

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

Document Signature _____

| | | | | |
|---------------------------------|--|-----------------------------|-------------------------------|----------------------|
| 1. File Number: 31452 | 2. Status Change Date: 3/13/2017 | 3. Change Num: C1 | 4. Field Office: 02 | 5. GMD: 05 |
|---------------------------------|--|-----------------------------|-------------------------------|----------------------|

| | |
|---|---|
| 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: 27-DEC-2016 |
|---|---|

| | |
|---|--|
| 8a. Applicant(s) <input type="checkbox"/> New to system Person ID 61965 Add Seq# 1 CLARKE FARMS LLC 8822 3RD ST GREAT BEND KS 67530 | 8c. Landowner(s) <input type="checkbox"/> New to system Person ID _____ Add Seq# _____ |
|---|--|

| | |
|---|--|
| 8b. Landowner(s) <input type="checkbox"/> New to system Person ID 61965 Add Seq# 1 CLARKE FARMS LLC 8822 3RD ST GREAT BEND KS 67530 | 8d. WUC <input type="checkbox"/> New to system Person ID 61965 Add Seq# 1 NO CHANGE CLARKE FARMS LLC 8822 3RD ST GREAT BEND KS 67530 |
|---|--|

9. Documents and Enclosure(s): DWR Meter(s) Date to Comply: **12/31/17** N & P Date to Comply: **12/31/17**

Anti-Reverse Meter
 Meter Seal
 Check Valve
 N & P Form
 Water Tube
 Driller Copy
 H & E Letter

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

10. Use Made of Water From: _____ To: _____

Date Prepared: **03/02/17** By: **RAK**
 Date Entered: **3/15/2017** By: **LLM**

File No. **31452** 11. County: **BT** Basin: **ARKANSAS RIVER** Stream: Formation Code: **113** Special Use:

| 12. Points of Diversion | | | | | | | | | | Rate and Quantity | | | | |
|-------------------------|-------|-----------|----|----|-----|----|-------------|-------------|---------|-------------------|---------------|------------|---------------|-------------------------|
| MOD DEL ENT | PDIV | Qualifier | S | T | R | ID | 'N | 'W | Comment | Authorized | | Additional | | Overlap PD Files |
| | | | | | | | | | | Rate gpm | Quantity AF | Rate gpm | Quantity AF | |
| MOD | 9119 | LOT 3 | 20 | 20 | 14W | 3 | <u>3524</u> | <u>2608</u> | | 940 gpm | <u>97 AF</u> | 940 gpm | <u>97 AF</u> | 20127117-MF 20167074-MF |
| MOD | 26302 | LOT 4 | 20 | 20 | 14W | 1 | <u>4813</u> | <u>1305</u> | | 820 gpm | <u>170 AF</u> | 820 gpm. | <u>170 AF</u> | 20127118-MF 20167075-MF |

DATA ENTRY PLEASE CORRECT GPS FEET DISTANCES for PDIV ID 9119 AS DISPLAYED ON THE PDIV SCREEN – PLEASE SEE ATTACHED

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

14 **KEEP** Limitation: **244AF/YR FOR IRR USE ON LAND LISTED IN CERT** gpm (_____)
 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 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 | | | | | | |
| NO CHANGES to PU | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| ✓ | 8749 | 17 | 20 | 14W | 3 | | | | | | | | | | | | | | | | | 12.00 | | 32.00 | 40.00 | 84.00 | NO NO 1 15699; 20127117MF; 20127118MF; 20167074MF 20167075MF |
| ✓ | 39166 | 20 | 20 | 14W | 3 | L-4 37 | 40 | L-3 35 | L-4 3 | | | | | | | | | | | | | | | L-3 7 | | 162 | ↓ ↓ ↓ |

Comments:

Kansas Department of Agriculture
 Division of Water Resources
WAIVER REQUEST & WAIVER RULE WORKSHEET

File Number: 31,452

FO: 2

GMD: 5

WAIVER REQUEST:

| UMW | Date Requested | Rule ID | Applies | Rule Type | Rule Subtype |
|---------------------|----------------|-------------|----------------|--|-----------------------------------|
| IRR | 12/27/16 | 123 | GMD 5 | Well Spacing | Well to Well Spacing Non-Domestic |
| Rule Number | Date Granted | Date Denied | Justification: | GMD No. 5 recommends approval of the application. The wells in question are under common ownership. The same local source of supply will not change. | |
| K.A.R. 5-25-2(a)(1) | 3/13/2017 | | | | |

WAIVER RULE:

| Rule ID | Applicability | Type | Subtype | Rule Number | Date Active | Date Inactive |
|---------|---------------|------|---------|-------------|-------------|---------------|
| | | | | | | |

Date Prepared 3/02/17 By RAK

Date Entered 3/15/2017 By UCM



KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Acting Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

WAIVER OF REGULATION
K.A.R. 5-25-2 (a)(1)
Well Spacing

Date: 3/13/2017

Re: Water Right, File No. 31,452

1. That K.A.R. 5-25-2 (a)(1) *Well spacing* states in part that non-domestic wells shall be 1,320 feet from all other non-domestic wells and proposed non-domestic wells that carry an earlier priority; and baseflow nodes.
2. That the referenced file number, located in the Arkansas River Basin, is authorized two wells with assigned rates and quantities and shares a common irrigation place of use with Water Right, File No. 15,699. The application to change the point of diversion for Water Right, File No. 31,452 proposes to transfer 24 acre-feet (and no additional diversion rate) from the southernmost well to the northernmost well authorized by File No. 31,452 located 4,813 feet North and 1,305 feet West of the Southeast corner of Section 20, Township 20 South, Range 14 West, Barton County. A total of 170 acre-feet and 820 gallons per minute will be authorized at the northernmost well under File No. 31,452.
3. That the proposed existing well under File No. 31,452 does not meet the 1,320 feet well spacing requirements to the well authorized by File No. 15,699 since the wells in question are approximately 981 feet apart.
4. That in a letter dated February 17, 2017, Big Bend Groundwater Management District No. 5 recommended approval of the referenced change application and waiver of K.A.R. 5-25-2 (a)(1). The wells in question are under common ownership.
5. That the referenced application for File Nos. 31,452 should be approved with a waiver of K.A.R. 5-25-2 (a)(1).
6. That the waiver of K.A.R. 5-25-2 (a)(1) will neither prejudicially nor unreasonably affect the public interest and it will not impair an existing water right.

Comments:

A handwritten signature in cursive script that reads "David W. Barfield".

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

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources
MEMORANDUM

TO: File
FROM: Richelle A. Krueger

DATE: March 2, 2017
RE: Water Right
File No. 31,452

Brent Clarke, President, on behalf of Clarke Farms, L.L.C., owner of the referenced file number, filed an application for approval to change the authorized point of diversion for File No. 31,452, authorized for irrigation use in the Arkansas River drainage basin.

The referenced water right does not appear abandoned as per K.S.A. 82a-718.

The referenced file number is authorized two wells with assigned rates and quantities for irrigation of 246 acres all located in Sections 17 and 20, Township 20 South, Range 14 West, Barton County, Kansas. File No. 31,452 is also limited to 244 acre-feet for irrigation use on the land described herein. The northernmost well in Section 20 was overlapped by MYFA Term Permit File No. 20127118 MF and will be overlapped by Application, File No. 20167075 MF. The southernmost well in Section 20 was overlapped by MYFA Term Permit File No. 20127117 MF and will be overlapped by Application, File No. 20167074 MF. The authorized place of use is overlapped by the referenced term permits and Water Right, File No. 15,699. The water right owner proposes to transfer 24 acre-feet (no rate) between wells authorized by File No. 31,452, specifically from the southernmost well (3,524'N, 2,608'W) to the northernmost well (4,813'N, 1,305'W) authorized by File No. 31,452. GPS data provided with the application indicate that the proposed move is approximately 1,833 feet. A limited total of 170 acre-feet and 820 gallons per minute will be authorized at the northernmost well while the southernmost well will be authorized a limited total of 97 acre-feet and 940 gallons per minute. No change is proposed to the overall limitation of 244 acre-feet.

WRIS and the application map indicate the only non-domestic well within one half mile of the northernmost well is the irrigation well under common ownership authorized by File No. 15,699 (approximately 981 feet based on WRIS). Numerous domestic wells were indicated on the application map since the town of Dundee is within the half-mile radius of the northernmost well.

The nearby domestic well owners were notified of the proposed change in point of diversion by letters dated January 11 and 25, 2017. Cathy McVey, nearby domestic well owner, contacted this office to inquire about the proposed change. Ms. McVey indicated the domestic well was drilled about five years ago, she has no present problems with the well and does not want any. The well appears to be located about 2,500 feet from the proposed existing well. She was informed that no new wells are being drilled, that quantity-only was being transferred and to contact the Stafford Field Office if she does become impaired. She was also instructed to put her concerns in writing and send them to this office by January 27th if there were further issues to be addressed; no written comments were received from her (or anyone for that matter) regarding the proposed change.


The same local source of supply does not appear to change, which appears to be Main Stem Alluvium (113) based on available information.

In a letter dated February 17, 2017 received via e-mail, Orrin Feril, Manager of Big Bend Groundwater Management District No. 5, indicated that the Board of Directors voted to waive K.A.R. 5-25-2 (a)(1) *Well spacing* since the proposed existing well does not meet spacing requirements to the well authorized by File No. 15,699.

In an e-mail dated February 28, 2017, Jeff Lanterman, Water Commissioner of the Stafford Field Office, indicated he recommends approval of the referenced change application.

A water flow meter is required. A check valve is required if any chemical or foreign substances are injected into the water through the diversion works.

Based on the above discussion, that the change is reasonable, that impairment to existing water rights is unlikely, that no change in the local source of supply will occur, and if the Chief Engineer waives K.A.R. 5-25-2 (a)(1), it has been recommended that the referenced 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

March 16, 2017

CLARKE FARMS LLC
8822 3RD ST
GREAT BEND KS 67530

FILE COPY

RE: Water Right, File No. 31,452

Dear Mr. Clarke:

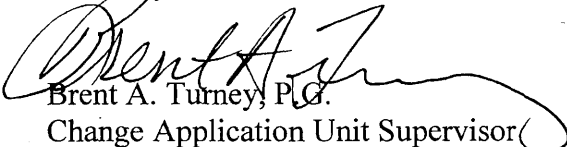
Enclosed is the order executed by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the application for change under the above referenced file number.

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 diversion works and 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.G.
Change Application Unit Supervisor
Water Appropriation Program

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
POINT OF DIVERSION
WATER RIGHT
FILE NO. 31,452**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Brent Clarke, on behalf of Clarke Farms, L.L.C., 8822 3rd Street, Great Bend, Kansas, 67530, received in this office on December 27, 2016, for approval of a change in the location of the point of diversion under the certificate of appropriation issued pursuant to the application for permit to appropriate water for beneficial use, as modified and amended by the Order of the Chief Engineer dated August 18, 1992, approving the application to change the place of use, 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 point of diversion shall be:

one (1) well located in Lot 4 of Section 20, more particularly described as being near a point 4,813 feet North and 1,305 feet West of the Southeast corner of said section, at a diversion rate not in excess of 820 gallons per minute (1.83 c.f.s.) and in a quantity not to exceed 170 acre-feet of water per calendar year, and

one (1) well located in Lot 3 of Section 20, more particularly described as being near a point 3,524 feet North and 2,608 feet West of the Southeast corner of said section, at a diversion rate not in excess of 940 gallons per minute (2.09 c.f.s.) and in a quantity not to exceed 97 acre-feet of water per calendar year,

both in Township 20 South, Range 14 West, Barton County, Kansas,

located substantially as shown on the map accompanying the application to change the point of diversion.

Installation of the works for diversion of water shall be completed on or before December 31, 2017, or within any authorized extension of time. The water right owner shall notify the Chief Engineer of the Division of Water Resources, Kansas Department of Agriculture, when construction of the works for diversion has been completed.

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. 31,452, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated July 13, 1989, as modified and amended by the aforementioned order.

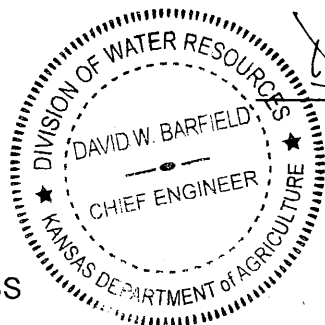
This Order shall become a final agency action, as defined by K.S.A. 77-607(b), without further notice to the parties, if a request for hearing or a petition for administrative review is not filed as set forth below.

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 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 13th day of March, 2017, in Topeka, Shawnee County, Kansas.



David W. Barfield

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

State of Kansas)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this 13th day of March, 2017, by David W. Barfield, P.E., Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.



Karen Hunter
Notary Public


CERTIFICATE OF SERVICE

On this 16th day of March, 2017 I hereby certify that the foregoing Approval of Application for Change in Point of Diversion, File No. 31,452, dated March 13, 2017 was mailed postage prepaid, first class, US mail to the following:

CLARKE FARMS LLC
8822 3RD ST
GREAT BEND KS 67530

With photocopies to:

Stafford Field Office
Groundwater Management District No. 5


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
(Check one or more) Point of Diversion
 Use Made of Water

WATER RESOURCES
RECEIVED

DEC 27 2016
11:59

KS DEPT OF AGRICULTURE

File No. 31452

2. Name of applicant: Brent Clarke

Address: 8822 3rd St

City, State and Zip: Great Bend KS 67530

Phone Number: (620)793-8493 E-mail address: _____

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

Name of water use correspondent: Clarke Farms LLC

Address: 8822 3rd St

City, State and Zip: Great Bend KS 67530

Phone Number: (620) 793-8493 E-mail address: _____

3. The change(s) proposed herein are desired for the following reasons (please be specific): The proposed change will move quantity from the south well to the north well authorized by File No. 31452. In addition, the location of the wells will be better described based on GPS coordinates. There will NOT be a new well proposed under the change application.

The change(s) _____ completed by _____ (Date)

| | | | | | | | | | | | | | | | |
|----------------------|------------|--------|------------|--------------------|-----------------|--------------|-----------------|---------|-------------|--------|-----------|----|-----------|------|-----------------|
| For Office Use Only: | | | | | | | | | | | | | | | |
| F.O. Code | <u>2</u> | GMD | <u>5</u> | Meets K.A.R. 5-5-1 | (YES) <u>NO</u> | Use | <u>IRR</u> | Source | <u>G/S</u> | County | <u>BT</u> | By | <u>AW</u> | Date | <u>12/27/16</u> |
| Code | <u>CGT</u> | Fee \$ | <u>200</u> | TR # | | Receipt Date | <u>12/27/16</u> | Check # | <u>2071</u> | | | | | | |

2 17 17
RAIL

4. The presently authorized place of use is:

Owner of Land — NAME: Clarke Farms LLC

ADDRESS: 8822 3rd St, Great Bend KS 67530

| 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 | | | | | |
| 17 | 20 | 14W | | | | | | | | | | | | | | | | | 12 | | 32 | 40 | 84 |
| 20 | 20 | 14W | Lot 4 37 | 40 | Lot 3 35 | Lot 4 3 | | | | | | | | 40 | | | | | | Lot 3 7 | | | 162 |
| | | | | | | | | | | | | | | | | | | | | | | | 246 |

List any other water rights that cover this place of use. 15699, 20127117-MF & 20127118-MF (pending new MYFA applications)

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: No Change

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. _____

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 MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

6. The presently authorized point(s) of diversion is two wells and diversion works
(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 NE Quarter of the NW Quarter of the NE Quarter of Section 20, Township 20 South, Range 14 W, in Barton County, Kansas, 5,215 feet North 1,385 feet West of Southeast corner of section.
 Authorized Rate 820 gpm Authorized Quantity 146 AF (limited)
 (DWR use only: Computer ID No. 1 GPS 4,813 feet North 1,305 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): *** Lot 4 (River lot)*
 One in the NW Quarter of the NE Quarter of the NE Quarter of Section 20, Township 20 South, Range 14 W, in Barton County, Kansas, 4,813 feet North 1,305 feet West of Southeast corner of section.
 Proposed Rate no change Proposed Quantity 170 AF (limited) * 20167075
 This point is: Additional Well Geo Center List other water rights that will use this point 20127118-MF & pend. MYFA

9. **Presently authorized point of diversion:**
 One in the --- Quarter of the --- Quarter of the Lot 3 (SW NE) Quarter of Section 20, Township 20 South, Range 14 W, in Barton County, Kansas, 3,900 feet North 2,620 feet West of Southeast corner of section.
 Authorized Rate 940 gpm Authorized Quantity 121 AF (limited)
 (DWR use only: Computer ID No. 3 GPS 3,524 feet North 2,608 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 Lot 3 (SW NE) Quarter of Section 20, Township 20 South, Range 14 W, in Barton County, Kansas, 3,524 feet North 2,608 feet West of Southeast corner of section.
 Proposed Rate no change Proposed Quantity 97 AF (limited) * 20167074
 This point is: Additional Well Geo Center List other water rights that will use this point 20127117-MF & pend. MYFA

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

DEC 27 2016

* for W.R.S. * ROL/OWN 1/10/17
** for original survey plot ** ROL/OWN 3/2/17
SCANNED KS DEPT OF AGRICULTURE

12. The presently authorized use of water is for Irrigation 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.
N/A

(Please show any calculations here.)

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

15. It is requested that the maximum rate of diversion of water be reduced to --- 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.

