

Kansas Department of Agriculture
Division of Water Resources
PERMIT OF NEW APPLICATION WORKSHEET

1. File Number: <p style="text-align: center; font-size: 1.2em;">50,010</p>	2. Status Change Date: <p style="text-align: center; font-size: 1.2em;"><i>10/2/2018</i></p>	3. Field Office: <p style="text-align: center; font-size: 1.2em;">2</p>	4. GMD: <p style="text-align: center; font-size: 1.2em;">3</p>
5. Status: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied by DWR/GMD <input type="checkbox"/> Dismiss by Request/Failure to Return			
6. Enclosures: <input checked="" type="checkbox"/> Check Valve <input type="checkbox"/> N of C Form <input checked="" type="checkbox"/> Water Tube <input type="checkbox"/> Driller Copy <input checked="" type="checkbox"/> Meter			
<p>7a. Applicant(s) Person ID 36394 New to system <input type="checkbox"/> Add Seq# _____</p> <p>GARY KENNETH HARSHBERGER 10905 WILDFIRE RD MINNEOLA KS 67865</p>	<p>7c. Landowner(s) Person ID _____ New to system <input type="checkbox"/> Add Seq# _____</p>		
<p>7b. Landowner(s) Person ID _____ New to system <input type="checkbox"/> Add Seq# _____</p> <p>7a.</p>	<p>7d. Misc. Person ID _____ New to system <input type="checkbox"/> Add Seq# _____</p>		
<p>8. WUR Correspondent Person ID _____ New to system <input type="checkbox"/> Add Seq# _____ Overlap File (s) WUC Notarized WUC Form <input type="checkbox"/> Agree <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>7a.</p>	<p>9. Use of Water: Changing? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p style="padding-left: 40px;"><input checked="" type="checkbox"/> Groundwater <input type="checkbox"/> Surface Water</p> <p><input checked="" type="checkbox"/> IRR <input type="checkbox"/> REC <input type="checkbox"/> DEW <input type="checkbox"/> MUN</p> <p><input type="checkbox"/> STK <input type="checkbox"/> SED <input type="checkbox"/> DOM <input type="checkbox"/> CON</p> <p><input type="checkbox"/> HYD DRG <input type="checkbox"/> WTR PWR <input type="checkbox"/> ART RECHRG</p> <p><input type="checkbox"/> IND SIC: _____ <input type="checkbox"/> OTHER: _____</p>		
10. Completion Date: <u>12/31/2019</u> 11. Perfection Date: <u>12/31/2023</u> 12. Exp Date: _____			
13. Conservation Plan Required? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Date Required: _____ Date Approved: _____ Date to Comply: _____			
14. Water Level Measuring Device? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Date to Comply: _____ Date WLMD Installed: _____			
<p>Date Prepared: 9/11/2018 By: AM Date Entered: <i>10/2/2018</i> By: <i>UM</i></p>			

File No. **50,010** 15. Formation Code: 211 Drainage Basin: ARKANSAS RIVER County: FO Special Use: Stream:

16. Points of Diversion										17. Rate and Quantity					
MOD	DEL	ENT	PDIV	Qualifier	S	T	R	ID	'N	'W	Authorized		Additional		Overlap PD Files
											Rate gpm	Quantity af	Rate gpm	Quantity af	
MOD			80835	SW SW SW	13	28S	24W	8	100	5200	715	248	95	0	22,394(ID 8)

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

19. Limitation: **248** af/yr at **715** gpm (**1.59** cfs) when combined with file number(s) **22,394(ID 8)**
 Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) _____

20. Meter Required? Yes No To be installed by **12/31/2019** Date Acceptable Meter Installed _____

21. Place of Use																		Total	Owner	Chg?	Overlap Files					
MOD	DEL	ENT	PUSE	S	T	R	ID	NE¼				NW¼				SW¼						SE¼				
								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			
CHK			10740	13	28S	24W	1	32	32	37	32	32	32	32	37.5	37.5	32	32	32					400	7a	22394; 50009 & 50011

Comments:

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

TO: Files

DATE: September 11, 2018

FROM: Austin McColloch

RE: Application, File No. 50,010

Gary Harshberger has filed the referenced application to appropriate 248 acre-feet of groundwater for irrigation use, to be diverted at a rate of 715 gallons per minute, from an existing well located in the Southwest Quarter of Section 13, Township 28 South, Range 24 West, Ford County. The new application is requesting an **increase in rate of diversion only**, with no additional quantity. The well is currently authorized under Water Right, File No. 22,394, which has three (3) wells with individual rates and quantities. Each well has a new application filed to increase the rate of diversion by 15 percent (File Nos. 50,009, 50,010 and 50,011). This specific well (ID 8) is authorized 248 acre-feet of water at a diversion rate of 620 gallons per minute. Therefore, the requested increase in rate of diversion will provide an additional 95 gallons per minute, which is an increase from the current rate by 15 percent. The place of use is owned by Carol Ware, and the applicant has signed the application form stating that he has access to the point of diversion.

