

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**



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

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

WATER RESOURCES
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JUL 25 2018
10:45
KS DEPT OF AGRICULTURE

File No. 41493

2. Name of applicant: Barton County Public Works

Address: 1400 Main St Ste 108

City, State and Zip: Great Bend KS 67530

Phone Number: (620)793-1808

E-mail address: _____

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

Name of water use correspondent: Barton County Public Works

Address: 1400 Main St Ste 108

City, State and Zip: Great Bend KS 67530

Phone Number: (620)793-1808

E-mail address: _____

3. The change(s) proposed herein are desired for the following reasons (please be specific): Change use made of water from industrial to recreation. The groundwater pit will not be expanded any further

The change(s) (was) ~~will be~~ completed by March 12, 2013 (last recorded date of sand dredging)
(Date)

For Office Use Only:	
F.O. <u>2 GMD 5</u>	Meets K.A.R. 5-5-1 <input checked="" type="checkbox"/> YES / <input type="checkbox"/> NO
Code <u>CWU</u>	Use <u>IND</u>
Fee \$ <u>300</u>	TR # _____
Source <input checked="" type="checkbox"/> S	County <u>BT</u>
By <u>ATW</u>	Date <u>7/25/18</u>
Receipt Date <u>7/25/18</u>	Check # <u>1003318</u>

7/26/18 DAW

6. The presently authorized point(s) of diversion is a groundwater pit
(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 _____ Quarter of the _____ Quarter of the NC S2 SE Quarter
 of Section 32, Township 19 South, Range 13 W,
 in Barton County, Kansas, 500 feet North 1320 feet West of Southeast corner of section.
 Authorized Rate natural evaporation Authorized Quantity 20.76 mg
 (DWR use only: Computer ID No. 15 GPS 637 feet North 1412 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 None

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

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IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

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

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

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

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

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

Dated at _____, Kansas, this _____ day of _____, 20_____.

Barton County Administrator *Phillip Heathcock*
(Owner)

(Spouse)

Barton County Administrator *Phillip Heathcock*
(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 5th day of July, 2018.

Raegina Werth

Notary Public

State of Kansas - Notary Public
RAEGINA WERTH
My Commission Expires 7-29-18

My Commission Expires _____

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.**

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KS DEPT OF AGRICULTURE

JOINT STIPULATION FOR DISCONTINUED PIT OR QUARRY

This stipulation is filed to provide information regarding annual evaporative loss from the aquifer and to free the owner from having to file annual water use reports otherwise required as a condition of the approval of the permit. This stipulation is only available when the authorized pit or quarry is no longer used for industrial purposes.

File No. 41,493

I, Phillip Hathcock, Barton County Administrator owner of a sand/gravel pit which is located in the _____, _____, SE _____, of Section 32, Township 19 S, Range 13 W, Barton County, Kansas, hereby stipulate as follows:

1. That the pit/quarry is no longer being mined, dredged or otherwise enlarged as of March 12, 2013. (last recorded date of sand dredging)
(Date)
2. That the surface area of the water in the pit/quarry is 19.6 acres.
3. That based on the average annual evaporation and precipitation in this area, the net average annual evaporation from the pit is 3.167 acre-feet per acre.
4. That the total average annual evaporation from the pit is 62.07 acre-feet.
5. That based on the above information, I agree that the annual water use from this pit or quarry will be 62.07 acre-feet per calendar year.
6. The above information is true and correct to the best of my knowledge and belief.
7. This stipulation shall remain in effect until it is rescinded.
8. Either party may rescind this stipulation in writing between March 1 and December 31 of any calendar year.


Phillip Hathcock - Barton County Administrator
(Signature of Landowner and Date)

State of Kansas)
County of Barton) SS

The foregoing instrument was acknowledged before me this 5th day of July, 2018, by Phillip Hathcock

Raegina Wirth

My Appointment Expires:

State of Kansas -Notary Public
 **RAEGINA WERTH**
My Commission Expires 7-29-18

Notary Public WATER RESOURCES RECEIVED

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The Division of Water Resources hereby agrees to accept the above information as fully satisfying the owner's obligation to annually file a complete and accurate annual water use report, as required by K.S.A. 82a-732, as amended. This stipulation shall remain in effect until it is rescinded. Either party may rescind this stipulation in writing between March 1 and December 31 of any calendar year.