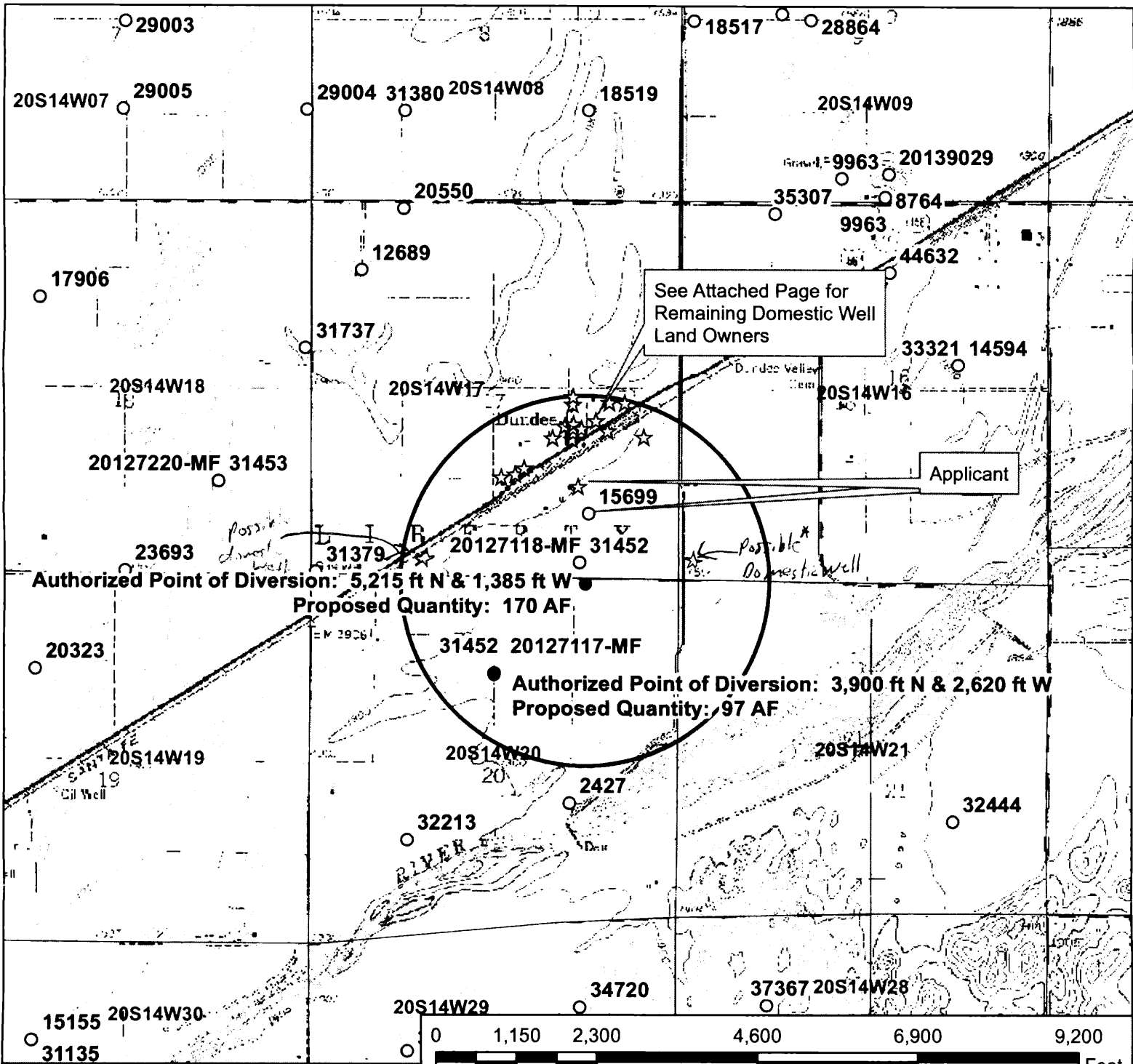
17. Attach documentation to show the change(s) proposed herein will not impair existing water rights and relates to the same local source of supply as to which the water right relates. This information may include statements, plats, geology reports, well logs, test hole logs, and other information as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

Both wells are authorized by File No. 31452 and are Arkansas River Main Stem Alluvial wells, therefore they can be considered to be in the same source of supply. While quantity is being moved closer to numerous domestic wells, the rate of diversion is not being increased. In addition, the well with the proposed higher quantity exceeds all spacing requirements to all known domestic wells. Impairment is not 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.

The north well authorized by File No. 31452 does not meet spacing to the well authorized by File No. 15699. However, this well is a part of the same place of use and is owned and operated by the applicant. A waiver of K.A.R. 5-4-4 is requested.

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY



See Attached Page for Remaining Domestic Well Land Owners

Applicant

Authorized Point of Diversion: 5,215 ft N & 1,385 ft W
Proposed Quantity: 170 AF

Authorized Point of Diversion: 3,900 ft N & 2,620 ft W
Proposed Quantity: 97 AF

Legend

- Water Appropriations
- Auth/Proposed Point of Diversion
- ☆ Domestic Well
- ⊕ Section Corner
- Half Mile Circle
- ▭ Section Line

Water Right, File No. 31452

Change in Point of Diversion Application Map

Moving Quantity Only

20-20S-14W // Barton County

To the best of my knowledge, all of the domestic wells within 1/2 mile of the proposed point of diversion have been shown.

WATER RESOURCES RECEIVED

DEC 27 2016



Signature

SCANNED

12/22/16 EKF-SFFO 1:24,000 scale

** possible domestic wells per KGS LWC-51160
* 1/10/17*

File No. 31452 Nearby Domestic Well Owners

Carles Clyde & Luanne Fry
642 W US Hwy 56
Dundee KS 67530

Henry Leroy Powell
364 Main St
Dundee KS 67530

Kurt A Hartle
354 Main St
Dundee KS 67530

Frank & Karen-Le Symank
628 W US 56 HWY
Great Bend KS 67530

Joe & Virginia Jacobs
1140 SW 20 Rd
Pawnee Rock KS 67567

Joseph Paul Trimmer
352 Main St
Dundee KS 67530

Allan F & Earline Martin
357 Main St
Dundee KS 67530

David L White
620 W US 56 HWY
Dundee KS 67530

Cathy C McVey
Tom Claphan
106 NE 20 Ave
Great Bend KS 67530

* CJS Properties LLC
PO Box 872
Great Bend KS 67530

Merco Inc
626 W US 56 HWY
Dundee KS 67530

* Kansas Dept of Wildlife & Parks
512 SE 25th Ave
Pratt KS 67124

Mid Kansas Agri Co
355 SW 60 Ave
Dundee KS 67530

* Grant Olin Varrch Rev & Helen Varrch Trust
Wynona M Varrch Rev & V Trust
683 W US Hwy 56
Great Bend KS 67530

Byron K & O Carolyn Nelson Liv Trust
646 W US HWY 56
Great Bend KS 67530

Stanley W & Joyce A Nelson
644 W US 56 HWY
Dundee KS 67530

Bert V & Janice S Newhall
632 W US HWY 56
Great Bend KS 67530

Lue E Philbern
622 W US 56 HWY
Dundee KS 67530

* Barton Co Parcel Search
& WRC-5

* Tarkenton 1/11/19

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DEC 27 2016

KS DEPT OF AGRICULTURE

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 Great Bend, Kansas, this 23rd day of December, 2016.

| | |
|---------------------------------------|----------------------|
| <u>[Signature]</u> (Owner) | _____ (Spouse) |
| <u>Brent Clarke</u> (Please Print) | _____ (Please Print) |
| _____ (Owner) | _____ (Spouse) |
| _____ (Please Print) | _____ (Please Print) |
| _____ (Owner) | _____ (Spouse) |
| _____ (Please Print) | _____ (Please Print) |

State of Kansas }
County of Barton } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 23rd day of December, 2016.

My Commission Expires 6-6-2018

[Signature: Cynthia J. Lockwood]
 CYNTHIA J. LOCKWOOD
 Notary Public
 State of Kansas
 My **FFF SCHEDULE** 6-6-2018

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
 DEC 27 2016
 KS DEPT OF AGRICULTURE
 SCANNED

DIVISION OF WATER RESOURCES—KANSAS DEPARTMENT OF AGRICULTURE
COMPLIANCE INVESTIGATION

Field Office No. 02 G.M.D. No. 05 County Barton

File No. 20127118MF Overlap P/D & P/U File No(s). 31,452

Agency DWR Inspector Meier

Reason: New Application—MYFA Regular P/D Change P/U Change
 Meter Installed Short Move P/D Change Other _____

Date of Order 8/22/13 Date of N of C Ack ___ Chg No. C___ Date completed ___ If PD chg, old PD ID ___

Current Landowner Clarke Farms LLC Phone No. _____

Address 8822 3rd St Great Bend, KS 67530
Additional landowners and addresses identified in remarks section.

Water Use Correspondent Same as Above Phone No. _____

Authorized Water Use Classification: Domestic Industrial Irrigation Municipal Hydraulic Dredging
 Recreation Stockwatering Water Power Artificial Recharge Contamination Remediation
 Dewatering Fire Protection Thermal Exchange Sediment Control Other _____

Water currently being used for Irrigation

Source: Groundwater Surface Water Basin Arkansas River (Middle Ark)

Authorized Point of Diversion: NE NW NE Sec. 20, T. 20S, R. 14W ID No. 1

Approximately 5,215 ft. North and 1,385 ft. West of SE corner of Sec 20.

Actual Point of Diversion: NW NE NE Sec. 20, T. 20S, R. 14W

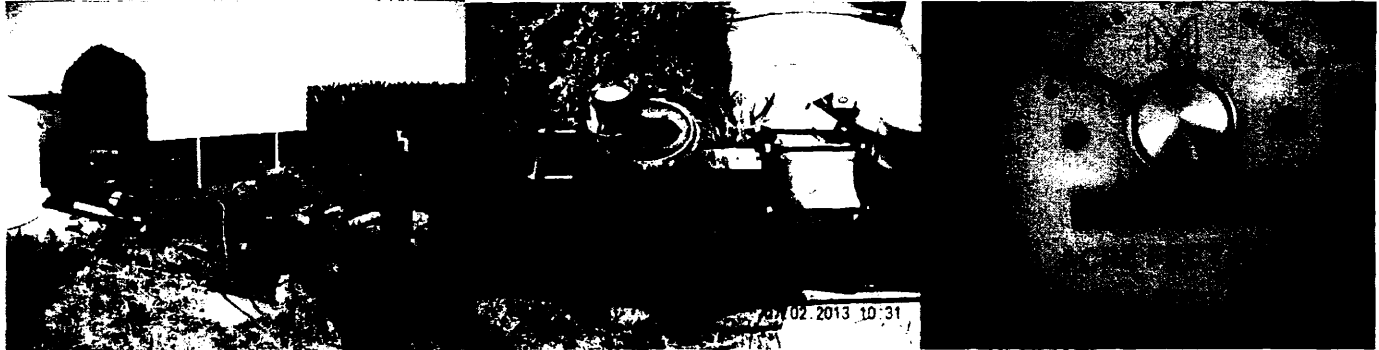
Approximately 4,813 ft. North and 1,305 ft. West of SE corner of Sec 20.

How were distances determined? GPS&LeoBase(est.acc.-10' count-438) Latitude 38.30318 Longitude 98.88922

Location (site) map attached? NO Sketch or Map below

Comments: Replaced meter, meets all current requirements

Old Meter/Setup



DEC 12 2013

**KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources**

M E M O R A N D U M

TO: Files

DATE: December 22, 2016

FROM: Elizabeth K. Fitch

RE: Water Right, File No. 31452

When I was completing an application to change the point of diversion for the referenced file number, I observed that the GPS based footages for the north well (ID01) do not fall within 300 feet of the authorized description. After further review, I believe this is still the original well that was permitted. However, the section is oddly shaped and is substantially shorter on the east side than the west side. According to LeoBase 7, the east line of Section 20-20-14W is only 4,838 feet long and the west line is described at 5,316 feet long. A print out of this information is attached to this memo. Based on this information having a well in the northeast quarter described at 5,215 feet north is impossible. In fact, WRIS plotted the well in the wrong section because of this incongruity.

It is recommended that the footage description for the north well (ID01) under File No. 31452 be corrected with the next order issued.

IO Settings

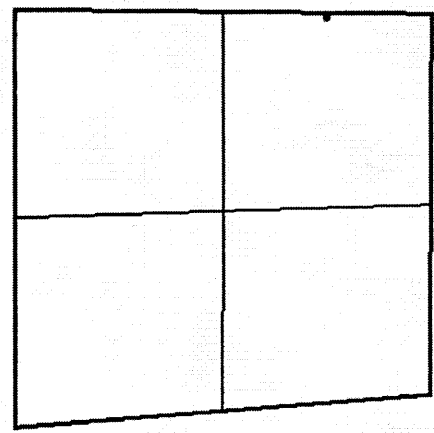
Datum NAD27 NAD83

Footage Corner SE SW NE NW

Latitude DD.ddddddd

Longitude DDD.ddddddd

20 T20S R14W



Kansas TRS = 20S14W20
 Kansas STR = 20 T20S R14W
 Township 20 Range 14W Section 20
 Approximately 616 acres
 length of north line = 5293 Ft
 length of south line = 5281 Ft
 length of east line = 4938 Ft
 length of west line = 5316 Ft
 Spot Footage 4907' N of South line & 1343' W of East line

Spot Northeast corner of NE NE NW NE subdivision of Section
 NAD27 Datum
 Latitude = 38.3031800 Longitude = -98.8892200
 DMS Lat 38° 18' 11.44" Lon -98° 53' 21.19"
 Deg MM.mm Lat 38° 18.1907 Lon -98° 53.3531
 UTM Northing = 4239253.75 Easting = 509686.25 Zone = 14

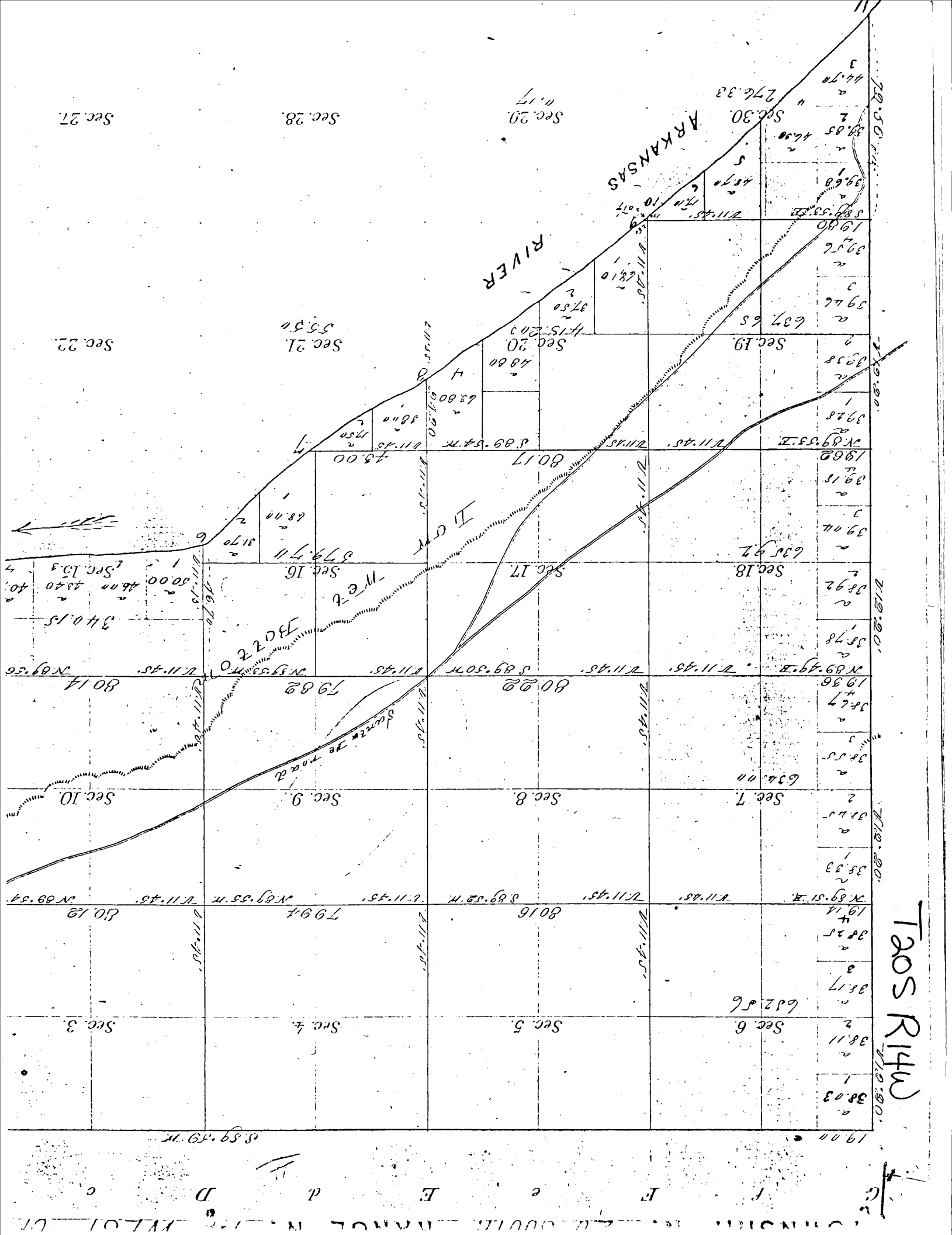
| | |
|---------------|---------------|
| NW 38.3034970 | NE 38.3032520 |
| -98.9029850 | -98.8845370 |

| | |
|---------------|---------------|
| SW 38.2888950 | SE 38.2899630 |
| -98.9030300 | -98.8846740 |

UTM coordinates
 NW 4239287.58 N 508482.55 E
 NE 4239292.36 N 510095.71 E

Controls

Text



Taos River

ARKANSAS RIVER

W.E.T. ROAD

Sec. 27

Sec. 28

Sec. 29

Sec. 30

Sec. 22

Sec. 21

Sec. 20

Sec. 19

Sec. 13

Sec. 16

Sec. 17

Sec. 18

Sec. 14

Sec. 15

Sec. 16

Sec. 17

Sec. 10

Sec. 9

Sec. 8

Sec. 7

Sec. 12

Sec. 11

Sec. 10

Sec. 9

Sec. 3

Sec. 4

Sec. 5

Sec. 6

Sec. 12

Sec. 11

Sec. 10

Sec. 9

Sec. 3

Sec. 4

Sec. 5

Sec. 6

Point of Observation Details

Part of Observation: **20** Township: **20** Range: **14** Reg. Dir.: **IV** ID: **3** PROV ID: **9119**
 Section: **20** Township: **20** Range: **14** Reg. Dir.: **IV** ID: **3** PROV ID: **9119**
 Dist. Qualifiers: **SV NE** Latt. Qualifiers: **SV NE** Latt. **SV NE** Easting: **2620** Country Code: **BT** State: **VA**
 Name: **Laura** Station: **33** Name: **Laura** Station: **33** Name: **Laura** Station: **33**
 Date of Observation: **20160722** Direction East West: **W** GPS FT North: **2608** GPS Latitude: **38.29864**
 Date of Observation: **20160722** Direction East West: **W** GPS FT West: **3254** GPS Longitude: **80.80376**
 Date of Observation: **20160722** Direction East West: **W** GPS FT East: **3254** GPS Longitude: **80.80376**

| Test | Test Meter | Test Rate | Test | Test Meter | Test Rate | Test | Test Meter | Test Rate |
|------------|------------|-----------|------------|------------|-----------|------------|------------|-----------|
| RF-MU-1584 | 90% | 50% | RF-MU-1584 | 90% | 50% | RF-MU-1584 | 90% | 50% |

| Reg. No. | Country | Qual | UMAP | Active | Source of | Current Status | Priority | Supply | Supply | Priority Date | Completed By | Perfected By |
|----------|---------|------|------|-------------------------------------|------------------|----------------|----------|--------|--------|---------------|--------------|--------------|
| 2017117 | BT | RF | RR | <input checked="" type="checkbox"/> | PPZ | RF-MU-1584 | 20160722 | BT | BT | 20160722 | BT | BT |
| 20167074 | BT | RF | RR | <input checked="" type="checkbox"/> | LARV/P PEND COMP | RF-MU-1584 | 20160722 | BT | BT | 20160722 | BT | BT |
| 20118181 | BT | RF | RR | <input checked="" type="checkbox"/> | SPSM PEND COMP | RF-MU-1584 | 20160722 | BT | BT | 20160722 | BT | BT |

Laura
 This is
 flip flopped
 SB
 3524' N 2608' W

1/10/17 Feet Distances Needs Fixed

DIVISION OF WATER RESOURCES-KANSAS DEPARTMENT OF AGRICULTURE COMPLIANCE INVESTIGATION

Field Office No. 02 G.M.D. No. 05 County Barton
File No. 20127117-MF Overlap P/D & P/U File No(s). 31.452
Agency DWR Inspector Meier

In Compliance/ Date
[X] Yes 8/22/14
[] No, see comments
[X] Re-investigation 5/27/14 GMD5

Reason: [X] New Application-MYFA [] Regular P/D Change [] P/U Change
[] Meter Installed [] Short Move P/D Change [] Other

Date of Order 2/12/13 Date of N of C Ack Chg No. C Date completed If PD chg, old PD ID

Current Landowner Clarke Fams LLC Phone No.

