

Kansas Department of Agriculture
 Division of Water Resources
CHANGE: P/U WORKSHEET

Document Signature _____

1. File Number: 11,398	2. Status Change Date: <u>11/16/2016</u>	3. Change Num: C3	4. Field Office: 2	5. GMD: 5
6. Status: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied by DWR/GMD <input type="checkbox"/> Dismiss by Failure to Return				7. Filing Date of Change: 7/21/2016
8a. Applicant(s) New to system <input type="checkbox"/> ERIC D DUNN IRR FAMILY TRUST 12748 SE 160TH AVE NORWICH KS 67118-9058		8c. Landowner(s) New to system <input type="checkbox"/> ERIC D DUNN IRR FAMILY TRUST 12748 SE 160TH AVE NORWICH KS 67118-9058		
8b. Landowner(s) New to system <input type="checkbox"/> No Change		8d. WUC New to system <input type="checkbox"/> No Change		
9. Documents and Enclosure(s): <input checked="" type="checkbox"/> DWR Meter(s) Date to Comply: <u>12/31/2017</u> <input type="checkbox"/> N & P Date to Comply: _____				
<input type="checkbox"/> Anti-Reverse Meter <input type="checkbox"/> Meter Seal <input type="checkbox"/> Check Valve <input type="checkbox"/> N & P Form <input type="checkbox"/> Water Tube <input type="checkbox"/> Driller Copy <input type="checkbox"/> H & E Letter				
<input type="checkbox"/> Conservation Plan Date Required: _____ Date Approved: _____ Date to Comply: _____				
10. Use Made of Water From: _____ To: _____				
No information on the back			Date Prepared: 11/3/2016 By: AM Date Entered: <u>11/16/2016</u> By: <u>UM</u>	

File No. **11,398** 11. County: **SF** Basin: **NF NINNESCAH RIVER** Stream: Formation Code: Special Use:

12. Points of Diversion
 T
 MOD
 DEL PDIV
 ENT
 Qualifier S T R ID 'N 'W Comment
 Rate and Quantity
 Authorized Additional
 Rate Quantity Rate Quantity
 gpm/cfs af/mgy gpm/cfs af/mgy Overlap PD Files

NO CHANGE

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 T MOD DEL ENT PUSE S T R ID	NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg?	Overlap Files
	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				
MOD 15361 32 25S12W 1									.4	13.6	4						18	7a.	NO	49,676
ENT 67522 31 25S 12W 1													6	7	6	3	22	7a.	NO	49,676

Comments:

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: November 2, 2016

FROM: Austin McColloch

RE: Water Right,
File No. 11,398
New Application,
File No. 49,676

Eric Dunn of Hooray Ranch, owner of File No. 11,398 has filed an application for approval to change the place of use and a new application to appropriate water for beneficial use, File No. 49,676 for recreational use. The applications were received on July 21, 2016.

Change Application File No. 11,398

The referenced file number do not appear to be abandoned as per K.S.A. 82a-718.

File No. 11,398 is currently authorized 46 acre-feet of groundwater to be diverted at a maximum rate of 215 gallons per minute from a well located in the Northeast Quarter of the Southwest Quarter of the Southwest Quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 32, more particularly described as being near a point 921 feet North and 4,301 feet West of the Southeast corner of said section, in Township 25 South, Range 12 West, Stafford County, Kansas. There is no proposed change in rate, quantity or location of the point of diversion.

The place of use is currently 160 acres in the Southwest Quarter (SW $\frac{1}{4}$) of Section 32. This application for change in place of use proposes multiple wetlands located in Section 31 & 32 with a total of 40 surface acres. This will create an overlap in place of use with New Application, File No. 49,676. Due to the nature of the recreational use there will be no increase in consumptive use with the proposed change in place of use.

The applicant identified one (1) nearby well not owned by the applicant located within one-half mile of this existing well. Nearby well owner letter was sent out on September 21, 2016, referencing the proposed change application. No response of any kind has been received.

New Application, File No. 49,676

The filed new application is proposing to appropriate 15 acre-feet of groundwater at a diversion rate of 300 gallons per minute for recreational use from one (1) well located in the Northeast Quarter of the Southeast Quarter of the Southwest Quarter (NE¼ SE¼ SW¼) of Section 31, more particularly described as being near a point 784 feet North and 3,135 feet West of the Southeast corner of said section, in Township 25 South, Range 12 West, Stafford County, Kansas. This is a 15 acre-feet exemption due to the fact that the proposed PD is located in GMD No. 5 closed and restricted section.

The proposed place of use is multiple wetlands located in Section 31 & 32 with a total of 40 surface acres. This will create an overlap in place of use with Water Right, File No. 11,398. The wetlands will be used for seasonal recreational use approximately five months out of the year and drained at the end of the season until the following year.

The combined proposed quantity of 61 acre-feet will supply some evaporative loss and seasonal filling to a depth of 1.5 feet onto the wetlands. The multiple wetlands total 40 surface acres and will not require any structure permitting. The proposed quantity is justified as follows:

$$40 \text{ surface acres} \times 1.5 \text{ foot depth} = 60 \text{ acre-feet}$$

The applicant identified two (2) nearby wells not owned by the applicant located within one-half mile of this proposed well. Nearby well owner letter was sent out on September 21, 2016, referencing the proposed new application. No response of any kind has been received.