Based on the applications request for 715 gallons per minute, an increase of 95 gallons per minute does equal a 15 percent increase in the authorized maximum rate of diversion. There has also been no significant physical enlargement of the capacity of the diversion works to divert water. This allows the application to be exempt from meeting safe yield requirements for the GMD. In addition to the above referenced new applications, a change in place of use has been submitted for Water Right, File No. 22,394.

The applicant identified one (1) domestic wells and non-domestic well located within one-half mile of this existing well. Nearby well owner letters were sent out for this particular file on July 2, 2018. A phone call was received in response to the nearby letter by Mark Davis. His concern is that he already had to lower his domestic well 15 feet with a remaining saturated thickness of 15 feet. He expressed concern over the increased rate of diversion from the above well. No official letter was received. As noted above, this new application is requesting only an increase in rate of diversion from an existing well that has been in place for many years. Any nearby well owner would certainly be aware of this well and related irrigation use. No physical changes will be occurring at the well. The nearest irrigation well is over 3,500 feet away under File No. 22,394, and the nearest domestic well appears to be over 1,200 feet away, so the application complies with minimum well spacing criteria.

In a letter dated July 19, 2018, a copy of the application along with a request to submit a recommendation was sent to GMD No. 3. In an email dated August 24, 2018, Jason Norquest, Assistant Manager, Groundwater Management District No. 3, recommended approval of the referenced application for rate only. In the letter Jason stated the application is in compliance with K.A.R. 5-4-5 and K.A.R. 5-23-3 for increase of rate and well spacing.

In an email dated September 11, 2018, Jeff Lanterman, Water Commissioner, Stafford Field Office, recommended approval of the application.

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.

Based on the above discussion, this is for additional rate only, well spacing regulations are met, the application is not subject to safe yield criteria, and approval of the application will not impair senior water rights nor prejudicially or unreasonably affect the public interest, it is recommended that the referenced application be approved.



Austin McCulloch
Environmental Scientist

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

GARY KENNETH HARSHBERGER
10905 WILDFIRE RD
MINNEOLA KS 67865

October 8, 2018 **FILE COPY**

RE: Appropriation of Water,
File Nos. 50,009, 50,010 & 50,011

Dear Sir or Madam:

There are enclosed permits to appropriate water authorizing you to proceed with the construction of the proposed diversion works (except those dams and stream obstructions regulated by K.S.A. 82a-301 through 305a), to divert such unappropriated water as may be available from the source and at the location specified in the permits, and to use it for the purpose and at the locations described in the permits.

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in these permits. Water meters are required and you must install it prior to water being put to beneficial use in order for you to maintain accurate records of water use. The meters should be used to provide the information required on the annual water use reports.

Failure to notify the Chief Engineer of the Division of Water Resources of the completion of the diversion works within the time allowed, or within any authorized extension of time thereof, will result in the dismissal of the permit. Enclosed are forms which may be used to notify the Chief Engineer that the proposed diversion works have been completed. All requests for extensions of time to complete diversion works, or to perfect appropriations, must be submitted to the Chief Engineer before the expiration of time set forth in the permit to complete diversion works or to perfect an appropriation.

If for any reason, you require an extension of time, you must request it before the expiration of time set forth in these permits. Failure to comply with this regulation will result in the dismissal of your permit or your water right. Any request for extension of time shall be accompanied by the required statutory fee, which is currently \$100.00 per file.

There is also enclosed an information sheet setting forth the procedure to obtain a Certificate of Appropriation which establish the extent of your water right.

If you have any questions, please contact me at (785) 564-6627. If you wish to discuss a specific file, please have the file number ready to that we may help you more efficiently.

Sincerely,

Kristen A. Baum
New Application Unit Supervisor
Water Appropriation Program

KAB:am

Enclosure(s)

pc: Stafford Field Office
Groundwater Management District No. 3

KANSAS DEPARTMENT OF AGRICULTURE
 Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
 David W. Barfield, Chief Engineer

FILE COPY

APPROVAL OF APPLICATION
and
PERMIT TO PROCEED
 (This Is Not a Certificate of Appropriation)

This is to certify that I have examined Application, **File No. 50,010** of the applicant

GARY KENNETH HARSHBERGER
10905 WILDFIRE RD
MINNEOLA KS 67865

for a permit to appropriate water for beneficial use, together with the maps, plans and other submitted data, and that the application is hereby approved and the applicant is hereby authorized, subject to vested rights and prior appropriations, to proceed with the construction of the proposed diversion works (except those dams and stream obstructions regulated by K.S.A. 82a-301 through 305a, as amended), and to proceed with all steps necessary for the application of the water to the approved and proposed beneficial use and otherwise perfect the proposed appropriation subject to the following terms, conditions and limitations:

1. That the priority date assigned to such application is **March 9, 2018**.
2. That the water sought to be appropriated shall be used for irrigation use on land described in the application, as follows:

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
13	28S	24W	32.0	32.0	37.0	32.0	32.0	32.0	37.5	37.5	32.0	32.0	32.0					400.0	

3. That the authorized source from which the appropriation shall be made is groundwater, to be withdrawn by means of one (1) well located in the Southwest Quarter of the Southwest Quarter of the Southwest Quarter (SW¼ SW¼ SW¼) of Section 13, more particularly described as being near a point 100 feet North and 5,200 feet West of the Southeast corner of said section, in Township 28 South, Range 24 West, Ford County, Kansas located substantially as shown on the topographic map accompanying the application.