Head of Water Rights Section

State of Kansas)

) SS

County of _____)

The foregoing instrument was acknowledged before me this _____ day of _____,
_____, by _____.

Notary Public

My Appointment Expires:

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

It is proposed that the use be changed to recreation purposes.

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

No changes are being made to the authorized quantity. Both types of use are for natural evaporation, so the consumptive use will not change as a result

(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.

No physical changes will be made.

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.

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JUL 25 2018



Engineering Department

1400 Main St, Room 108
Great Bend, KS 67530

Ph: (620) 793-1808
Fax: (620) 793-1983

July 9, 2018

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CHIEF ENGINEER
Division of Water Resources
Kansas Department of Agriculture
1320 Research Park Drive
Manhattan, KS 66502

KS DEPT OF AGRICULTURE

RE: Water Appropriation, File No. 41,493

Enclosed is the signed Change in Water Use application as well as the signed Joint Stipulation form for the above noted water appropriation. A check is enclosed for the application fee. Let me know if you have any questions.

Sincerely,

Barry C. McManaman, P.E.
County Engineer

Cc: DWR
File

STATE OF KANSAS



PHONE: (620) 234-5311
FAX: (620) 234-6900
www.agriculture.ks.gov

DEPARTMENT OF AGRICULTURE
DIVISION OF WATER RESOURCES
STAFFORD FIELD OFFICE
300 S. MAIN STREET
STAFFORD, KS 67578-1521

GOVERNOR JEFF COLYER, M.D.
JACKIE McCLASKEY, SECRETARY OF AGRICULTURE

June 28, 2018

Barry C. McManaman
Barton County Engineering Department
1400 Main St, Room 108
Great Bend KS 67530

RE: Water Appropriation, File No. 41,493

Dear Water User,

You will find enclosed with this letter, one application to change the use made of water authorized by the referenced file number. This application, if approved, will change the use made of water designation from industrial use to recreational use.

Please review the application and associated map carefully and feel free to make corrections as needed. The application has one place highlighted on the front page that still needs completed. Once you are satisfied that the application is complete, have it signed and notarized by an authorized representative of the owner on page 5. There is a \$300 fee for this application. Please include a check made payable to the Kansas Department of Agriculture for this amount with the signed application and submit it to Manhattan for processing.

Also included is a joint stipulation form. By completing this form, you will no longer receive a water use report on an annual basis if the enclosed change is approved. Instead, this agency will generate the water use based on the permitted size of the groundwater pit. If I can be of any further assistance, or if you have any questions regarding the enclosed applications, please call the Stafford Field Office at 620-234-5311.

Sincerely,

Tyler Saryerwinnie
Environmental Scientist
Stafford Field Office
tyler.saryerwinnie@ks.gov

Enclosures

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JUL 25 2018

KS DEPT OF AGRICULTURE

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

BARTON COUTNY PUBLIC WORKS
1400 MAIN ST STE 108
GREAT BEND, KS 67530

July 26, 2018

RE: File No 41493

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 UMW
- 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...

