NOTICE

This scan only represents the application as filed. The information contained herein meets the requirements of K.A.R. 5-3-1 or K.A.R. 5-5-1, and has been found acceptable for filing in the office of the Chief Engineer. The application should not be considered to be a complete application as per K.A.R. 5-3-1b or K.A.R. 5-5-2a.

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



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 for place of use must accompany this application.

Application is hereby made for approval of the ⊠ Place of Use	Chief Engineer to change the	\$1,00 Water R	esources
(Check one or more)	n j		eived
☐ Use Made of Wa	iter	MAR O	9 2018
y Ello	No. <u>22394</u>	KS Dept Of	Ча Agricultu
2. Name of applicant: <u>GARY KENNETH HAR</u>			
	COMPENSER	 	
City, State and Zip: MINNEOLA KS 67865		<u> </u>	1
Phone Number: (620) 338-0888	E-mail address: jary	e he. KS COXMO	2.71. Cox
What is your relationship to the water right; 🔲	owner ⊠ tenant □ agent □ ot	her? If other, please explain	i Ne <u>jirin kalan</u>
			;a
Name of water use correspondent: <u>NO CHANG</u>			ja:
Name of water use correspondent: <u>NO CHANG</u>	3 E		; ja
Name of water use correspondent; <u>NO CHANG</u> Address:	3E		şa
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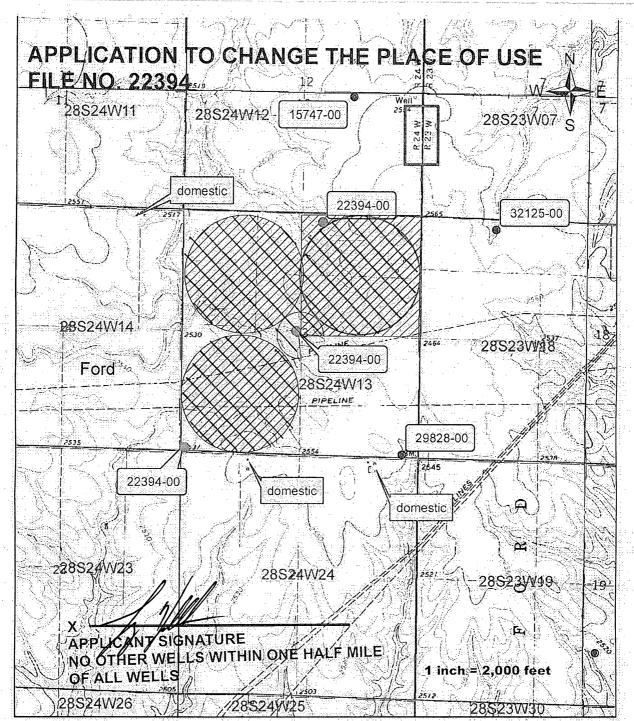
DWR 1-120 (Revised 06/16/2014)

Assisted by:

