# Kansas Department of Agriculture Division of Water Resources

## **CHANGE: P/U WORKSHEET**

1. File Number:	2. Status Change Date:	3. Change Num:	4. Field Office:	5. GMD:					
126	,	C2	4	3					
6. Status: ☐ Approved ☐ Deni	ed by DWR/GMD	Dismiss by Reques	t/Failure to Return	7. Filing Date of Change:					
				2/27/2023					
8a. Applicant(s)  New to system □	Person ID 36394 Add Seq#	8c. Landowne		Person ID 60115 Add Seq#					
GARY KENNETH HARSH 10905 WILDFIRE RD MINNEOLA, KS 67865	IBERGER	3604 H	R ALLAN HAYWOOD 3604 HIGHLAND VIEW DR AUSTIN, TX 78731-4033						
8b. Landowner(s)  New to system □	Person ID 61995 Add Seq#	8d. WUC New to sy	stem 🗌	Person IDAdd Seq#					
HARSHBERGER LAND L 10905 WILDFIRE RD MINNEOLA, KS 67865	LC	8a							
9. Documents and Enclosure(s): 🛛 DV	VR Meter(s) Date to Comp	ly: <b>12/31/2023</b>	N & P Date to	Comply: <u>3/1/2024</u>					
☐ Anti-Reverse Meter ☐ Meter	Seal	☑ N & P Form	☐ Water Tube ☐ Dr	iller Copy					
☐ Conservation Plan Date Require	ed: Da	ite Approved:	Date to	Comply:					
10. Use Made of Water From:		To: _							
			Date Prepared: <b>5/22/2</b> Date Entered:	<b>023</b> ву: <b>АМ</b> Ву:					

File No.	126			11.	Count	y: FO		Bas	sin: Cl	ROO	KED	CREE	K		S	tream:							Fo	rmation Co	ode: <b>21</b> 1	Special Use:	
12. Poi CHK MOD DEL ENT	nts of Div		n ualifier		s	T	R		ID		N	ʻW		Com	ment	(AKA I	Line)			Authori e	uantity zed Quantit af	ty	Ad Rate gpm		intity af	Overlap PD Files	
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s'			-					-																			
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Limi	tation:				_ at/yr	at					gpm (_				cts) w	hen co	mbine	d with	i file ni	umber	(s)						-
15. 5YR	Allocation	n:	Allocation 7	Гуре		_ s	tart `	Year			5 YR	Amou	nt		Amo	unt Ur	nit	_	Base	Acres		_ C	omment _				
CHK	ce of Use							NE	1/4			NV	ľ/ <sub>4</sub>			sv	<b>V</b> 1/4			s	E1/4		Total	Owner	Chg?	Overlap Files	
MOD DEL ENT	PUSE	s	TR		ID	NI 1/4		NW ¼	SW 1/4	SE 1/4	NE 1⁄4	NW 1/4	SW 1/4	SE 1/4	NE 1⁄4	NW 1/4	SW 1/4	SE ¼	NE ¼	NW ¼	SW 1/4	SE ¼		-		,	
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							$\perp$																				
			_																								
	dase Acres: Year: Minimum Reasonable Quantity:  Comments: REMOVING 4 AC FROM SE 30-29S-26W (FARMSTEAD); OVERLAPPING WR ON PLACE OF USE 126; 21977; 22954 & 27283																										

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

May 22, 2023

HARSHBERGER LAND LLC 10905 WILDFIRE RD MINNEOLA, KS 67865

RE:

Filed Office Application for Change

Water Right, File Nos. 126; 21977; 22954 & 27283

Dear Sir or Madam:

Enclosed is the order executed by the designee of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the application for change under the above referenced file numbers. **Note:** this approval does not allow any single point of diversion to exceed its annual authorized quantity.

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in this approval for change. A condition of this approval is that an acceptable water flow meter must be installed on the diversion works authorized under the referenced file number and meet current specifications. Please return the required notification of completion of the diversion works and/or installation of the required meter as soon as these actions are completed.

