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

1. File Number: 13057	2. Status Change Date:	3. Change Num:	4. Field Office:	5. GMD:
	nied by DWR/GMD	Dismiss by Reques		7. Filing Date of Change: 7/26/19
8a. Landowner, applicant, WUC New to system ☐ BOB & JOAN HARRING 1111 HARDING AVE GARDEN CITY KS 6784		8c. applicant. New to sy		Person ID Add Seq#
8b. Landowner(s) New to system □	Person ID Add Seq#	8d. WUC New to sy	rstem □	Person IDAdd Seq#
9. Documents and Enclosure(s): ☑ D ☐ Anti-Reverse Meter ☐ Meter ☐ Conservation Plan Date Requi	Seal	□ N & P Form	☐ Water Tube ☐ D	riller Copy
10. Use Made of Water From:		To: _		
			Date Prepared: 8/2/19 Date Entered:	Ву: МАМ Ву:

ile No. 13057	11. County: I	=1	Bas	in: AR	k RIN	/ER				S	tream							Fo	ormation (Code:	Special Use:
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6. Place of Use HK			NE	1/4			NV	V1/4			SI	N¹/4			s	E1/4		Total	Owner	Chg?	Overlap Files
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OD 16476 15 23					40	40	40	40	40	40			40		40			640	8a	YES	9516

Garden City Field Office 4532 W. Jones, Suite B Garden City, KS 67846



Phone: 620-276-2901 Fax: 620-276-9315 www.agriculture.ks.gov

Mike Beam, Secretary

Laura Kelly, Governor

August 2, 2019

BOB & JOAN HARRINGTON 1111 HARDING AVE GARDEN CITY KS 67846-4635

RE: Water Right, File Nos. 9516 and 13057

Dear Sir and Madam:

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

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in these approvals for change. A condition of these approvals are that acceptable water flow meters must be installed on the diversion works authorized under the referenced file numbers and meet current specifications. 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.

Should you have any questions, please feel free to call this office. If you would prefer, you could arrange an appointment for additional assistance.

Sincerely,

Michael A. Meyer

Water Commissioner

MAM: enclosures

pc:

GROUNDWATER MANAGEMENT DISTRICT NO. 3

CERTIFICATE OF SERVICE

On this 2nd day of August, 2019, I hereby certify that the foregoing Approvals of Application for Change in Place of Use, Water Right, File Nos. 9516 and 13057 dated 2nd day of August, 2019 was mailed postage prepaid, first class, US mail to the following:

BOB & JOAN HARRINGTON 1111 HARDING AVE GARDEN CITY KS 67846-4635

Pc:

GROUNDWATER MANAGEMENT DISTRICT NO. 3

Division of Water Resources 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 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

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(DWR use only: Com	puter ID No GPS	3	feet North	feet West	:)
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Presently authorized	point of diversion:				
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	onal Well Geo Center List ot				
	e desired for the following reasons	300	200 100 C	100 200	300 TT 4
				<u> </u>	4
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The change(s) (was)(wil	be) completed by?			a trin lar new source.	. E
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	Second Land Land Marine	E			=
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(b) When will this be do	one?	E			3
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Groundwater Manageme	ent District recommendation attached	l? 200	-1 + 1 + 1 =	- 1 + 1 + 1	200
Yes	□ No /	E	قوادي الانهاب		4
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Assisted by mf/GCFO		300	200 100 0	100 200	300
If the proposed point of o	iversion will be relocated more than 3	800	Sou	uth Scale: 1 hashmark=	10 ft
feet but within 2,640 feet	of the existing point of diversion, atta	ach 13b. If the	proposed point of divers	sion will be relocated w	ithin 300
a topographic map or	aerial photograph. For groundwa	iter of the	existing point of dive	ersion, indicate its loc	cation on
of the proposed point of	including domestic) within one-half n f diversion and the names and mail	ing divers	am shown above in ion. (PLEASE NOTE	: The "X" in center	of diag
addresses of the owners	s. For surface water sources, show	the above	represents the p	presently authorize	d point

diversion.)