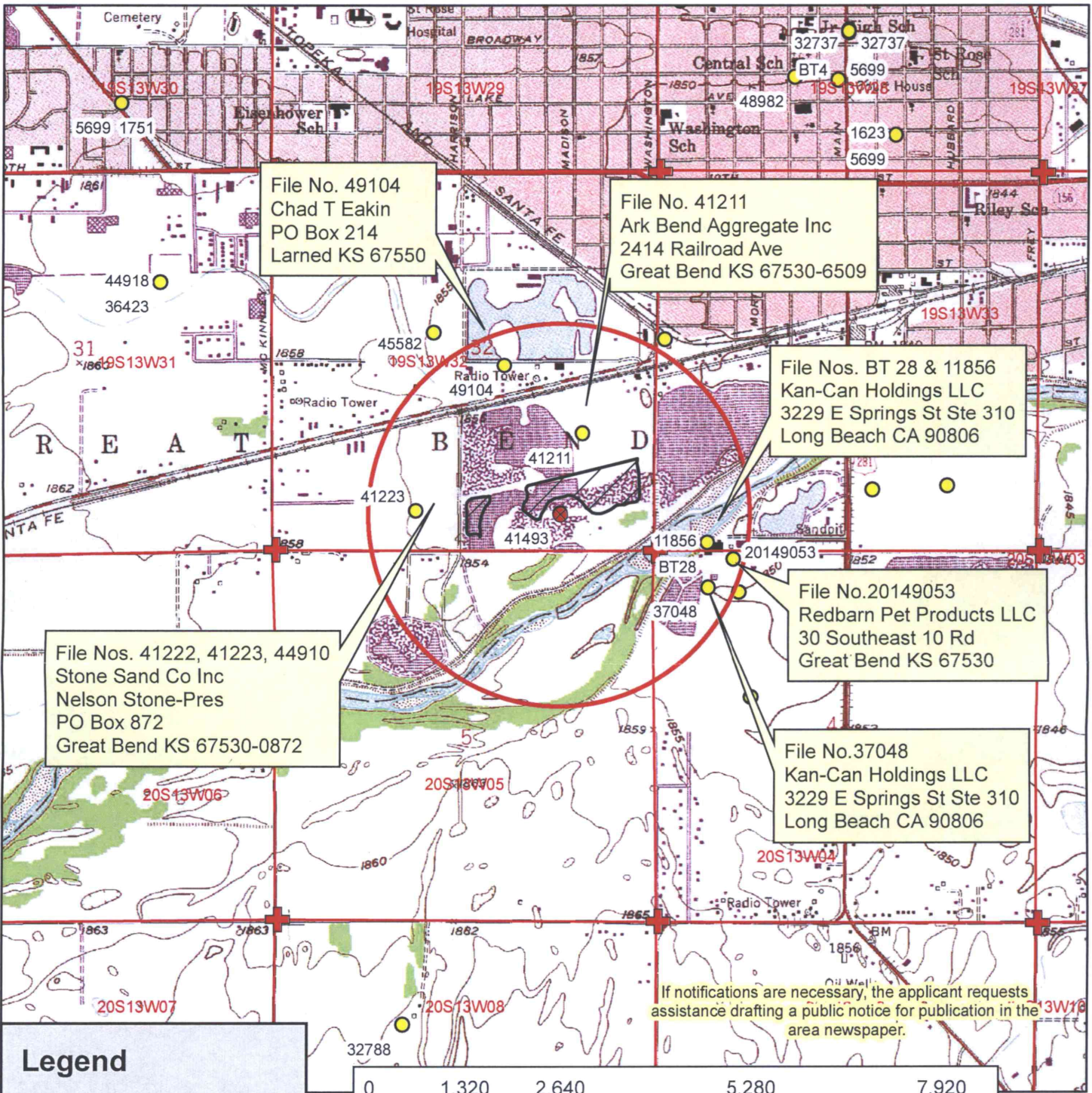
A class C misdemeanor is punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. Each day that the violation occurs constitutes a separate offense.

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

BAT: DLW
pc: STAFFORD Field Office GMD5



File No. 49104
Chad T Eakin
PO Box 214
Larned KS 67550

File No. 41211
Ark Bend Aggregate Inc
2414 Railroad Ave
Great Bend KS 67530-6509

File Nos. BT 28 & 11856
Kan-Can Holdings LLC
3229 E Springs St Ste 310
Long Beach CA 90806

File Nos. 41222, 41223, 44910
Stone Sand Co Inc
Nelson Stone-Pres
PO Box 872
Great Bend KS 67530-0872

File No. 20149053
Redbarn Pet Products LLC
30 Southeast 10 Rd
Great Bend KS 67530

File No. 37048
Kan-Can Holdings LLC
3229 E Springs St Ste 310
Long Beach CA 90806

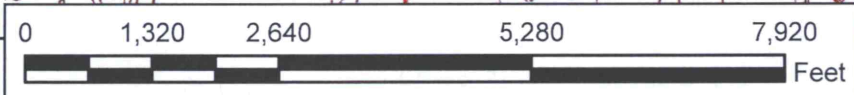
If notifications are necessary, the applicant requests assistance drafting a public notice for publication in the area newspaper.

Legend

- Actual Point of Diversion
- Water Appropriations
- ★ Domestic Well
- Section Line
- + Section Corner
- 1/2 Mile Buffer

Place of Use

- Authorized



Water Appropriation, File No. 41,493

Place of Use, Application Map

32-19S-13W // Barton County



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