Both files are located within the boundaries of Big Bend Groundwater Management District No. 5. Copies of the applications were sent to GMD No. 5 on October 10, 2016 for recommendations. GMD No. 5 provided recommendations for approval on November 1, 2016. Per GMD No. 5 review, both applications meet their rules and regulations. Both applications are subject to the District's well equipment regulation K.A.R. 5-25-5 for a required flow meter.

Both points of diversion are located within the N. F. Ninnescah River Basin and are subject to minimum desirable stream flow.

In an email dated November 2, 2016, with Jeff Lanterman, Water Commissioner, Stafford Field Office, recommended approval of both applications.

Based on the above discussion, that the change and new application are reasonable, that impairment to existing water rights is unlikely. It is recommended that the change application for File No. 11,398 and new application File No. 49,676 are approved.



Austin McCulloch
Environmental Scientist

1320 Research Park Drive
Manhattan, Kansas 66502
(785) 564-6700



900 SW Jackson, Room 456
Topeka, Kansas 66612
(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

November 17, 2016

ERIC D DUNN IRR FAMILY TRUST
12748 SE 160TH AVE
NORWICH KS 67118-9058

FILE COPY

RE: Water Right, File No. 11,398

Dear Mr. Dunn:

Enclosed are the orders executed by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the applications for change under the referenced files. Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in the approvals for change.

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.

Please be reminded that reports of water usage must be submitted to this office annually. Records indicating the amount of water used should be furnished to the Chief Engineer by March 1 following the end of the previous calendar year so that the continued use of water becomes a matter of record in this office. The owner, or his or her legally designated agent, is held responsible for submitting annual water use reports. Failure to file an accurate water use report is a violation of law which makes you subject to civil penalties.

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

Sincerely,

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

BAT:am

Enclosures

pc: Stafford Field Office
Groundwater Management District No. 5



KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

**APPROVAL OF APPLICATION
FOR
CHANGE IN PLACE OF USE
WATER RIGHT
FILE NO. 11,398**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application by Eric D. Dunn Irrevocable Trust, 12748 SE 160th Ave., Norwich, Kansas, received in this office on July 21, 2016, for approval of a change in the location of the place of use under the certificate of appropriation issued pursuant to the application for permit to appropriate water for beneficial use, as modified and amended by the Order of the Chief Engineer dated January 28, 2016, approving the application to change the 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 change shall be the date this order is executed by the Chief Engineer, after which the authorized location of the place of use shall be:

recreational use in a wildlife marsh located in the Southeast Quarter of Section 31 and the Southwest Quarter of Section 32, both in Township 25 South, Range 12 West, Stafford County, Kansas.

located substantially as shown on the map accompanying the application to change the place of use.

All diversion works into which any type of chemical or other foreign substance will be injected into the water pumped from the diversion works shall be equipped with an in-line, automatic, quick-closing check valve capable of preventing pollution of the source of the water supply. The type of valve installed shall meet specifications adopted by the Chief Engineer and shall be maintained in an operating condition satisfactory to the Chief Engineer.

The water right owner shall properly install an acceptable water meter on the diversion works authorized under this water right, prior to the use of water, in strict accordance with the Kansas Administrative Regulations 5-1-4 through 5-1-12 adopted by the Chief Engineer. The water right owner shall notify the Chief Engineer when installation of the water meter has been completed. The water right owner shall maintain the water meter in an operating condition satisfactory to the Chief Engineer, at all times during diversion of water and shall maintain records from which the total quantity of water diverted may be determined. The water right owner shall also report the reading of said water meter and the total quantity of water diverted annually to the Chief Engineer. Such records shall be furnished to the Chief Engineer by March 1 following the end of each calendar year.

In all other respects, the Certificate of Appropriation issued pursuant to Approval of Application, File No. 11,398, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated November 4, 1983, as modified and amended by the aforementioned order.

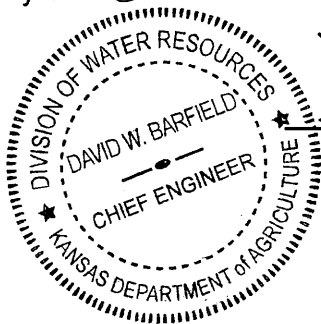
This Order shall become a final agency action, as defined by K.S.A. 77-607(b), without further notice to the parties, if a request for hearing or a petition for administrative review is not filed as set forth below.

Request for Hearing. According to K.A.R. 5-14-3(c), any party who desires a hearing must submit a request within 15 days after the date shown on the Certificate of Service attached to this Order. Filing a request for a hearing will give you the opportunity to submit additional facts for consideration, contest any findings made by the Chief Engineer or present any other information you believe should be considered in this matter. A timely-filed request for hearing will stay the deadline for requesting administrative review of this Order pending the outcome of the hearing.

Petition for Review. Any person aggrieved by this Summary Order may petition for administrative review, pursuant to K.S.A. 82a-708b(a) and K.S.A. 82a-1901(a). The petition must be filed within 30 days after the date shown on the Certificate of Service attached to this Order and must set forth the basis for the review, unless stayed by the timely filing of a request for hearing.

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.

Ordered this 16th day of November, 2016, in Topeka, Shawnee County, Kansas.



David W. Barfield

David W. Barfield, P.E.
Chief Engineer
Water Appropriation Program
Division of Water Resources
Kansas Department of Agriculture

State of Kansas }
County of Riley } SS

The foregoing instrument was acknowledged before me this 16th day of November, 2016, by David W. Barfield, P.E., Program Manager, Water Appropriation Program, Division of Water Resources, Kansas Department of Agriculture.