4. That the appropriation sought shall be limited to a maximum diversion rate not in excess of **715 gallons per minute (1.59 c.f.s.)** and to a quantity not to exceed **248 acre-feet** of water for any calendar year.

5. That installation of works for diversion of water shall be completed on or before **December 31, 2019** or within any authorized extension thereof. The applicant shall notify the Chief Engineer and pay the statutorily required field inspection fee of \$400.00 when construction of the works has been completed. Failure to timely submit the notice and the fee will result in revocation of the permit. Any request for an extension of time shall be submitted prior to the expiration of the deadline and shall be accompanied by the required statutory fee of \$100.00.

6. That the proposed appropriation shall be perfected by the actual application of water to the proposed beneficial use on or before **December 31, 2023** or any authorized extension thereof. Any request for an extension of time shall be submitted prior to the expiration of the deadline and shall be accompanied by the required statutory fee of \$100.00.

7. That the applicant shall not be deemed to have acquired a water appropriation for a quantity in excess of the amount approved herein nor in excess of the amount found by the Chief Engineer to have been actually used for the approved purpose during one calendar year subsequent to approval of the application and within the time specified for perfection or any authorized extension thereof.

8. That the use of water herein authorized shall not be made so as to impair any use under existing water rights nor prejudicially and unreasonably affect the public interest.

9. That the right of the appropriator shall relate to a specific quantity of water and such right must allow for a reasonable raising or lowering of the static water level and for the reasonable increase or decrease of the streamflow at the appropriator's point of diversion.

10. That this permit does not constitute authority under K.S.A. 82a-301 through 305a to construct any dam or other obstruction; nor does it grant any right-of-way, or authorize entry upon or injury to, public or private property.

11. That all diversion works constructed under the authority of this permit 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.

12. That all wells with a diversion rate of 100 gallons per minute or more drilled under the authority of this permit shall have a tube or other device installed in a manner acceptable to, and in accordance with specifications adopted by, the Chief Engineer. This tube or device shall be suitable for making water level measurements and shall be maintained in a condition satisfactory to the Chief Engineer.

13. That an acceptable water flow meter shall be installed and maintained on the diversion works authorized by this permit in accordance with the Kansas Administrative Regulations 5-1-4 through 5-1-12 adopted by the Chief Engineer. This water flow meter shall be used to provide an accurate quantity of water diverted as required for the annual water use report (including the meter reading at the beginning and end of the report year).

14. That the applicant shall maintain accurate and complete records from which the quantity of water diverted during each calendar year may be readily determined and the applicant shall file an annual water use report with the Chief Engineer by March 1 following the end of each calendar year. Failure to file the annual water use report by the due date shall cause the applicant to be subject to a civil penalty.

15. That no water user shall engage in nor allow the waste of any water diverted under the authority of this permit.

16. That failure without cause to comply with provisions of the permit and its terms, conditions and limitations will result in the forfeiture of the priority date, revocation of the permit and dismissal of the application.

17. That the right to appropriate water under authority of this permit is subject to any minimum desirable streamflow requirements identified and established pursuant to K.S.A. 82a-703c for the source of supply to which this water right applies.

CERTIFICATE OF SERVICE

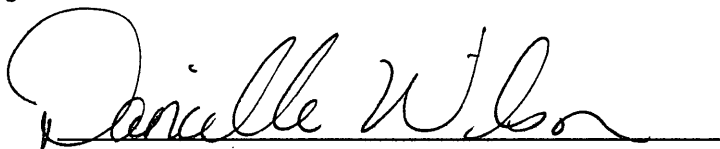
On this 8th day of October, 2018, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 50,010, dated October 2nd, 2018 was mailed postage prepaid, first class, US mail to the following:

GARY KENNETH HARSHBERGER
10905 WILDFIRE RD
MINNEOLA KS 67865

With photocopies to:

Stafford Field Office

Groundwater Management District No. 3



Division of Water Resources

[Faint, illegible text or stamp]

APPLICATION COMPLETE

9/11/18
Reviewer AM



THE STATE OF KANSAS

KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

File Number 50010
This item to be completed by the Division of Water Resources.

6700

Water Resources
Received

MAR 09 2018

11:40

KS Dept Of Agriculture

APPLICATION FOR PERMIT TO
APPROPRIATE WATER FOR BENEFICIAL USE

Filing Fee Must Accompany the Application
(Please refer to Fee Schedule attached to this application form.)

To the Chief Engineer of the Division of Water Resources, Kansas Department of Agriculture,
1320 Research Park Drive, Manhattan, Kansas 66502.

