

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

Document Signature _____

1. File Number: 14,019	2. Status Change Date: <u>8/19/2016</u>	3. Change Num: C1	4. Field Office: 02	5. GMD:
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6. Status: <input type="checkbox"/> Approved <input type="checkbox"/> Denied by DWR/GMD <input type="checkbox"/> Dismiss by Request/Failure to Return	7. Filing Date of Change: 29-JUN-2016
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8a. Applicant(s) Person ID <u>40550</u> New to system <input type="checkbox"/> Add Seq# <u>1</u> CLARE SHRIWISE INC 22709 NW 217 RD JETMORE KS 67854-5329	8c. Landowner(s) Person ID <u>50453</u> New to system <input type="checkbox"/> Add Seq# <u>1</u> JULIA E SHRIWISE REVOCABLE TRUST MIKE SHRIWISE 420 W WASH JETMORE KS 67854
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8b. Landowner(s) Person ID <u>50452</u> New to system <input type="checkbox"/> Add Seq# <u>1</u> CLARE F SHRIWISE REVOCABLE TRUST MIKE SHRIWISE 420 W WASH JETMORE KS 67854	8d. WUC Person ID <u>40550</u> New to system <input type="checkbox"/> Add Seq# <u>1</u> NO CHANGE CLARE SHRIWISE INC 22709 NW 217 RD JETMORE KS 67854-5329
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9. Documents and Enclosure(s): <input checked="" type="checkbox"/> DWR Meter(s) Date to Comply: <u>12/31/2016</u> <input type="checkbox"/> N & P Date to Comply: _____	
<input type="checkbox"/> Anti-Reverse Meter <input type="checkbox"/> Meter Seal <input checked="" 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: _____

Date Prepared: 08/09/16 By: RAK Date Entered: <u>8/22/2016</u> By: <u>UM</u>

File No. **14019** 11. County: **HG** Basin: **BUCKNER CREEK** Stream: Formation Code: **331** Special Use:

12. Points of Diversion										Rate and Quantity					
T										Authorized		Additional			
MOD	DEL	PDIV	Qualifier	S	T	R	ID	'N	'W	Comment	Rate gpm/cfs	Quantity af/mgy	Rate gpm/cfs	Quantity af/mgy	Overlap PD Files
IRR MOD			NW¼SW¼NW¼	14	22	24W	1	3942	5320		800 g.p.m.	536 AF	800 g.p.m.	536 AF	NO
STK ✓	61024		NW¼NW¼SW¼	14	22	24W	2	2585	5240	PRIMARY WELL	100 g.p.m.	26.08 m.g.y.	100 g.p.m.	26.08 m.g.y.	NO
STK ✓	61025		NW¼NW¼SW¼	14	22	24W	3	2285	5240	STANDBY WELL					

13. Storage: Rate _____ NF Quantity _____ ac/ft Additional Rate _____ NF Additional Quantity _____ ac/ft

14. Limitation: _____ 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							NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg?	Overlap Files	
T							NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE					
MOD	DEL	ENT	PUSE	S	T	R	ID	¼	¼	¼	¼	¼	¼	¼	¼	¼	¼	¼	¼								
IRR MOD			34630	14	22S	24W	1	12.50	37.00	40.00	36.50									36.00	40.00	36.00	12.00	250.00	8B & 8C	NO	NO
IRR MOD			50494	14	22S	24W	2					37.00	12.50	36.50	40.00	40.00	36.00	12.00	36.0					250.00	8A	NO	NO
STK MOD			50871	14	22S	24W	3	STOCK FACILITY IN THE W2 SW4																	8A	NO	NO

Comments: **TOTAL 500 ACRES**

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources
M E M O R A N D U M

TO: Files
FROM: Richelle A. Krueger

DATE: August 09, 2016
RE: Water Right
File No. 14,019

David E. Webb, on behalf of Clare Shriwise Incorporated, and Rodney Shriwise, Trustee, on behalf of Clare and Julia Shriwise Revocable Trusts, water right owners, filed an application for approval to change the authorized place of use for the referenced file number, authorized groundwater for irrigation and stockwatering use in the Buckner Creek Basin.