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

14. If the	e proposed groundwater point of diversion is 3	300 or fewer feet fro	m the existing point of	f diversion, complete th	ne following:
	Does the undersigned represent all owners o ☐ Yes ☐ No (If no, all owners r	of the currently author must sign this applic		identified in this applica	ation?
	Will the ownership interest of any owner of taffected if this application is approved as req ☐ Yes ☐ No (If yes, all owners			dentified in this applica	ation be adversely
	If this application is not approved expeditious ☐ Yes ☐ No (If no, all owners r	ly, will there be subs		perty, public health or	safety?
or a chan	olication proposes a surface water change in age in place of use, the application must be si tach notarized statement authorizing represer	igned by all owners			
age and their be	verify, being first duly sworn upon me the owner, the spouse of the owner, that, in regards to the water right(s) to the din this application are true, correct	or a duly authoriz o which this app and complete.	zed agent of the or lication pertains.	wner(s) to make thi	s application on
Dated at	Norden City	Kansas this	30 day of	Oa.D.	, 20 19 .
Duicu at	Salary org	, Narisas, tilis _	day or	July	, 20
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State of K	(ansas) SS				
County of					+4
I herek	by certify that the foregoing application	was signed in m	y presence and sv	worn to before me	this 30 day
of A	, 20 19.	acacq s		- *	
O	JULIE JONES		94.1	no sanos	
My Comm	My Appointment Expinission Expires December 15, 2022		0	Notary Public	
	Control of the Contro			the later of	Marie Committee
accurate in	MPLETE APPLICATIONS WILL BE PROCESSED. formation; maps, if necessary, must be included; striate fee must be paid.	ignatures of all the app	r the applicable portions propriate owners' must b	of the application form me affixed to the application	ust be completed with n and notarized; and
		FEE SCHEDUL	.E		
forth in the	lication to change the place of use or the poir e schedule below: Make checks payable to: Application to change a point of diversion	nt of diversion under Kansas Departme	this section shall be a		
(2	Application to change a point of diversion Application to change a point of diversion Application to change the place of use	more than 300 feet.			\$200

14. If th	ne proposed groundwater point of diversion is 300 or fewer feet fro	m the existing point of diversion, complete the following	lowing:
(a)	Does the undersigned represent all owners of the currently authorally Yes No (If no, all owners must sign this application).		7
(b)	Will the ownership interest of any owner of the currently author affected if this application is approved as requested? ☐ Yes ☐ No (If yes, all owners must sign this appli	surfacian encuevada em teche describir anti-	be adversely
(c)	If this application is not approved expeditiously, will there be subsided in the subsided in		ty?
or a cha	oplication proposes a surface water change in point of diversion, a ange in place of use, the application must be signed by all owners attach notarized statement authorizing representation).		
age an their b	by verify, being first duly sworn upon my oath or affirmand the owner, the spouse of the owner, or a duly authorise the half, in regards to the water right(s) to which this appoint in this application are true, correct and complete.	zed agent of the owner(s) to make this ap	plication on
Dated a	t, Kansas, this_	26 day of suler.	20 19
Bo	l Hannoton		
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	(Please Print)	(Please Print)	
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	Kansas) SS		the mind
County I her	of	by presence and sworn to before me this	26 day
of	, 20 19.	the transmission of the limit of the self-north to a pro-	F F J S S
My Com	JULIE JONES nmission Expires December 15, 2022	Notary Rublic	
	OMPLETE APPLICATIONS WILL BE PROCESSED. To be complete, all conformation; maps, if necessary, must be included; signatures of all the ap		
	opriate fee must be paid.		motanizou, and
Fig	FEE SCHEDU		
	plication to change the place of use or the point of diversion under the schedule below: Make checks payable to: Kansas Departme		ation fee set
	(1) Application to change a point of diversion 300 feet or less		\$100
principle of the second	(2) Application to change a point of diversion more than 300 feet		\$200
	(3) Application to change the place of use		\$200
(C)	Ny Appointment Explanation of the Control of the Co		
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Page 3

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

File No. 13057

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. 13057 2019 26, requesting that the place of use and / or point of A change application was received on 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 topographic map accompanying the application to change the place of use. 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 radius of the authorized point(s) of diversion.

