Department of Agriculture Assion of Water Resources
Field Office for your area.

Call for address:

Topeka -- (785) 296-5733 Stafford -- (620) 234-5311 Stockton -- (785) 425-6787 Garden City -- (620) 276-2901 http://agriculture.ks.gov/dwr

DWR FIELD OFFICE APPLICATION FOR APPROVAL TO CHANGE THE PLACE OF USE AND/OR THE POINT OF DIVERSION



STATE OF KANSAS

WATER METER REQUIRED

Filing Fee Must Accompany the Application, K.S.A. 82a-708b(b), as amended. Fee Schedule is on the third page of this application form.

than	100 fee	Nos. 1, et, or if version	place	of use	will b	e cha	e ted. nged,	Comp includ	l ete a l e a to	II othe pograp	e r appl ohic m	icable ap or	porti detaile	ons. I d plat	f chan showi	ge in ping the	ooint o	f divers	sion is greater and proposed
																		RECI	ETVED
						J	File No	o. <u>1270</u>	09					-			Δ	PR 2	140am 42019
1. A	Applicati	ion is he	ereby r	nade f	or app		of the 0		ngine		hange Point	•		ne or b	oth):	1	S		Field Office ATER RESOURCES VATER RESOURCES
ι	ınder th	e water	riaht v	vhich i	s the s	ubiect	of this	applic	cation					ndition	s desc	cribed	DIVISION	ON OF V	VATER RESOURCES
		rce of s					Pround				Surfa			. raition		on ou			
		nd addr					arshbe	rger											
_		/ildfire l				<u> 1865</u>													
		lumber:									ss: <u>he</u>		<u>@iclou</u>	d.com					
		nd addr					onder	nt: <u>Ga</u>	ry Ken	neth F	<u>larshb</u>	erger							
10905 Wildfire Rd, Minneola KS 67865																			
Phone Number: (620)338-0888 Email address: heoffice@icloud.com 3. The presently authorized place of use is:																			
	1.5	-						االمسا	_		,	(D) D							
Owner of Land NAME: A.) Harshberger Land LLC // B.) Best Supply Co Inc ADDRESS: A.) 10905 Wildfire Rd, Minneola KS 67865 // B.) 1545 E 29 th St N, Wichita KS 67219-4129																			
(f there is											В.) Т	045 E 2	29° St	N, WI	cnita K	5 6/2	<u>19-412</u>	.9
(If there is more than one landowner, attach supplemental sheets as necessary.) NE% NW% SW% SW4 S																			
Sec.	Turn	Danas	NE¼	NW1/4		SE¼	NET			051/	NE1/		ν <u>¼</u> 	054			<u> </u>		TOTAL ACRES
A). 23	Twp. 3 27S	Range 25W	INE 74	1997/4	34474	SE74	NE1/4	NW¼	SW¼	SE¼	NE1/4	NW¼	SW¼	SE¼	NE1/4 37	NW1/4 40	SW1/4 40	SE¼	457
B.) 23		25W														40	40	40	157
D.) Z.	213	2300							-			-	-		3				3
					<u> </u>														Total: 160
4. II	this ap	plicatio	n is for	a cha	nge in	place	of use	, it is p	ropos	ed that	t the pl	ace of	use b	e chan	ged to	:			
C	wner o	f Land ·	NA	AME:	<u>Harsh</u>	berger	Land	LLC											
		,	ADDRI	ESS:	<u> 10905</u>	Wildfi	<u>re Rd,</u>	Minne	eola KS	6786	5								
(f there is	more th	an one	landov	vner, at	tach su	ippleme	ental sh	eets as	neces	sary.)								
NE1/4			NW¼				SW¼			SE¼				TOTAL					
Sec.	Twp.	Range	NE1/4	NW¼	SW1/4	SE¼	NE1/4	NW1/4	SW1/4	SE¼	NE1/4	NW¼	SW1/4	SE1/4	NE1/4	NW¼	SW1/4	SE¼	ACRES
23_	27S	25W	32.5	33	33	32									37	40	40	40	287.5
												,				j.			
																			,