Address 8822 3rd St Great Bend, KS 67530
Additional landowners and addresses identified in remarks section.

Water Use Correspondent Same as Above Phone No.

Authorized Water Use Classification: [] Domestic [] Industrial [X] Irrigation [] Municipal [] Hydraulic Dredging
[] Recreation [] Stockwatering [] Water Power [] Artificial Recharge [] Contamination Remediation
[] Dewatering [] Fire Protection [] Thermal Exchange [] Sediment Control [] Other

Water currently being used for

Source: [X] Groundwater [] Surface Water Basin Arkansas River (Middle Ark)

Authorized Point of Diversion: Lot 3 SW NE Sec. 20, T. 20S, R. 14W ID No. 3

Approximately 3.900 ft. North and 2.620 ft. West of SE corner of Sec 20.

Actual Point of Diversion: Lot 3 SW NE Sec. 20, T. 20S, R. 14W

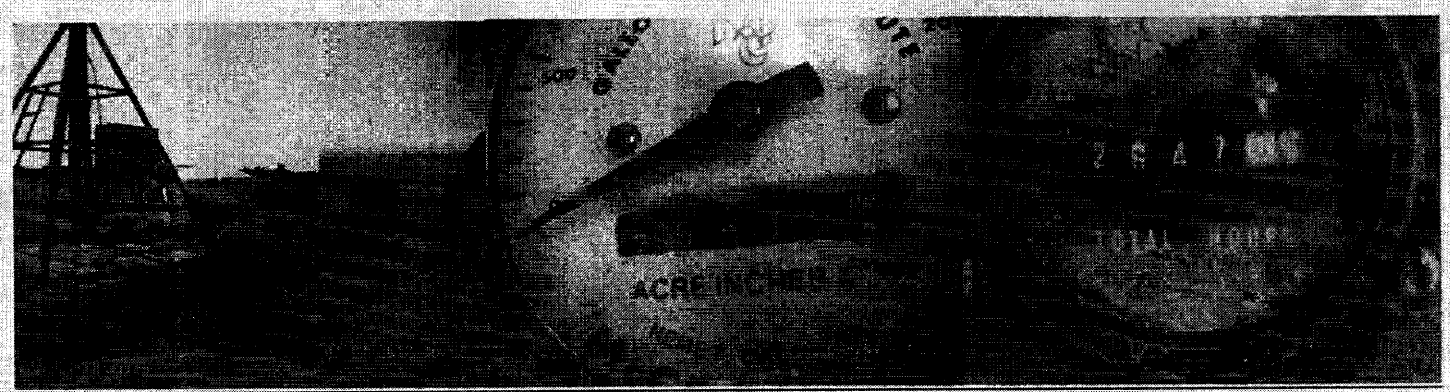
Approximately 3.524 ft. North and 2.608 ft. West of SE corner of Sec 20.

How were distances determined? GPS&LeoBase(est.acc.-11.5' count-86) Latitude 38.29964 Longitude 98.89376

Location (site) map attached? NO [] Sketch or Map below

Comments: Installed properly pre-2000. Rate tested by GMD#5 and found within tolerance, granted exemption.

7/2/2013



Point Of Diversion Details (wrpd4a)

| | | | | | | |
|--------------------------------|-----------------------|--------------------|---------------------|------------------------|-------------------------|---------------|
| Point Of Diversion Section: 20 | Township: 20 | Twnshp Dir: S | Range: 14 | Ring Dir: W | ID: 3 | PDIV ID: 9119 |
| Desc Qualifiers | Feet North: 3900 | Num Wells: 1 | Field Office: 2 | Startford | | |
| | Feet West: 2620 | Chem Ind: N | County Code: BT | BARTON | | |
| Lot: 3 | Lot Qualifiers: SW NE | GMD: 5 | Const. Date: | Basin: 33 | ARKANSAS RIVER | |
| | | | Meas Tube Ind: | Stream: | | |
| Base Corner: SE | Distance North: 3900 | Dir N or S: N | Distance West: 2620 | Direction East West: W | | |
| New Latitude: 38.30067222 | | GPS FT North: 2608 | GPS FT West: 3254 | GPS Latitude: 38.29964 | GPS Longitude: 98.89376 | |

| Test Date | Test Type | Test Meter | Test Rate | Test Meter Unit | Installed Mr. Rate | Installed Mr. Unit | Testor Name | Testor Type |
|-------------|-----------------------|------------|-----------|-----------------|--------------------|--------------------|-------------|-------------|
| 18-JUL-1984 | Field Inspection Test | 904 | | gpm | | | | |

| Associations with Water Right Files | | | | | | | Active Source of | | | | | |
|-------------------------------------|--------|-----------|------|------|-------------------------------------|-----------------|-------------------------------------|--------|------------|---------------|-------------|-------------|
| Right Type | Vested | WR Number | Qual | LIMV | Active LIMV? | Current Status | PD? | Supply | Battery ID | Priority Date | Complete By | Perfect By |
| A | | 31452 | DD | IRR | <input checked="" type="checkbox"/> | CERT ISSUED | <input checked="" type="checkbox"/> | G | | 27-FEB-1978 | 31-DEC-1979 | 31-DEC-1979 |
| T | | 20127117 | MF | IRR | <input checked="" type="checkbox"/> | APRVD PEND COMP | <input checked="" type="checkbox"/> | G | | 06-JUL-2012 | | |
| T | | 20167074 | MF | IRR | <input checked="" type="checkbox"/> | PEND INIT REV | <input checked="" type="checkbox"/> | G | | 27-DEC-2016 | | |
| T | | 20118181 | DT | IRR | <input checked="" type="checkbox"/> | DISM PEND COMP | <input checked="" type="checkbox"/> | G | | 13-OCT-2011 | | |

New Meter trail Google Map Hydrinproj

Krueger, Richelle

From: Lanterman, Jeff
Sent: Tuesday, February 28, 2017 4:02 PM
To: Krueger, Richelle
Cc: Conant, Cameron
Subject: FW: Request for Recommendation Change in PD File No. 31452 Clarke Farms, LLC MYFA Application File Nos. 20167074-MF and 20167075-MF
Attachments: 31452movequantbetwellssamefilepdmemwaivgmd5spac.docx;
20167074MF20167075MFmemfo2gmd52wellssamebaserightpreviousmyfa.rtf

Richelle!

I think we go ahead and approve these with but only with revisions to the MYFA carryover based on our field checks. See Cameron's notes below. We helped fill those out not knowing what the actual carryover was and then made it a point to go inspect them so we would know quickly what the real carryover number should be.

We do have field checks on all or most of the MYFA carryover files for future reference. You should have access to those checks.

Jeff

From: Conant, Cameron
Sent: Tuesday, February 28, 2017 11:33 AM
To: Lanterman, Jeff <Jeff.Lanterman@ks.gov>
Subject: FW: Request for Recommendation Change in PD File No. 31452 Clarke Farms, LLC MYFA Application File Nos. 20167074-MF and 20167075-MF

Jeff, this change application proposes to move 24AF from the south well authorized by 31452 to the north well authorized by 31452. The proposed change moves quantity away from the Ark. Spacing was not met to a nearby irrigation well that is completely overlapped in p/u with file 31452. The two wells are ~1050' apart. All other spacing requirements are met.

GMD#5 recommended approval with a spacing wavier.

I think this p/d change to move quantity to the north well authorized by the same file number can be recommended for approval. Please pass on to Richelle if you agree.

If this pd change is approved, the pending MYFA's associated with 31452 (both wells) can also be worked, Richelle also attached the MYFA memos.

20167074-MF review (south well): Previously covered by 20127117-MF. **This application needs revised to only have a carryover of 52.353AF.** Based on a compliance check dated 2/1/17 (not printed or scanned yet), the 2012 file only had 52.353 AF remaining after the 2016 season. The application was originally filled out for a full carryover due to deadlines associated with the carryover application.

20167075-MF review (north well): Previously covered by 20127118-MF. **This application needs revised to only have a carryover of 81.423AF.** Based on a compliance check dated 2/1/17 (not printed or scanned yet), the 2012 file only had

81.423 AF remaining after the 2016 season. The application was originally filled out for a full carryover due to deadlines associated with the carryover application.

Please pass on to Richelle that neither MYFA can be approved at this time. Original applications need to be sent back to the owner with a revised quantity, so the actual carryover can be accounted for and the lower quantity can be signed off on by the owner.

Let me know if you want to discuss anything. We need to make our compliance checks available to anyone who will be processing 2016-2017 carryover or re-enroll MYFA's so they can take care of any issues with the quantities before it comes to us for review. Right now, HQ staff doesn't have the most current information that we have so they will have a hard time processing these very well.

Cameron

From: Krueger, Richelle

Sent: Tuesday, February 21, 2017 10:17 AM

To: Lanterman, Jeff <Jeff.Lanterman@ks.gov>

Cc: Conant, Cameron <Cameron.Conant@ks.gov>; Turney, Brent <Brent.Turney@ks.gov>

Subject: Request for Recommendation Change in PD File No. 31452 Clarke Farms, LLC MYFA Application File Nos. 20167074-MF and 20167075-MF

Hi Jeff,

Attached is a draft memo for the change in pd for File No. 31,452 and a draft memo for the MYFAs that will be associated with the wells authorized by File No. 31452. Do you recommend approval?

Thanks,
Richelle

Krueger, Richelle

From: Orrin Feril <oferil@gmd5.org>
Sent: Friday, February 17, 2017 4:41 PM
To: Krueger, Richelle
Subject: Application for Change, Water Right, File No. 31452
Attachments: 31452 2017-02-17 Rec.pdf

Richelle,
I'm attaching the recommendation requested by your office in a letter dated January 11, 2017. Please let me know if you have any questions.

Thank you for your consideration in this matter,

Orrin

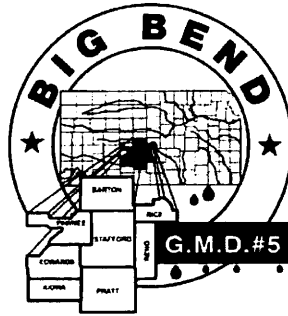
--
Orrin Feril
Manager
Big Bend GMD#5
Email: oferil@gmd5.org
Phone: (620) 234-5352
Mobile: (620) 388-0172
Fax: (620) 234-5718
www.gmd5.org

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FEB 17 2017

KS DEPT OF AGRICULTURE

Darrell Wood - Edwards (Pres.)
Fred Grunder - Pratt (V Pres.)
John Janssen - Kiowa (Treas.)
Curtis Tobias - Rice (Sec.)
Justin Gatz - Reno
Kent Lamb - Stafford
Phil Martin - Barton
Bob Standish - Pawnee
Tom Taylor - At-Large



Orrin Feril, Manager
125 South Main Street
Stafford, Kansas 67578
ph: (620) 234-5352
fx: (620) 234-5718
gmd5@gmd5.org
www.gmd5.org

February 17, 2017

Richelle Krueger
Division of Water Resources
Kansas Department of Agriculture
1320 Research Park Drive
Manhattan, KS 66502

WATER RESOURCES
RECEIVED

FEB 17 2017

KS DEPT OF AGRICULTURE

RE: Water Right File No. 31452
Change in the Point of Diversion

Dear Ms. Krueger,

The Big Bend Groundwater Management District #5 has reviewed the above referenced application to change the point of diversion. The application was presented to the Board of Directors at the February regular board meeting for review.

As presented, this application does not meet the requirements per K.A.R. 5-25-2 for minimum well spacing to nearby groundwater wells. Based upon information received in the District office and provided at the board meeting, the Board voted to waive K.A.R. 5-25-2 to recommend approval of this application.

The application to change is subject to the District's well equipment regulation K.A.R. 5-25-5 for a required flow meter.

Please feel free to give me a call if you have any questions.

Sincerely,

Orrin Feril
Manager

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

25
January 11, 2017

MID KANSAS AGRI CO
~~355 SW 60 AVE~~
~~DUNDEE KS 67530~~

553 R RD
Pawnee Rock KS 67567

RE: Water Right
File No. 31,452

Dear Sir or Madam:

This is to advise you that Brent Clarke, on behalf of Clark Farms, L.L.C., has filed an application for approval of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, to change the point of diversion under the above referenced file number. The water right owner proposes to transfer 24 acre-feet of water between their existing authorized wells. The application proposes the following change in the point of diversion.

from: one (1) existing well located in the Northwest Quarter of the Northeast Quarter of the Northeast Quarter (NW¼ NE¼ NE¼) of Section 20, more particularly described as being near a point 4,813 feet North and 1,305 feet West of the Southeast corner of said section, at a diversion rate not in excess of 820 gallons per minute and in a quantity not to exceed **146 acre-feet** of water per calendar year, and

one (1) existing well located in Lot 3 (SW¼ NE¼) of Section 20, more particularly described as being near a point 3,524 feet North and 2,608 feet West of the Southeast corner of said section, at a diversion rate not in excess of 940 gallons per minute and in a quantity not to exceed **121 acre-feet** of water per calendar year,

both in Township 20 South, Range 14 West, Barton County, Kansas,

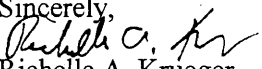
to: one (1) existing well located in the Northwest Quarter of the Northeast Quarter of the Northeast Quarter (NW¼ NE¼ NE¼) of Section 20, more particularly described as being near a point 4,813 feet North and 1,305 feet West of the Southeast corner of said section, at a diversion rate not in excess of 820 gallons per minute and in a quantity not to exceed **170 acre-feet** of water per calendar year, and

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A map is on the reverse of this letter for your information. You are being notified of this proposed change in the point of diversion 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.

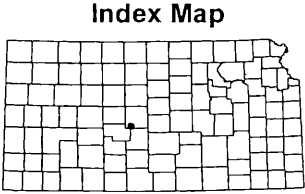
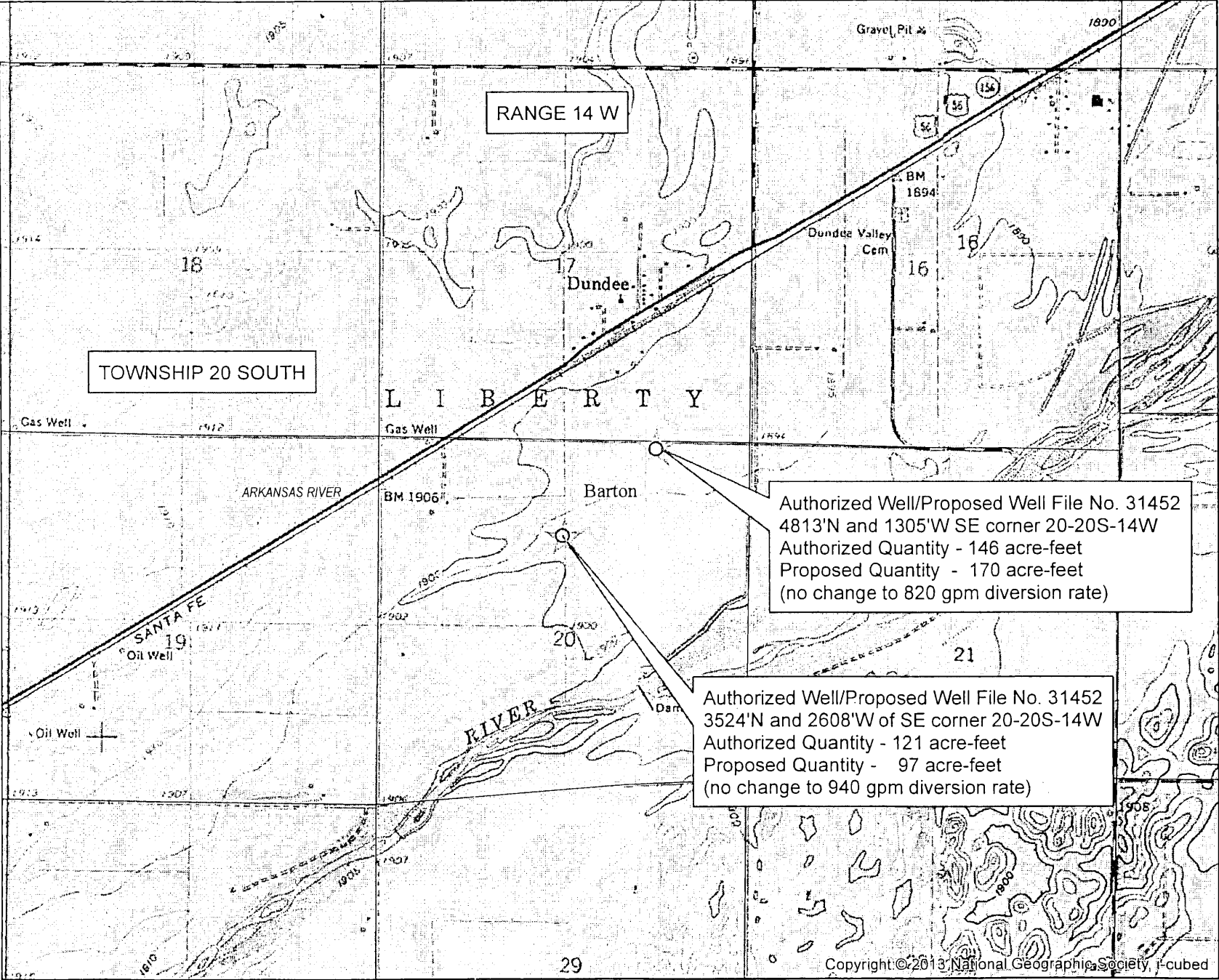
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Sincerely,

Richelle A. Krueger
Environmental Scientist
Water Appropriation Program

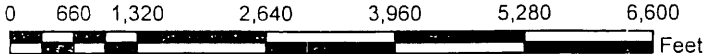
RAK
pc: Stafford Field Office
Groundwater Management District No. 5
Clarke Farms LLC, Attn Brent Clarke

SCANNED

Application to Change the PD File No. 31452



1:24,000



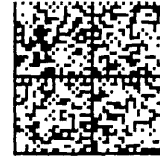


Sam Brownback, Governor

1320 Research Park Drive
Manhattan, KS 66502-5000

1606-006

PRESORTED
FIRST CLASS



U.S. POSTAGE >> PITNEY BOWES



ZIP 66506 \$ 000.41⁹
02 1W
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RETURN TO SENDER
UNABLE TO FORWARD
UNABLE TO FORWARD
RETURN TO SENDER

FWD

3 LRDTNMB 67530



SCANNED

Subject Property: 0052441700002001000

QuickRef ID : R17007

[Click here to locate on Map](#)

Owner Name : MID KANSAS AGRI CO

No property photo available

Location : 355 SW 60 AVE, DUNDEE, KS 67530.