3/12/2018 UM

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KS Dept Of Agriculture



authorized P/D
Authorized P/U - ///
proposed P/U - \\\

Water Resources Received

MAR 09 2018

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6.	The presently authorized point(s) of diversion (is) (are) NO CHANGE	
7	The proposed point(s) of diversion (is) (are)	(Provide description and number of points)
• · · · · · · · · · · · · · · · · · · ·	Tie proposed points of diversion (is) (ale)	(Rroylde description and number of points)
¥1,	List all presently authorized point(s) of diversion:	· Barting the control of the contro
8. [Presently authorized point of diversion:	The state of the second
	One in the Sw Quarter of the	Quarter of the Quarte
-	or section 2 2 2 1 ownship 2 2 2	South Range 2 4 (EM)
	in County, Kansas, feet North	79 feet West of Southeast corner of section.
	Authorized Rate 670 Authorized Quantity 249	
		feet North feet West)
	☑ This point will not be changed ☐ This point will be changed as t	follows:
	Proposed point of diversion: (Complete only if change is requested)	SERVICE CONTRACTOR CONTRACTOR
	One in theQuarter of the	
	of SectionTownship	South, Range
ŀ	in:County, Kansas,feet North	feet West of Southeast corner of section.
-	Proposed Quantity	og likus dini. Aleman di
	This point is: Additional Well Geo Center List other water rights t	hat will use this point
, r	Presently authorized point of diversion:	
). [One in the <u>SE</u> Quarter of the <u>SE</u>	Orantor of the
ŀ	of Section 12 Township 2.5	South Pange 24
	of Section /3 Township 29	
	Authorized Rate 30 Authorized Quantity 251	- year or each each confidence as confidence as a section.
	Authorized Rate Authorized Quantity 251 (DWR use only: Computer ID No GPS	feet North feet West)
	This point will not be changed . This point will be changed as f	
1	Proposed point of diversion: (Complete only if change is requested)	
	One in the Quarter of the	Quarter of theQuarte
	of Section , Township	South, Range (E/W)
1	in 403 County, Kansas, feet North	The state of the s
	Proposed Rate Proposed Quantity	
	This point is: Additional Well Geo Center List other water rights the	
- 1		
0.	Presently authorized point of diversion:	
1	One in the NE Quarter of the NW	Quarter of the Quarter
	of Section 73 Township 28	South, Range 29 (E/W)
		ral feet West of Southeast corner of section
	Authorized Rate 640 Authorized Quantity 190	TO BUT I HAVE A SECOND FOR THE SECOND
ľ	(DWR use only: Computer ID No GPS	The same of the control of the contr
1	This point will not be changed 🔲 This point will be changed as f	follows:
1	Proposed point of diversion: (Complete only if change is requested)	
	One in the Quarter of the	
	of Section Township	South, Range(E/W)
	inCounty, Kansas,feet North	feet West of Southeast corner of section.
	Proposed Rate Proposed Quantity	الله المراجع ا المراجع المراجع
L	This point is: Additional Well Geo Center List other water rights the	hat will use this point
[1:	Describe the current condition of and future plans for any point(s) of divers	ion which will no longer be used.
Autoropija		Water Resources

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECES SARPIVED

MAR 09 2018

Base Acre Review

File No.

22394

13-28S-24W

Co.

Fords

Permit Approval Date:

Permit Acres Authorized:

9/9/1975 480

<u></u>	
YEAR	ACRES REPORTED
1975	no report
1976	370
1977	340
1978	no report
1979	370
1980	370
1981	370
1982	370
1983	370
1984	270 (0, 140 & 130)
1985	270 (0, 140 & 130)
1986	270 (0, 140 & 130)
1987	380 (120, 130 & 130)
1988	not reported
1989	390 (130, 130 & 130)
1990	360 (100, 130 & 130)
1991	260 (0, 130 & 130)
1992	250 (0, 120 & 130)
1993	n
	U
1994	0
	0
	<u> </u>