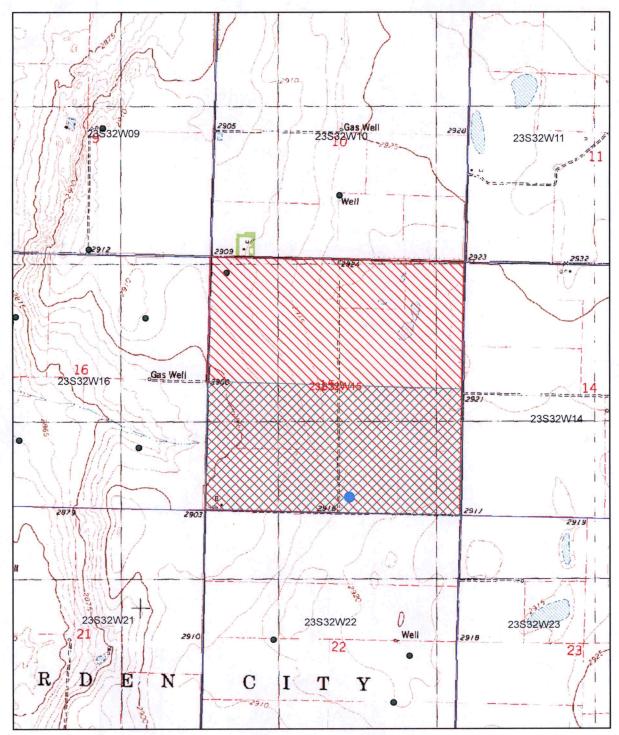
Applicable Not Applicable radius of the authorized point(s) of diversion.

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 authorized point(s) of diversion.

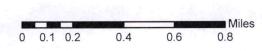
Applicable Not Applicable As required by K.A.R. 5-3-5d, if the works for diversion is a well with a diversion rate of 100 gallons per minute or more, a tube or other device suitable for making water level measurements shall be installed, operated and maintained in accordance with ☐ Applicable ☐ Not Applicable K.A.R. 5-6-13. The owner of the authorized place(s) of use shall properly install an acceptable water flow meter on or before **December 31, 20 19**, 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, 20 authorized extension of time. By March 1, 20____ the applicant shall notify the Chief Engineer that construction works for diversion has been completed, on the form provided by the Chief Engineer, as required by K.A.R. 5-8-4e. the applicant shall notify the Chief Engineer that construction of the ☐ Applicable Not Applicable Not Applicable The completed well'log shall be submitted with the required notice. ☐ Applicable 10. 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 \sum Not Applicable ☐ No Additional Conditions are attached. Yes 12. 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. FOR OFFICE USE ONLY Administrative Appeal and Effective Date of Order APPLICATION APPROVED AND If you are aggrieved by this order, pursuant to K.S.A. 82a-1901, SUMMARY ORDER ISSUED 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 Duly Authorized Designee of the Chief Engineer administrative review by the Secretary must be filed within 30 days pursuant to K.S.A. 77-531. Any request for administrative (Print Name): Kansas Department of Agriculture review must state a basis for review pursuant to K.S.A. 77-527. Division of Water Resou File any request with Kansas Department of Agriculture, Date of Issuance: Legal Division, 1320 Research Park Drive, Manhattan, KS 66502. Failure to timely request a hearing or review may State of Kansas preclude review under the Kansas Judicial Review Act. SS For Use by Register of Deeds County of C Acknowledged before me Signature: Notary Public JULIE JONES My Appointment Expires My commission expire (Notary Seal) 202

Change in Place of Use for Water Right 13057





Authorized Place of Use







Proposed Place of Use

All wells within 1/2 miles are on this map.