RECEIVED

Receipt Date

For Office Use Only: Code _____ Fee \$ 200 - TR # _

Check # <u>/1304</u>

	Presently author						
			Quarter of the				
			, Township				
	in <u>Ford</u>	Cοι	ınty, Kansas,	feet North	feet Wes	t of Southeast co	rner of section.
			Authorized Quantity				
	(DWR use only:	Computer ID	No. <u>1</u> G	PS <u>2661</u>	feet North	1293 feet	West)
	☐This point will no	t be changed	☐This point will be chang	ged as follows: 🏻	No change, point be	tter described with	GPS as follows:
	Proposed point	of diversion: (Complete only if char	ige is requested	or if existing poir	nt is better desc	ribed by GPS)
	One in the	NW	Quarter of the	NE	Quarter of the	SE	Quarter
	of Section	23	, Township	27	South, Range	25	W,
			unty, Kansas, <u>2661</u>				
			Proposed Quantity				
			☐ Geo Center List				
				0			
6.	Presently author	rized point of	diversion:				
٥.			Quarter of the		Quarter of the		Quarter
	of Section		, Township		South, Range		(E/W).
	in	Col	unty, Kansas,	feet North	feet Wes	t of Southeast co	orner of section.
	Authorized Rate		Authorized Quantity		Depth of well		(feet)
- 1	(DWR use only:	Computer ID	No G	PS	feet North	feet	West)
	This point will no	ot be changed	☐This point will be chan	ged as follows:	No change, point bet	ter described with	GPS as follows:
- 1		_	Complete only if char				
			Quarter of the				
	of Section		, Township		South Range		(E/W).
	in	Co	unty, Kansas,	feet North	feet Wes	t of Southeast co	orner of section.
- 1			Proposed Quantity				
			Geo Center List				
7.	(please be specific of use between Fi proposes to remo No. 12709 and a s	c) <u>Creating a co</u> le Nos. 12709& ve 3 acres from subsequent red	I for the following reason implete overlap in place 24987. The change also the place of use under uction in quantity has I condition to account	your p File		North	200 300
	maximum reasona	able quantity.			<u> </u>	= -	
8.	If a well, is the tes	t hole log attacl	ned? Yes No	200	-1 + 1 + 1	= 1 + 1	+ 1===200
9.	The change(s) (w	as)(will be) com	pleted by?	E		= -	- =
	ASAP			_ 100	-1 + 1 + 1	= 1 + 1	+ = 100
	710711			<u> </u>		Ē ', '	
10.	If the point of dive	rsion is a well:		E		Ξ ,	_ =
	(a) What are you	going to do wit	h the old well?	West 0	(1)[111][111][111][111][11	n % m mm mm m	ıı ııı ı µ ∏ 0 East
	NIA			E			- =
	NA			- ₁₀₀ E	-1 + 1 + 1	三十十	+ 1 = 100
	(b) When will this	s be done? <u>NA</u>		- [Ξ ΄	<u>'</u> <u> </u>
				E		_	_ =
11.		Management Yes ⊠ No	District recommend	ation 200 E	- + +		+ 1 = 200
						<u>.</u>	[L.
12.	Assisted by TJS-S	SFFO		— 300 FT	200 100	0 100	200 300
130	o If the proposed n	oint of diversio	n will be relocated more	e than		South Scole: 11	nashmark=10 ft
132	attach a topog groundwater sour one-half mile of the and mailing add	n 2,640 feet of raphic map of ces, show all when proposed powerses of the	the existing point of diversity of the existing point of diversion and the rowners. For surface addresses of the landow	For feet o within diagrames divers water above	f the existing point of am shown above i ion. (PLEASE NO e represents the	f diversion, indica n relation to the TE: The "X" in	te its location on tr e existing point of center of diagrai

