
Division of Water Resources
Garden City Field Office

RE: Division of Water Resource file Numbers 3493, 9249 and 27107

Mr. Michael Meyer,

It has been brought to my attention that Mr. Rick Redd is attempting to file paperwork with your office regarding a re-drill and a diversion of water to the (re-drill) new well on 30-32-8 Haskell County, Kansas. As I informed you in an email, in a timely manner prior to the filing of these documents, my signature was revoked authorizing a re-drill and relocation of diversion.

My signature on these documents was predicated on an agreement that Mr. Redd would purchase 40 acres of property from me, my remaining water rights on 30-32-8, and my half interest of irrigation motors on both 30-32-17 and 30-32-8. As I had every intention of selling the 40 acres of land I would no longer have use for the remaining water rights on section 8, or the half interest in motors on section 8 and section 17.

I was presented with three separate signature pages only, with no legal body or description of activity that would take place, just the page where my signature was presented to me. I was told that it was the same document that was sent to me via mail and that I still have on file in my office to this day and that the extra signature pages were for copy purposes only and in no way had the legal body and issues addressed in these documents changed in any way from the original form sent to me in the mail by Mr. Redd.

Mr. Redd did not enter good faith negotiations to purchase the 40 acres of land or the remaining water rights on section 8. As Mr. Redd refused to enter into good faith negotiations, I immediately emailed the division of water resources, contacting you, and revoked my signature long before the diversion and re-drill documents were filed in your office.

I have been informed that there are three (3) different documents and water files being effected by Mr. Redd's attempted filings. I have no knowledge of these three files or what these documents being filed contain.

Mr. Redd has filed fraudulent documents with your office in the past with regards to my Mothers signature on water right document number 9,249. My mother did not own the minerals, nor the land,

Water Resources
Received

APR 26 2018

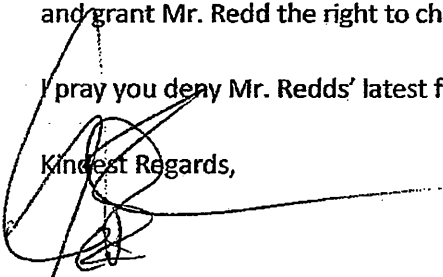
SCANNED KS Dept Of Agriculture

at the time her signature was applied. Furthermore, Mr Redd claims no knowledge that Zane B Eilerts and I owned these rights at the time of my mothers' signature. This is an untrue statement by Mr. Redd. Rick Redd was aware of the transfer of land to myself and Zane B Eilerts in a warranty deed dated November 3, 2003. Performing due diligence was also the responsibility of Mr. Redd at the time these documents were signed by my mother and Mr. Redd failed to do so. My complaint filed for the filing on water right 9,249 was upheld and made null and void by the division of water resources as stated in a letter from the board dated March 12, 2018. As the proof showed Mr. Redd is known to file documents with your office that are not completed correctly and give economic benefit to himself.

I strongly urge you to error on the side of caution when making your decision. Mr. Redd has been known to file fraudulent and incomplete documents with the division of water resource offices. I am only aware of a single document that would have been filed in this case on which my signature was revoked in a timely manner prior to Mr. Redd filing. I have every right to read and inspect every document being filed prior to a valid signature being applied by my hand. Mr. Redd misrepresented his intentions with three separate signature sheets constituting fraud. My signature was revoked because Mr. Redd failed to complete the predetermined terms to my signature appearing on these documents. Furthermore, granting Mr. Redd the permissions and provisions that these documents must contain will give Mr. Redd an unfair economic advantage, render my remaining land and water resources valueless, and grant Mr. Redd the right to change water rights that were not discussed or agreed to.

I pray you deny Mr. Redd's latest filings with the division of water resources.