Legal Desc : S17, T20, R14W, COM 2191 N SECOR TH SWLY1589, SWLY449, NELY45, W190,NELY1352,SELY5,NELY419,NWLY10,NELY36,SELY4,NELY459,S117,NELY24,S234 POB & TR COM 35 W NECOR SE/4 TH S25, SWLY760, NWLY18, SWLY390, NWLY14, SWLY302, NWLY67, NELY1339,E149 POB.

The legal description displayed above is not adequate for use in legal documents

Owner Information

Owner :

Mailing Address :

MID KANSAS AGRI CO

553 R RD PAWNEE ROCK, KS 67567

Property Details

Property Type :

Property Status :

Taxing Unit :

Neighborhood Code :

Commercial & Industrial

Active

286-LIBERTY TWP

509.0

Market Land Details

Actual Width :

Eff Width :

Eff Depth :

Acres :

Square Feet :

9.06

Permit Details

Number :

Date :

Amount :

Purpose :

99999

11/1/2007

\$1

NEW BINS

Value Details

Current Final Value (Commercial and Industrial) :

Year :

2016

Land :

\$35,550

Building :

\$875,900

Total :

\$911,450

Deed Book/Page

Book / Page List and Misc Legal Description Info :

Bk/Pg 220/132 583/803

No Sale Details found. (Please log in to view this data.)

No Dwelling Details found.

No Manufactured Home Details found.

Building Details

Building No : 1

Units : 0

Struct Type : Office/warehouse

More Info Available : [Click here](#)

Ident Units : 1

Other Improvements

| Type : | Quantity : | Area : | Year Built : | Quality : | Condition : |
|-------------------------------|------------|--------|--------------|-----------|-------------|
| Storage Bldg, Wood | 1 | 130 | 1974 | VG | PR |
| Residential Garage - Detached | 1 | 1,581 | 1974 | AV | FR |
| Equipment (Shop) Building | 1 | 4,428 | 1974 | AV | FR |
| Outbuildings | 1 | 10 | 1974 | AV | FR |
| Outbuildings | 1 | 10 | 1974 | AV | FR |
| Outbuildings | 1 | 10 | 1974 | AV | AV |

No Other Outbuildings or Improvements found.

Improvement Details

[Click here to go back to the building section list](#)

| Commercial Component : | Units : |
|---|---------|
| Paving, Concrete with Base (heavy) | 8500 |
| Storage Bldg, Wood | 130 |
| Pole Light, Mercury 24 ft. | 4 |
| Single -Metal, Tex Cover on Steel Frame | 100% |
| Truck Scales, 60 tons | 1 |

No Ag Land Details found.

No Ag Buildings found.

Krueger, Richelle

From: Krueger, Richelle
Sent: Monday, January 23, 2017 10:57 AM
To: Feril, Orrin (oferil@gmd5.org); Lanterman, Jeff; Conant, Cameron
Cc: Turney, Brent
Subject: FYI Received nearby well owner call Re: Change in PD File No. 31452

| Tracking: | Recipient | Delivery |
|------------------|--------------------------------|-------------------------------|
| | Feril, Orrin (oferil@gmd5.org) | |
| | Lanterman, Jeff | Delivered: 1/23/2017 10:57 AM |
| | Conant, Cameron | Delivered: 1/23/2017 10:57 AM |
| | Turney, Brent | Delivered: 1/23/2017 10:57 AM |

Good Morning,

Just wanted to let you know I received a call from Cathy McVey re: Change in PD File No. 31452 Brent Clarke. It appears her domestic well is approximately 2500 feet to 2600 feet from the proposed existing well. She wanted to know why she received the letter and what they are proposing. She said her domestic well was drilled about five years ago, she hasn't had any problems with it and doesn't want any. Told her it met spacing requirements to her well, they are moving quantity between existing wells, and that I didn't believe it would cause her problems but of course no guarantees. Told her if she wanted to she can submit concerns in writing postmarked on or before January 27th. Gave her Stafford office number in case there were problems in the future. Anyway an FYI, will let you know if she submits something in writing.

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
(785) 564-6700

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

Jackie McClaskey, Secretary

Governor Sam Brownback

January 19, 2017

BIG BEND GROUNDWATER
MANAGEMENT DISTRICT NO 5
ATTN ORRIN FERIL
125 S MAIN
STAFFORD KANSAS 67578

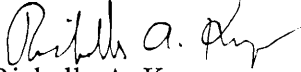
Re: Water Right, File No. 31,452

Dear Orrin:

In accordance with the request received in this office on January 18, 2017, the Chief Engineer has extended until February 20, 2017, the time in which to submit your recommendations concerning the Application for Approval to Change the Point of Diversion for Water Right, File No. 31,452.

If you have any questions, please contact me at (785) 564-6635. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,


Richelle A. Krueger
Environmental Scientist
Water Appropriation Program

pc: Stafford Field Office

Krueger, Richelle

From: Orrin Feril <oferil@gmd5.org>
Sent: Wednesday, January 18, 2017 3:37 PM
To: Krueger, Richelle; Lanterman, Jeff
Subject: Application for Change, Water Right, File No. 31452
Attachments: 31452 2017-01-18 Corr.pdf

Richelle,

I'm attaching a request for extension in response to a letter dated January 11, 2017. Please see the attached document for further details.

Thank you for your consideration in this matter,

Orrin

--

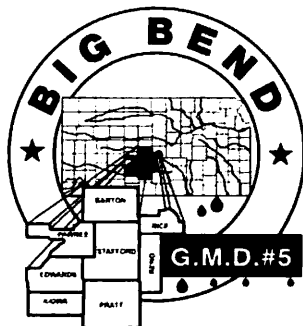
Orrin Feril
Manager
Big Bend GMD#5
Email: oferil@gmd5.org
Phone: (620) 234-5352
Mobile: (620) 388-0172
Fax: (620) 234-5718
www.gmd5.org

WATER RESOURCES
RECEIVED

JAN 18 2017

KS DEPT OF AGRICULTURE

Darrell Wood - Edwards (Pres.)
Fred Grunder - Pratt (V Pres.)
John Janssen - Kiowa (Treas.)
Curtis Tobias - Rice (Sec.)
Justin Gatz - Reno
Kent Lamb - Stafford
Phil Martin - Barton
Bob Standish - Pawnee
Tom Taylor - At-Large



Orrin Feril, Manager
125 South Main Street
Stafford, Kansas 67578
ph: (620) 234-5352
fx: (620) 234-5718
gmd5@gmd5.org
www.gmd5.org

January 18, 2017

Richelle Krueger
Division of Water Resources
Kansas Department of Agriculture
1320 Research Park Drive
Manhattan, KS 66502

Re: Water Right File No. 31452
Change in Point of Diversion

Dear Ms. Krueger,

The Big Bend Groundwater Management District #5 requests a thirty-day extension on the above referenced application in order to be reviewed at the February board meeting. This meeting is tentatively scheduled for February 16, 2017 at 1:00 pm.

Sincerely,

Orrin Feril
Manager

c: Brent Clarke (Applicant)
DWR – Stafford Field Office

WATER RESOURCES
RECEIVED

JAN 18 2017

KS DEPT OF AGRICULTURE

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

January 11, 2017

BIG BEND GROUNDWATER
MANAGEMENT DISTRICT NO 5
ATTN ORRIN FERIL
125 S MAIN
STAFFORD KANSAS 67578

Re: Water Right, File No. 31,452


Dear Orrin:

We are enclosing a copy of the application to change the point of diversion for File No. 31,452.

We are delaying further action for a period of 15 days from the date of this letter to allow you time to submit your recommendations concerning this application.

Please submit your recommendations within the allowed time, or any authorized extension of time thereof. If you have any questions, please contact me at (785) 564-6635. If you call, please reference the file number so we can help you more efficiently.

Sincerely,


Richelle A. Krueger
Environmental Scientist
Water Appropriation Program

Enclosures

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

January 11, 2017

CATHY C MCVEY/TOM CLAPHAN
106 NE 20 AVE
GREAT BEND KS 67530

RE: Water Right
File No. 31,452

Dear Sir or Madam:

This is to advise you that Brent Clarke, on behalf of Clark Farms, L.L.C., has filed an application for approval of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, to change the point of diversion under the above referenced file number. The water right owner proposes to transfer 24 acre-feet of water between their existing authorized wells. The application proposes the following change in the point of diversion.

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one (1) existing well located in Lot 3 (SW $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 20, more particularly described as being near a point 3,524 feet North and 2,608 feet West of the Southeast corner of said section, at a diversion rate not in excess of 940 gallons per minute and in a quantity not to exceed **121 acre-feet** of water per calendar year,

both in Township 20 South, Range 14 West, Barton County, Kansas,


to: one (1) existing well located in the Northwest Quarter of the Northeast Quarter of the Northeast Quarter (NW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 20, more particularly described as being near a point 4,813 feet North and 1,305 feet West of the Southeast corner of said section, at a diversion rate not in excess of 820 gallons per minute and in a quantity not to exceed **170 acre-feet** of water per calendar year, and

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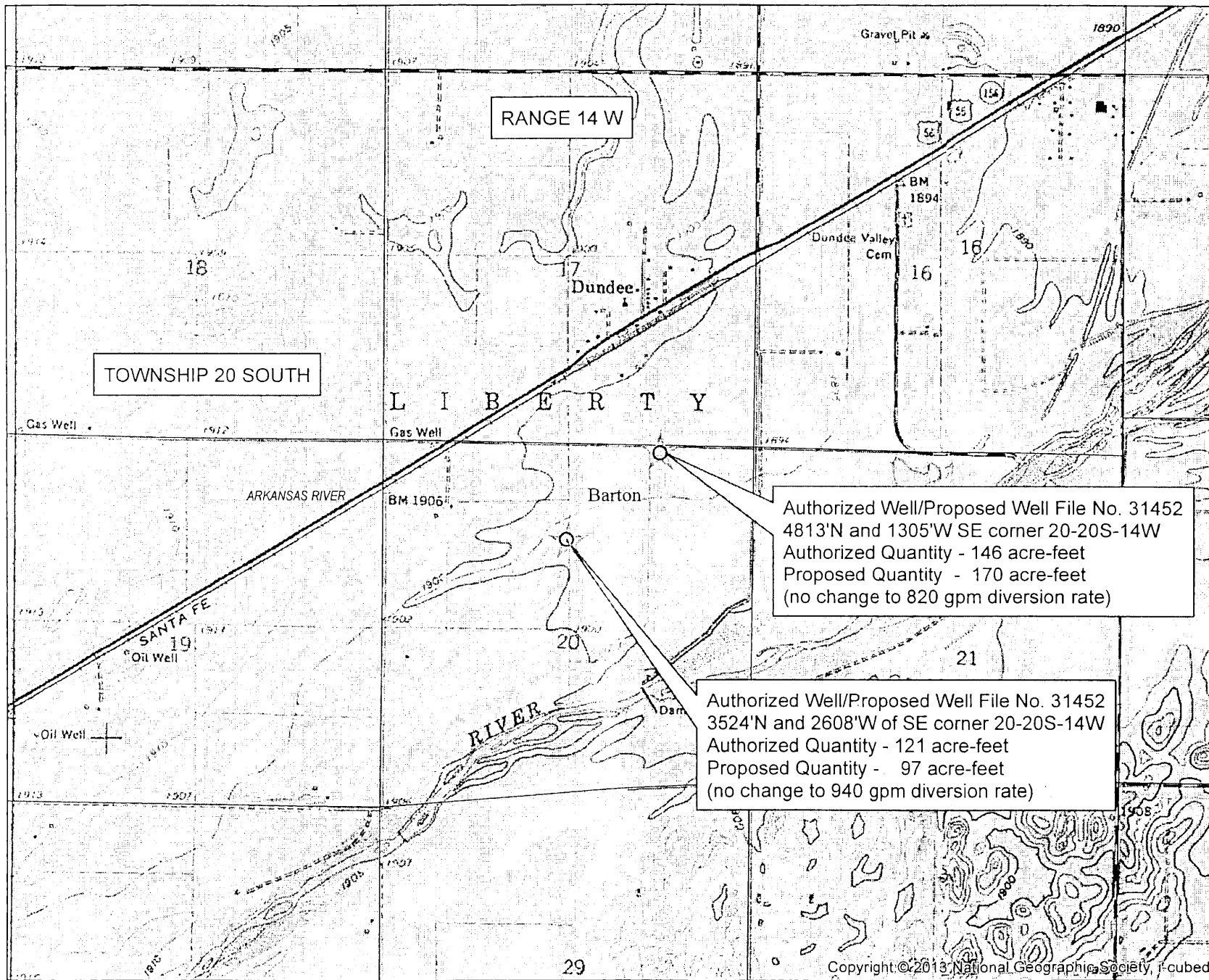
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Sincerely,

Richelle A. Krueger
Environmental Scientist
Water Appropriation Program

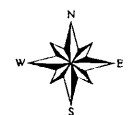
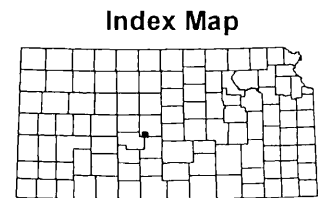
RAK
pc: Stafford Field Office
Groundwater Management District No. 5
Clarke Farms LLC, Attn Brent Clarke

Application to Change the PD File No. 31452

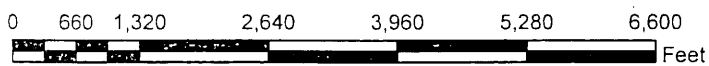


Authorized Well/Proposed Well File No. 31452
 4813'N and 1305'W SE corner 20-20S-14W
 Authorized Quantity - 146 acre-feet
 Proposed Quantity - 170 acre-feet
 (no change to 820 gpm diversion rate)

Authorized Well/Proposed Well File No. 31452
 3524'N and 2608'W of SE corner 20-20S-14W
 Authorized Quantity - 121 acre-feet
 Proposed Quantity - 97 acre-feet
 (no change to 940 gpm diversion rate)



1:24,000



This map was created by WIMAS on 1/10/2017 11:41:57 AM

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Manhattan, Kansas 66502
(785) 564-6700

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

Jackie McClaskey, Secretary

Governor Sam Brownback

January 11, 2017

CARLES CLYDE AND LUANNE FRY
642 W US HWY 56
DUNDEE KS 67530

RE: Water Right
File No. 31,452

Dear Sir or Madam:

This is to advise you that Brent Clarke, on behalf of Clark Farms, L.L.C., has filed an application for approval of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, to change the point of diversion under the above referenced file number. The water right owner proposes to transfer 24 acre-feet of water between their existing authorized wells. The application proposes the following change in the point of diversion.