1. Name of Applicant (Please Print): GARY KENNETH HARSHBERGER
Address: 10905 WILDFIRE RD
City: MINNEOLA State KS Zip Code 67865
Telephone Number: (620) 338-0888

2. The source of water is: surface water in _____ (stream)
OR groundwater in ARK RIVER (drainage basin)

Certain streams in Kansas have minimum target flows established by law or may be subject to administration when water is released from storage for use by water assurance district members. If your application is subject to these regulations on the date we receive your application, you will be sent the appropriate form to complete and return to the Division of Water Resources.

3. The maximum quantity of water desired is 248 acre-feet OR _____ gallons per calendar year,
to be diverted at a maximum rate of 715 gallons per minute OR 1.59 cubic feet per second.

Once your application has been assigned a priority, the requested maximum rate of diversion and maximum requested quantity of water under that priority number can NOT be increased. Please be certain your requested maximum rate of diversion and maximum quantity of water are appropriate and reasonable for your proposed project and are in agreement with the Division of Water Resources' requirements.

4. The water is intended to be appropriated for (Check use intended):
(a) Artificial Recharge (b) Irrigation (c) Recreational (d) Water Power
(e) Industrial (f) Municipal (g) Stockwatering (h) Sediment Control
(i) Domestic (j) Dewatering (k) Hydraulic Dredging (l) Fire Protection
(m) Thermal Exchange (n) Contamination Remediation

YOU MUST COMPLETE AND ATTACH ADDITIONAL DIVISION OF WATER RESOURCES FORM(S) PROVIDING INFORMATION TO SUBSTANTIATE YOUR REQUEST FOR THE AMOUNT OF WATER FOR THE INTENDED USE REFERENCED ABOVE.

For Office Use Only:
F.O. 2 GMD 3 Meets K.A.R. 5-3- (YES/NO) Use TRC Source CS County FO By AW Date 3/9/18
Code 250 Fee \$ 300 TR # _____ Receipt Date 3/9/18 Check # 11277

SCANNED
3/12/2018 LM

5. The location of the proposed wells, pump sites or other works for diversion of water is:

Note: For the application to be accepted, the point of diversion location must be described to at least a 10 acre tract, unless you specifically request a 60 day period of time in which to locate the site within a specifically described, minimal legal quarter section of land.

(A) One in the SW quarter of the SW quarter of the SW quarter of Section 13, more particularly described as being near a point 100 feet North and 5200 feet West of the Southeast corner of said section, in Township 28 South, Range 24 West, FORD County, Kansas.

(B) One in the _____ quarter of the _____ quarter of the _____ quarter of Section _____, more particularly described as being near a point _____ feet North and _____ feet West of the Southeast corner of said section, in Township _____ South, Range _____ East/West (circle one), _____ County, Kansas.

(C) One in the _____ quarter of the _____ quarter of the _____ quarter of Section _____, more particularly described as being near a point _____ feet North and _____ feet West of the Southeast corner of said section, in Township _____ South, Range _____ East/West (circle one), _____ County, Kansas.

(D) One in the _____ quarter of the _____ quarter of the _____ quarter of Section _____, more particularly described as being near a point _____ feet North and _____ feet West of the Southeast corner of said section, in Township _____ South, Range _____ East/West (circle one), _____ County, Kansas.

If the source of supply is groundwater, a separate application shall be filed for each proposed well or battery of wells, except that a single application may include up to four wells within a circle with a quarter (1/4) mile radius in the same local source of supply which do not exceed a maximum diversion rate of 20 gallons per minute per well.

A battery of wells is defined as two or more wells connected to a common pump by a manifold; or not more than four wells in the same local source of supply within a 300 foot radius circle which are being operated by pumps not to exceed a total maximum diversion rate of 800 gallons per minute and which supply water to a common distribution system.

6. The owner of the point of diversion, if other than the applicant is (please print)

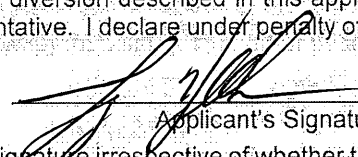
Carol Ware, 13469 W. Link, Sr. Wichita, Ks 67235
(name, address and telephone number)

316-773-5018
(name, address and telephone number)

You must provide evidence of legal access to, or control of, the point of diversion from the landowner or the landowner's authorized representative. Provide a copy of a recorded deed, lease, easement or other document with this application. In lieu thereof, you may sign the following sworn statement:

I have legal access to, or control of, the point of diversion described in this application from the landowner or the landowner's authorized representative. I declare under penalty of perjury that the foregoing is true and correct.

Executed on 2-27, 2018.


Applicant's Signature

The applicant must provide the required information or signature irrespective of whether they are the landowner. Failure to complete this portion of the application will cause it to be unacceptable for filing and the application will be returned to the applicant.

7. The proposed project for diversion of water will consist of ONE WELL PUMP MOTOR
(number of wells, pumps or dams, etc.)

and (was)(will be) completed (by) COMPLETED
(Month/Day/Year - each was or will be completed)

8. The first actual application of water for the proposed beneficial use was or is estimated to be 2018
(Mo/Day/Year)

Water Resources
Received

MAR 09 2018

SCANNED

9. Will pesticide, fertilizer, or other foreign substance be injected into the water pumped from the diversion works?
 Yes No If "yes", a check valve shall be required.