The referenced files do not appear abandoned as per K.S.A. 82a-718.

File No. 14,019 is authorized 536 acre-feet from one well for irrigation of 559 acres in Section 14, Township 22 South, Range 24 West, Hodgeman County, and 26.08 million gallons from two wells (primary and standby) for stockwatering use at a swine facility in the West Half of the Southwest Quarter (W $\frac{1}{2}$ SW $\frac{1}{4}$) of the same section. There are no overlaps in the authorized points of diversion or places of use. The stockwatering use was authorized by a June 23, 1997 approval to change the place of use, point of diversion and use made of water. It appears that the stockwatering use was never developed, and Paragraph No. 3 of the application indicates that the plans for the stock facility are on temporary hold. The referenced change application proposes to reduce a portion of the stockwatering place of use, and drop and add acreage to the irrigation place of use for a total of 500 acres.

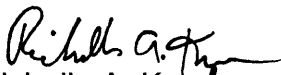
The application does not appear to exceed the base acres by 10 acres or 10 percent. The total quantity of water to be authorized for the proposed irrigation place of use, 536 acre-feet, will irrigate the 500 acres with 1.07 acre-feet per acre, which is more reasonable than the 0.96 acre-feet per acre presently authorized. No other changes are proposed to the stockwatering use. The application appears to comply with Senate Bill No. 337 enacted by the Legislature of the State of Kansas.

The same local source of supply will not change, which was previously determined to be Dakota Formation (331).

In an e-mail dated August 8, 2016 Jeff Lanterman, Water Commissioner of the Stafford Field Office, indicated that he is not opposed to approval of the application.

Water flow meters are required. Check valves are required if any chemical or foreign substance is injected into the water through the diversion works.

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


Richelle A. Krueger
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

August 22, 2016

FILE COPY

CLARE SHRIWISE INC
ATTN DAVID E WEBB PRESIDENT
22709 NW 217 RD
JETMORE KS 67854-5329

RE: Water Right, File No. 14,019

Dear Mr. Webb:


Enclosed is the order executed by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the application for change under the above referenced file number.

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. Please return the required notification of completion of the installation of the required meter as soon as these actions are completed.

Since the order for the referenced file number modifies the original document referred to above it 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 call, please reference the file number so we can help you more efficiently.

Sincerely,


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

Enclosures

pc: Stafford Field Office
Julia E. and Clare F. Shriwise Revocable Trusts, Attn Mike Shriwise/Rodney Shriwise

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 AND
ORDER BETTER DESCRIBING
THE IRRIGATION POINT OF DIVERSION
WATER RIGHT
FILE NO. 14,019**

FILE COPY

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of David E. Webb, President, on behalf of Clare Shriwise Incorporated, 22709 Northwest 217 Road, Jetmore, Kansas, 67854-5329, and Rodney Shriwise, Trustee, on behalf of Clare and Julia Shriwise Revocable Trusts, in care of Mike Shriwise, 420 West Wash, Jetmore, Kansas, 67854, received in this office on June 29, 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 June 23, 1997, approving the application to change the point of diversion, place of use, and use made of water, 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 irrigation place of use shall be:

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	
14	22S	24W	12.50	37.00	40.00	36.50	37.00	12.50	36.50	40.00	40.00	36.00	12.00	36.00	36.00	40.00	36.00	12.00	500.00

a total of 500.00 acres in Township 22 South, Range 24 West, Hodgeman County, Kansas,

located substantially as shown on the map accompanying the application to change the place of use, and the authorized location of the irrigation point of diversion is better described as follows:

one(1) well located in the Northwest Quarter of the Southwest Quarter of the Northwest Quarter (NW¼ SW¼ NW¼) of Section 14, more particularly described as being near a point 3,942 feet North and 5,320 feet West of the Southeast corner of said section, in Township 22 South, Range 24 West, Hodgeman County, Kansas.