Karen Hunter

Notary Public

CERTIFICATE OF SERVICE

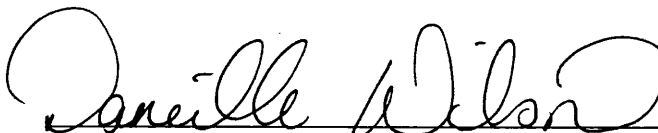
On this 17th day of November, 2016, I hereby certify that the attached Approval of Application for the Change in Place of Use, File No. 11,398, dated November 16, 2016, was mailed postage prepaid, first class, US mail to the following:

ERIC D DUNN IRR FAMILY TRUST
12748 SE 160TH AVE
NORWICH KS 67118-9058

With photocopies to:

Stafford Field Office

Groundwater Management District No. 5


Division of Water Resources

11/2/16

Reviewer AM

Submit To: CHIEF ENGINEER
Division of Water Resources
Kansas Department of Agriculture
109 SW 9th Street, 2nd Floor
Topeka, KS 66612-1283
www.ksda.gov/dwr

**APPLICATION FOR APPROVAL TO
CHANGE THE PLACE OF USE, THE
POINT OF DIVERSION OR THE USE
MADE OF THE WATER UNDER AN
EXISTING WATER RIGHT**



State of Kansas

Filing Fee Must Accompany the Application
(Please refer to Fee Schedule on signature page of application form.)

Paragraph Nos. 1, 2, 3, 4 & 8 must be completed. Complete all other applicable portions. A topographic map or detailed plat showing the authorized and proposed points(s) of diversion and /or place of use must accompany this application.

WATER RESOURCES
RECEIVED

JUL 21 2016

11/16

KS DEPT OF AGRICULTURE

1. Application is hereby made for approval of the Chief Engineer to change the

Place of Use

(Check one or more) Point of Diversion

Use Made of Water

Only process if new application is approved.

File No. 11,398

2. Name of applicant: Eric D. Dunn Irrevocable Trust

Address: 12748 SE 160th Avenue

City, State and Zip: Norwich, KS 67118

Phone Number: (316)304-3956 E-mail address: edunn@hoorayranch.com

What is your relationship to the water right; owner tenant agent other? If other, please explain. _____

Name of water use correspondent: Eric Dunn

Address: 12748 SE 160th Avenue

City, State and Zip: Norwich, KS 67118

Phone Number: (316) 304-3956 E-mail address: edunn@hoorayranch.com

3. The change(s) proposed herein are desired for the following reasons (please be specific): Change requested to form complete overlap with pending new application

The change(s) will be completed by ASAP (Date)

For Office Use Only:

F.O. 2 GMD 5 Meets K.A.R. 5-5-1 (YES/NO) Use REL Source G/S County SF By AWW Date 7/21/16
Code LPV Fee \$ 200 TR # _____ Receipt Date 7/21/16 Check # 1903

4. The presently authorized place of use is:

Owner of Land — NAME: Eric D. Dunn Irrevocable Trust

ADDRESS: 12748 SE 160th Avenue Norwich, KS 67118

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	
32	25S	12W									40	40	40	40					160

List any other water rights that cover this place of use. _____

Owner of Land — NAME: _____

ADDRESS: _____

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	

List any other water rights that cover this place of use. _____

(If there are more than two landowners, attach additional sheets as necessary.)

5. It is proposed that the place of use be changed to:

Owner of Land — NAME: Eric D. Dunn Irrevocable Trust

ADDRESS: 12748 SE 160th Avenue Norwich, KS 67118

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	
32	25S	12W									0.4	13.6	4						18
31	25S	12W									6	7	6	3					22
		Total													Total				40

List any other water rights that cover this place of use. Pending New Application

Owner of Land — NAME: _____

ADDRESS: _____

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	

List any other water rights that cover this place of use. _____

WATER RESOURCES RECEIVED

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

JUL 21 2016

SCANNED

6. The presently authorized point(s) of diversion is 1 well & Pump
(Provide description and number of points)

7. The proposed point(s) of diversion (is) (are) Not changing
(Provide description and number of points)

List all presently authorized point(s) of diversion:

8. **Presently authorized point of diversion:**
 One in the NE Quarter of the SW Quarter of the SW Quarter of Section 32, Township 25 South, Range 12 W, in Stafford County, Kansas, 921 feet North 4301 feet West of Southeast corner of section.
 Authorized Rate 215gpm Authorized Quantity 46AF
 (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 _____
 This point is: Additional Well Geo Center List other water rights that will use this point _____

9. **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 _____
 (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 _____
 This point is: Additional Well Geo Center List other water rights that will use this point _____

10. **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 _____
 (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 _____
 This point is: Additional Well Geo Center List other water rights that will use this point _____

11. Describe the current condition of and future plans for any point(s) of diversion which will no longer be used. N.A.
WATER RESOURCES RECEIVED

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

JUL 21 2016

SCANNED

12. The presently authorized use of water is for Recreational purposes.

It is proposed that the use be changed to N.A. purposes.

13. If changing the place of use and/or use made of water, describe how the consumptive use will not be increased.

Overlapping with new app (15 AF small use exemption).

(Please show any calculations here.)