All chemigation safety requirements must be met including a chemigation permit and reporting requirements.

10. If you are planning to impound water, please contact the Division of Water Resources for assistance, prior to submitting the application. Please attach a reservoir area capacity table and inform us of the total acres of surface drainage area above the reservoir.

Have you also made an application for a permit for construction of this dam and reservoir with the Division of Water Resources? Yes No

- If yes, show the Water Structures permit number here _____
- If no, explain here why a Water Structures permit is not required _____

11. The application must be supplemented by a U.S.G.S. topographic map, aerial photograph or a detailed plat showing the following information. On the topographic map, aerial photograph, or plat, identify the center of the section, the section lines or the section corners and show the appropriate section, township and range numbers. Also, please show the following information:

- (a) The location of the proposed point(s) of diversion (wells, stream-bank installations, dams, or other diversion works) should be plotted as described in Paragraph No. 5 of the application, showing the North-South distance and the East-West distance from a section line or southeast corner of section.
- (b) If the application is for groundwater, please show the location of any existing water wells of any kind within 1/2 mile of the proposed well or wells. Identify each existing well as to its use and furnish the name and mailing address of the property owner or owners. If there are no wells within 1/2 mile, please advise us.
- (c) If the application is for surface water, the names and addresses of the landowner(s) 1/2 mile downstream and 1/2 mile upstream from your property lines must be shown.
- (d) The location of the proposed place of use should be shown by crosshatching on the topographic map, aerial photograph or plat.
- (e) Show the location of the pipelines, canals, reservoirs or other facilities for conveying water from the point of diversion to the place of use.

A 7.5 minute U.S.G.S. topographic map may be obtained by providing the section, township and range numbers to: Kansas Geological Survey, 1930 Constant, Campus West, University of Kansas, Lawrence, Kansas 66047.

12. List any application, appropriation of water, water right, or vested right file number that covers the same diversion points or any of the same place of use described in this application. Also list any other recent modifications made to existing permits or water rights in conjunction with the filing of this application.

PD, PU OVERLAP WITH 22394 ID 8
NO ADDITIONAL QUANTITY, 15% ADDITIONAL RATE FOR A TOTAL OF 715 GPM WHEN COMBINED
WITH 22394 ID 8

Water Resources
Received

MAR 09 2018

KS Dept Of Agriculture

SCANNED

13. Furnish the following well information if the proposed appropriation is for the use of groundwater. If the well has not been completed, give information obtained from test holes, if available.

Information below is from: Test holes Well as completed Drillers log attached

Well location as shown in paragraph No. (A) (B) (C) (D)

Date Drilled _____

Total depth of well _____

Depth to water-bearing formation Existing Well

Depth to static water level _____

Depth to bottom of pump intake pipe _____

14. The relationship of the applicant to the proposed place where the water will be used is that of

Tenant
(owner, tenant, agent or otherwise)

15. The owner(s) of the property where the water is used, if other than the applicant, is (please print):

Carol Ware, 13469 W. Link, St. Wichita Ks 67235
(name, address and telephone number)

316-773-5018

(name, address and telephone number)

16. The undersigned states that the information set forth above is true to the best of his/her knowledge and that this application is submitted in good faith.

Dated at Minnetonka, Kansas, this 27 day of February, 2018.
(month) (year)

[Signature]
(Applicant Signature)

By _____
(Agent or Officer Signature)

Gary Harshbarger
(Agent or Officer - Please Print)

Assisted by MM GCFO (office/title) Date: 2-22-2018

Water Resources Received

MAR 09 2018

KS Dept Of Agriculture

**IRRIGATION USE
SUPPLEMENTAL SHEET**

File No: 50010

Name of Applicant (Please Print): GARY HARSHBERGER

1. Please supply the name and address of each landowner, the legal description of the lands to be irrigated, and designate the actual number of acres to be irrigated in each forty acre tract or fractional portion thereof.

Landowner of Record NAME: CAROL WARE

ADDRESS: 13469 W LINKS AVE, WICHITA KS 67235

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13	28	24W	32	32	37	32	32	32	37.5	37.5	32	32	32					400	