The authorized location of the stockwatering place of use shall be:

at a stock facility located in the West Half of the Southwest Quarter (W½ SW¼) of Section 14, Township 22 South, Range 24 West, Hodgeman 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. 14,019, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated February 10, 1997, 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.

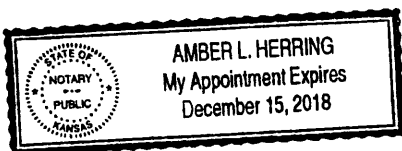
Ordered this 19th day of August, 2016, in Topeka, Shawnee County, Kansas.

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

State of Kansas)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this 19th day of August, 2016, by Lane P. Letourneau, P.G., Program Manager, Water Appropriation Program, Division of Water Resources, Kansas Department of Agriculture.

Amber L. Herring
Notary Public



CERTIFICATE OF SERVICE

On this 22 day of August, 2016, I hereby certify that the attached Approval of Application for the Change in Place of Use, File No. 14,019, dated Aug. 19, 2016 was mailed postage prepaid, first class, US mail to the following:

CLARE SHRIWISE INC
ATTN DAVID WEBB
22709 NW 217 RD
JETMORE KS 67854-5329

with a true and correct copy to:

CLARE F SHRIWISE REVOCABLE TRUST
JULIA E SHRIWISE REVOCABLE TRUST
ATTN MIKE SHRIWISE
420 W WASH
JETMORE KS 67854

Stafford Field Office



Division of Water Resources

Submit To: CHIEF ENGINEER
Division of Water Resources
Kansas Department of Agriculture
1320 Research Park Drive
Manhattan, Kansas 66502
http://agriculture.ks.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.

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

- Place of Use
 Point of Diversion
 Use Made of Water

(Check one or more)

WATER RESOURCES
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JUN 29 2016
11:04

KS DEPT OF AGRICULTURE

File No. 14019

2. Name of applicant: Clare Shriwise Inc

Address: David Webb, 22709 NW 217 Rd

City, State and Zip: Jetmore KS 67854-5329

Phone Number: (620)357-5475

E-mail address: southwind_2011@hotmail.com

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

Name of water use correspondent: Clare Shriwise Inc

Address: 22709 NW 217 Rd

City, State and Zip: Jetmore KS 67854-5329

Phone Number: (620) 357-5475

E-mail address: southwind_2011@hotmail.com

3. The change(s) proposed herein are desired for the following reasons (please be specific): The plans for the stock facility are on temporary hold. This change will allow the center pivot system to operate until such time as the new stock facility can be constructed. The area for the stock facility is being reduced in order to make way for the center pivot system.

The change(s) was completed by 2003

(Date)

For Office Use Only:

F.O. 2 GMD 0 Meets K.A.R. 5-5-1 (YES) / NO Use IRL/STK Source (S) S County HG By ASW Date 6/29/16
Code CPU Fee \$ 200 TR # _____ Receipt Date 6/29/16 Check # 10452

WATER RESOURCES
RECEIVED

89 HAK

CCM
6/29/2016

JUN 29 2016
SCANNED

KS DEPT OF AGRICULTURE

4. The presently authorized place of use is:

Owner of Land — NAME: Clare Shriwise Inc

ADDRESS: 22709 NW 217 Rd, Jetmore KS 67854-5329

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	
14	22	24W					40	40	40	40	40								240
14	22	24W	at a swine facility located in the W1/2 SW1/4																

List any other water rights that cover this place of use. none

Owner of Land — NAME: Clare & Julia Shriwise Revocable Trusts

ADDRESS: Mike Shriwise, 420 W Wash, Jetmore KS 67854

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					
14	22	24W	40	40	40	40												40	40	40	39	319	
																						Total	559

List any other water rights that cover this place of use. none

(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: Clare Shriwise Inc

ADDRESS: 22709 NW 217 Rd, Jetmore KS 67854-5329

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				
14	22	24W					37	12.5	36.5	40	40	36	12	36								250
14	22	24W	at a stock facility located in the W1/2 SW1/4																			

List any other water rights that cover this place of use. none

Owner of Land — NAME: Clare & Julia Shriwise Revocable Trusts

ADDRESS: Mike Shriwise, 420 W Wash, Jetmore KS 67854

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					
14	22	24W	12.5	37	40	36.5												36	40	36	12	250	
																						Total	500

List any other water rights that cover this place of use. none

WATER RESOURCES RECEIVED

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

JUN 29 2016

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- 6. The presently authorized point(s) of diversion are three wells and diversion systems
(Provide description and number of points)
- 7. The proposed point(s) of diversion (is) (are) No Change
(Provide description and number of points)

List all presently authorized point(s) of diversion:

8. **Presently authorized point of diversion:**
 One in the SW Quarter of the NW Quarter of the NW Quarter of Section 14, Township 22 South, Range 24 W, in Hodgeman County, Kansas, 3,985 feet North 5,240 feet West of Southeast corner of section.
 Authorized Rate 800 gpm Authorized Quantity 536 AF (IRR use only)
 (DWR use only: Computer ID No. 1 GPS 3,942 feet North 5,320 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 NW Quarter of the NW Quarter of the SW Quarter of Section 14, Township 22 South, Range 24 W, in Hodgeman County, Kansas, 2,585 feet North 5,240 feet West of Southeast corner of section.
 Authorized Rate 100 gpm Authorized Quantity 26.08 mgy (STK use only)
 (DWR use only: Computer ID No. 2 GPS N/A feet North N/A 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 NW Quarter of the NW Quarter of the SW Quarter of Section 14, Township 22 South, Range 24 W, in Hodgeman County, Kansas, 2,285 feet North 5,240 feet West of Southeast corner of section.
 Authorized Rate standby Authorized Quantity standby
 (DWR use only: Computer ID No. 3 GPS N/A feet North N/A 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.

12. The presently authorized use of water is for Irrigation & Stockwater purposes.
It is proposed that the use be changed to no change purposes.

13. If changing the place of use and/or use made of water, describe how the consumptive use will not be increased.
The place of use is being changed under the irriagion portion, but the total acres proposed are the same as the base acres.
The place of use under the stockwater portion is being reduced.

(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.

No impairment is anticipated.

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.

No waivers are anticipated.

WATER RESOURCES
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JUN 29 2016

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

KS DEPT OF AGRICULTURE
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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.

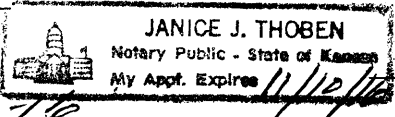
I declare that I am an owner of the currently authorized place of use as identified herein, or that I represent all such owners and am authorized to make this application on their behalf, and declare further that the statements contained herein are true, correct, and complete. By filing this application 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 Stamora, Kansas, this 22nd day of June, 20 16.

<u>David Arnold</u> (Owner)		(Spouse)
<u>David Arnold</u> (Please Print)		(Please Print)
<u>Madison Arnold</u> (Owner)		(Spouse)
<u>Madison Arnold</u> (Please Print)		(Please Print)
		(Spouse)
		(Please Print)
		(Spouse)
		(Please Print)

State of Kansas }
County of Hodgeman } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 22nd day of June, 20 16



Janice J. Thoben
Notary Public

My Commission Expires 11-10-16

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

JUN 29 2016

KS DEPT OF AGRICULTURE

Krueger, Richelle

From: Lanterman, Jeff
Sent: Monday, August 08, 2016 4:53 PM
To: Conant, Cameron; Krueger, Richelle; Turney, Brent
Subject: RE: Request for Recommendation Change in PU File No. 14019 Clare Shriwise Inc etal

I think we can approve this as is.

We should consider possibly helping them with a change on the STK portion and change it back to irrigation eventually.

Anyway I want a new good meter required on this since it's a little slim on water. (Standard operating procedure anyway)

Jeff

From: Conant, Cameron
Sent: Friday, August 5, 2016 4:10 PM
To: Lanterman, Jeff <Jeff.Lanterman@ks.gov>
Subject: FW: Request for Recommendation Change in PU File No. 14019 Clare Shriwise Inc etal

Jeff, this is an application in HG County to correct an ongoing unauthorized place of use. This file has a lengthy history. In 1997 they filed a p/d, p/u, umw change to allow for a planned hog facility on the irrigation place of use. That change was approved but for a variety of reasons, the hog facility has not come to fruition. The stock wells were never completed and the N&P never submitted. Back in 2008 and 2009 this was discussed as a possible candidate for partial abandonment. With the semi-recent law change regarding abandonment and knowing what we know now about partial abandonment, I'd think this file is considered in good standing at this time.

This is a Dakota well and the proposed place of use change will allow them to irrigate the entire pivot (which has probably been occurring illegally for quite some time). This is a full ½ mile arm pivot covering 500 acres. I agree with the base acre determination by Elizabeth of 500. The quantity is low and doesn't meet MRQ, but allowing this change actually increases the AF/acre as the authorized corners were dropped to make the full pivot work with base acres. Per SB337, I don't think any well is within ½ mile of the current well, so no nearby well owner notifications need to be sent.

I think we can recommend this change for approval. I really don't know what we do with the stock portion of this water right. I guess it's active and a facility could still be installed at some point in the future if everything comes together for the proposal??? I'm open to discussion on the stock portion of this.

Please pass on to Richelle and Brent if you agree that approval of this p/u change to cover the entire pivot is good to go.

Cameron

From: Krueger, Richelle
Sent: Monday, August 01, 2016 1:20 PM
To: Lanterman, Jeff
Cc: Conant, Cameron; Turney, Brent
Subject: Request for Recommendation Change in PU File No. 14019 Clare Shriwise Inc etal

Hi Jeff,

Attached is a draft memo for the referenced change in pu. If the water right is in good standing and not abandoned, do you recommend approval?

Thanks,
Richelle

Richelle Krueger, Environmental Scientist
Kansas Department of Agriculture
Water Appropriation Program
(785) 564-6635
Richelle.Krueger@ks.gov (please note e-mail address change)
www.ksda.gov/dwr



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

CLARE SHRIWISE INC
22709 NW 217 RD
JETMORE KS 67854

June 29, 2016

RE: File No. 14019

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 CPU
- 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.

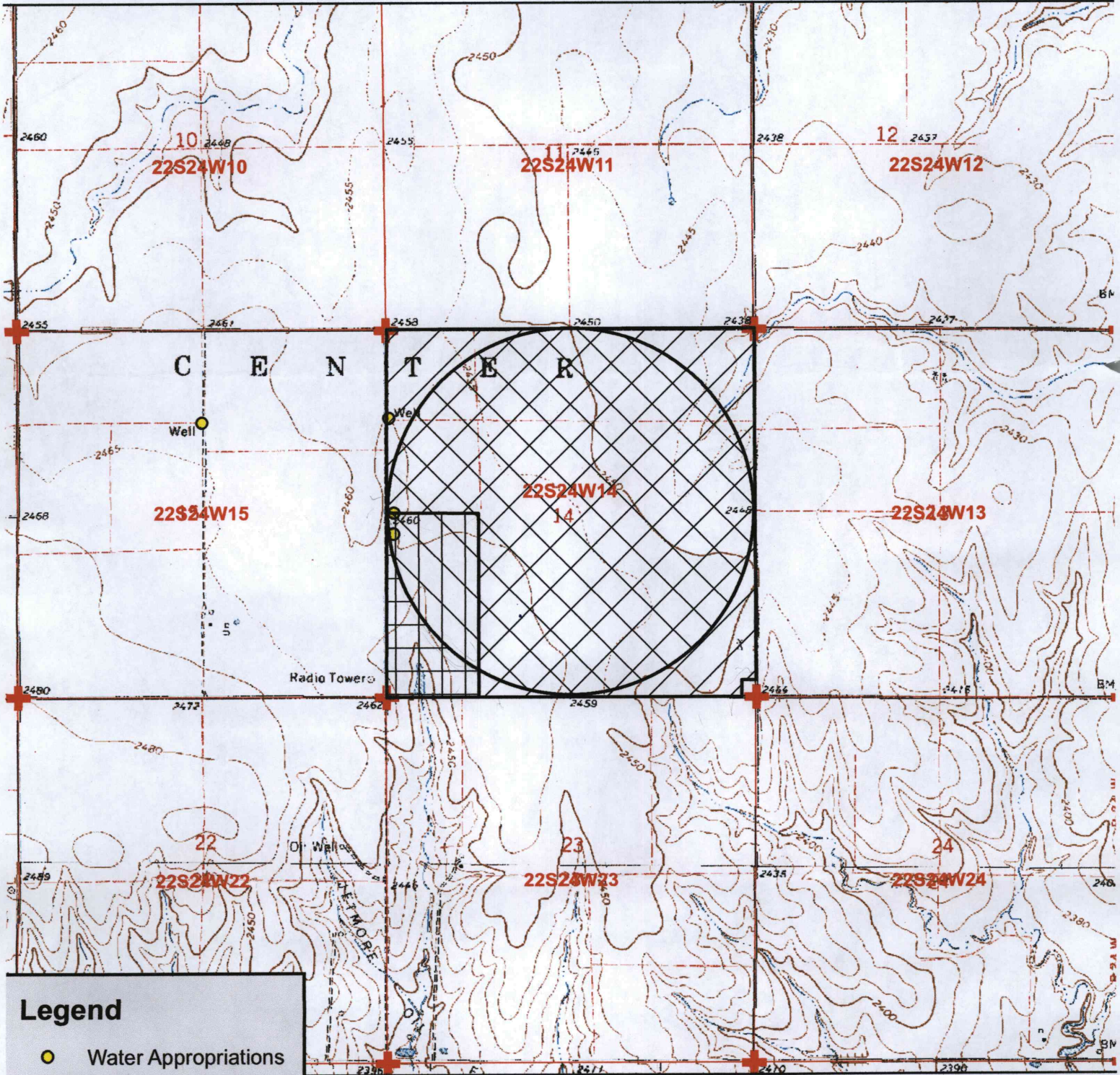
If you have any questions, please contact me at (785) 564-6645. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

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

BAT: DLW
pc: STAFFORD Field Office GMD

SCANNED

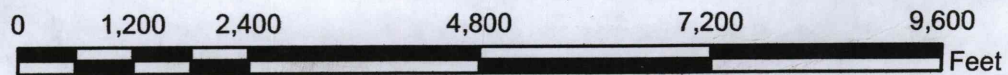


Legend

- Water Appropriations
- ⊕ Section Corner
- ▭ Section Line

Place of Use

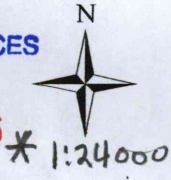
- ▨ Authorized IRR
- ▧ Authorized STK
- ▩ Proposed STK
- ▤ Proposed IRR



Water Right, File No. 14019
Change in Place of Use Application Map
14-22-24W

WATER RESOURCES RECEIVED

JUN 29 2016



* per Map
 * RA 6/29-8/4/16