14. It is requested that the maximum annual quantity of water be reduced to N.A. (acre-feet or million gallons).

15. It is requested that the maximum rate of diversion of water be reduced to N.A. gallons per minute (____ c.f.s.).

16. The application must include either a topographic map or detailed plat. A U.S. Geological Survey Topographic Map, scale 1:24,000, is available through the Kansas Geological Survey, 1930 Constant Avenue, University of Kansas, Lawrence, Kansas 66047-3726 (www.usgs.gov). The map should show the location of the presently authorized point(s) of diversion. Distances North and West of the Southeast corner of the section must be shown. The presently authorized place of use should also be shown. Identify the center of the section, the section lines and the section corners and show the appropriate section, township, and range numbers on the map. In addition the following information must also be shown on the map.

a. If a change in the location of the point(s) of diversion is proposed, show:

- 1) The location of the proposed point(s) of diversion. Distances North and West of the Southeast corner of the section must be shown. Please be certain that the information shown on the map agrees with the information shown in Paragraph Nos. 9, 10 and 11 of the application.
- 2) If the source of supply is groundwater, please show the location of existing water wells of any kind, including domestic wells, within 1/2 mile of the proposed well or wells. Identify each well as to its use and furnish name and mailing address of the property owner or owners. If there are no wells within 1/2 mile, please indicate so on the map.
- 3) If the source of supply is surface water, the names and mailing addresses of all landowner(s) 1/2 mile downstream and 1/2 mile upstream from your property lines must be shown.

b. If a change in the place of use is desired, show the proposed place of use by crosshatching on the map. Please be certain that the information shown on the map agrees with the information shown in Paragraph No. 5 of the application.

17. Attach documentation to show the change(s) proposed herein will not impair existing water rights and relates to the same local source of supply as to which the water right relates. This information may include statements, plats, geology reports, well logs, test hole logs, and other information as necessary information to show the above. Additional comments may be made below.

18. If the proposed change(s) does not meet all applicable rules and regulations of the Kansas Water Appropriation Act, please identify the rules and regulations for which you request a waiver. State the reason why a waiver is needed and why the request should be granted. Attach documentation showing that granting the request will not impair existing water rights and will not prejudicially and unreasonably affect the public interest.

WATER RESOURCES
RECEIVED

JUL 21 2016

KS DEPT OF AGRICULTURE

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

SCANNED

Any use of water that is not as authorized by the water right or permit to authorize water **before** the chief engineer approves this application is a violation of the Kansas Water Appropriation Act for which criminal or civil penalties may be assessed. Such violation is a class C misdemeanor, punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. K.S.A. 82a-728(b). Civil penalties shall be not less than \$100 nor more than \$1,000 per violation. In the case of a continuing violation, each day such violation continues may be deemed a separate violation. In addition to these penalties the water right may be modified or suspended. K.S.A. 82a-737, as amended.

The application must be signed by all owners of the place of use authorized under the water right and his or her spouse, if married. Please indicate if there is no spouse. If land is being purchased under contract, the seller must sign as landowner until such time as the contract is completed.

In the event that all applicants cannot appear before one notary public, they may as necessary sign separate copies of the application before any notary public conveniently available to them. All copies signed in this manner shall be considered to be valid parts of the application.

If the request is signed on behalf of any Owner by someone with legal authority to do so (for example, an agent, one who has power of attorney, or an executor, executrix, conservator), it will be necessary to attach proper documents showing such authority.

I declare that I am an owner of the currently authorized place of use as identified herein, or that I represent all such owners and am authorized to make this application on their behalf, and declare further that the statements contained herein are true, correct, and complete. By filing this application I authorize the chief engineer to permanently reduce the quantity of water and/or rate of diversion as specified in sections 14 and 15 of this application.

Dated at Wichita, Kansas, this 20th day of July, 2016.

Eric Dunn
(Owner)

Wendy Dunn
(Spouse)

Eric Dunn
(Please Print)

Wendy Dunn
(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

State of Kansas }
County of Sedgewick } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 20th day of July, 2016.

Heather Perkins
Notary Public

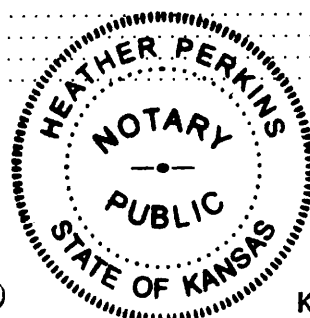
My Commission Expires March 25, 2018

FEE SCHEDULE

Each application to change the place of use, the point of diversion or the use made of the water under this section shall be accompanied by the application fee set forth in the schedule below:

- (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
- (4) Application to change the use made of the water \$300

Make check payable to **Kansas Department of Agriculture.**



WATER RESOURCES RECEIVED

JUL 21 2016

KS DEPT OF AGRICULTURE

SCANNED

**MINIMUM DESIRABLE STREAMFLOW FORM TO BE USED WHEN
APPLICABLE WHEN FILING AN APPLICATION FOR PERMIT
TO APPROPRIATE WATER FOR BENEFICIAL USE**

The Kansas Legislature has established minimum desirable streamflows for the streams listed below. If your proposed diversion of water is going to be from one of these watercourses or adjacent alluvial aquifers, please complete the back side of this page and submit it along with your application for permit to appropriate water.