Landowner of Record NAME: _____

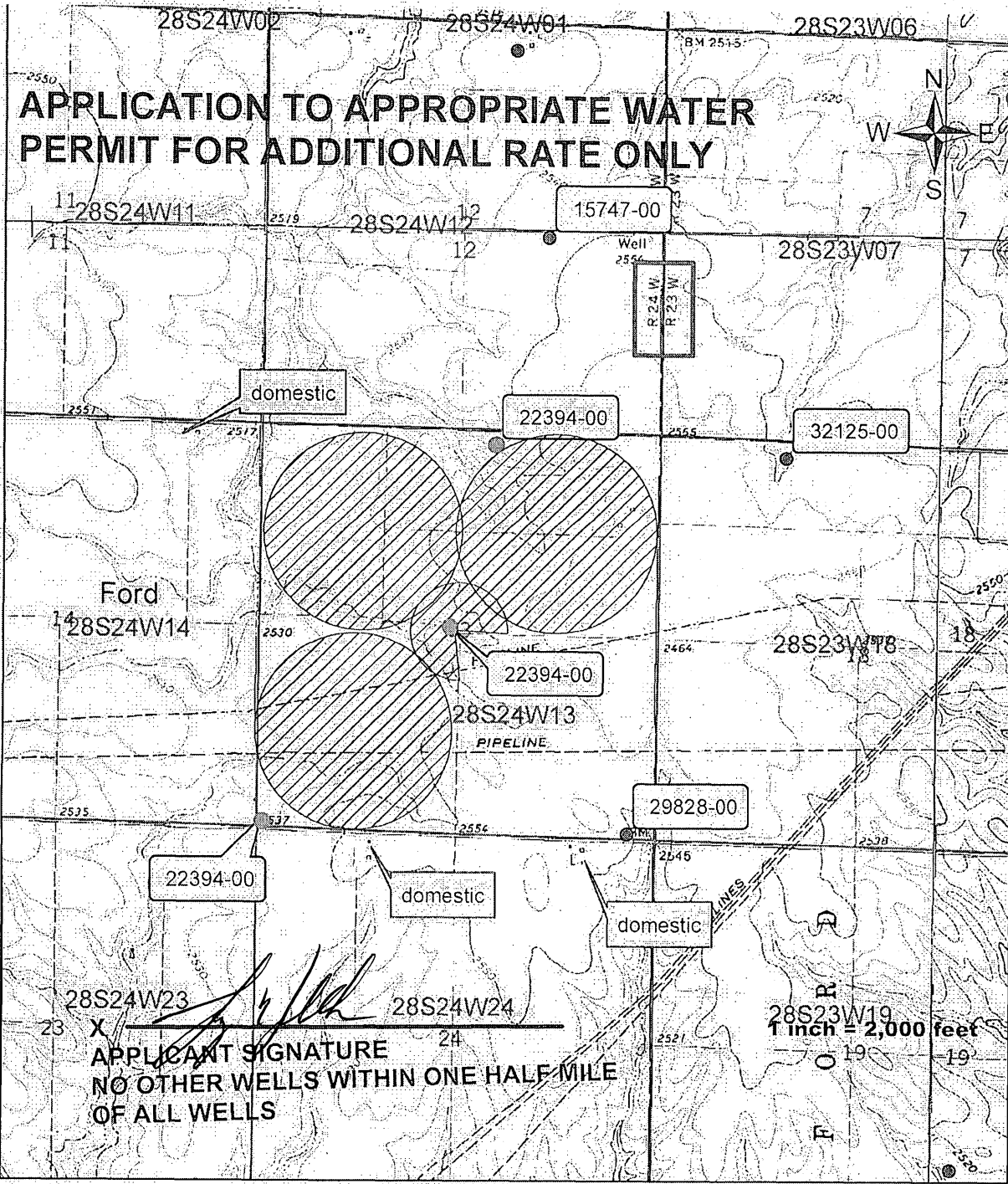
ADDRESS: _____

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Landowner of Record NAME: _____

ADDRESS: _____

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	



APPLICATION TO APPROPRIATE WATER PERMIT FOR ADDITIONAL RATE ONLY

APPLICANT SIGNATURE
 NO OTHER WELLS WITHIN ONE HALF MILE OF ALL WELLS

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

Water Resources
 Received
MAR 09 2018

McColloch, Austin

From: Lanterman, Jeff [KDA]
Sent: Tuesday, September 11, 2018 2:54 PM
To: McColloch, Austin
Cc: Conant, Cameron [KDA]; Dick, Patrick [KDA]
Subject: RE: Package Harshberger

Austin;

I took a look at the air photos and agree probably no one to notify here. The changes were done with a base acre determination from Elizabeth so I concur with that.

Looks like they are adding a small pivot in the center of the section that appears to have been there for awhile. PU appears to now match the air photograph.

Additionally the new apps to increase the flow rate by 15% meet the rule so I am OK with that as well. Those were based on compliance investigation we did that found the wells being overpumped. When we did the compliance checks we found them pumping MORE than the %15 rate app allowed so he is going to have to still **renozzle and slow down the wells some to comply with even the increased flow rate here**. We will put a note in the file to check and make sure that he is in compliance with the new authorized flow rate. Potentially during the field inspection.

I recommend approval of the package Austin.

Thanks
Jeff

From: McColloch, Austin
Sent: Monday, August 27, 2018 1:10 PM
To: Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>
Cc: Conant, Cameron [KDA] <Cameron.Conant@ks.gov>
Subject: Package Harshberger

Jeff and Cameron,

Attached are my draft memos for New Application, File Nos. 50,009, 50,010 and 50,011 and Change Application, File No. 22,394. The new applications are proposing a 15% rate increase on each of the wells and the change is proposing a 10 acre increase from base acres. Also attached is the GMD recommendation. Let me know if you have any questions or need more information.