14. If the proposed groundwater point of diversion is 300 or fewer feet from the proposed groundwater point of diversion is 300 or fewer feet from the proposed groundwater point of diversion is 300 or fewer feet from the proposed groundwater point of diversion is 300 or fewer feet from the proposed groundwater point of diversion is 300 or fewer feet from the proposed groundwater point of diversion is 300 or fewer feet from the proposed groundwater point of diversion is 300 or fewer feet from the proposed groundwater point of diversion is 300 or fewer feet from the proposed groundwater point of diversion is 300 or fewer feet from the proposed groundwater point of diversion is 300 or fewer feet from the proposed groundwater point of the proposed	om the existing point of diversion, complete the following:
(a) Does the undersigned represent all owners of the currently auth☐ Yes☐ No(If no, all owners must sign this applied to the currently authors)	
 (b) Will the ownership interest of any owner of the currently authoral affected if this application is approved as requested? ☐ Yes ☐ No (If yes, all owners must sign this approved as requested?) 	
(c) If this application is not approved expeditiously, will there be sul ☐ Yes ☐ No (If no, all owners must sign this appli	
If the application proposes a surface water change in point of diversion, or a change in place of use, the application must be signed by all owners agent (attach notarized statement authorizing representation).	
I hereby verify, being first duly sworn upon my oath or affirm age and the owner, the spouse of the owner, or a duly author their behalf, in regards to the water right(s) to which this ap contained in this application are true, correct and complete.	rized agent of the owner(s) to make this application on
Dated at, Kansas, this	23 day of April , 2019.
(Owney) (Dary Harsh began (Please Print)	Melanic L. Hurshburger (Please Print)
(Owner)	(Spouse)
(Please Print)	(Please Print)
(Owner)	(Spouse)
(Please Print)	(Please Print)
State of Kansas	KARRIE A. MILLER btary Public, State of Kansas My Appointment Expires
I hereby certify that the foregoing application was signed in of, 20_10	my presence and eworn to before me this 23 day
	Kaine Amille
My Commission Expires <u>02-05-2023</u> .	Notary Public
ONLY COMPLETE APPLICATIONS WILL BE PROCESSED. To be complete, all accurate information; maps, if necessary, must be included; signatures of all the at the appropriate fee must be paid.	l of the applicable portions of the application form must be completed with appropriate owners' must be affixed to the application and notarized; and
FEE SCHED	<u>ULE</u>
Each application to change the place of use or the point of diversion und forth in the schedule below: Make checks payable to: Kansas Departn (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	nent of Agriculture \$100 et\$200

14. If the proposed groundwater point of diversion is 300 or fewer	feet from the existing point of diversion, complete the following:
(a) Does the undersigned represent all owners of the current	ly authorized place(s) of use identified in this application.)
affected if this application is approved as requested?	authorized place(s) of use identified in this application be adversely
(c) If this application is not approved expeditiously, will there	be substantial damage to property, public health or safety?
	ersion, a groundwater change in point of diversion greater than 300 feet, owners of the currently authorized place of use, or their duly authorized
age and the owner, the spouse of the owner, of a duly their behalf, in regards to the water right(s) to which t contained in this application are true, correct and com	affirmation and under penalty of perjury, that I am of lawful authorized agent of the owner(s) to make this application on his application pertains. I further verify that the statements plete. as, this 24 day of 200t
Lyl Sub-	(Spouse)
(Please Print)	(Please Print)
Best Supply Company I	(Spouse)
(Please Print)	(Please Print)
(Owner)	(Spouse)
(Please Print)	(Please Print)
State of Kansas County of Dedgiolog Ss	34 day
I hereby certify that the foregoing application was sign of	ned in my presence and sworn to before me this X 7 day KIM BERRY Notary Public - State of
My Commission Expires 08313000	Notary Public My Appt. Expires Up 19
ONLY COMPLETE APPLICATIONS WILL BE PROCESSED. To be con accurate information; maps, if necessary, must be included; signatures of the appropriate fee must be paid.	nplete, all of the applicable portions of the application form must be completed with If all the appropriate owners' must be affixed to the application and notarized; and
FEE	SCHEDULE
forth in the schedule below: Make checks payable to: Natisas (1) Application to change a point of diversion 300 feet of	sion under this section shall be accompanied by the application fee set Department of Agriculture or less
	RECEIVED
DWR 1-121 (Revised 04/5/2018)	Page 3 SEP 2 6 2019 File No12709
	Stafford Field Office Division of Water Resources