X			
	 	 	_







ULRIKE LAPPIN REGISTER OF DEEDS - FINNEY COUNTY KANSAS

Book: 338 Page: 146

Receipt #: 158571

Recording Fee: \$38.00

File No.: 1512831-1

llerke Laggin_

Pages Recorded: 1 of 2

Date Recorded: 4/18/2019 10:24:40 AM

[ELECTRONICALLY FILED]

KANSAS TRUSTEE'S DEED

(Individual/Tenants in Common)

THIS DEED, is made this day of day of level, 2019 by and between Deandra Krug Trustee and Nancy McMillan Trustee and Marnie Hoeme, Trustee of the Herman R. Hoeme Marital Trust, dated November 18, 1982, as Grantor(s), and Bobby D. and Erva Joan Harrington Trust, dated May 31, 2018, as Grantee(s), whose mailing address is 1111 Hording, Garden City, KS 67846.

WITNESSETH, that the Grantor(s), for and in consideration of the sum of One Dollar and other good and valuable consideration paid by the Grantees, the receipt and sufficiency of which is hereby acknowledged by Grantor(s), do/does by these presents **SELL AND CONVEY** unto the Grantee(s), the following described Real Estate, situated in the County of **Finney** and State of Kansas, to-wit:

The North Half (N/2) of Section Fifteen (15), Township Twenty-three (23) South, Range Thirty-two (32) West of the 6th P.M., Finney County, Kansas Except all oil, gas and/or minerals.

Subject to all easements, restrictions and reservations, if any, now of record.

TO HAVE AND TO HOLD the same, together with all rights and appurtenances to the same belonging, unto the Grantee(s), and to the heirs and assigns of such Grantee(s) forever.

The Grantor(s) hereby covenanting that the Grantor(s), and the heirs, executors, administrators and assigns of the Grantor(s), shall and will **WARRANT AND DEFEND** the title to the premises unto the Grantee(s), and to the heirs and assigns of Grantee(s) forever, against the lawful claims of all persons whomsoever, *claiming by, through or under Grantor(s)*, excepting, however, the general taxes for the current calendar year and thereafter, and special taxes becoming a lien after the date of this deed.

Grantor(s) warrant(s) to Grantee(s) that Grantor(s) is/are conveying the Property pursuant to the provisions of the **Herman R. Hoeme Marital Trust** (the "Trust"). Grantor(s) further warrant(s) to Grantee(s) that said Trust is in full force and effect as of the date hereof and has not been amended, modified or revoked, and that Grantor(s) is/are the duly constitued trustee(s) or successor trustee(s) of the Trust. Grantor(s) covenant(s) to Grantee(s) that this conveyance is made pursuant to the authority granted to Grantor(s) by the Trust, and the consideration received by Grantor(s) is in full accordance with the provisions of the Trust.

KSTRDTIC Rev. 10/1/14

RECEIVED

JUL **26** 2019

RECEIVED

MAY 2 9 2019

Garden City Field Office
DIVISION OF WATER RESOURCES

Finney Co. FSA Office

Book: 338 Page: 146 Page # 2

Dated:	april	16,2019
		,

Herman R. Hoeme Marital, Trust

Deandra Krug Trustee

nancy mcmillan, Hee

Nancy McMillan , Trustee

Marnie Hoeme, Trustee

STATE OF Kansas

)ss.

COUNTY OF Finney

Notary Public

My appointment expires:



RECEIVED

MAY 2 9 2019

Finney Co. FSA Office

KSTRDTIC Rev. 10/1/14

RECEIVED

File No.: 1512831-1

JUL 26 2019

Meyer, Mike [KDA]

From:

Meyer, Mike [KDA]

Sent:

Monday, July 29, 2019 8:25 AM

To:

'Norquest, Jason (Norquest@gmd3.org)'

Subject:

request for recommendation, File Nos. 9516 & 13057

Attachments:

20190729074335663.pdf

Good morning

Attached is a request for a review and recommendation of the attached applications to change the place of use. Bob Harrington is creating a complete overlap between two files. I have yet to obtain his wifes signature. Other than that, it is ready for your review.

Thanks, and please provide a recommendation within 15 days.