Thanks,

Austin McColloch
Environmental Scientist

DIVISION OF WATER RESOURCES—KANSAS DEPARTMENT OF AGRICULTURE
COMPLIANCE INVESTIGATION

Field Office No. 02 G.M.D. No. 03 County Ford

File No. 22394 Overlap P/D or P/U File No(s). _____

Agency KDA/DWR Inspector Patrick Dick

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

Date of Order 11/19/12 Date of N of C Ack 11/6/13 Chg No. C2 Date completed 12/19/12 If PD chg, old PD ID 3

Current Landowner Carol Ware Phone No. _____

Address 13469 W Links Ave., Wichita, KS 67235
Additional landowners and addresses identified in remarks section.

Water Use Correspondent Gary Kenneth Harshberger 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/Stream Arkansas River

Authorized Point of Diversion: SW SW SW Sec. 31, T. 28S, R. 24W ID No. 8

Approximately 100 ft. North and 5200 ft. West of SE corner of Sec 13.

Actual Point of Diversion: SW SW SW Sec. 13, T. 28S, R. 24W

Approximately 168 ft. North and 5204 ft. West of SE corner of Sec 13.

How were distances determined? GPS & Leobase (est.acc. 4.5', count 961) Latitude 37.60335 Longitude -99.90572

Distance from old pd _____ ft (N / S) and _____ ft (E / W) Old well: plugged capped equipped other: _____?

Location (site) map attached? **YES** Sketch or Map below

Comments: Certified rate 620 gpm. timed pumping rate 814 gpm 194 gpm over authorized rate. Sent NoNC.

Rate End: 384.933 af - Start: 384.918 af = .015 af = 4887.765 gal / 6 minutes = 814.627 g.pm

In Compliance/ Date	
<input type="checkbox"/> Yes	_____
<input checked="" type="checkbox"/> No, see comments <u>8/31/2017</u>	_____
<input type="checkbox"/> Re-investigation	_____

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

FILE COPY

July 19, 2018

GROUNDWATER MANAGEMENT DISTRICT #3
2009 E SPRUCE ST
GARDEN CITY KANSAS 67846

Change Application,
File No. 22,394
New Application,
File Nos. 50,009, 50,010 and 50,011

Dear Sir or Madam:

We are enclosing copies of the referenced applications, which were submitted by Gary Harshberger and appear to be in proper form, for your review.

We are delaying any further action for a period of 15 days from the date of this letter to allow you time to submit your recommendation concerning this application. Please submit your recommendation within the allotted time, or any authorized extension of time thereof.

If you have any questions, please contact me at (785) 564-6643. If you wish to discuss a specific file, please have the file number ready to that I may help you more efficiently.

Sincerely,

Austin McColloch
Environmental Scientist
Water Appropriation Program

Enclosure
pc: Stafford Field Office

SCANNED

STATE OF KANSAS

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JACKIE McCLASKEY, SECRETARY OF AGRICULTURE

FILE COPY

July 2, 2018

MARK DAVIS & SHANNON SCHEUCHZER
11729 VALLEY RD
DODGE CITY KS 67801-6661

RE: New Application,
File No. 50,010
Change Application,
File No. 22,394

Dear Sir or Madam:

This is to advise you that Gary Harshberger has filed the application referred to above for permit to appropriate 248 acre-feet of water per calendar year for irrigation use to be diverted at a maximum rate of 715 gallons per minute. Please note this is an **existing well**, and the application is requesting an **increase in rate of diversion only** (i.e. no additional quantity of water from the existing well). The well is located as follows:

one (1) well located in the Southwest Quarter of the Southwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 13, more particularly described as being near a point 100 feet North and 5,200 feet West of the Southeast corner of said section, in Township 28 South, Range 24 West, Ford County, Kansas.

Gary Harshberger has also filed with the Division of Water Resources, Kansas Department of Agriculture, applications to change the place of use pursuant to Water Right, File No. 22,394. The applicant proposes to change the authorized place of use to 400 acres in Section 13, Township 28 South, Range 24 West, Ford County, Kansas.

A copy of an aerial photograph depicting the location of the proposed point of diversion and place of use is also enclosed. Records in this office indicate that you may have a well or wells in this vicinity and you are notified of receipt of this application in order that you may be fully informed of the proposed location(s) of the applicant's point(s) of diversion and proposed use of water. Consideration will be given to comments or other information which you desire to submit to this office **within 15 days** from the date of this letter.

If you have any questions, please contact our office at 785-564-6643. If you call, please reference the file number so we can help you more efficiently.