Since the order modifies the original document referred to above, it should be recorded with the Register of Deeds as other instruments affecting real estate.

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

Sincerely,

Austin J. McColloch

**Assistant Water Commissioner** 

AM: enclosures

pc:

R Allan Haywood

GMD 3

#### **CERTIFICATE OF SERVICE**

On this 22<sup>nd</sup> day of May, 2023, I hereby certify that the foregoing Approval of Application for Change in Place of Use, Water Right, File Nos. 126, 21,977, 22,954 and 27,283 dated 22<sup>nd</sup> day of May, 2023 was mailed postage prepaid, first class, US mail to the following:

HARSHBERGER LAND LLC 10905 WILDFIRE RD MINNEOLA, KS 67865

Pc:

R ALLAN HAYWOOD 3604 HIGHLAND VIEW DR AUSTIN, TX 78731-4033

GMD 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.

thar		, or if pl	ace of	use wi													zed ar RI	nd prop	ion is greater osed point(s)
						F	ile No	. <u>1</u>	26-00					·			F	EB 2	7 2023
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	under th	e water	right w	vhich is	s the s	ubject	of this	applic	ation i	n acco	rdance	e with t	he cor	ndition	s desc	ribed b	elow.		
	The sou	rce of s	upply is	S:		⊠G	round	water			Surfac	ce wate	er						
2.	10905 V	Name and address of Applicant: GARY HARSHBERGER  10905 WILDFIRE RD, MINNEOLA, KS 67865  Phone Number: (620)338-0888 Email address: HEOFFICE2021@GMAIL.COM																	
	Name a	nd addro	ess of			orresp	onden	t: <u>SA</u>	ME AS	ABO\	/E	OFFIC	<u> </u>	T(W,GIN	IAIL.C	OIVI			
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				NE	<b>≣</b> 1⁄4			NV	N <sup>1</sup> / <sub>4</sub>			sv	V1/4			SI	=1/4		TOTAL
Se	c. Twp.	Range	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4		SE1/4	NE1/4	NW¼	SW1/4	SE1/4	ACRES
3	29s	26w						1-7	1-2			L-3	1-4		40	40	40	426	160 156
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3	2 29s	26w					40	40	40	40									160
_																			