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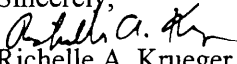
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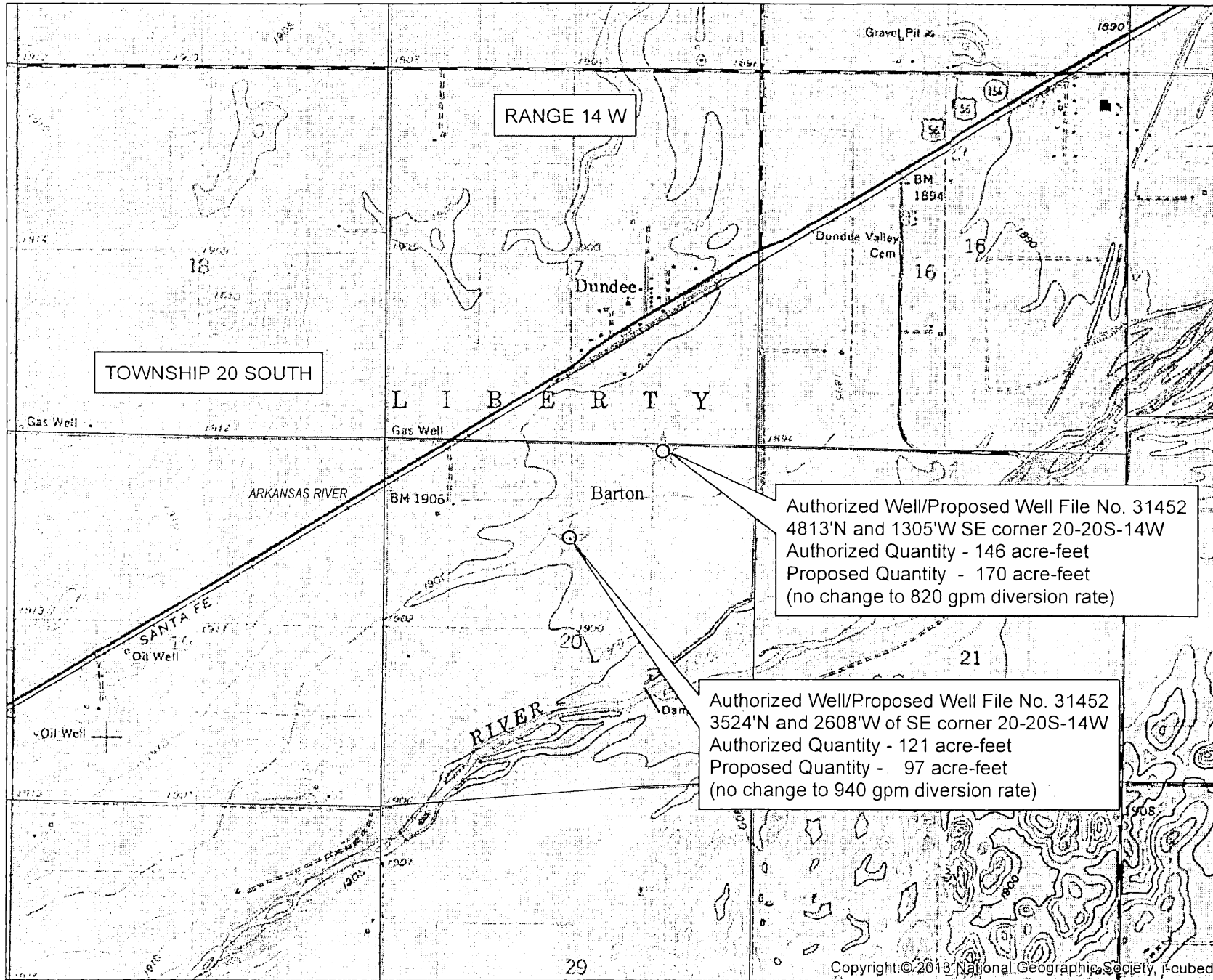
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Sincerely,

Richelle A. Krueger
Environmental Scientist
Water Appropriation Program

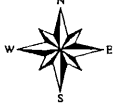
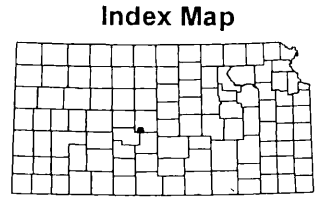
RAK
pc: Stafford Field Office
Groundwater Management District No. 5
Clarke Farms LLC, Attn Brent Clarke

Application to Change the PD File No. 31452

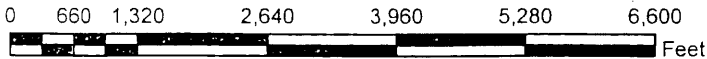


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1:24,000



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Topeka, Kansas 66612
(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

January 11, 2017

KURT A HARTLE
354 MAIN ST
DUNDEE KS 67530

RE: Water Right
File No. 31,452

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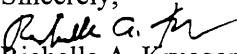
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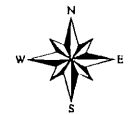
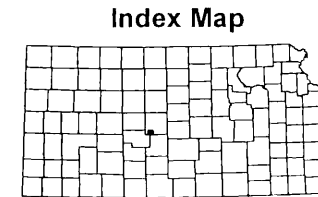
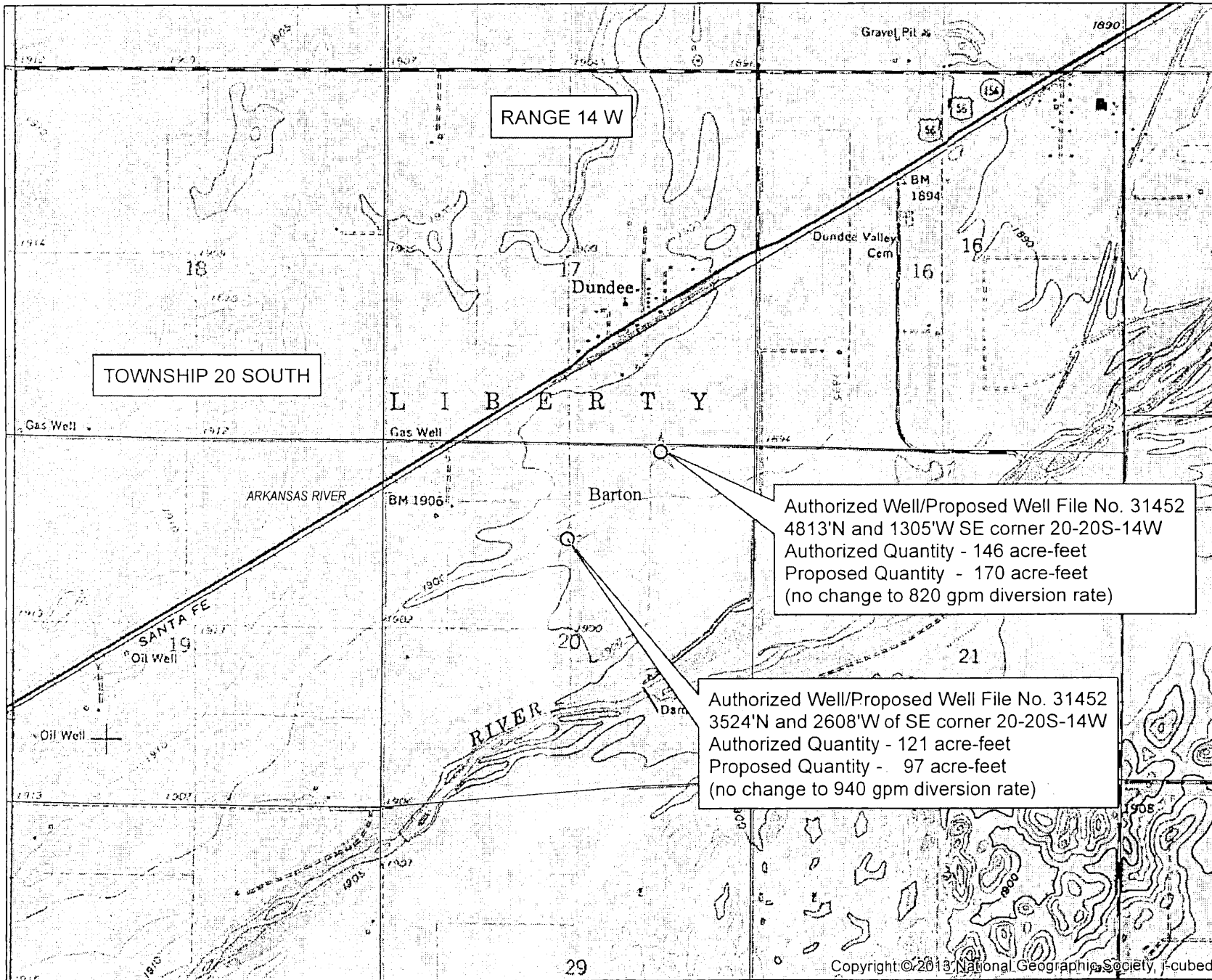
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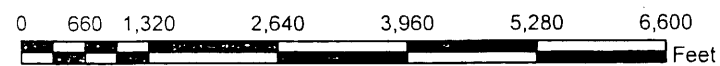
Sincerely,

Richelle A. Krueger
Environmental Scientist
Water Appropriation Program

RAK
pc: Stafford Field Office
Groundwater Management District No. 5
Clarke Farms LLC, Attn Brent Clarke

Application to Change the PD File No. 31452



1:24,000



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Topeka, Kansas 66612
(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

January 11, 2017

JOE AND VIRGINIA JACOBS
1140 SW 20 RD
PAWNEE KS 67567

RE: Water Right
File No. 31,452

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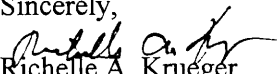
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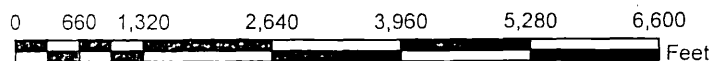
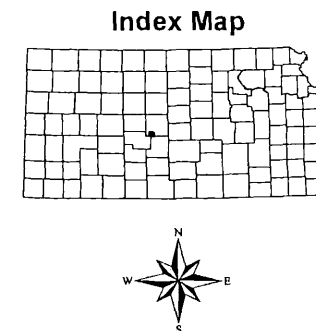
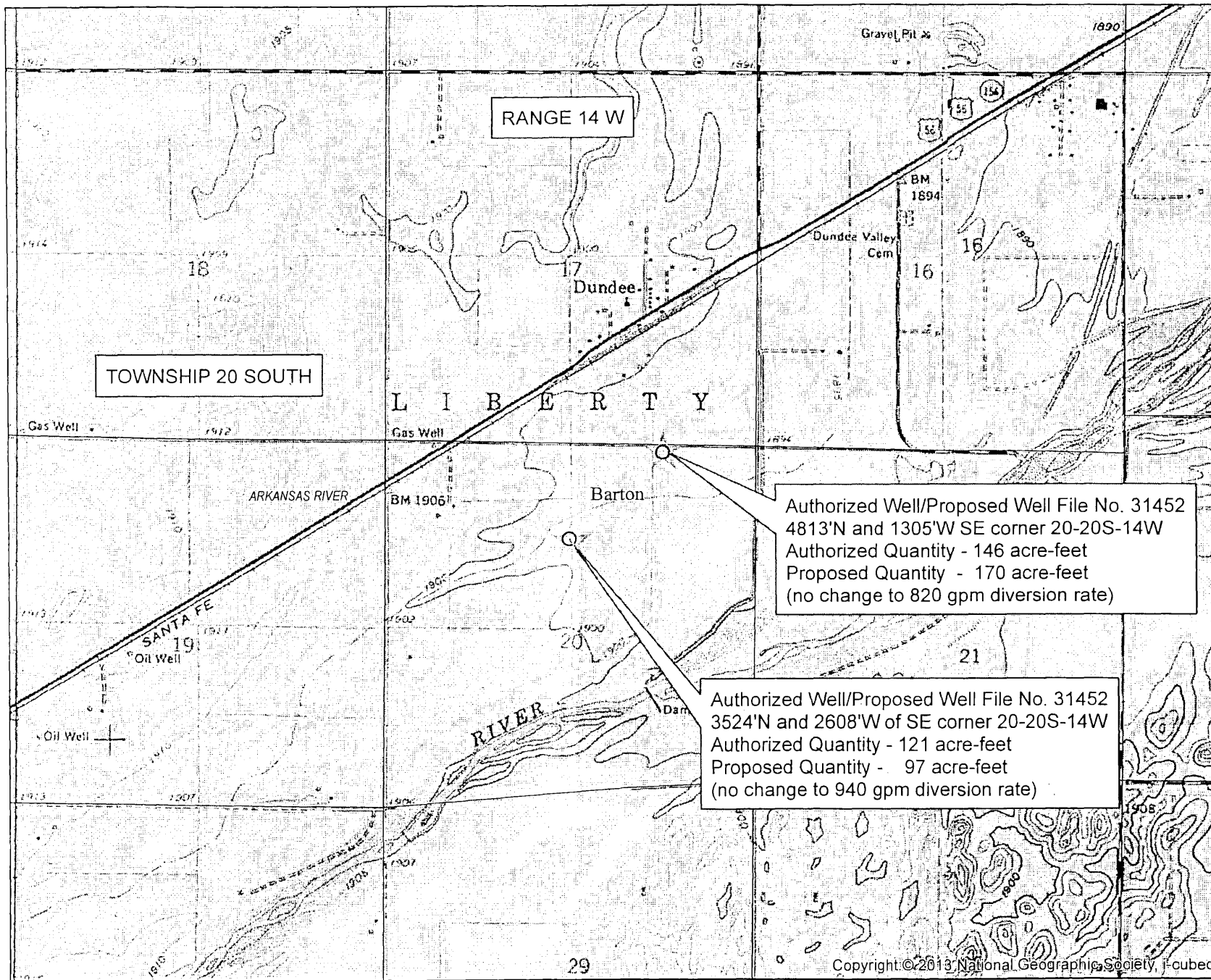
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Sincerely,

Richelle A. Krueger
Environmental Scientist
Water Appropriation Program

RAK
pc: Stafford Field Office
Groundwater Management District No. 5
Clarke Farms LLC, Attn Brent Clarke

Application to Change the PD File No. 31452



1:24,000



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

January 11, 2017

ALLAN F AND EARLINE MARTIN
357 MAIN ST
DUNDEE KS 67530

RE: Water Right
File No. 31,452

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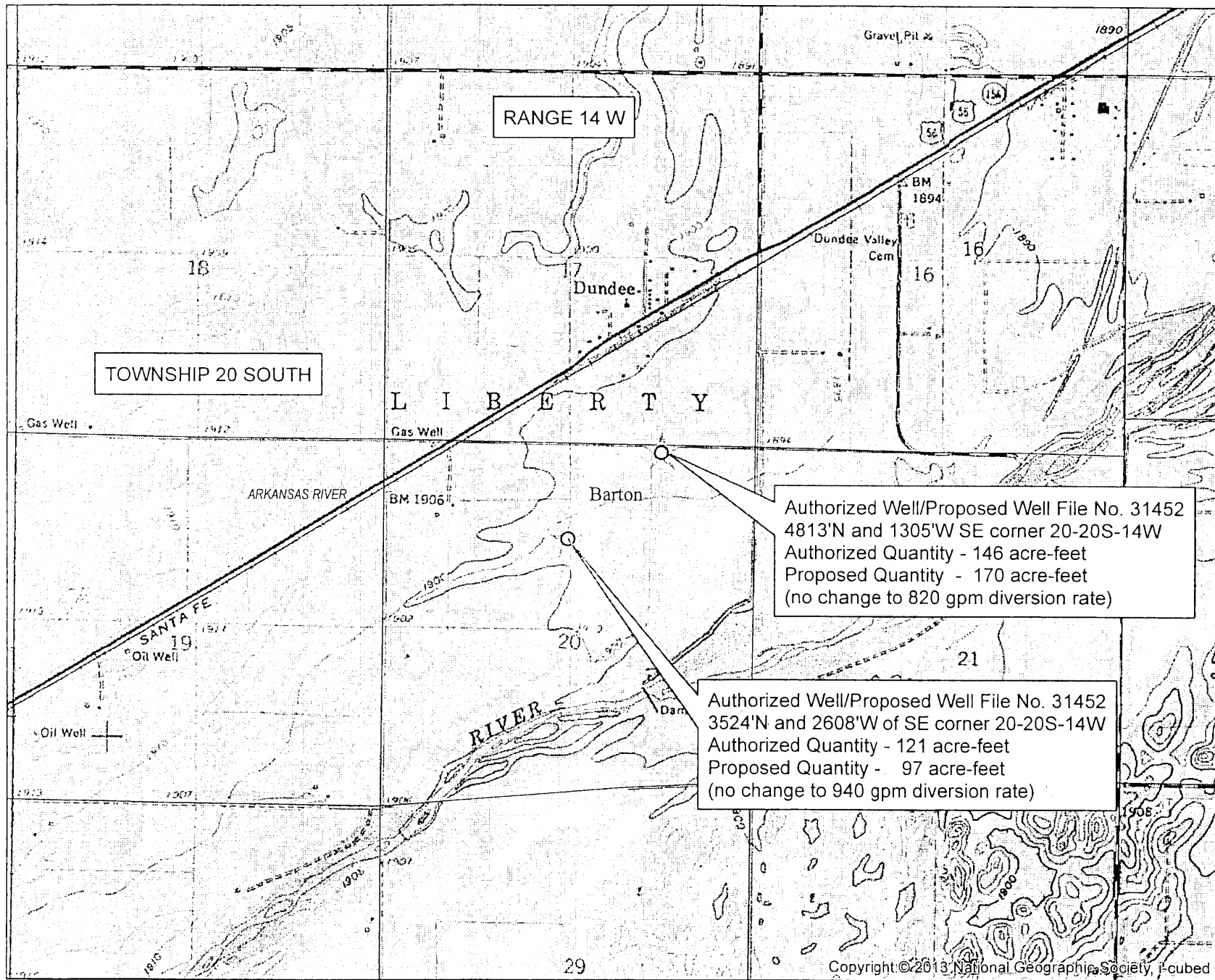
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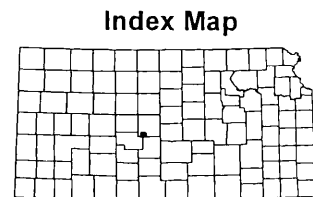
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Application to Change the PD File No. 31452