Arkansas River
Big Blue River
Chapman Creek
Chikaskia River
Cottonwood River
Delaware River
Little Arkansas River
Little Blue River
Marais des Cygnes River
Medicine Lodge River
Mill Creek (Wabaunsee Co. area)
Neosho River

Ninnescah River
North Fork Ninnescah River
Rattlesnake Creek
Republican River
Saline River
Smoky Hill River
Solomon River
South Fork Ninnescah
Spring River
Walnut River
Whitewater River

WATER RESOURCES
RECEIVED

JUL 21 2016

SCANNED

KS DEPT OF AGRICULTURE

McColloch, Austin

From: Lanterman, Jeff
Sent: Wednesday, November 2, 2016 3:37 PM
To: McColloch, Austin
Cc: Conant, Cameron
Subject: FW: Recommendation, File Nos. 11,398 & 49,676
Attachments: 11398_49676_Memo.doc; Hooray Ranch map.pdf

Austin;

Go ahead and approve the change application and the new application. Appreciate your work on this.

Thanks
Jeff

From: Conant, Cameron
Sent: Wednesday, November 2, 2016 1:36 PM
To: Lanterman, Jeff <Jeff.Lanterman@ks.gov>
Subject: FW: Recommendation, File Nos. 11,398 & 49,676

Jeff, the issue with the MDS consent form has been resolved. It was included and signed, but put with the incorrect file. We have it and it will be included with the new application.

Since MDS is sorted out, the review from earlier stands. Hopefully this new app and change fixes an ongoing compliance issue on this land. Please pass on to Austin that the change and the new app can be approved if you agree.

Cameron

From: Conant, Cameron
Sent: Wednesday, November 02, 2016 11:09 AM
To: Lanterman, Jeff <Jeff.Lanterman@ks.gov>
Subject: FW: Recommendation, File Nos. 11,398 & 49,676

Jeff, this is the new, revised, Hooray Ranch ponds South of Stafford. Austin included the new 15AF application to cover one of the illegal wells found by GMD#5 during an inspection as well as the p/u change application on the senior file to make a complete overlap with the ponds Hooray Ranch intends to fill for hunting.

I've attached the map showing the proposed place of use.

I think both applications can be recommended for approval...**providing we have a signed MDS consent form. I do not see an MDS form in Docuware at this time.**

Please pass on to Austin if you agree that both applications can be approved as long as we have the signed MDS form. If we don't have the form, can't recommend approval and we need to get it.

Cameron

From: McColloch, Austin
Sent: Wednesday, November 02, 2016 10:38 AM
To: Lanterman, Jeff <Jeff.Lanterman@ks.gov>
Cc: Conant, Cameron <Cameron.Conant@ks.gov>
Subject: Recommendation, File Nos. 11,398 & 49,676

Good morning,

I would like your recommendation on the above referenced files submitted by Eric Dunn.

Thanks,

Austin McColloch
Environmental Scientist
Ph: (785) 564-6643

1320 Research Park Drive
Manhattan, Kansas 66502
(785) 564-6700



900 SW Jackson, Room 456
Topeka, Kansas 66612
(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

October 10, 2016

BIG BEND KANSAS GMD #5
ORRIN FERIL
125 S MAIN ST
STAFFORD KANSAS 67578

FILE COPY

Re: Water Right,
File No. 11,398
New Application,
File No. 49,676

Dear Mr. Feril:

We are enclosing copies of the referenced applications, which was submitted by Eric Dunn 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 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) 564-6643. If you wish to discuss a specific file, please have the file number ready to that I may help you more efficiently.

Sincerely,

A handwritten signature in black ink that reads "Austin McColloch".

Austin McColloch
Environmental Scientist
Water Appropriation Program

Enclosure
pc: Stafford Field Office

SCANNED

1320 Research Park Drive
Manhattan, Kansas 66502
(785) 564-6700



900 SW Jackson, Room 456
Topeka, Kansas 66612
(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

September 21, 2016

REGINALD D HARRISON TRUSTS
114 SE 90TH ST
SAINT JOHN KS 67576-9545

FILE COPY

RE: Water Right,
File No. 11,398

Dear Sir or Madam:

This is to advise you that Eric Dunn has filed an application for approval of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, to change the place of use under the above referenced file number.

The application proposes the following change in the location of the place of use

from: a total of 160 acres in the Southwest Quarter (SW $\frac{1}{4}$) of Section 32, Township 25 South, Range 12 West, Stafford County, Kansas,

to: a total of 40 acres in the Southwest Quarter (SW $\frac{1}{4}$) of Section 32 and Southeast Quarter (SE $\frac{1}{4}$) of Section 31, Township 25 South, Range 12 West, Stafford County, Kansas,

You are being notified of this proposed change in the place of use so that you may furnish this office such comments or other information you may desire to submit. Such comments or other information must be received in this office within 15 days from the date of this letter.

If you have any questions, please contact me at 785-564-6643. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

A handwritten signature in black ink that reads "Austin McColloch".