Kindest Regards,



T Brian Eilerts
MBA, CSSMBB

2018/03/12 10:11 AM

2018/03/12 10:11 AM

2018/03/12 10:11 AM

2018/03/12 10:11 AM

Turney, Brent

From: Meyer, Mike [KDA]
Sent: Monday, June 25, 2018 3:37 PM
To: Turney, Brent
Subject: RE: Change in pd

Approve thanks

Mike

From: Turney, Brent
Sent: Monday, June 25, 2018 2:59 PM
To: Meyer, Mike [KDA] <Mike.Meyer@ks.gov>
Subject: Change in pd

Mike,
Please review and give me a recommendation,
Thanks,
Brent

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

3705 ft N and 5082 ft W of the SE Corner of Section 8, T 30S, R 32W

Located at: 100.851612 West Longitude and 37.456006 North Latitude

GROUNDWATER ONLY

2300' on all

File Number	Use	ST	SR	Dist (ft)	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Twp	Rng	ID	Batt	Auth_Quan	Add_Quan	Unit
A__ 3493	00	IRR	NK	G* 1662	--	NW	NE	SW	2600	3840	8	30	32W	3		444.00	444.00	AF
Same				2285	--	SE	NE	NW	4505	2945	8	30	32W	4				
A__ 8164	00	IRR	NK	G 4506	--	SW	SW	NW	2905	5049	5	30	32W	2		1037.00	.00	AF
A__ 9249	00	IRR	NK	G* 1662	--	NW	NE	SW	2600	3840	8	30	32W	3		1115.00	1115.00	AF
Same				2285	--	SE	NE	NW	4505	2945	8	30	32W	4				
A__ 14069	00	IRR	NK	G 3377	--	NE	NE	SW	2630	2970	7	30	32W	2		991.00	991.00	AF
A__ 27107	00	IRR	NK	G* 3992	--	SW	SW	SE	601	2568	8	30	32W	2		681.00	681.00	AF

Total Net Quantities Authorized:	Direct	Storage
Total Requested Amount (AF) =	.00	.00
Total Permitted Amount (AF) =	.00	.00
Total Inspected Amount (AF) =	.00	.00
Total Pro_Cert Amount (AF) =	.00	.00
Total Certified Amount (AF) =	3231.00	.00
Total Vested Amount (AF) =	.00	.00
TOTAL AMOUNT (AF) =	3231.00	.00

An * after the source of supply indicates a pending application for change for the file number.

An * after the ID indicates a 15 AF exemption was granted for the file number.

A "G" in the Batt column indicates the GEO CTR of a battery. A "B" indicates a well in the battery.

The number in the Batt column is the number of wells in the battery.

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

100.851612 West Longitude and 37.456006 North Latitude

GROUNDWATER ONLY

WATER USE CORRESPONDENTS:

File Number	Use	ST	SR
A__ 3493	00	IRR	NK G
>	REDDHAWK LLC		
>			
>	PO BOX 296		
>	SUBLETTE KS 67877		