Mike



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

July 29, 2019

Michael A. Meyer Division of Water Resources 4532 W Jones Ave., Sutie B Garden City, Kansas 67846

RE: Applications for Change in Place of Use

Water Right, File Nos. 9516 & 13057

Dear Mike:

We have assisted with the applications for the above referenced water rights. The proposal is not in conflict with the Management Program of the Southwest Kansas Groundwater Management District No. 3 (GMD3). The proposed change in place of use for a complete overlap in irrigation acres is in accordance with K.A.R. 5-5-11. No new acres are being proposed. 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

RECEIVED

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Garden City Field Office Division of Water Resources

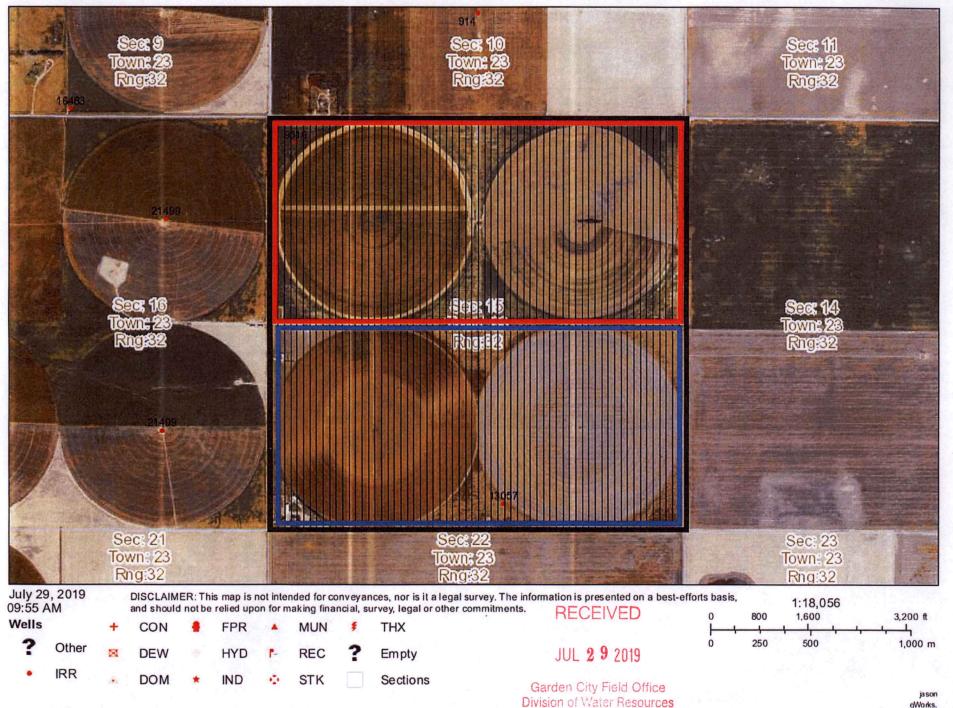
GMD3 Change Review

File No(s).: <u>9510</u>				
App filed to chan		10 D I II	(1 1 1	
		IS: Bob Harr	ington (deed subr	mitted showing new
ownership on N2				
	documentation			
s Water Use Cor			Yes.	
	documentation			
Regulation(s) Rev				
Point of diversion	ID No(s) _	being changed		
	ft. North	ft. West		
Authorized PD	it. North	it. West		
Proposed PD				
Difference	0	0		
a2 + b2 = c2	0	0	0	
GPS for proposed	PD: Lat:	Long:		
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9516 & 13057: Complete PU Overlap



Garden City Field Office 4532 W. Jones, Suite A Garden City, KS 67846



Phone: 620-276-2901 Fax: 620-276-9315 www.agriculture.ks.gov

Mike Beam, Secretary

Laura Kelly, Governor

July 26, 2019

SOUTHWEST KANSAS GROUNDWATER MANAGEMENT DISTRICT NO. 3 409 CAMPUS DRIVE, SUITE 106 GARDEN CITY KS 67846

Re:

Water Right File Nos. 9516 and 13057

Dear Mr. Norquest:

This is to advise you that Bob Harrington has filed applications for approval of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, to change the place of use for the above referenced files. This proposal creates a complete overlap in place of use.

We are delaying action on the change applications to allow you time to review and provide a recommendation. Please submit a recommendation within 15 days from the date of this letter.

Thank you and as always feel free to contact this office at any time.

Sincerely,

Michael A. Meyer Water Commissioner

MAM Enclosures