Austin McColloch
Environmental Scientist
Water Appropriation Program

Enclosure(s)

pc: Stafford Field Office
Groundwater Management District No. 5

1320 Research Park Drive
Manhattan, Kansas 66502

Jackie McClaskey, Secretary



Phone: (785) 564-6700
Fax: (785) 564-6777
Email: ksag@kda.ks.gov
www.agriculture.ks.gov
Sam Brownback, Governor

ERIC D DUNN IRREVOCABLE TRUST
12748 SE 160TH AVENUE
NORWICH KS 67118

July 22, 2016

RE: File No. 11398

Dear Sir or Madam:

An application for approval of the Chief Engineer to change the following condition or conditions of the file number referred to above has been received:

- place of use REC
- point of diversion
- use made of water

As a matter of record, the Division of Water Resources has on hand a large number of applications awaiting processing. Therefore to be fair to all concerned, and so that we can process those applications on hand in the order they were received, we intend to concentrate on the backlog of applications until the issue is resolved. You will be contacted regarding this application as soon as it has been examined.

In accordance with the provisions of the Kansas Water Appropriation Act, a portion of which is included below, the use of water prior to approval of the application is unlawful. You should not proceed and divert water as indicated by your plans in your application for a change for this file until you receive approval for this change from the Chief Engineer. Once approved, compliance with the terms, conditions and limitations of the permit is necessary. Conservation of the water resources of Kansas is required.

Section 82a-728 of the Kansas Water Appropriation Act, provides (a) except for the appropriation of water for the purpose of domestic use, . . . it shall be unlawful for any person to appropriate or threaten to appropriate water from any source without first applying for and obtaining a permit to appropriate water in accordance with the provisions of the Water Appropriation Act or for any person to violate any condition of a vested right, appropriation right or an approved application for a permit to appropriate water for beneficial use.

(b) (1) The violation of any provision of this section by any person is a class C misdemeanor...

A class C misdemeanor is punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. Each day that the violation occurs constitutes a separate offense.

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

Sincerely,

A handwritten signature in cursive script that reads "Brent A. Turney".

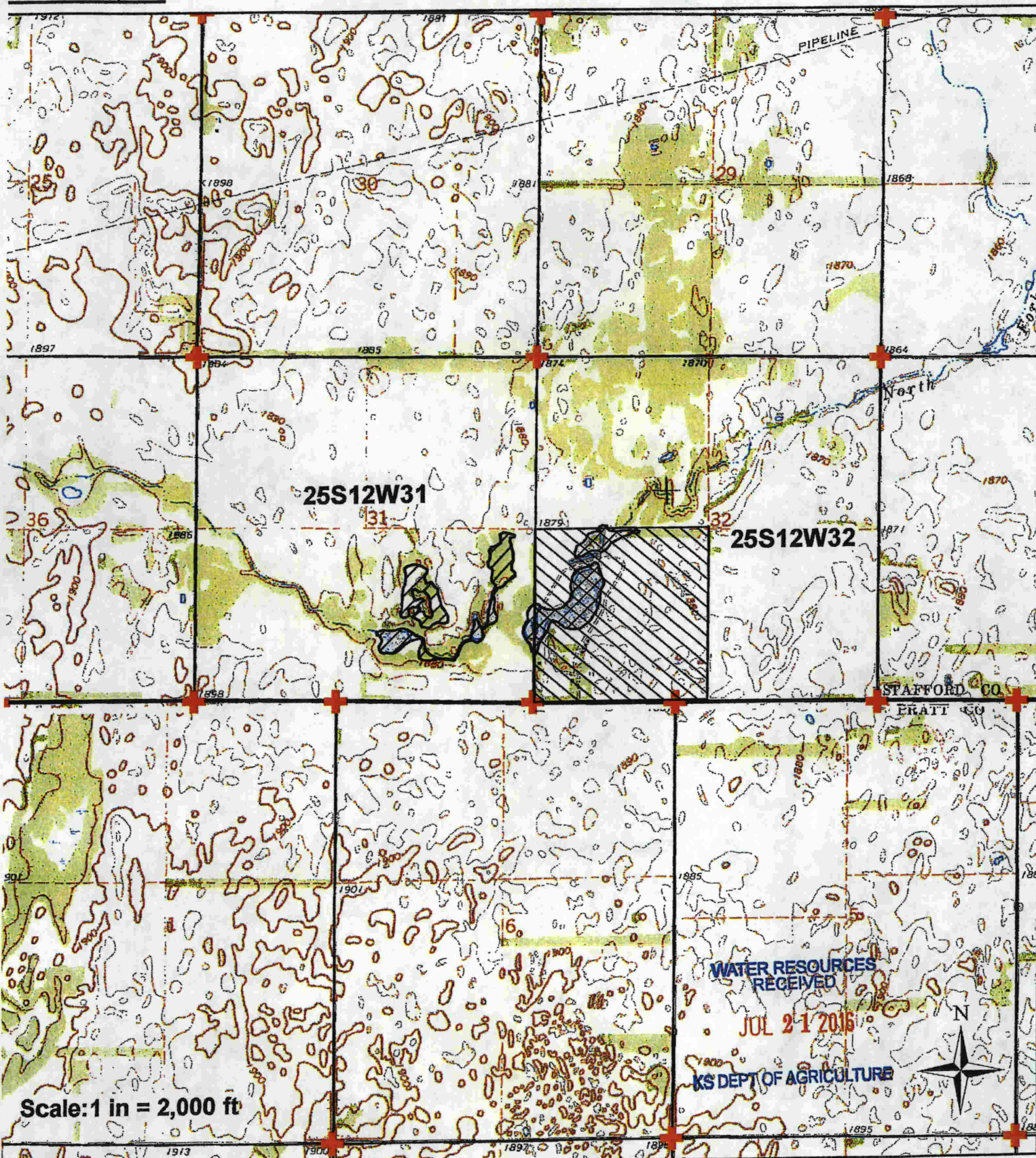
Brent A Turney, L.G.
Change Applications Unit Supervisor
Water Appropriation Program