Base Acres = 390 Year = 1989

Reviewer: EKF

Date: 2

2/26/2018

Water Resources Received

MAR 09 2018

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The application must include either a topographic map or detailed plat. A U.S. Geological Survey Topographic Map, so 1.24,000, is available through the Kansas Geological Survey. 1930 Constant Avenue, University of Kansas, Lawren Kansas 66047-3726 (www.usgs.gov). The map should show the location of the presently authorized place of a should also be shown. Identify the center of the section, the section lines and the section corners and show the appropriesction, 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 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, included domestic wells, within ½ mile of the proposed well or wells. Identify each well as to its use and furnish name a mailing address of the property owner or owners. If there are no wells within ½ mile, please indicate so on the m. 3) If the source of supply is surface water, the names and mailing addresses of all landowner(s) ½ mile downstre 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 certain that the information shown on the map agrees with the information shown in Paragraph No. 5 of the application and the information shown on the map agrees with the information shown in Paragraph No. 5 of the application and the information shown on the map agrees with the information shown in Paragraph No. 5 of the application and the information shown in Paragraph No. 5 of the application and the information shown in Paragraph No. 5 of the application and the proposed change		File No. <u>22934</u>
If changing the place of use and/or use imade of water, describle how the consumptive use will not be increased. NO INCREASE IN BASE ACRES (Please show any calculations here) It is requested that the maximum annual quantity of water be reduced to NA (acre-feet or million gallor it is requested that the maximum annual quantity of water be reduced to NA (acre-feet or million gallor it is requested that the maximum annual quantity of water be reduced to NA (acre-feet or million gallor). The application must include either a topographic map or detailed plat. A U.S. Geological Survey Topographic Map, so 124,000, is available through the Kansas Geofa-726 (www.ugsag.gov). The maps should show the location of the presently authorized place of 1300 did views in solud also be shown. Identify the center of the section must be shown. The presently authorized place of 1500 did views in solud also be shown. Identify the center of the section into sand the section corres and show the appropriace to township, and range numbers on the map, in addition the following information must also be shown on the map. If a change in the location of the proposed point(s) of diversion in Bristances North and West of the Southeast corner of the section, the sand the section corners and show the appropriace and the section 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 Paragraph Nos. 9, 10 and 11 of the application. 2) If the source of supply is groundwater, please show the location of existing water wolls of any kind, include domestic wells, within ½ mile, of the proposed well or wells. Identify each well as to its use and rurnish name a mailing address of the property owner or owners: If there are no wells within ½ mile, please indicates so on the malified upstroam from your property lines must be shown. B. If a change in the poince of supply is surface water, the names and m	The presently authorized use of water is for IPR	urnosës
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KS Dept Of Agriculture

Any use of water that is not as authorized by the water right or permit to authorize water <u>before</u> 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, executor, executor, 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 authorized to make this application on their behalf, and declare fur complete. By filing this application I authorize the chief engineer to as specified in sections 14 and 15 of this application.	rther that the statements contained herein are true, correct, and permanently reduce the quantity of water and/or rate of diversion
Dated at Kansas this	is 27 daysoft Cebruery as a 2008
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MINY(N 20 18	VALERIA D Notary Public - Notary Public - My Appt. Expires
My Commission Expires 17 1 1 1 1 .	при жари жариез
FEE SCHE	
Each application to change the place of use, the point of diversion or the usapplication fee set forth in the schedule below:	ा विकास के अनुसार के लिए अने के अध्यक्षित के अपने के अधिक कर है।
 (1) Application to change a point of diversion 300 feet or less (2) Application to change a point of diversion more than 300 feet (3) Application to change the place of use (4) Application to change the use made of the water 	\$100 \$200 \$200 \$300
Make check payable to Kansas Department of Agriculture.	Water Resources
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STATE OF KANSAS

DEPARTMENT OF AGRICULTURE 1320 Research Park Drive Manhattan, KS 66502 PHONE: (785) 564-6700 Fax: (785) 564-6777



900 SW Jackson, Room 456 TOPEKA, KS 66612 PHONE: (785) 296-3556 www.agriculture.ks.gov

GOVERNOR JEFF COLYER, M.D.

Jackie McClaskey, Secretary of Agriculture

GARRY KENNETH HARSHBERGER 10905 WILDFIRE RD

March 12, 2018

MINNEOLA, KS 67865

RE: File No 22394

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:

> PU place of use point of diversion use made of water

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

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

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

(b) (1) The violation of any provision of this section by any person is a class C misdemeanor... A class C misdemeanor is punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. Each day that the violation occurs constitutes a separate offense.

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

Sincerely,

Brent Tourney, L.G.

Change Applications Unit Supervisor

Water Appropriation Program

and A Juney

BAT: DLW

pc: STAFFORD Field Office