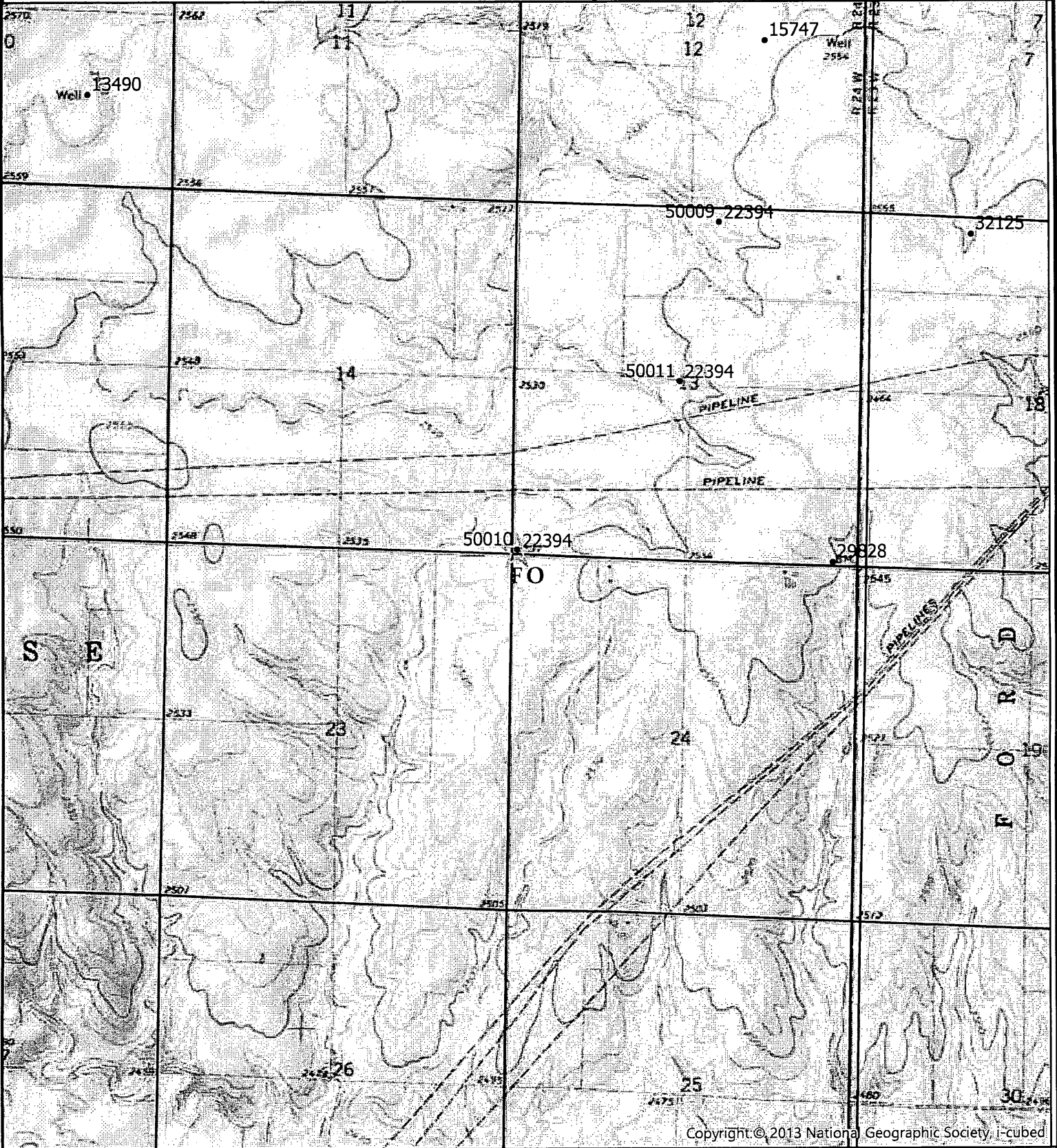
Sincerely,

Austin McColloch
Environmental Scientist
Division of Water Resources

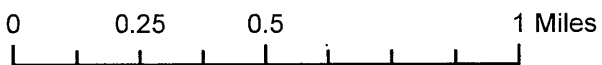
Enclosure(s)
pc: Stafford Field Office
Southwest Kansas GMD No. 3

SCANNED

File No. 50,010 Township 28S Range 24W



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1:24,000

Legend

☆ Point of Diversion



Kansas Department of Agriculture
Division of Water Resources
02 Jul 2018

STATE OF KANSAS

DEPARTMENT OF AGRICULTURE
1320 RESEARCH PARK DRIVE
MANHATTAN, KS 66502
PHONE: (785) 564-6700
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GOVERNOR JEFF COLYER, M.D.
JACKIE McCLASKEY, SECRETARY OF AGRICULTURE

March 12, 2018

GARY KENNETH HARSHBERGER
10905 WILDFIRE RD
MINNEOLA KS 67865

RE: Application
File No. 50010

Dear Sir or Madam:

Your application for permit to appropriate water in 13-28S-24W in Ford County, was received and has been assigned the file number noted above.

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. Once review of your application has begun, we will contact you, if additional information is required.

In accordance with the provisions of the Kansas Water Appropriation Act, a portion of which is included below, the use of water as proposed prior to approval of the application is unlawful. 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) 564-6637. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

Kristen A. Baum
New Applications Unit Supervisor
Water Appropriation Program

BAT: dlw
pc: STAFFORD Field Office
GMD 3

SCANNED