BAT: DLW

pc: STAFFORD Field Office GMD 5

SCANNED

File No. 11,398

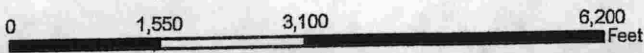


Authorized Point of Diversion | I declare that all water wells or diversion sites using the same source of supply and within 1/2 mile of the proposed point of diversion have been plotted on the application map.
 Proposed Point of Diversion
 Proposed Place of Use
 Authorized Place of Use
 Water Rights
 Domestic Wells
 Section Corner

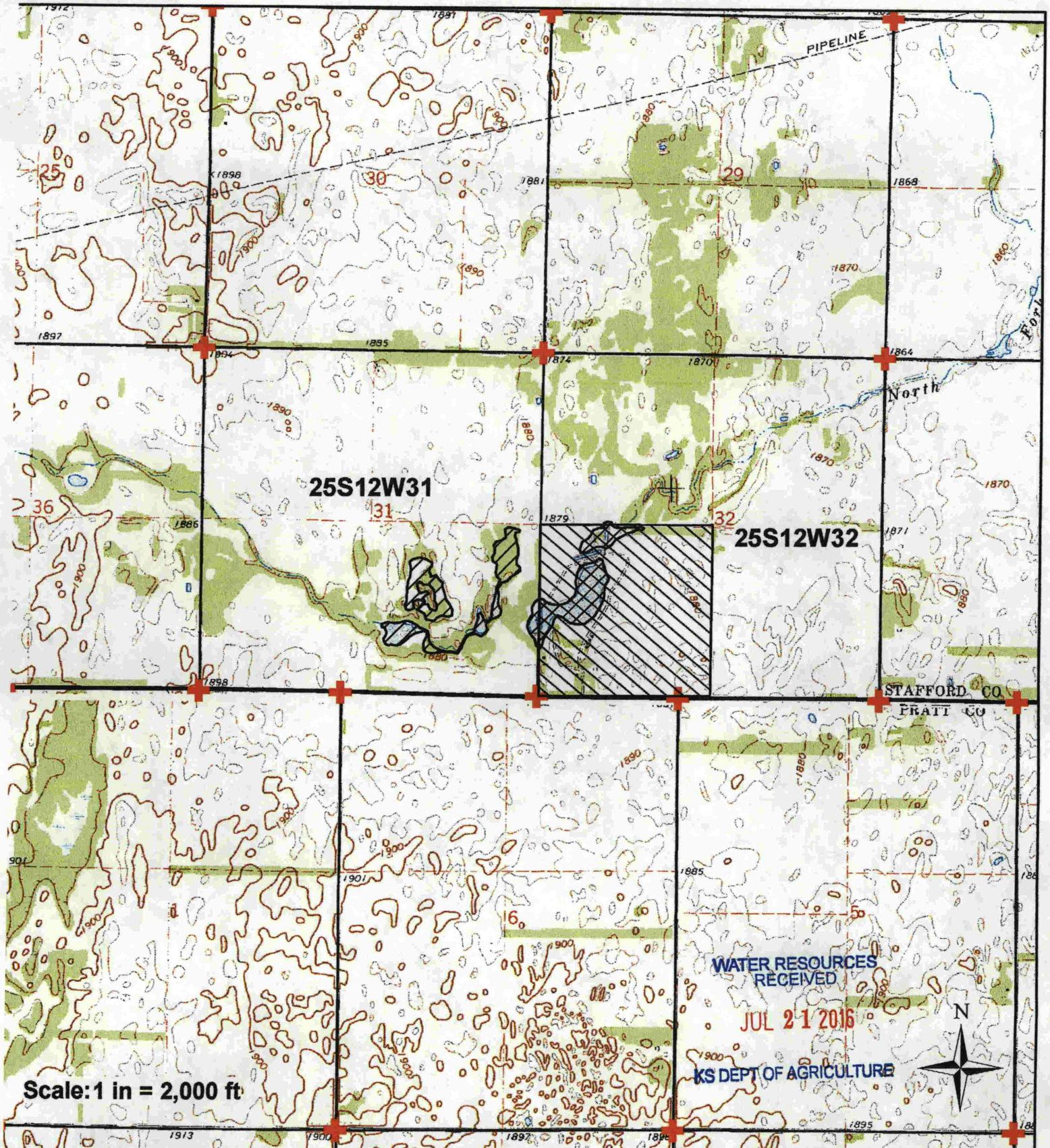
Eric D. [Signature] 7-20-16

Signature Date

Created By: Matt Meier
F.O. 2
Date: 6/16/16



SCANNED



Scale: 1 in = 2,000 ft

- Authorized Point of Diversion
- Proposed Point of Diversion
- Proposed Place of Use
- Authorized Place of Use
- Water Rights
- Domestic Wells
- Section Corner

I declare that all water wells or diversion sites using the same source of supply and within 1/2 mile of the proposed point of diversion have been plotted on the application map.