For Office Use Only: Code

\_ Fee \$\_<del>200.00</del>TR # \_

Receipt Date 2-27-23 Check # 3540

5.	5. Presently authorized point of diversion:	
- 1	One in the Quarter of the Quarter of the	Quarter
- 1	of Section, Township South, Range	W,
- 1	of Section, Township South, Range in County, Kansas, feet North feet West	t of Southeast corner of section.
- 1	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 bet	
- 1	Proposed point of diversion: (Complete only if change is requested or if existing point	
	One in the Quarter of the Quarter of the	
	of Section . Township South, Range	
	of Section, Township South, Range in County, Kansas,feet North feet West	t of Southeast corner of section.
	Proposed Rate Proposed Quantity Proposed well de	epth (feet)
	Proposed Rate Proposed Quantity Proposed well de This point is:  Additional Well  Geo Center List other water rights that will use this p	oint
L		
6.	6. Presently authorized point of diversion:	
٥. ا	One in the Quarter of the Quarter of the	Quarter
	of Section, Township South, Range	
	in County, Kansas, feet North feet West	t of Southeast corner of section
-1	Authorized Pate Authorized Quantity Denth of well	(feet)
	Authorized Rate Authorized Quantity Depth of well  (DWR use only: Computer ID No GPS feet North	foot Worth
- 1	☐ This point will not be changed ☐ This point will be changed as follows: ☐ No change, point bett	tor described with GPS as follows:
- 1		
	Proposed point of diversion: (Complete only if change is requested or if existing point of diversion: (Complete only if change is requested or if existing point of diversion of the complete only if	
- 1	One in the Quarter of the Quarter of the	Quarter
	of Section, Township South, Range	
- 1	in County, Kansas, feet North feet West	
	Proposed Rate Proposed Quantity Proposed well de	
L	This point is: Additional Well Geo Center List other water rights that will use this p	oint
7.	7. The changes herein are desired for the following reasons?	
١.	(places he enecifie)	North
	300 200 100	0 100 200 300 n
Ω	8. If a well, is the test hole log attached?  Yes No	
0.	8. If a well, is the test hole log attached? Yes No	=   +   +   = 200
9.	9. The change(s) (was)(will be) completed by?	= \ =
	100 1	= 1 + 1 + 1 → 100
10.	10. If the point of diversion is a well:	<u> </u>
	(a) What are you going to do with the old well? West 0 [++++	( 0 East
		<u> </u>
	——————————————————————————————————————	
	(b) When will this be done?	=   +   +   1 100
	<b>₽</b> \	= /=
11.	11. Groundwater Management District recommendation attached? 200 - 1 + 1	$\frac{1}{2}$   +   +   $\frac{1}{200}$
	☐ Yes ☐ No	
	42. Assisted by 10/00F0	u i i i i i i i i i i i i i i i i i i i
12.	12. Assisted by <u>JG/GCFO</u> 300 200 100	0 100 200 300
13a	13a.If the proposed point of diversion will be relocated more than 300	South Scale: 1 hashmark=10 ft
	feet but within 2,640 feet of the existing point of diversion, attach 13b.If the proposed point of div	version will be relocated within a 300
	a topographic map or aerial photograph. For groundwater foot radius of the existing p	point of diversion, indicate its location ove in relation to the existing point o
	sources, show all wells (including domestic) within one-half mile of the proposed point of diversion and the names and mailing diversion. The proposed	point of diversion must be located

.If the proposed point of diversion will be relocated within a 300 foot radius of the existing point of diversion, indicate its location on the diagram shown above in relation to the existing point of diversion. The proposed point of diversion must be located within the circle shown above. (PLEASE NOTE: The "X" in center of diagram above represents the presently authorized point of 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