A__ 8164	00	IRR	NK G
>	RICK & KATHRYN REDD		
>			
>	PO BOX 296		
>	SUBLETTE KS 67877		

A__ 9249	00	IRR	NK G
>	REDDHAWK LLC		
>			
>	PO BOX 296		
>	SUBLETTE KS 67877		

>	ZANE B EILERTS ETAL		

GPS shows spacing MET between wells

>
> 8155 SILKWOOD
> HUNTINGTON BEACH CA 91464

A__ 14069 00 IRR NK G

> ROGER KELMAN

>

> PO BOX 428

> SUBLETTE KS 67877

A__ 27107 00 IRR NK G

> ZANE B EILERTS ETAL

>

> 8155 SILKWOOD

> HUNTINGTON BEACH CA 91464

=====

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

2019 ft N and 2518 ft W of the SE Corner of Section 8, T 30S, R 32W

Located at: 100.842780 West Longitude and 37.451376 North Latitude

GROUNDWATER ONLY

2300' on all

File Number	Use	ST	SR	Dist (ft)	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Twp	Rng	ID	Batt	Auth_Quan	Add_Quan	Unit
A__ 3184 00	IRR NK G			3693	--	NW	NW	NW	-----	-----	16	30	32W	1		547.00	547.00	AF ✓
A__ 3493 00	IRR NK G*			1444	--	NW	NE	SW	2600	3840	8	30	32W	3		444.00	444.00	AF
Same				2522	--	SE	NE	NW	4505	2945	8	30	32W	4				✓
A__ 7755 00	IRR NK G			2954	--	NW	NW	SW	2398	4860	9	30	32W	3		410.00	410.00	AF ✓
A__ 9249 00	IRR NK G*			1444	--	NW	NE	SW	2600	3840	8	30	32W	3		1115.00	1115.00	AF
Same				2522	--	SE	NE	NW	4505	2945	8	30	32W	4				✓
Same				5137	--	--	--	--	2900	5140	17	30	32W	1				✓
A__ 27107 00	IRR NK G*			1419	--	SW	SW	SE	601	2568	8	30	32W	2		681.00	681.00	AF
T__20147019	MF IRR GY G			2954	--	NW	NW	SW	2398	4860	9	30	32W	3		2050.00	.00	AF ✓

Total Net Quantities Authorized:	Direct	Storage
Total Requested Amount (AF) =	.00	.00
Total Permitted Amount (AF) =	.00	.00
Total Inspected Amount (AF) =	.00	.00
Total Pro_Cert Amount (AF) =	.00	.00
Total Certified Amount (AF) =	3197.00	.00
Total Vested Amount (AF) =	.00	.00
TOTAL AMOUNT (AF) =	3197.00	.00

Spacing MET

An * after the source of supply indicates a pending application for change for the file number.

An * after the ID indicates a 15 AF exemption was granted for the file number.

A "G" in the Batt column indicates the GEO CTR of a battery. A "B" indicates a well in the battery.

The number in the Batt column is the number of wells in the battery.

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

100.842780 West Longitude and 37.451376 North Latitude

GROUNDWATER ONLY

WATER USE CORRESPONDENTS:

File Number	Use	ST	SR
A__ 3184 00	IRR NK G		
> TIM & VIRGINIA WEBBER			
>			
> PO BOX 327			
> SUBLETTE KS 67877			

A__ 3493 00	IRR NK G		
> REDDHAWK LLC			
>			
> PO BOX 296			
> SUBLETTE KS 67877			

A__ 7755 00	IRR NK G		
> TIM & VIRGINIA WEBBER			
>			
> PO BOX 327			
> SUBLETTE KS 67877			

Spacing MET with submitted applications

A_ 9249 00 IRR NK G

- > REDDHAWK LLC
- >
- > PO BOX 296
- > SUBLETTE KS 67877

> ZANE B EILERTS ETAL

- >
- > 8155 SILKWOOD
- > HUNTINGTON BEACH CA 91464

A_ 27107 00 IRR NK G

- > ZANE B EILERTS ETAL
- >
- > 8155 SILKWOOD
- > HUNTINGTON BEACH CA 91464

T_ 20147019 MF IRR GY G

- > TIM & VIRGINIA WEBBER
- >
- > PO BOX 327
- > SUBLETTE KS 67877

=====

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

June 18, 2018

SOUTHWEST KANSAS GROUNDWATER
MANAGEMENT DISTRICT NO 3
2009 E SPRUCE STREET
GARDEN CITY KS 67846

FILE COPY

Re: Water Right
File Nos. 3,493; 9,249 & 27,107

Dear Sir or Madam:

We are enclosing copies of the applications referred to above, received in the office of the Chief Engineer April 10, 2018, 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 your recommendations concerning these applications.

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

A handwritten signature in black ink, appearing to read "Brent A. Turney".

Brent A. Turney, P.G.
Change Application Unit Supervisor
Water Appropriation Program

BAT
Enclosures

pc: Garden City Field Office

SCANNED

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

COPY

April 23, 2018

REDDHAWK LLC
PO BOX 296
SUBLETTE KS 67877

RE: Water Right
File Nos. 3,493; 9,249
and 27,107

Dear Sir or Madam:

Reference is made to your applications for approval of the Chief Engineer to change the point of diversion under the referenced file numbers which were received in this office on April 10, 2018. Upon review of the applications and additional information received by this office, it is found that the applications to change the point of diversion cannot be approved as proposed.

In a letter dated April 10, 2018, received in the office of the Chief Engineer on April 16, 2018, T Brian Eilerts has requested that his signatures be removed from the applications.