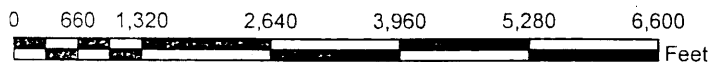


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MERCO INC
626 W US 56 HWY
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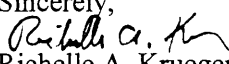
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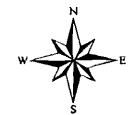
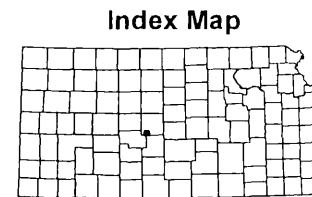
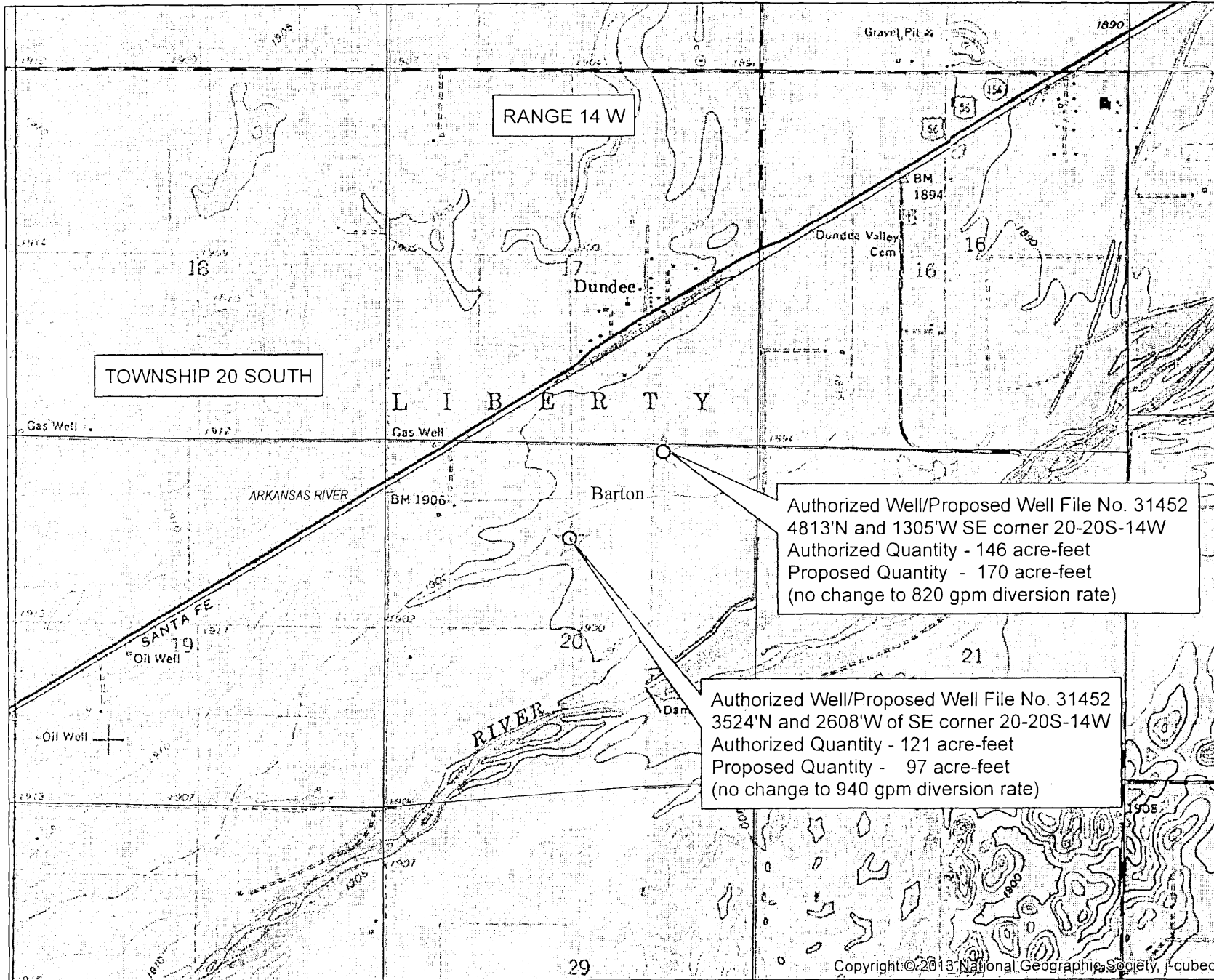
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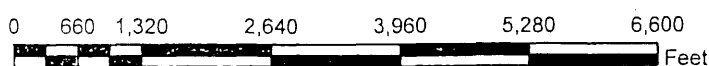
RAK
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Groundwater Management District No. 5
Clarke Farms LLC, Attn Brent Clarke

SCANNED

Application to Change the PD File No. 31452



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355 SW 60 AVE
DUNDEE KS 67530

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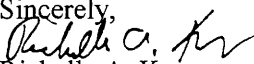
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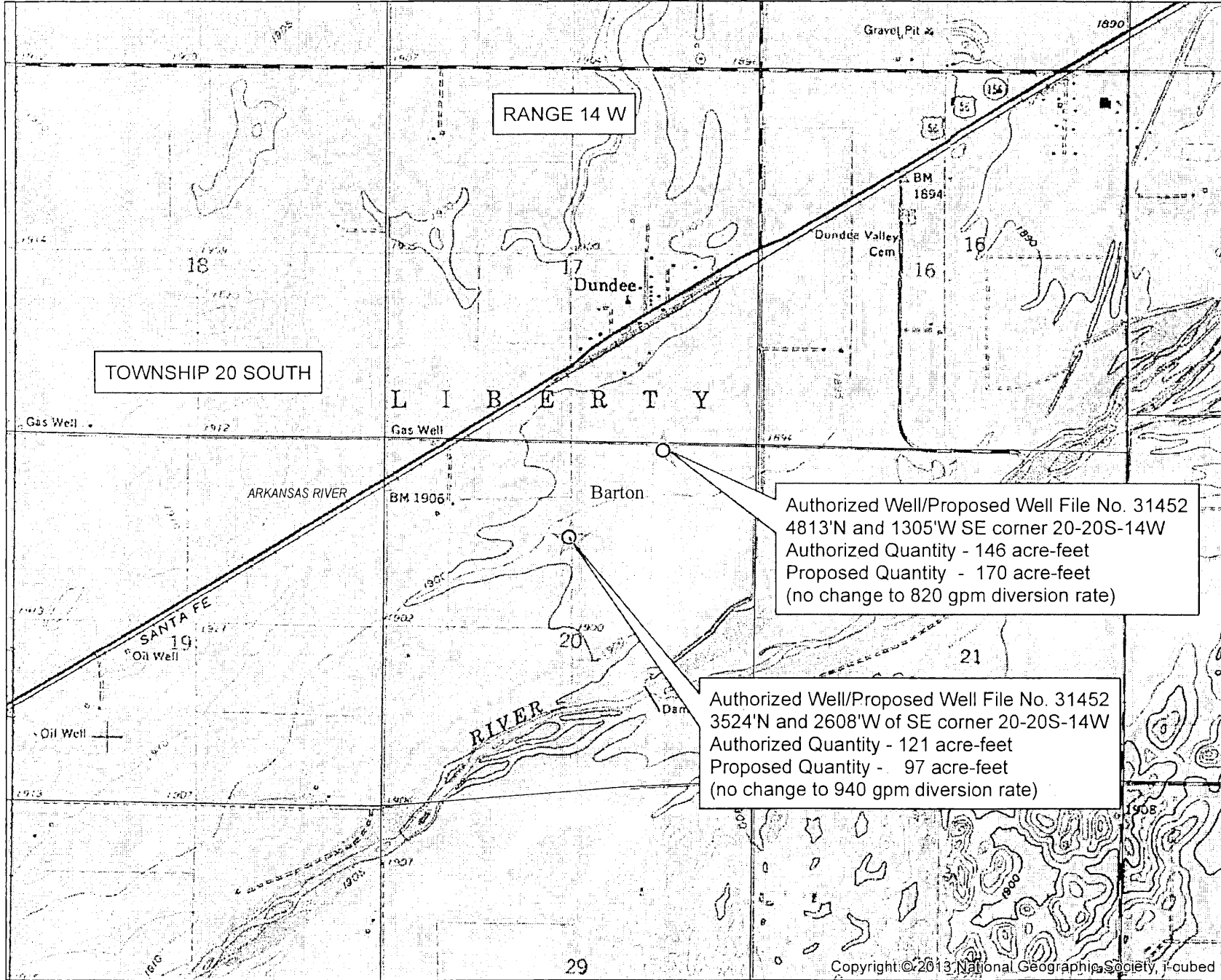
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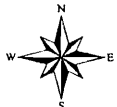
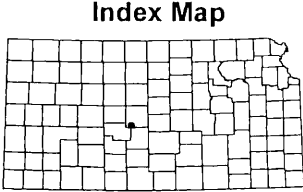
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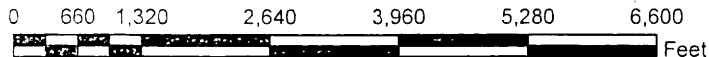


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Topeka, Kansas 66612
(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

January 11, 2017

BYRON K AND O CAROLYN NELSON LIV TRUST
646 W US HWY 56
GREAT BEND KS 67530

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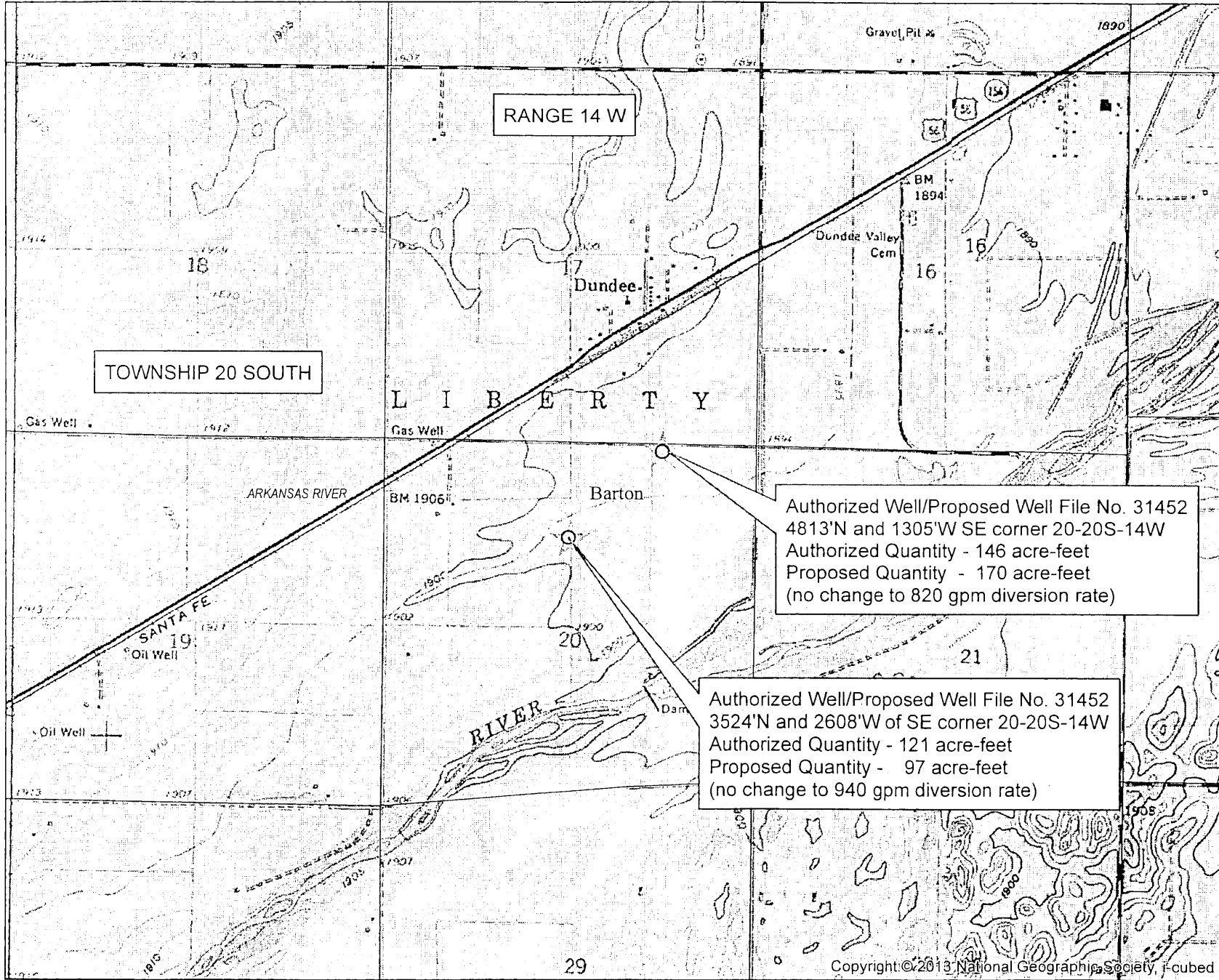
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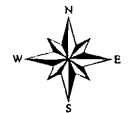
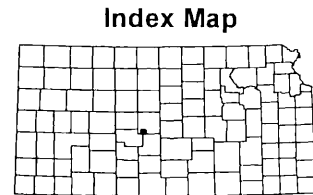
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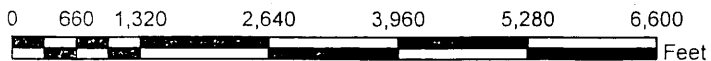


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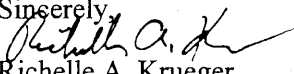
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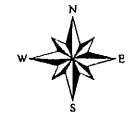
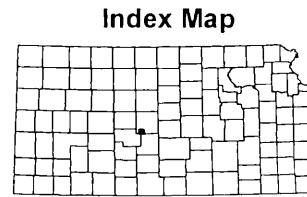
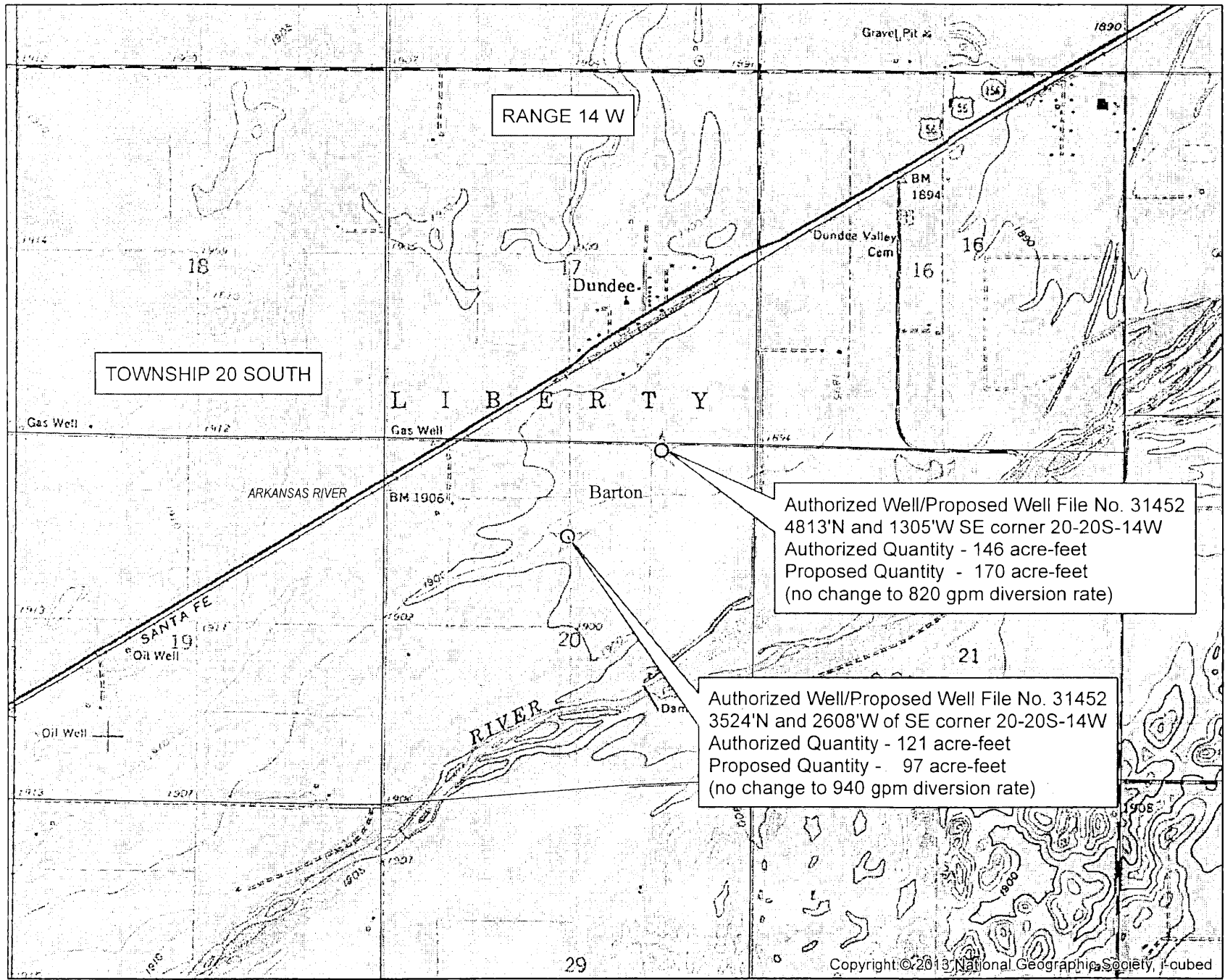
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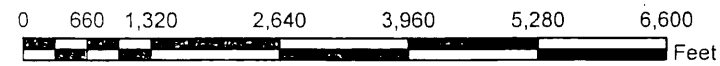
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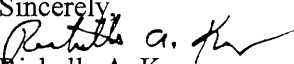
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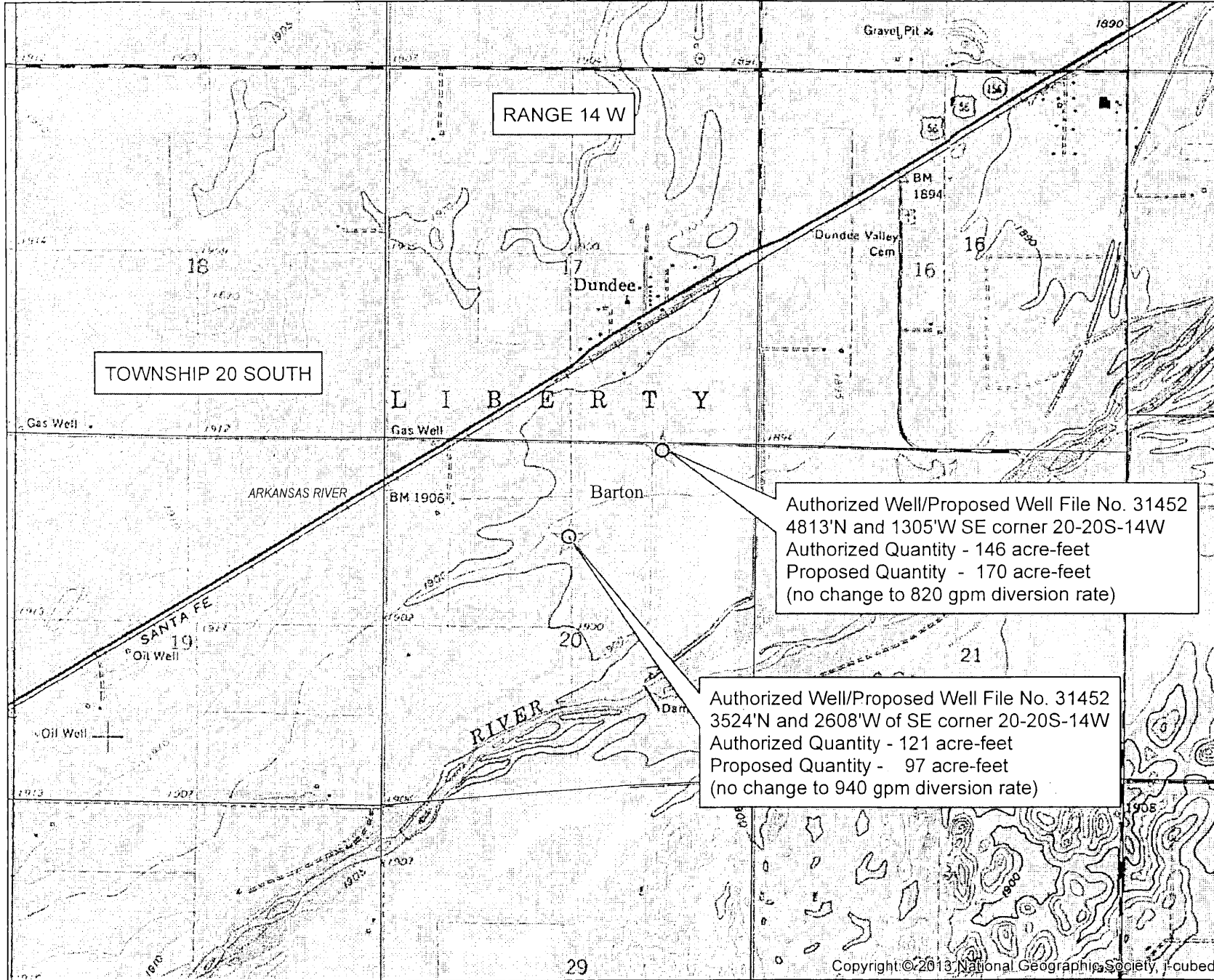
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Environmental Scientist
Water Appropriation Program