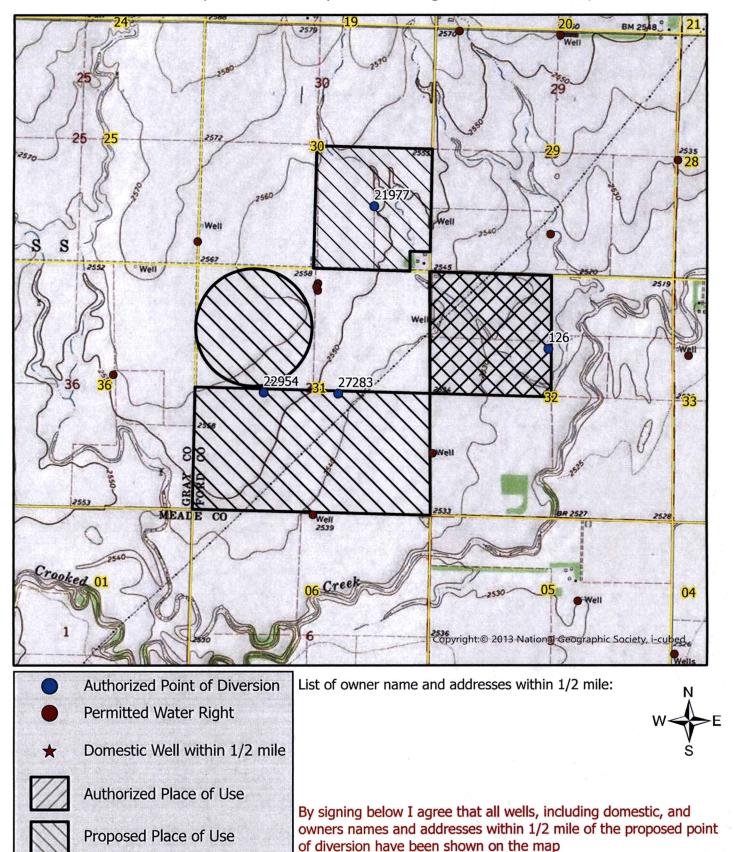
14. If the proposed groundwater point of diversion is 500 or lewer feet in	on the existing point of diversion, complete the following.
<ul><li>(a) Does the undersigned represent all owners of the currently auth</li><li>☐ Yes</li><li>☐ No</li><li>(If no, all owners must sign this appli</li></ul>	
<ul> <li>(b) Will the ownership interest of any owner of the currently authoral affected if this application is approved as requested?</li> <li>☐ Yes</li> <li>☐ No</li> <li>(If yes, all owners must sign this approved as requested)</li> </ul>	
(c) If this application is not approved expeditiously, will there be sub ☐ Yes ☐ No (If no, all owners must sign this appli	
If the application proposes a surface water change in point of diversion, a or a change in place of use, the application must be signed by all owners agent (attach notarized statement authorizing representation).	
I hereby verify, being first duly sworn upon my oath or affirm age and the owner, the spouse of the owner, or a duly author their behalf, in regards to the water right(s) to which this apcontained in this application are true, correct and complete.  Dated at AUSTIN, TEXAS	ized agent of the owner(s) to make this application on
(Owner)	(Spouse)
R ALAN HAYWOOD	
(Please Print)	(Please Print)
(Owner)	(Spouse)
(Please Print)	(Please Print)
(Owner)	(Spouse)
(Please Print)  State of Kansas  County of TRAVIS  SS	(Please Print)
Karen Barker Notary Public, State of Texas  Comm. Expires 09/18/2026 Notary ID 1132649-7	my presence and sworn to before me this 21st day  Notary Public
ONLY COMPLETE APPLICATIONS WILL BE PROCESSED. To be complete, all accurate information; maps, if necessary, must be included; signatures of all the at the appropriate fee must be paid.	
Each application to change the place of use or the point of diversion und forth in the schedule below: Make checks payable to: Kansas Departm (1) Application to change a point of diversion 300 feet or less (2) Application to change a point of diversion more than 300 feet (3) Application to change the place of use	er this section shall be accompanied by the application fee set nent of Agriculture \$100