Please note that K.A.R. 5-5-5 states in part:

"If more than one person is the owner of a water right, and an application is filed for a change in the place of use, point of diversion, use made of the water, or any combination thereof, only the signature(s) of the landowner(s) whose portion of the water right(s) is (are) involved in the change shall be required on the application. If the extent of each owners interest in the water right has not been legally determined, then all landowners holding an undetermined portion of the water right must sign the change application . . ."

Based on the request by Mr. Ellerts above, the applications no longer contain the signatures of all landowners and spouses associated with the currently authorized place of use, therefore, the applications cannot be approved as filed.

For the reason given above, it will be recommended to the Chief Engineer that the Applications for Approval to Change the Authorized Point of Diversion and place of use under Water Right, File Nos. 3,493, 9,249 and 27,107 be denied and dismissed for failure to comply with K.A.R. 5-5-5.

SCANNED

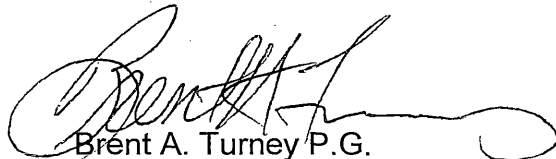
REDDHAWK LLC
Page No. 2

We are advising you of this recommendation in order to allow you to submit additional information to show why the evaluation should be reconsidered. You have a period of **15 days (until May 8, 2018)** to either (1) submit additional information to our office or (2) to request additional time beyond the 15 days to submit additional information. If you wish to request additional time, you must do so in writing, before the 15 day period expires. Such a request should state what steps are being taken to obtain the information and the amount of time you will need to supply the information to our office.

If you do not request more time within the 15 day period, or if your request is not granted, the above-referenced applications will be submitted to the Chief Engineer for final decision based on the recommendation stated above. If you do submit additional information within the 15 day period (or any authorized extension), that information will be given due consideration prior to final action on the applications.

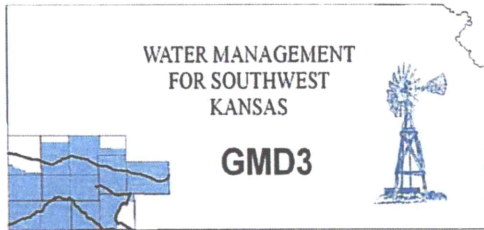
If you have any questions, please contact me at (785) 564-6645. If you wish to discuss a specific file, please have the file number ready so that I may help you more efficiently.

Sincerely,



Brent A. Turney P.G.
Change Application Unit Supervisor
Water Rights Section

BAT
Enclosures
pc: Garden City Field Office
John L Dietz Etal
Zane B Eilerts



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

June 19, 2018

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

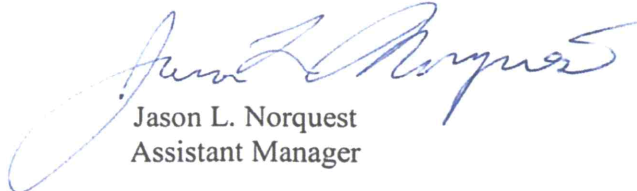
RE: Applications for Change in Point of Diversion
Water Rights, File Nos. 3493 & 9249; 27107

Dear Brent:

We have completed a review of the applications for the above referenced water rights. The proposal are not in conflict with the Management Program of the Southwest Kansas Groundwater Management District No. 3 (GMD3). The proposed distance moved and spacing to neighboring wells, for both applications, is in accordance with K.A.R. 5-23-3. GPS confirmed spacing between the applicants wells is also met. Documentations was provided for all land owners signatures involved with these water rights. 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

GMD3 Change Review

File No(s): 3493 & 9249: 27107.

DWR office: GC.

App filed to change: PDs.

Is Landowner(s) correct in WRIS: Yes.

If NO, is documentation included?

Is Water Use Correspondent correct in WRIS? __.

If NO, is documentation included?