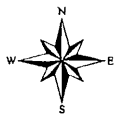
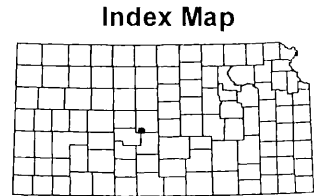
RAK
pc: Stafford Field Office
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Clarke Farms LLC, Attn Brent Clarke

Application to Change the PD File No. 31452

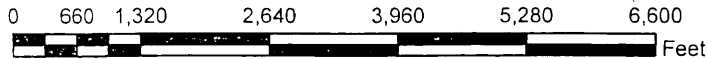


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1:24,000



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

Jackie McClaskey, Secretary

Governor Sam Brownback

January 11, 2017

LUIE E PHILBERN
622 W US 56 HWY
DUNDEE KS 67530

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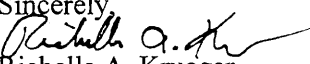
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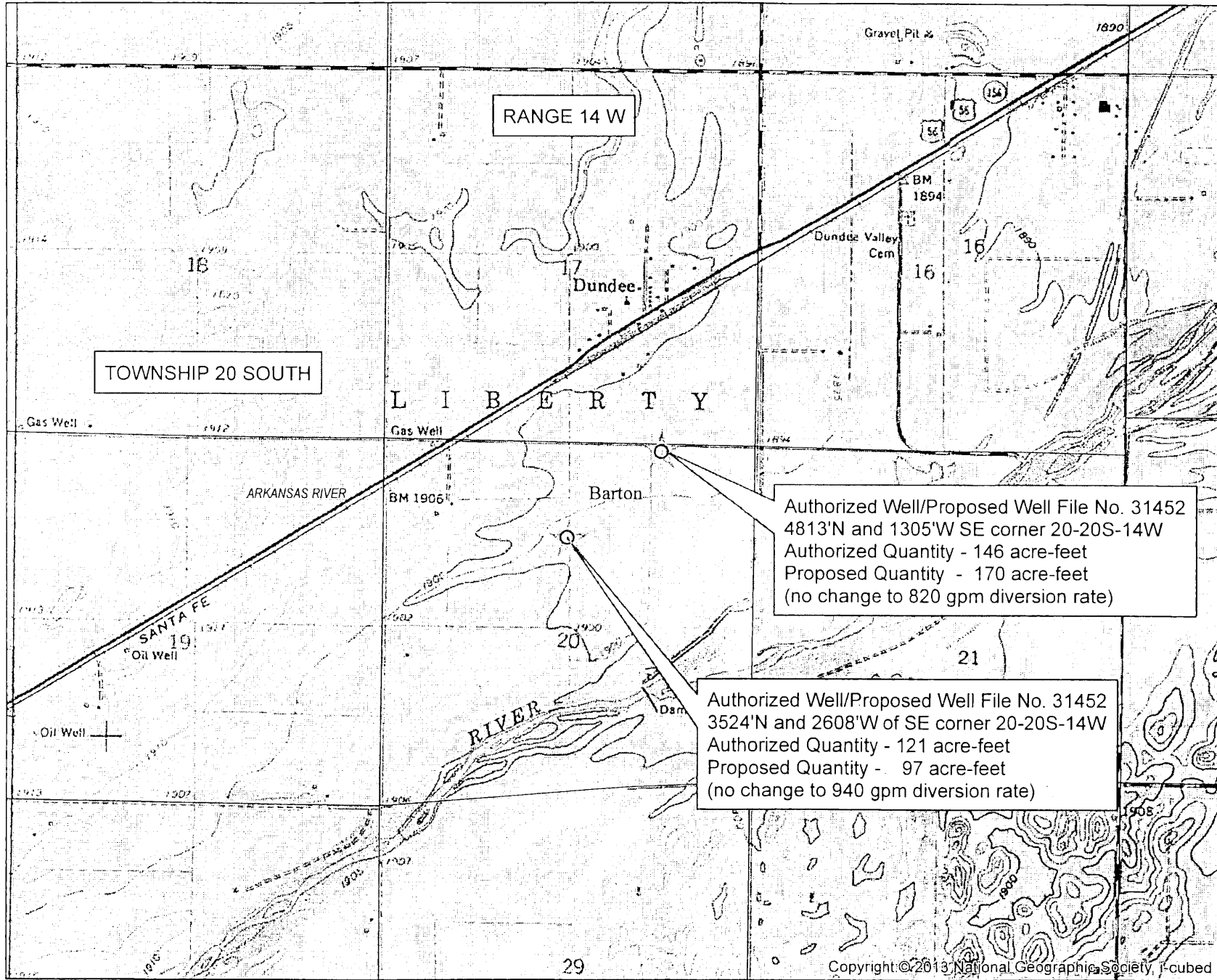
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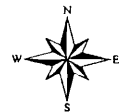
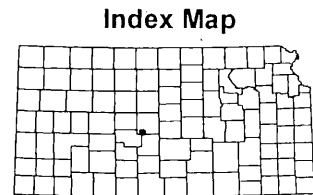
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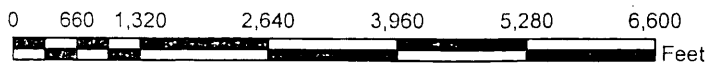


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HENRY LEROY POWELL
364 MAIN ST
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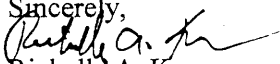
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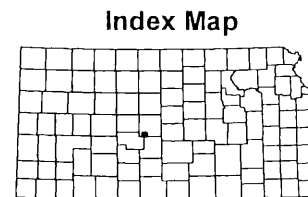
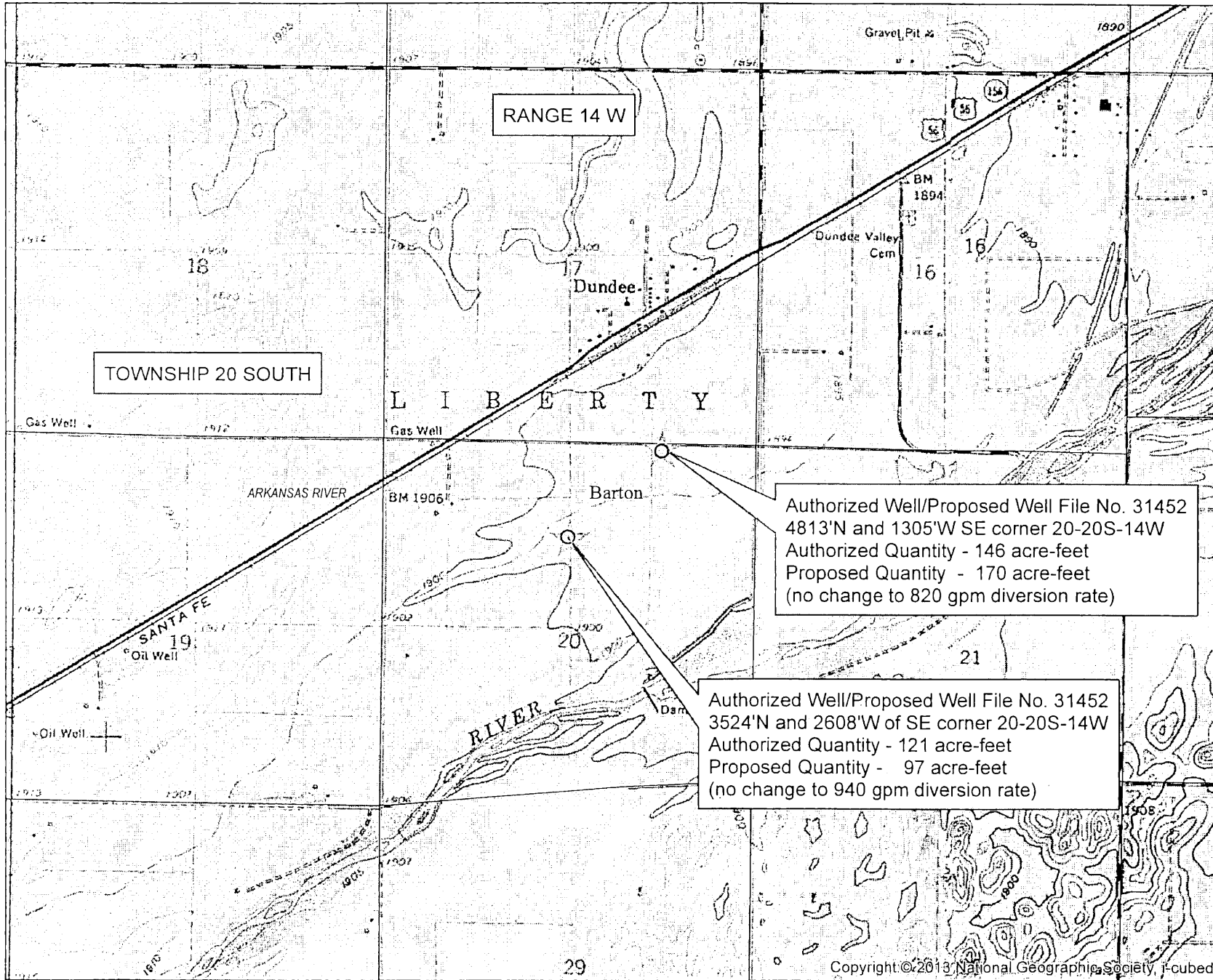
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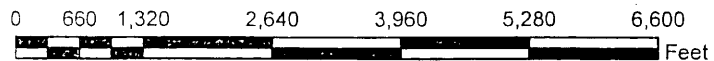
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RAK
pc: Stafford Field Office
Groundwater Management District No. 5
Clarke Farms LLC, Attn Brent Clarke

Application to Change the PD File No. 31452



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GREAT BEND KS 67530

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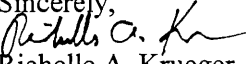
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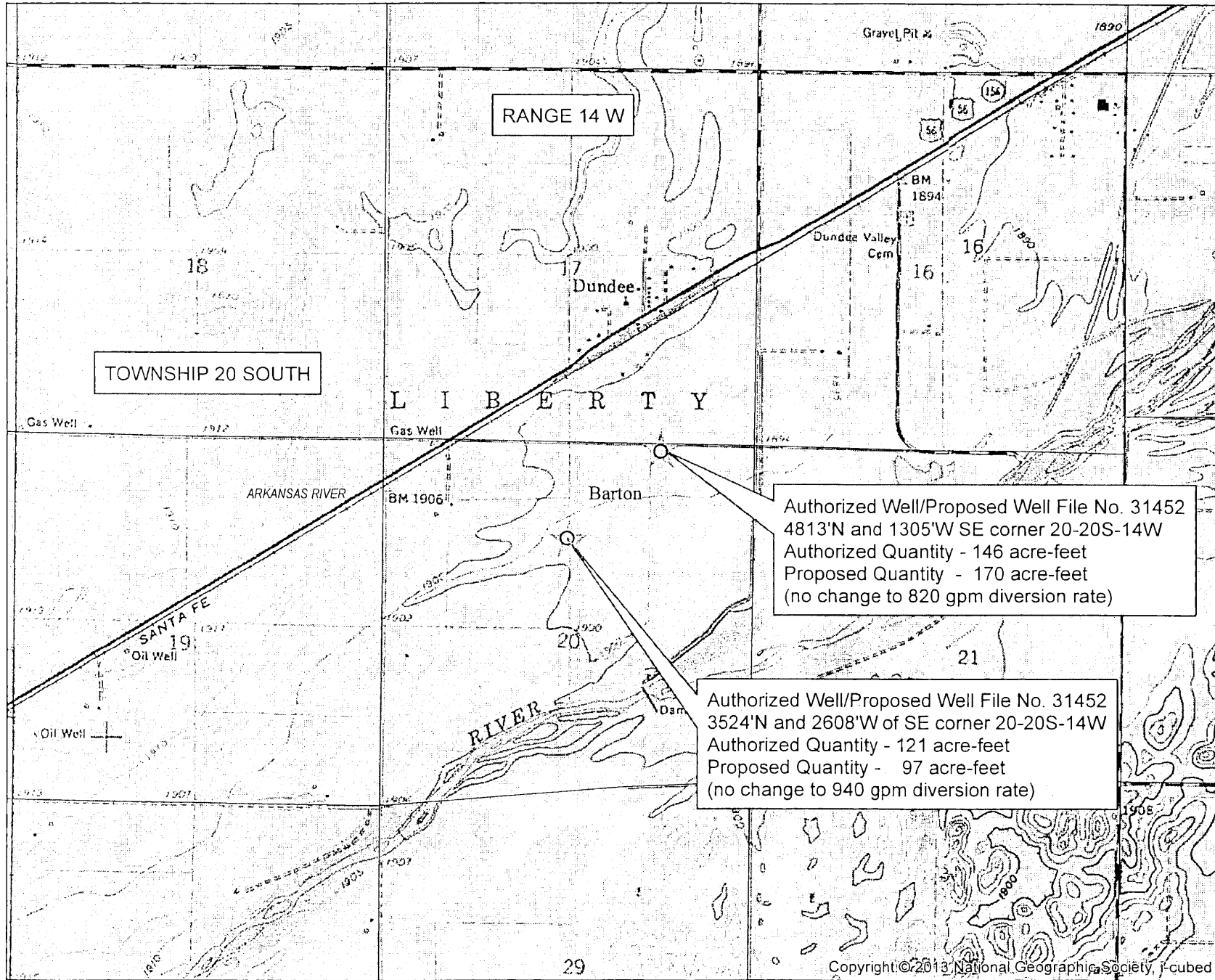
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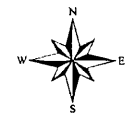
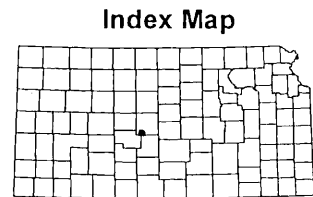
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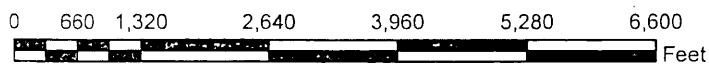


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352 MAIN ST
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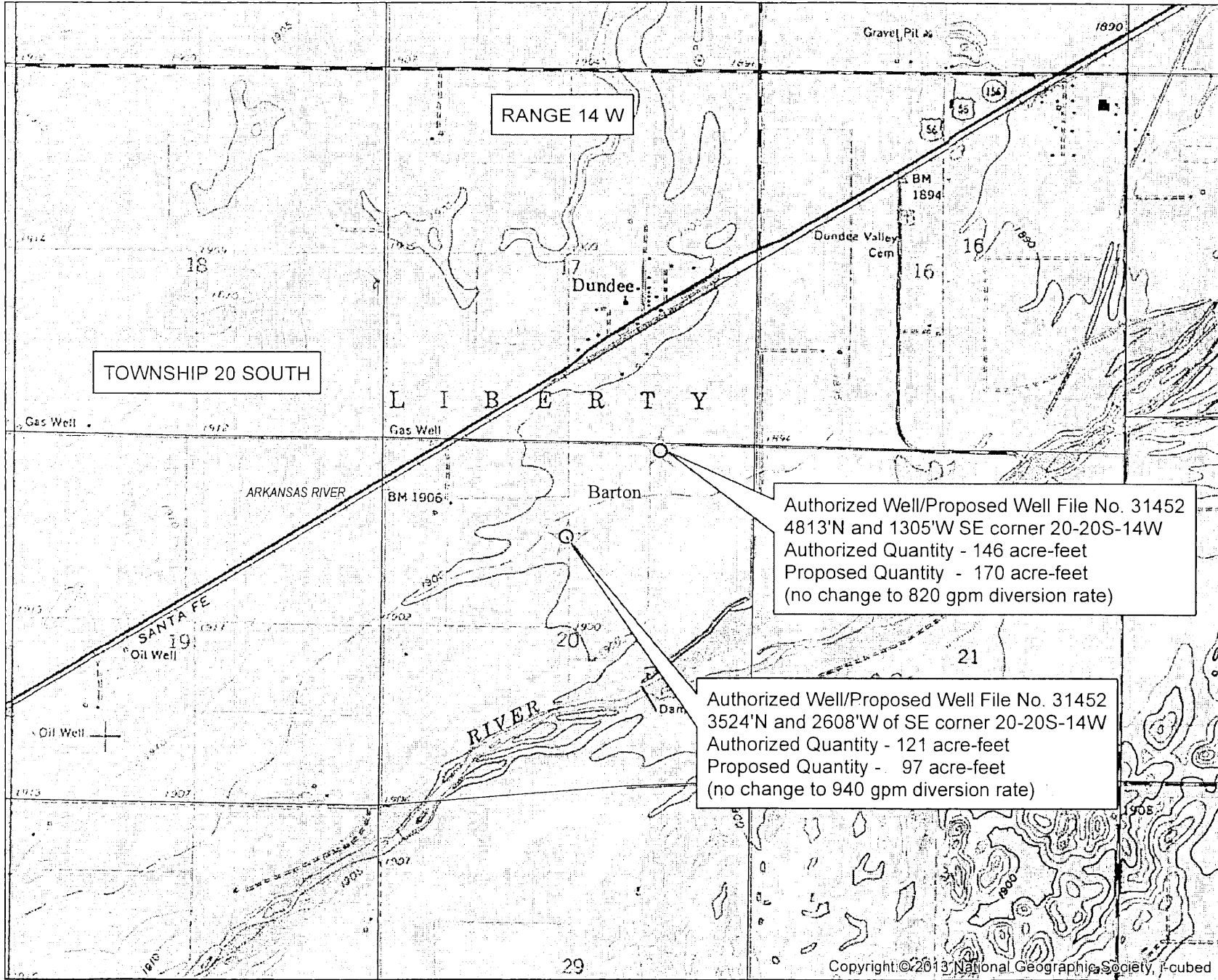
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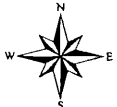
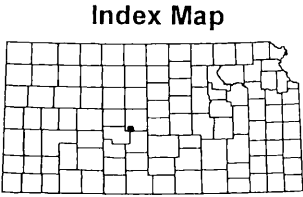
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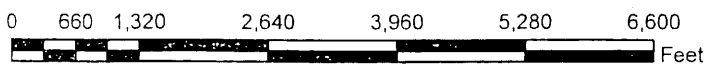


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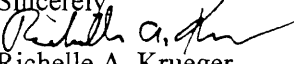
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CJS PROPERTIES LLC
PO BOX 872
GREAT BEND KS 67530

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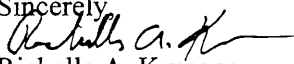
to: one (1) existing well located in the Northwest Quarter of the Northeast Quarter of the Northeast Quarter (NW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 20, more particularly described as being near a point 4,813 feet North and 1,305 feet West of the Southeast corner of said section, at a diversion rate not in excess of 820 gallons per minute and in a quantity not to exceed **170 acre-feet** of water per calendar year, and

one (1) existing well located in Lot 3 (SW $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 20, more particularly described as being near a point 3,524 feet North and 2,608 feet West of the Southeast corner of said section, at a diversion rate not in excess of 940 gallons per minute and in a quantity not to exceed **97 acre-feet** of water per calendar year,

both in Township 20 South, Range 14 West, Barton County, Kansas.