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

oro Wit	This Summary Order is issued under authority of K.S.A. 82a-708b, as a provisions of the <i>Kansas Water Appropriation Law, K.S.A. 82a-701 et.</i> With the exception of those conditions expressly contained herein, this Sumitations of File No.	sea, and rules and regulations promulgated thereunder.
1.	<ol> <li>A change application was received on diversion authorized under the above-referenced file number be cl</li> </ol>	requesting that the place of use and / or point of panged as described in the application.
2.	<ol><li>On and after the effective date of this summary order, the authorized the topographic map accompanying the application to change the</li></ol>	place(s) of use shall be located substantially as shown on place of use. Applicable   Not Applicable
3.	previously authorized. The point of diversion authorized by this su	hall be limited to the same source or sources of water as mmary order shall be located within a foot Not Applicable
4.	<ol> <li>The point(s) of diversion described herein is administratively corre Positioning System (GPS), as described in the application.   Application.</li> </ol>	cted to be more accurately described using the Global olicable Not Applicable
5.	<ol> <li>The point(s) of diversion authorized herein shall not actually be located authorized point(s) of diversion.</li> <li>Applicable Not Applicable</li> </ol>	ed more than feet from the previously able
6.	<ol> <li>As required by K.A.R. 5-3-5d, if the works for diversion is a well with or other device suitable for making water level measurements shall K.A.R. 5-6-13.</li> <li>Applicable</li></ol>	
7.	7. The owner of the authorized place(s) of use shall properly in December 31, 20 3, or before the first use of water, whichever operated and maintained in accordance with K.A.R. 5-1-4 through K.A.R. 5-3-5e, the owner shall maintain records and report the read diverted annually to the Chief Engineer by March 1 following the example Applicable \text{\text{Not Applicable}} Not Applicable	ver occurs first. The water flow meter shall be installed, 5-1-12. As required by K.S.A. 82a-732, as amended, and fling of the water flow meter and the total quantity of water
8.	8. Installation of the works for diversion of water shall be comple authorized extension of time. By March 1, 20 the applicar works for diversion has been completed, on the form provided by the Applicable Not Applicable	t shall notify the Chief Engineer that construction of the
9.	9. The completed well log shall be submitted with the required not	ce.  Applicable Not Applicable
10.	10. All diversion works into which any type of chemical or other foreign s with an in-line, automatic, quick-closing check valve capable of pr check valve(s) shall be installed, operated and maintained in according to the control of the contro	eventing pollution of the source of the water supply. The
11.	11. Additional Conditions are attached. ☐ Yes ☒ No	
12.	12. In accordance with K.S.A. 82a-708a, as amended, and K.A.R. 5-5-water appropriated under the above-referenced file number are r limitations, as amended and/or supplemented by this Summary O Appropriation Law and the Rules and Regulations promulgated t result in civil penalties pursuant to K.S.A. 82a-737, as amended, water or appropriation right or any other enforcement actions authorized.	esponsible for compliance with its terms, conditions and rder, and with applicable provisions of the <i>Kansas Water</i> nereunder. Failure to comply with these provisions may and/or the suspension or revocation and dismissal of the
	Administrative Appeal and Effective Date of Order	FOR OFFICE USE ONLY
you Eng Agr filed adr day revi File Leg 665	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.  State	APPLICATION APPROVED AND SUMMARY ORDER ISSUED  Duly Authorized Designee of the Chief Engineer  Print Name): Division of Water Resources - Kansas Department of Agriculture of Issuance:  Of Kansas  ) SS
	Count	y of Jenney )
	Acknown by	Austin McColloch
	Sign	ature: Notary Public
	Му с	ommission expires:  JULIE JONES  POLIC (Notar) X-September 15, 2026

## **CHANGE IN PLACE OF USE WATER RIGHT, FILE NO. 126**

Sections 30, 31 & 32 Township 29 South Range 26 West Ford County



Date AM/GCFO 1:24,000 Scale



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

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

May 15, 2023

Austin McColloch Division of Water Resources 4532 W Jones Ave., Suite B Garden City, Kansas 67846

RECEIVED

MAY 1 5 2023

Garden City Field Office Division of Water Resources

Applications for Change in Place of Use

Water Right, File Nos. 126, 21977, 22954 & 27283

Dear Austin:

RE:

We have reviewed the applications for the above referenced water rights. The proposals are not in conflict with the Management Program of the Southwest Kansas Groundwater Management District No. 3 (GMD3). The proposed change in place of use will make a complete overlap in currently authorized place of use in accordance with K.A.R. 5-5-11(b). No new acres being proposed. Four acres are being dropped that are now homesteads owned by someone other than the applicant and these changes will clean that up. 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).: 126, 21977, 22954, 27283.	DWR office:	GC
App filed to change: <u>PU</u> .		
Is Landowner(s) correct in WRIS: <u>Gary Harshberger</u> .		
If NO, is documentation included?		
Is Water Use Correspondent correct in WRIS?		
If NO, is documentation included?		
Regulation(s) Reviewed: KAR 5-5-11		
Point of diversion ID No(s) being changed.		
ft. North ft. West		
Authorized PD		
Proposed PD		
Difference 0 0		
a2 + b2 = c2 0 0 0		
GPS for proposed PD: Lat: Long:		
Is proposed PD stacking on existing WRs? No Change.		
Is Proposed PU overlapping existing WRs? <u>Making an overlap</u> .		
Neighboring certified well(s) notified:		
Name		
Address		
Zip		
Email: Phone:		
Domestic well(s) notified:		
Name		
Address		
Zip		
Base Acres:		
Perfected Acres:		
Irr. Return-Flow%		
Ford county		
126 authorized: 320AF @ 3.5cfs		
160acres NW 32-29-26		
21977 authorized: 297AF @ 950gpm		
160acres SE 30-29-26		
22954 authorized: 222AF @ 560gpm		
450.84acres NW, SW, & SE 31-29-26		
27283 authorized: 519AF @ 1150gpm		
Same acres as 22954		