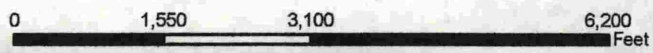
Eric D. R... 7-20-16

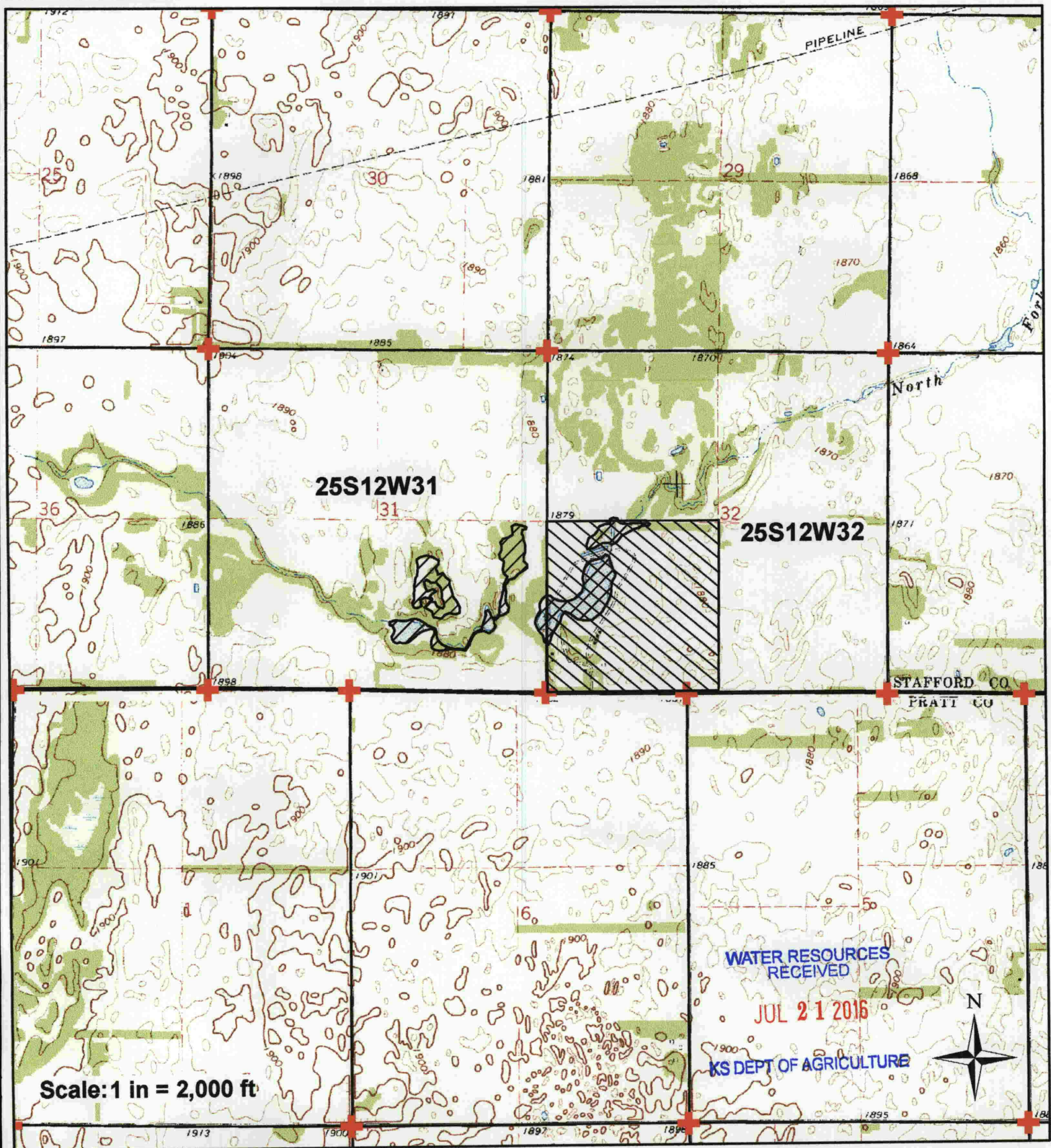
Signature

Date

Created By: Matt Meier
F.O. 2
Date: 6/16/16

SCANNED





Scale: 1 in = 2,000 ft

WATER RESOURCES RECEIVED

JUL 21 2016

KS DEPT OF AGRICULTURE



- Authorized Point of Diversion
- Proposed Point of Diversion
- Proposed Place of Use
- Authorized Place of Use
- Water Rights
- Domestic Wells
- Section Corner

I declare that all water wells or diversion sites using the same source of supply and within 1/2 mile of the proposed point of diversion have been plotted on the application map.

Eric D. [Signature] 7-20-16

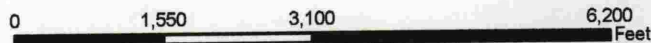
Signature

Date

Created By: Matt Meier

F.O. 2

Date: 6/16/16



SCANNED



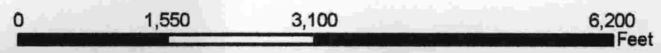
- Authorized Point of Diversion
- Proposed Point of Diversion
- Proposed Place of Use
- Authorized Place of Use
- Water Rights
- Domestic Wells
- Section Corner

I declare that all water wells or diversion sites using the same source of supply and within 1/4 mile of the proposed point of diversion have been plotted on the application map.

Carroll D. Dun 7-20-16

Signature

Date



Created By: Matt Meier

F.O. 2

Date: 6/16/16

SCANNED

KS DEPT OF AGRICULTURE

WATER RESOURCES RECEIVED

JUL 21 2016