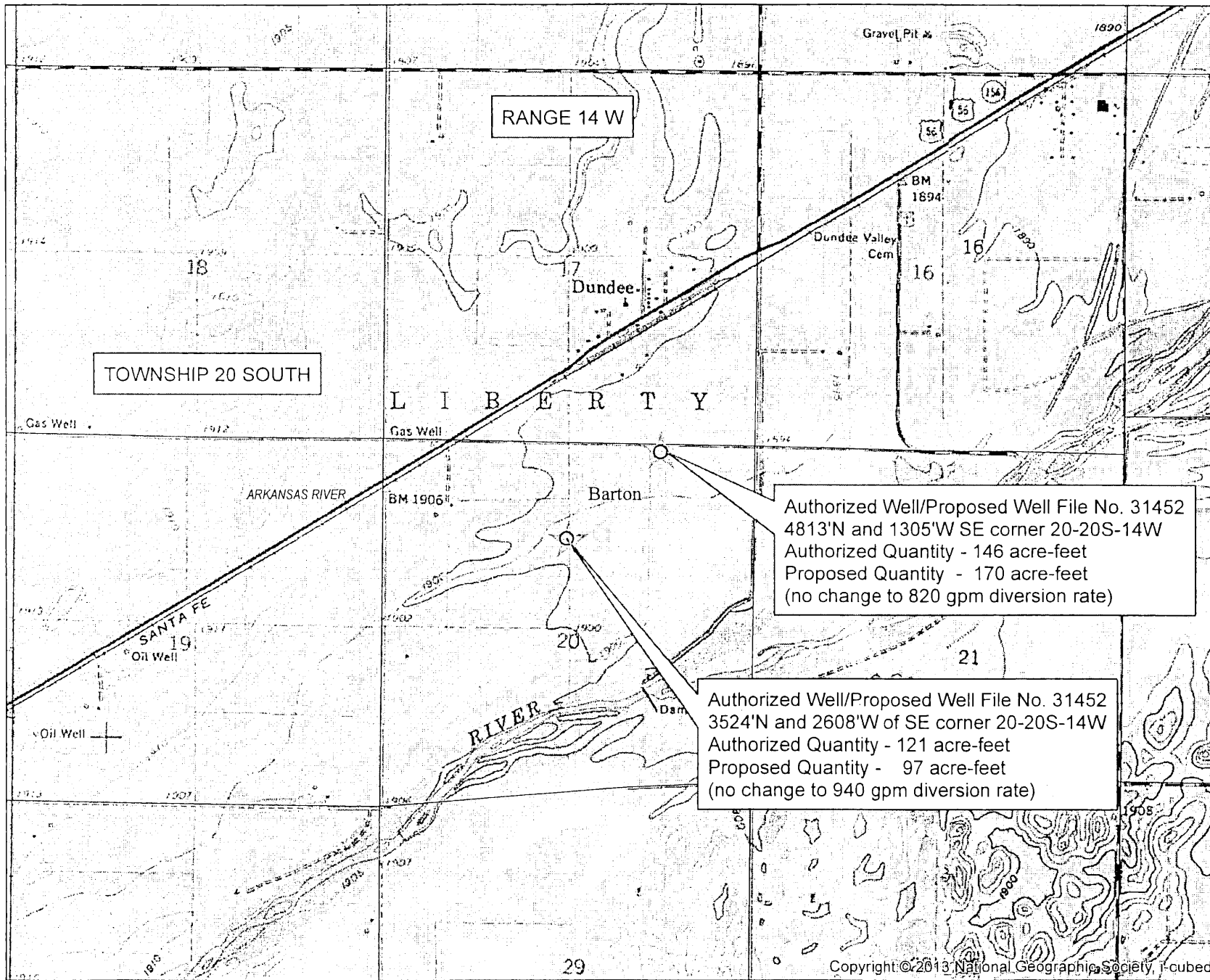
A map is on the reverse of this letter for your information. You are being notified of this proposed change in the point of diversion so that you may furnish this office such comments or other information you may desire to submit. Such comments or other information must be received in this office within 15 days from the date of this letter.

If you have any questions, please contact me at (785) 564-6635 or Brent Turney, Change Application Unit Supervisor 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,

Richelle A. Krueger
Environmental Scientist
Water Appropriation Program

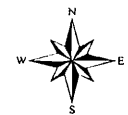
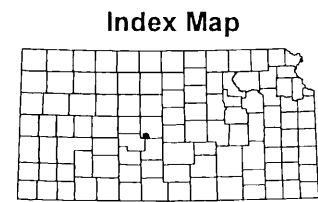
RAK
pc: Stafford Field Office
Groundwater Management District No. 5
Clarke Farms LLC, Attn Brent Clarke

Application to Change the PD File No. 31452

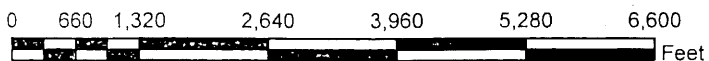


Authorized Well/Proposed Well File No. 31452
 4813'N and 1305'W SE corner 20-20S-14W
 Authorized Quantity - 146 acre-feet
 Proposed Quantity - 170 acre-feet
 (no change to 820 gpm diversion rate)

Authorized Well/Proposed Well File No. 31452
 3524'N and 2608'W of SE corner 20-20S-14W
 Authorized Quantity - 121 acre-feet
 Proposed Quantity - 97 acre-feet
 (no change to 940 gpm diversion rate)



1:24,000



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This map was created by WIMAS on 1/10/2017 11:41:57 AM

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

January 11, 2017

KANSAS DEPT OF WILDLIFE AND PARKS
512 SE 25TH AVE
PRATT KS 67124

RE: Water Right
File No. 31,452

Dear Sir or Madam:

This is to advise you that Brent Clarke, on behalf of Clark Farms, L.L.C., has filed an application for approval of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, to change the point of diversion under the above referenced file number. The water right owner proposes to transfer 24 acre-feet of water between their existing authorized wells. The application proposes the following change in the point of diversion.

from: one (1) existing well located in the Northwest Quarter of the Northeast Quarter of the Northeast Quarter (NW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 20, more particularly described as being near a point 4,813 feet North and 1,305 feet West of the Southeast corner of said section, at a diversion rate not in excess of 820 gallons per minute and in a quantity not to exceed **146 acre-feet** of water per calendar year, and

one (1) existing well located in Lot 3 (SW $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 20, more particularly described as being near a point 3,524 feet North and 2,608 feet West of the Southeast corner of said section, at a diversion rate not in excess of 940 gallons per minute and in a quantity not to exceed **121 acre-feet** of water per calendar year,

both in Township 20 South, Range 14 West, Barton County, Kansas,

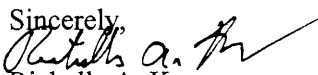
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one (1) existing well located in Lot 3 (SW $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 20, more particularly described as being near a point 3,524 feet North and 2,608 feet West of the Southeast corner of said section, at a diversion rate not in excess of 940 gallons per minute and in a quantity not to exceed **97 acre-feet** of water per calendar year,

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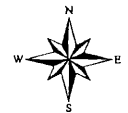
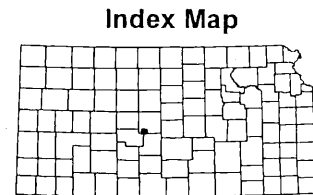
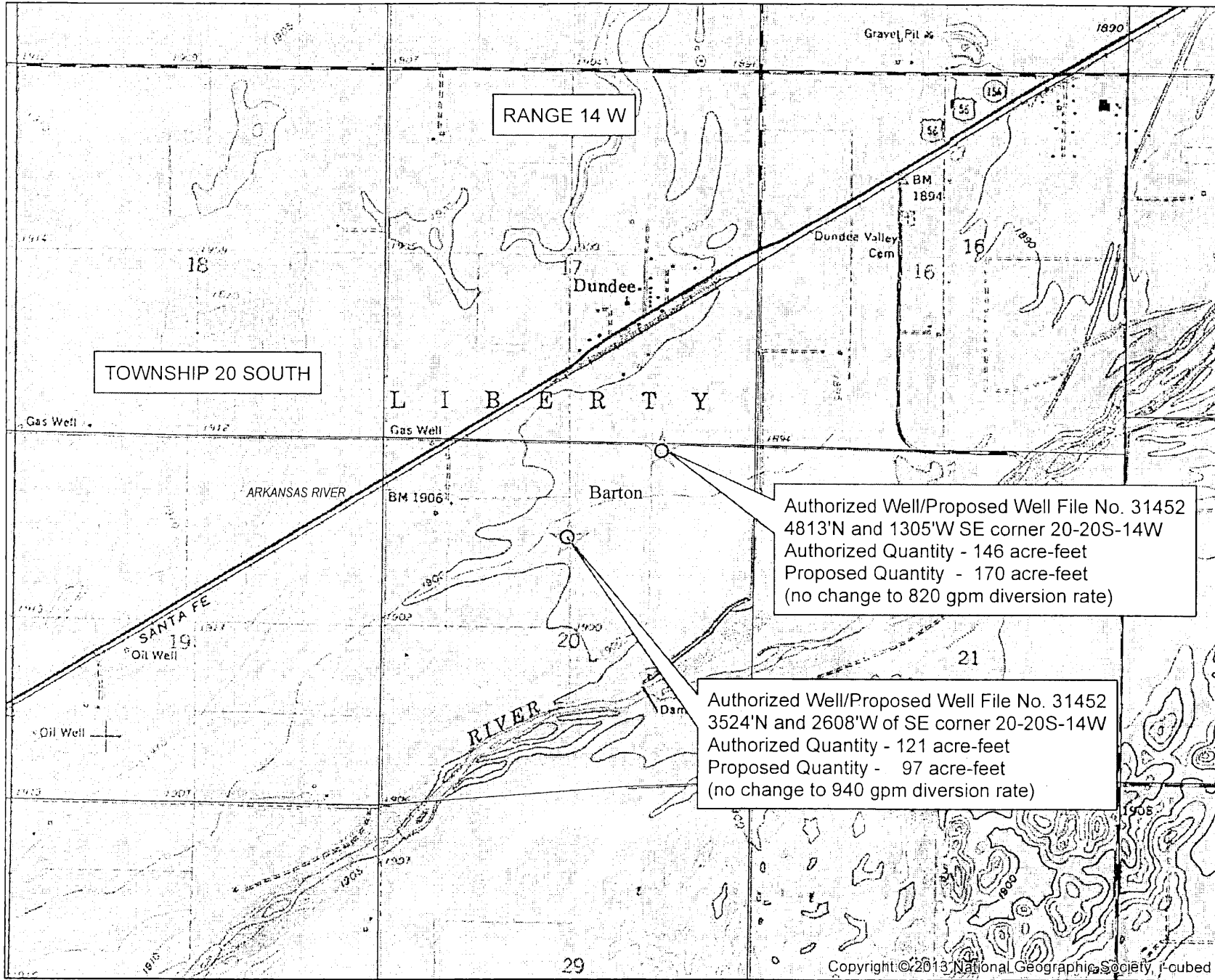
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If you have any questions, please contact me at (785) 564-6635 or Brent Turney, Change Application Unit Supervisor at (785) 564-6645. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

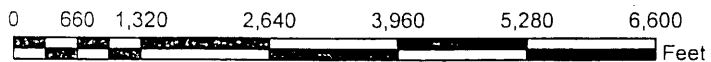
Sincerely,

Richelle A. Krueger
Environmental Scientist
Water Appropriation Program

RAK
pc: Stafford Field Office
Groundwater Management District No. 5
Clarke Farms LLC, Attn Brent Clarke

Application to Change the PD File No. 31452



1:24,000



This map was created by WIMAS on 1/10/2017 11:41:57 AM



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

January 11, 2017

GRANT OLIN UNRUH REV INTER VIVOS TRUST
WYNONA M UNRUH REV I V TRUST
683 W US HWY 56
GREAT BEND KS 67530

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both in Township 20 South, Range 14 West, Barton County, Kansas,


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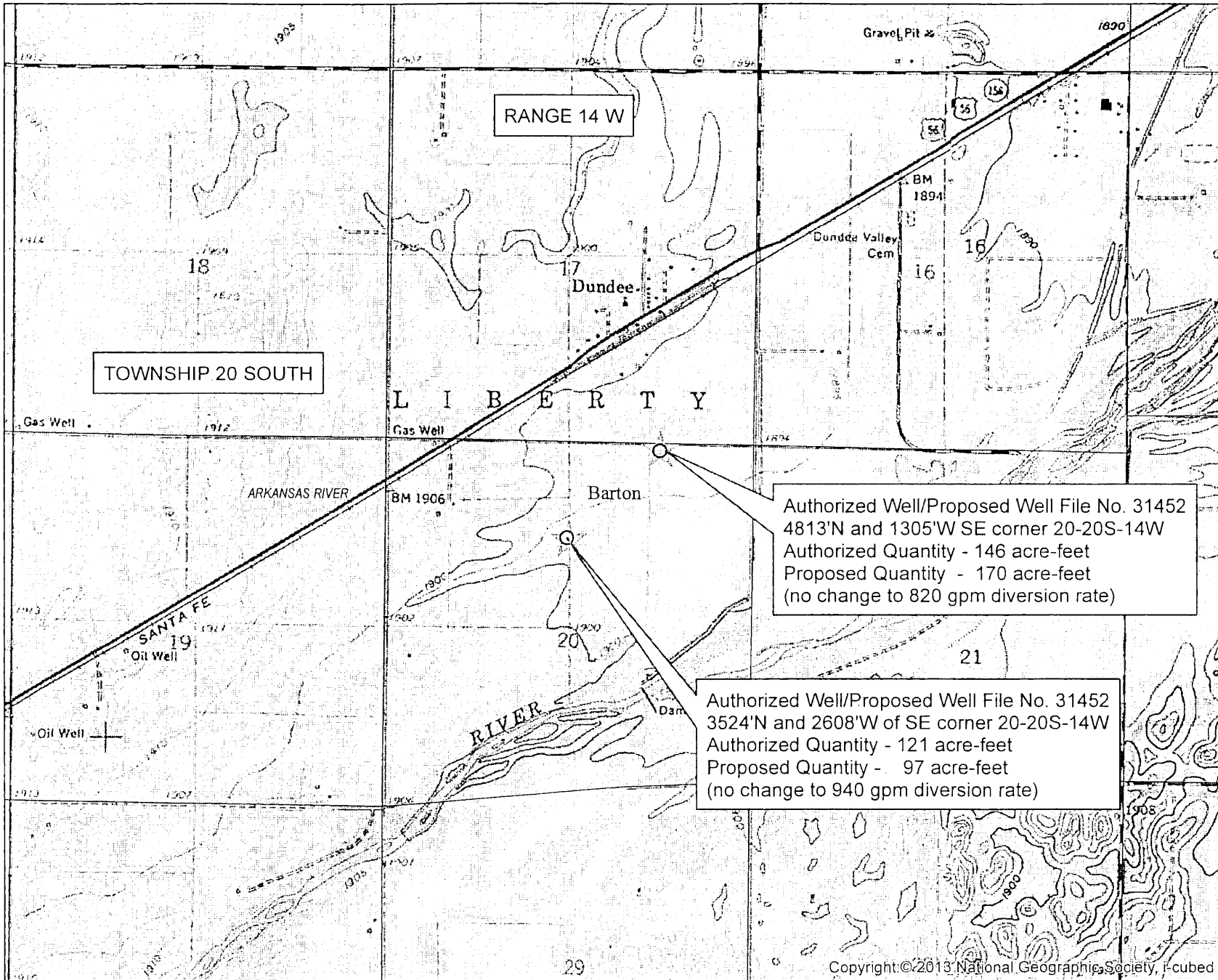
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Sincerely,

Richelle A. Krueger
Environmental Scientist
Water Appropriation Program

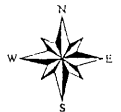
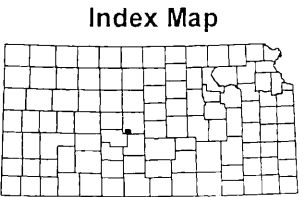
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Application to Change the PD File No. 31452

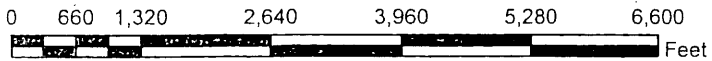


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Manhattan, Kansas 66502
(785) 564-6700



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

Jackie McClaskey, Secretary

Governor Sam Brownback

December 27, 2016

BRENT CLARKE
8822 3RD ST
GREAT BEND, KS

RE: File No. 31452

FILE COPY

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 PD
- 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