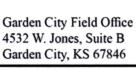
# **GMD3** Change Review

#### Proposed:

156acres SE 30-29-26 (Same acres minus homesteads) 450.84acres NW, SW & SE 31-29-26 (Same acres) 160acres NW 32-29-26 (Same acres)

Is a waiver needed: No new acres proposed. Taking out 4 acres from SE of 30 that are homesteads not owned by the applicant.

Recommendation: <u>After review of all available information, it appears current area rules</u> are met. Staff recommends approval of the applications.





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

Mike Beam, Secretary

Laura Kelly, Governor

May 12, 2023

GROUNDWATER MANAGEMENT DISTRICT #3 2009 E SPRUCE ST GARDEN CITY KS 67846

Re:

Request for Recommendation,

File Nos. 126; 21977; 22954 & 27283

#### Dear Sir or Madam:

We are enclosing a copy of the referenced application, which was submitted by Gary Harshberger and appears to be in proper form, for your review.

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 recommendation concerning this application. Please submit your recommendation within the allotted time, or any authorized extension of time thereof.

If you have any questions, please contact me at (620) 276-2901. If you wish to discuss a specific file, please have the file number ready to that I may help you more efficiently.

Sincerely,

Austin McColloch

Assistant Water Commissioner

Enclosure

pc:

1320 Research Park Drive Manhattan, KS 66502 785-564-6700 www. agriculture.ks.gov



900 SW Jackson, Room 456 Topeka, KS 66612 785-296-3556

Mike Beam, Secretary

Laura Kelly, Governor

April 25, 2023

HARSHBERGER LAND LLC 10905 WILDFIRE RD MINNEOLA, KS 67865

Email: gary@he.kscoxmail.com

RE: Water Right, File Nos. 126; 21,977; 22,954 and 27,283

Subject: Request for Additional Information

Dear Mr. Harshberger:

Reference is made to the applications for approval of the Chief Engineer to change the place of use under the referenced file numbers which were received in this office on February 27, 2023. Upon review of the applications, we find that additional information is needed.

It is required by K.A.R. 5-5-5, Signatures required on change application, that the Division of Water Resources, is required to obtain a notarized signature from each landowner and their spouse, or a duly authorized agent. Records in this office indicate that a small portion of the place of use authorized for irrigation use under File No. 21,977 is under the ownership of Jan & Jose Granados. Our review of the application does not find the signature of this owner.

The applications are being returned along with a signature page so that the required signature may be submitted. All signing must be done with a notary public present. You will need to return only the original signature page, the copies of the applications is for your files. Please email the needed signature page to Austin.McColloch@ks.gov.

In order for the applications retain their priority of filing the signed notarized signature page must be returned on or before **May 10, 2023**.

According to law, default in the refiling of the applications and providing the requested information as outlined above within the time allowed or any authorized extension of time, shall cause dismissal of the applications for change under the above referenced file numbers. Should you need additional time please email your request and reason for additional time to Austin.McColloch@ks.gov.

The Rules and Regulations of the Kansas Water Appropriation Act works may be found on the Kansas Department of Agriculture web site, <a href="http://www.agriculture.ks.gov/dwr.">http://www.agriculture.ks.gov/dwr.</a>

If you have any questions, or need to contact me, please call (620) 276-2901 for a return call, or you may email me directly at Austin.McColloch@ks.gov. When contacting us please reference a file number.

Sincerely,

Austin McColloch

Autr. Walle

Assistant Water Commissioner

Garden City Field Office

AM:am Enclosures

pc: