

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

Document Signature LPL

1. File Number: 48,303	2. Status Change Date: 8/4/2017	3. Change Num: C1	4. Field Office: 2	5. GMD:
6. Status: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied by DWR/GMD <input type="checkbox"/> Dismiss by Request/Failure to Return				7. Filing Date of Change: 7/5/2017
8a. Applicant(s) New to system <input type="checkbox"/> KELLY D & CHRISTY HRENCHER 3906 SE US HIGHWAY 160 MEDICINE LODGE KS 67104-8086		Person ID 29715 Add Seq# 1	8c. Landowner(s) New to system <input type="checkbox"/> <- UPDATE	
8b. Landowner(s) New to system <input type="checkbox"/>		Person ID _____ Add Seq# _____	8d. WUC New to system <input type="checkbox"/> 8a.	
9. Documents and Enclosure(s): <input checked="" type="checkbox"/> DWR Meter(s) Date to Comply: 12/31/2018 <input checked="" type="checkbox"/> N & P Date to Comply: _____				
<input checked="" type="checkbox"/> Anti-Reverse Meter <input type="checkbox"/> Meter Seal <input checked="" type="checkbox"/> Check Valve <input type="checkbox"/> N & P Form <input type="checkbox"/> Water Tube <input type="checkbox"/> Driller Copy <input type="checkbox"/> H & E Letter				
<input type="checkbox"/> Conservation Plan Date Required: _____ Date Approved: _____ Date to Comply: _____				
10. Use Made of Water From: _____ To: _____				
Date Prepared: 8/2/2017 By: AM Date Entered: 8/1/2017 By: WM				

File No. **48,303** 11. County: BA Basin: Sandy Creek Stream: Formation Code: 100 Special Use:

12. Points of Diversion										Rate and Quantity						
MOD	DEL	ENT	PDIV	Qualifier	S	T	R	ID	'N	'W	Comment	Rate gpm	Quantity af	Additional Rate gpm	Additional Quantity af	Overlap PD Files
MOD				80657	NW NE NW	13	32S	11W	1	5329	3744	800	148.4	800	148.4	NONE

GPS UPDATE Remove Limitation

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

14. Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) _____

 Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) _____

15. 5YR Allocation: Allocation Type _____ Start Year _____ 5 YR Amount _____ Amount Unit _____ Base Acres _____ Comment _____

16. Place of Use T MOD DEL ENT	PUSE	S	T	R	ID	NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg?	Overlap Files
						NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼				
MOD	56612	12	32S	11W	1									40	40	40	40					160	8a		49,867

Comments:

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



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

Jackie McClaskey, Secretary

Governor Sam Brownback

August 8, 2017

KELLY D HRENCHER
3906 SE US HIGHWAY 160
MEDICINE LODGE KS 67104-8086

FILE COPY

RE: Appropriation of Water,
File No. 48,303

Dear Mr. Hrencher:

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.

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in this approval for change. Since this order modifies the original document referred to above, it should be recorded with the Register of Deeds as other instruments affecting real estate.

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

If you have any questions, please contact me at (785) 564-6645. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

A handwritten signature in black ink that reads "Lane P. Letourneau".

Lane P. Letourneau, P.G.
Program Manager
Division of Water Resources

LPL:am
Enclosures(s)
pc: Stafford Field Office

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: August 4, 2017

FROM: Austin McColloch

RE: Appropriation,
File No. 48,303
New Application,
File No. 49,867

Kelly & Christy Hrencher, owners of File No. 48,303 have filed an application for approval to change the place of use and a new application to appropriate water for beneficial use, File No. 49,867 for irrigation use. The applications were received on July 5, 2017. Along with the applications, a voluntary dismissal for Water Right, File No. 46,018 was received.

Change Application File No. 48,303

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

File No. 48,303 is currently authorized 148.4 acre-feet, 51.4 acre-feet additional, of groundwater to be diverted at a maximum rate of 800 gallons per minute from one well located in the Northwest Quarter of the Northeast quarter of the Northwest Quarter (NW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 13, more particularly described as being near a point 5,329 feet North and 3,744 feet West of the Southeast corner of said section, in Township 32 South, Range 11 West, Barber County, Kansas. Note: the location of the point of diversion has been gps during a field investigation conducted in 2014. This order will modify the point of diversion to better reflect that actual location. This file was limited to 148.4 acre-feet when combined with Water Right, File No. 46,018. With the dismissal of File No. 46,018, the limitation will be removed.

The place of use is currently 106 acres in the Southwest Quarter (SW $\frac{1}{4}$) of Section 12. This application for change in place of use proposes to add 54 acres located in the Southwest Quarter (SW $\frac{1}{4}$) of Section 12 bring the total to 160 acres. This will create an overlap in place of use with New Application, File No. 49,867. The additional acres will be covered by the quantity appropriated under File No. 49,867 thus there is no increase in consumptive use with the proposed change in place of use.

The applicant identified zero nearby wells not owned by the applicant located within one-half mile of this existing well. No nearby well owner letters referencing the change in place of use were sent out.

Based on the above discussion, the change is reasonable, the application complies with consumptive use criteria, approval of the application will not impair senior water rights nor prejudicially or unreasonably affect the public interest. It is recommended that the referenced change application be approved to create a complete overlap with New Application, File No. 49,867.

New Application, File No. 49,867

The filed new application is proposing to appropriate 224 acre-feet of groundwater at a diversion rate of 800 gallons per minute for irrigation use in the Sandy Creek Basin. The applicant proposes to withdraw from an existing battery of wells with a geographic center located in the Northwest Quarter of the Southeast Quarter of the Southwest Quarter (NW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 12, more particularly described as being near a point 1,166 feet North and 3,822 feet West of the Southeast corner of said section, in Township 32 South, Range 11 West, Barber County, Kansas. This is an overlap in point of diversion with Water Right, File No. 46,018 that is due to be dismissed with the approval of this new appropriation. The quantity will be limited to 224 acre-feet when combined with Appropriation of Water, File No. 48,303.

The proposed place of use is 160 acres located in the Southwest Quarter (SW $\frac{1}{4}$) of Section 12, in Township 32 South, Range 11 West, Barber County, Kansas. This will create an overlap in place of use with Appropriation of Water, File No. 48,303. The proposed quantity of 224 acre-feet per calendar year limited when combined with the appropriated quantity under File No. 48,303 provides 1.4 acre-feet per acre, making it within the reasonable quantity for Barber County (1.4).

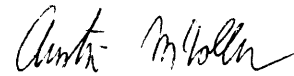
Based off well information that was submitted with the pending application that is the same used for the senior file, the source of supply for the well appears to be alluvium. The point of diversion is located within the South-Central Kansas Designated unit area – SAN 46 boundary which is currently open to new appropriations. Per the requirements in K.A.R. 5-3-11, safe yield is determined by the extent of the unconfined aquifer within a two-mile radius of the point of diversion, which establishes the area of consideration. Evaluation of the area of consideration included the extent of the unconfined aquifer and keeping consistent with the boundaries set in senior appropriation File No. 48,303, which provided an area of consideration of 6,240 acres. With a potential annual recharge of 1.8 inches, and 50% of recharge available for appropriation, safe yield was determined to be 468 acre-feet. Existing water rights have appropriated 268.4 acre-feet, providing a difference of 199.6 acre-feet available for appropriation, and the application requesting an additional quantity of 75.6 acre-feet complies with safe yield.

According to the WRIS database, the nearest non-domestic point of diversion (File No. 48,303) is located 1,346 feet away. The applicant identified one (1) nearby domestic well not owned by the applicant located within one-half mile of this existing well. There does not appear to be any domestic well within 660 feet. Nearby well owner letter were sent out on July 18, 2017, referencing the proposed change application and new application. The domestic owner called in with questions regarding the applications but never formally submitted a letter in opposition of the appropriations. Per K.A.R. 5-4-4 for all other aquifers, the application complies with minimum well spacing criteria to all existing wells.

In accordance with K.S.A. 82a-706c, the Chief Engineer retains full authority to require any water user to install meters, gages, or other measuring devices, which devices he or she or his or her agents may read at any time. Water flowmeter requirements are further described in K.A.R. 5-1-4 through K.A.R. 5-1-12. If any chemical or foreign substance is injected into the water pumped under this permit, a check valve will also need to be installed.

In an August 3, 2017, e-mail, Jeff Lanterman, Water Commissioner, Stafford Field Office, recommended approval of the application.

Based on the above discussion, the area is open to new appropriations, the application complies with safe yield and well spacing criteria, approval of the application will not impair senior water rights nor prejudicially or unreasonably affect the public interest. It is recommended that the referenced new application be approved and create a place of use overlap with Appropriation of Water, File No. 48,303 and Water Right File No. 46,018 be dismissed.



Austin McColloch
Environmental Scientist

KANSAS DEPARTMENT OF AGRICULTURE
 Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
 David W. Barfield, Chief Engineer

**APPROVAL OF APPLICATION
 FOR
 CHANGE IN PLACE OF USE
 AND
 ORDER IN THE MATTER OF THE AUTHORIZED POINT OF DIVERSION
 APPROPRIATION OF WATER
 FILE NO. 48,303**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Kelly & Christy Hrencher, 3906 SE US Highway 160, Medicine Lodge, Kansas 67104-8086, received in the office of the Chief Engineer on July 5, 2017, for approval of a change in the location of the place of use under the Approval of Application and Permit to appropriate water for beneficial use, finds that the change is reasonable and will not impair existing rights, and that the application should be and is hereby approved.

This order effectively removes the additional limitation on the quantity of water that it not exceed 148.4 acre-feet per calendar year when combined with Water Right, File No. 46,018 at the place of use authorized herein.

The effective date of the change shall be the date this order is executed by the Chief Engineer, after which the authorized location of the place of use shall be:

Sec. Twp. Range	NE¼				NW¼				SW¼				SE¼				TOTAL
	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
12 32S 11W									40.0	40.0	40.0	40.0					160.0

a total of 160.0 acres in Section 12, Township 32 South, Range 11 West, Barber County, Kansas,

and the location of the point of diversion shall be:

one well located in the Northwest Quarter of the Northeast quarter of the Northwest Quarter (NW¼ NE¼ NW¼) of Section 13, more particularly described as being near a point 5,329 feet North and 3,744 feet West of the Southeast corner of said section, in Township 32 South, Range 11 West, Barber County, Kansas,

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

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

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

In all other respects, the Approval of Application, File No. 48,303, for permit to appropriate water for beneficial use, is as stated and set forth in the Approval of Application and Permit to Proceed dated October 22, 2013.

RIGHT TO A HEARING AND TO ADMINISTRATIVE REVIEW

If you are aggrieved by this Order, then pursuant to K.S.A. 82a-1901, you may:

- 1) request an evidentiary hearing before the Chief Engineer, or
- 2) request administrative review by the Secretary of Agriculture.

Failure to request an evidentiary hearing before the Chief Engineer does not preclude your right to administrative review by the Secretary.

To obtain an evidentiary hearing before the Chief Engineer, a written request for hearing must be filed within 15 days after service of this Order as provided in K.S.A. 77-531 (**i.e., within a total of 18 days after this Order was mailed to you**), with: Kansas Department of Agriculture, Attn: Legal Section, 1320 Research Park Drive, Manhattan, KS 66502, FAX (785) 564-6777.

If you do not file a request for an evidentiary hearing before the Chief Engineer, you may petition for administrative review of the Order by the Secretary of Agriculture. A petition for review shall be in writing and state the basis for requesting administrative review. The request for hearing may be denied if the request fails to clearly establish factual or legal issues for review. See K.S.A. 77-527. The petition must be filed within 30 days after service of this Order as provided in K.S.A. 77-531 (**i.e., within a total of 33 days after this Order was mailed to you**), and be filed with: Secretary of Agriculture, Attn: Legal Division, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, KS 66502, FAX (785) 564-6777.

If neither a request for an evidentiary hearing nor a petition for administrative review is filed as set forth above, then this Order shall be effective and become a final agency action as defined in K.S.A. 77-607(b). Failure to timely request either an evidentiary hearing or administrative review may preclude further judicial review under the Kansas Judicial Review Act.

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 4th day of August, 2017, in Topeka, Shawnee County, Kansas.

Lane P. Letourneau

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

State of Kansas)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this 4th day of August, 2017, by Lane P. Letourneau, P.G., Program Manager, Water Appropriation Program, Division of Water Resources, Kansas Department of Agriculture.



Danielle Wilson

Notary Public

CERTIFICATE OF SERVICE

On this 8th day of August, 2017, I hereby certify that the attached Approval of Application for the Change in Place of Use, File No. 48,303, dated August 4, 2017 was mailed postage prepaid, first class, US mail to the following:

KELLY D HRENCHER
3906 SE US HIGHWAY 160
MEDICINE LODGE KS 67104-8086

With photocopies sent to:

Stafford Field Office

Danielle Wilson

Division of Water Resources

8/3/17
Reviewer AM

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

JUL 05 2017
10:48
KS DEPT OF AGRICULTURE

File No. 48303

2. Name of applicant: Kelly D & Christy R Hrencher

Address: 3906 SE US Highway 160

City, State and Zip: Medicine Lodge, KS 67104-8086

Phone Number: (620)886-0043 E-mail address: _____

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

Name of water use correspondent: Kelly D & Christy R Hrencher

Address: 3906 SE US Highway 160

City, State and Zip: Medicine Lodge, KS 67104-8086

Phone Number: (620) 886-0043 E-mail address: _____

3. The change(s) proposed herein are desired for the following reasons (please be specific): to create a complete place of use overlap with pending new application and cover unauthorized acres.

The change(s) will be completed by 12/31/17

(Date)

For Office Use Only:		Meets K.A.R. 5-5-1 (YES / NO) Use <u>IRR</u> Source <u>CS</u> County <u>BA</u>		By <u>ASW</u> Date <u>7/5/17</u>	
F.O.I. Code <u>CPU</u>	GMD <u>0</u>	Fee \$ <u>200</u>	TR # _____	Receipt Date <u>7/5/17</u>	Check # <u>8529</u>

4. The presently authorized place of use is:

Owner of Land — NAME: Kelly D & Christy R Hrencher

ADDRESS: 3906 SE US Highway 160, Medicine Lodge KS 67104-8086

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	
12	32	11W									8.5	32.5	32.5	32.5					106

List any other water rights that cover this place of use. 46018

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: Kelly D & Christy R Hrencher

ADDRESS: 3906 SE US Highway 160, Medicine Lodge KS 67104-8086

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	
12	32	11W									40	40	40	40					160

List any other water rights that cover this place of use. pending new application

Owner of Land — NAME: _____

ADDRESS: _____

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

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

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

12. The presently authorized use of water is for irrigation _____ purposes.
It is proposed that the use be changed to --- _____ purposes.
13. If changing the place of use and/or use made of water, describe how the consumptive use will not be increased.
A new application has been filed to increase the quantity for the place of use.

(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 ½ 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 ½ 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) ½ mile downstream and ½ mile upstream from your property lines must be shown.
 - b. If a change in the place of use is desired, show the proposed place of use by crosshatching on the map. Please be certain that the information shown on the map agrees with the information shown in Paragraph No. 5 of the application.
17. Attach documentation to show the change(s) proposed herein will not impair existing water rights and relates to the same local source of supply as to which the water right relates. This information may include statements, plats, geology reports, well logs, test hole logs, and other information as necessary information to show the above. Additional comments may be made below.

No impairment is anticipated

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

No waivers are anticipated

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

6. The presently authorized point(s) of diversion is one well and diversion system

(Provide description and number of points)

7. The proposed point(s) of diversion (is) (are) ---

(Provide description and number of points)

List all presently authorized point(s) of diversion:

8. **Presently authorized point of diversion:**
 One in the NW Quarter of the NE Quarter of the NW Quarter of Section 13, Township 32 South, Range 11 W, in Barber County, Kansas, 5,210 feet North 3,706 feet West of Southeast corner of section.
 Authorized Rate 800 gpm Authorized Quantity 148.4 AF
 (DWR use only: Computer ID No. 1 GPS 5,329 feet North 3,744 feet West)
 This point will not be changed This point will be changed as follows:
Proposed point of diversion: (Complete only if change is requested):
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter of Section _____, Township _____ South, Range _____ (E/W), in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section.
 Proposed Rate _____ Proposed Quantity _____
 This point is: Additional Well Geo Center List other water rights that will use this point _____

9. **Presently authorized point of diversion:**
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter of Section _____, Township _____ South, Range _____ (E/W), in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section.
 Authorized Rate _____ Authorized Quantity _____
 (DWR use only: Computer ID No. _____ GPS _____ feet North _____ feet West)
 This point will not be changed This point will be changed as follows:
Proposed point of diversion: (Complete only if change is requested)
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter of Section _____, Township _____ South, Range _____ (E/W), in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section.
 Proposed Rate _____ Proposed Quantity _____
 This point is: Additional Well Geo Center List other water rights that will use this point _____

10. **Presently authorized point of diversion:**
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter of Section _____, Township _____ South, Range _____ (E/W), in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section.
 Authorized Rate _____ Authorized Quantity _____
 (DWR use only: Computer ID No. _____ GPS _____ feet North _____ feet West)
 This point will not be changed This point will be changed as follows:
Proposed point of diversion: (Complete only if change is requested)
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter of Section _____, Township _____ South, Range _____ (E/W), in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section.
 Proposed Rate _____ Proposed Quantity _____
 This point is: Additional Well Geo Center List other water rights that will use this point _____

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

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

WATER RESOURCES

JUL 05 2017

SCANNED

KS DEPT OF AGRICULTURE

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 Medicine Lodge, Kansas, this 3 day of July, 2017.

Kelly D. Hrencher
(Owner)

Christy R. Hrencher
(Spouse)

Kelly D Hrencher
(Please Print)

Christy R. Hrencher
(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

State of Kansas)
County of Barber) SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 3rd day of July, 2017.

Nola Fowler
Notary Public

My Commission Expires _____

NOLA FOWLER
Notary Public-State of Kansas
My Appt Exp. 3-10-2021

FEE SCHEDULE

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

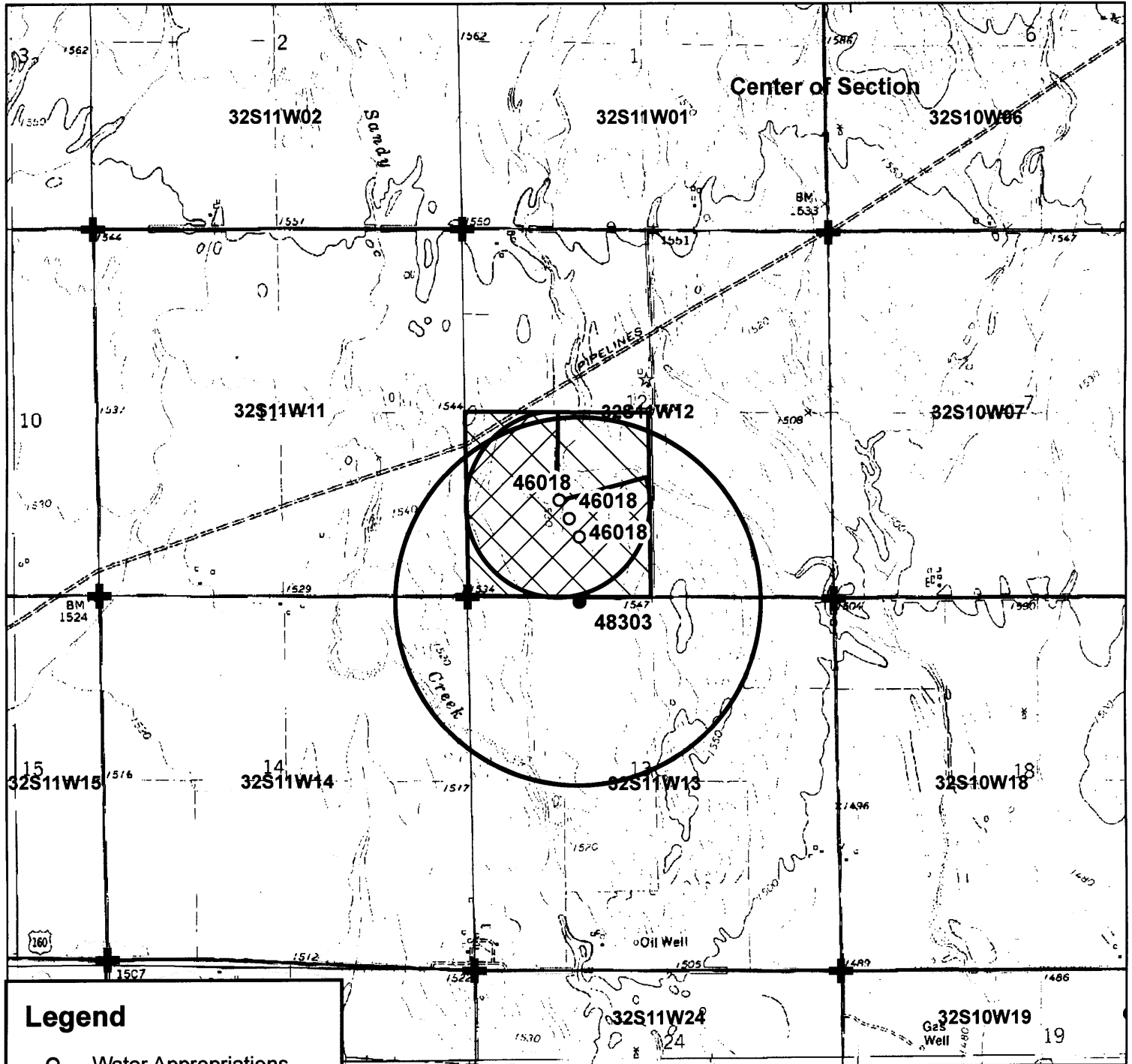
- (1) Application to change a point of diversion 300 feet or less \$100
- (2) Application to change a point of diversion more than 300 feet \$200
- (3) Application to change the place of use \$200
- (4) Application to change the use made of the water \$300

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

WATER RESOURCES
RECEIVED

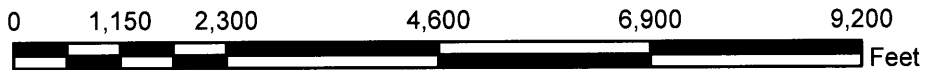
JUL 05 2017

KS DEPT OF AGRICULTURE
SCANNED



Legend

- Water Appropriations
- Actual Point of Diversion
- ⊕ Section Corner
- ▭ Section Line
- Half Mile Circle
- Place of Use**
- ▨ Proposed
- ▩ Authorized



Water Appropriation, File No. 48303

Change in Place of Use Application Map
 12-32S-11W
 Barber County

WATER RESOURCES
 RECEIVED

JUL 05 2017



6/28/17 EKF-SFFO
 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

KELLY D & CHRISTY R HRENCHER
3906 SE US HWY 160
MEDICINE LODGE, KS 67104

FILE COPY July 5, 2017

RE: File No 48303

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 PU
- 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. Tourney".

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

BAT: DLW
pc: STAFFORD Field Office GMD

McColloch, Austin

From: Lanterman, Jeff
Sent: Thursday, August 3, 2017 4:00 PM
To: McColloch, Austin
Cc: Conant, Cameron
Subject: RE: Recommendation Package Hrencher

Austin;

This one looks OK to approve per our conversation this afternoon.

Jeff

From: McColloch, Austin
Sent: Tuesday, August 1, 2017 11:54 AM
To: Lanterman, Jeff <Jeff.Lanterman@ks.gov>
Cc: Conant, Cameron <Cameron.Conant@ks.gov>
Subject: Recommendation Package Hrencher

Jeff,

Attached is my memo for the applications submitted by Kelly and Christy Hrencher. It is a change in PU for File No. 48,303 to cover illegally irrigated acres in the SW quarter. New App File No. 49,867 will cover wells authorized by File No. 46,018 that is being dismissed and will create a PU overlap with 48,303. As stated there was a compliance issue with acres irrigated and the applications were assisted by Elizabeth to bring them into compliance. Let me know if you need any more information.

Thanks,

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