Regulation(s) Reviewed: KAR 5-23-3

Point of diversion ID No(s) 02 & 03 being changed.

	ft. North	ft. West	3493 & 9249
Authorized PD	2600	3840	Sect 8-30-32
Proposed PD	3705	5082	
Difference	-1105 N	-1242 W	
a2 + b2 = c2	1221025	1542564	1662.405 foot move NW

	ft. North	ft. West	27107
Authorized PD	601	2568	Sect 8-30-32
Proposed PD	2019	2518	
Difference	-1418 N	50 E	
a2 + b2 = c2	2010724	2500	1418.881 foot move NE

GPS for proposed PD: Lat: 37.45603 Long: -100.85205. (3493 & 9249)

GPS for proposed PD: Lat: 37.45140 Long: -100.84322. (27107)

Is proposed PD stacking on existing WRs? 3493 & 9249 already stacked.

Is Proposed PU overlapping existing WRs? __.

Land Owner(s) notified: Yes.

Name __. Name __.

Address __. Address __.

Zip __. Zip __.

Neighboring certified well(s) notified: __.

Name __. Name __.

Address __. Address __.

Zip __. Zip __.

Domestic well(s) notified: __.

Name __. Name __.

Address __. Address __.

Zip __. Zip __.

Base Acres: __.

Perfected Acres: __.

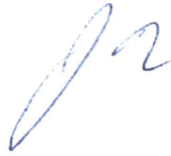
Irr. Return-Flow __%

GMD3 Change Review

Same applications that were filed in 2012 and approved, but dispute in landownership caused original applications to be revoked and PDs moved back to original locations in the files. The dispute is resolved at this point (signed form in this set of applications). Spacing met to neighboring wells and verified with GPS.

Is a waiver needed: No.

Final Recommendation: After review of all available information and clarification from all owners involved, it appears the current area rules are met. Staff therefore recommends approval of the application.

A handwritten signature in blue ink, consisting of a large, stylized 'J' followed by a smaller '2'.

INPUTS	
Target Section Definition	
Section	8
Township	30
Range	32
Range Direction	W
Target Point Coordinates (NAD27 or NAD83)	
Target Longitude	-100.852050
Target Latitude	37.456030

Load Data and Compute

- Instructions**
1. Enter values for section, township, range and range direction.
 2. Enter **NAD27** or **NAD83** longitude and latitude of target point.
 3. Click "Load Data and Compute" button.
 4. Use feet distances corresponding to datum of target point.

3493 + 9249

Loaded Section Data From LEOBASE using NAD83		
Corner	Corner Latitudes	Corner Longitudes
SW	37.44583995	-100.85284218
NW	37.46041223	-100.85282643
NE	37.46042715	-100.83459176
SE	37.44585487	-100.83454549
Degrees Longitude per Foot		3.44473528E-06
Degrees Latitude per Foot		2.74635094E-06
Target Point Distances from Corners using NAD83		
Corner	Feet North(+)/South(-)	Feet East(-)/West(+)
SW	3710	-230
NW	-1596	-225
NE	-1601	5068
SE	3705	5082

Target point is In Section

Loaded Section Data From LEOBASE using NAD27		
Corner	Corner Latitudes	Corner Longitudes
SW	37.44581600	-100.85240200
NW	37.46038800	-100.85238600
NE	37.46040300	-100.83415200
SE	37.44583100	-100.83410600
Degrees Longitude per Foot		3.44473418E-06
Degrees Latitude per Foot		2.74598553E-06
Target Point Distances from Corners using NAD27		
Corner	Feet North(+)/South(-)	Feet East(-)/West(+)
SW	3720	-102
NW	-1587	-98
NE	-1593	5196
SE	3714	5209

Target point is In Section

Difference (NAD83 Minus NAD27)		
Corner	Corner Latitudes	Corner Longitudes
SW	0.00002395	-0.00044018
NW	0.00002423	-0.00044043
NE	0.00002415	-0.00043976
SE	0.00002387	-0.00043949
Difference (NAD83 Minus NAD27)		
Corner	Feet North(+)/South(-)	Feet East(-)/West(+)
SW	-9.21557561	-127.78337123
NW	-8.61145192	-127.85594723

INPUTS		
	Longitude	Latitude
Point 1	-100.852050	37.456030
Point 2	-100.844390	37.457950

Proposed 3493 & 9249

3493 & 9249 ID 4, Field Insp

Degrees Longitude per Foot 3.44491209E-06

Degrees Latitude per Foot 2.74634868E-06

Distance Between Points (ft) 2331

Compute Distance Between Points

Instructions

1. Enter Longitudes and Latitudes of the two points (both must be in the same datum, NAD27 or NAD83).
2. Click "Compute Distance Between Points" button.

INPUTS	
Target Section Definition	
Section	8
Township	30
Range	32
Range Direction	w
Target Point Coordinates (<i>NAD27</i> or <i>NAD83</i>)	
Target Longitude	-100.843220
Target Latitude	37.451400

Load Data and Compute

- Instructions**
1. Enter values for section, township, range and range direction.
 2. Enter *NAD27* or *NAD83* longitude and latitude of target point.
 3. Click "Load Data and Compute" button.
 4. Use feet distances corresponding to datum of target point.

27107

Loaded Section Data From LEOBASE using <i>NAD83</i>		
Corner	Corner Latitudes	Corner Longitudes
SW	37.44583995	-100.85284218
NW	37.46041223	-100.85282643
NE	37.46042715	-100.83459176
SE	37.44585487	-100.83454549
Degrees Longitude per Foot		3.44473528E-06
Degrees Latitude per Foot		2.74635094E-06
Target Point Distances from Corners using <i>NAD83</i>		
Corner	Feet North(+)/South(-)	Feet East(-)/West(+)
SW	2025	-2793
NW	-3282	-2789
NE	-3287	2505
SE	2019	2518

Target point is In Section

Loaded Section Data From LEOBASE using <i>NAD27</i>		
Corner	Corner Latitudes	Corner Longitudes
SW	37.44581600	-100.85240200
NW	37.46038800	-100.85238600
NE	37.46040300	-100.83415200
SE	37.44583100	-100.83410600
Degrees Longitude per Foot		3.44473418E-06
Degrees Latitude per Foot		2.74598553E-06
Target Point Distances from Corners using <i>NAD27</i>		
Corner	Feet North(+)/South(-)	Feet East(-)/West(+)
SW	2034	-2666
NW	-3273	-2661
NE	-3279	2632
SE	2028	2646

Target point is In Section

Difference (<i>NAD83</i> Minus <i>NAD27</i>)		
Corner	Corner Latitudes	Corner Longitudes
SW	0.00002395	-0.00044018
NW	0.00002423	-0.00044043
NE	0.00002415	-0.00043976
SE	0.00002387	-0.00043949
Difference (<i>NAD83</i> Minus <i>NAD27</i>)		
Corner	Feet North(+)/South(-)	Feet East(-)/West(+)
SW	-8.99123185	-127.78255053
NW	-8.38710816	-127.85512654



T Brian Eilerts
2023 N Chipmunk Ct
Flagstaff, AZ 86004

June 6, 2018

RECEIVED

Mike Meyer
Kansas Dept of Ag
Division of Water Resources
2508 Johns Street
Garden City, KS 67846-2804

JUN 14 2018

Garden City Field Office
Division of Water Resources

Mr. Meyer,

I, Tam Brian Eilerts, hereby authorize the validity of my signatures upon the previously filed, and pending water application file numbers 3493, 9249, 27107. Let it be known that my signature upon these documents are valid and true and authorize the necessary changes requested by Rick Redd.

Tam Brian Eilerts

Dated 6/11, 2018 State of Arizona, Coconino County, SS:

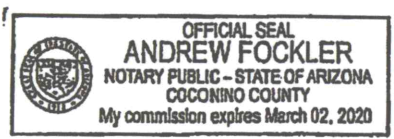
Be it Remembered, that on this 11th day of June A.D. 2018, before me, the undersigned, a Notary Public in and for the County and State aforesaid, came:

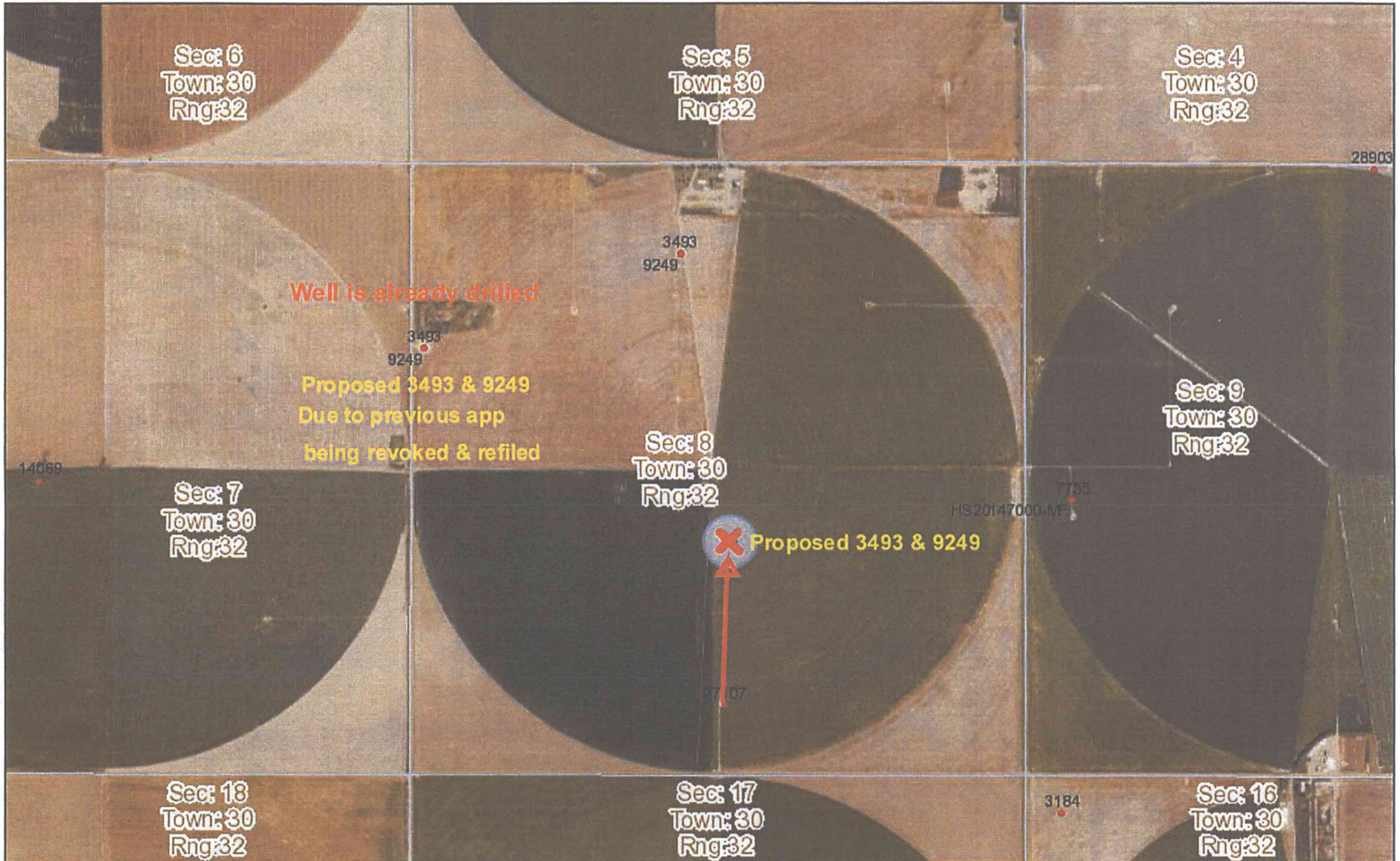
Tam Brian Eilerts, who is personally known to me to be the same person who executed the within instrument of writing and such person duly acknowledged the execution of the same.

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

Notary Public

Term Expires: 3/2/20

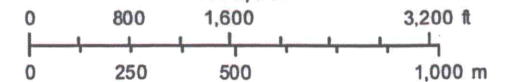




June 19, 2018
09:49 AM

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

1:18,056



	GPS Position								
Wells		+	CON		FPR		MUN		THX
?	Other		DEW		HYD		REC	?	Empty
.	IRR		DOM		IND		STK		Sections