SUMMARY ORDER APPROVING APPLICATION FOR CHANGE AND IMPOSING CONDITIONS

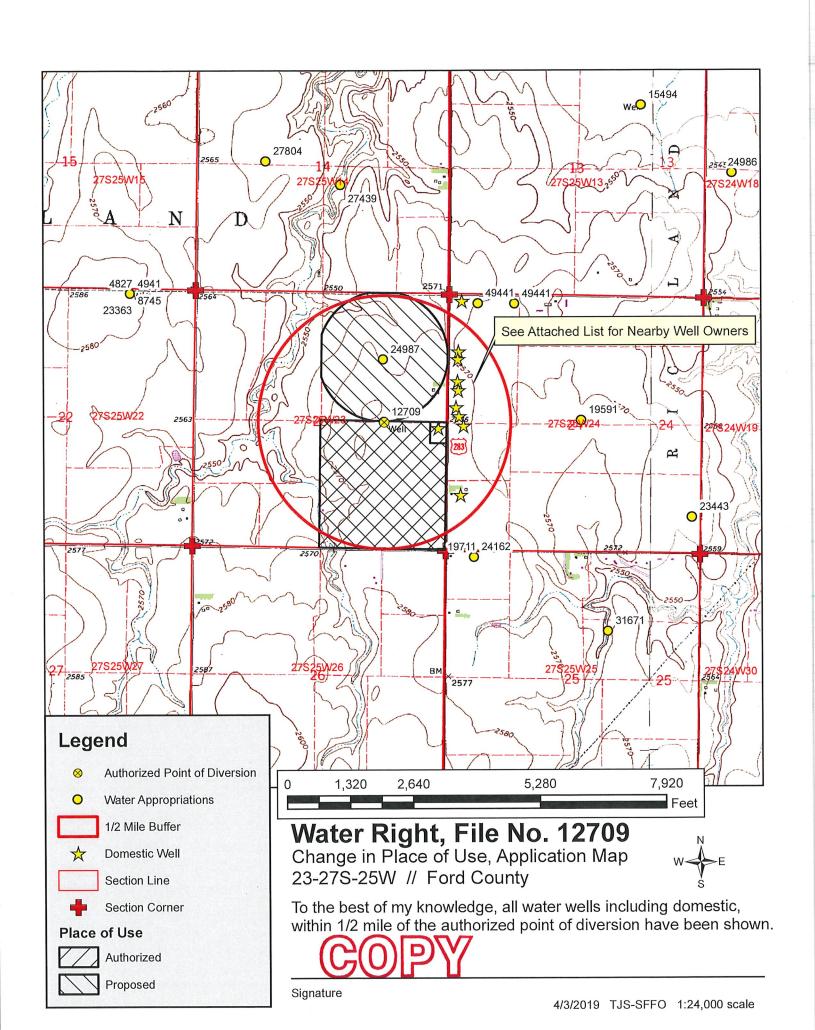
prov Witl and	visions of the Kansas Water Appropriation Law, K.S.A. 82a- n the exception of those conditions expressly contained her limitations of File No. <u>12709</u>	08b, as amended, and K.A.R. 5-5-1, et seq. and other applicable 0.701 et. seq., and rules and regulations promulgated thereunder, rein, this Summary Order does not change the terms, conditions
1.	A change application was received on diversion authorized under the above-referenced file num	requesting that the place of use and / or point of ber be changed as described in the application.
2.	On and after the effective date of this summary order, the a on the topographic map accompanying the application to	authorized place(s) of use shall be located substantially as shown change the place of use. Applicable Not Applicable
3.	The change in point of diversion shall not impair existing right previously authorized. The point of diversion authorized by radius of the authorized point(s) of diversion.	nts and shall be limited to the same source or sources of water as by this summary order shall be located within a foot ble Not Applicable
4.	The point(s) of diversion described herein is administrative Positioning System (GPS), as described in the application	ely corrected to be more accurately described using the Global a. ⊠ Applicable ☐ Not Applicable
5.	The point(s) of diversion authorized herein shall not actually authorized point(s) of diversion. ☐ Applicable ☐ N	be located more than feet from the previously lot Applicable
6.	As required by K.A.R. 5-3-5d, if the works for diversion is tube or other device suitable for making water level accordance with K.A.R. 5-6-13. ☐ Applicable ☑ N	a well with a diversion rate of 100 gallons per minute or more, a measurements shall be installed, operated and maintained in lot Applicable
7.	December 31, 2019, or before the first use of water, water, water and maintained in accordance with K.A.R. 5-1-	operly install an acceptable water flow meter on or before whichever occurs first. The water flow meter shall be installed, 4 through 5-1-12. As required by K.S.A. 82a-732, as amended, report the reading of the water flow meter and the total quantity of following the end of each calendar year.
8.	Installation of the works for diversion of water shall be authorized extension of time. By March 1, 20 the works for diversion has been completed, on the form proved Applicable Not Applicable	completed on or before December 31, 20, or within any applicant shall notify the Chief Engineer that construction of the rided by the Chief Engineer, as required by K.A.R. 5-8-4e.
9.	The completed well log shall be submitted with the requ	ired notice. ☐ Applicable ☐ Not Applicable
10.	with an in-line, automatic, quick-closing check valve capa	foreign substance will be injected into the water shall be equipped able of preventing pollution of the source of the water supply. The ined in accordance with K.A.R. 5-3-5c. Applicable Not
11.	Additional Conditions are attached. $\ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \$	
12.	water appropriated under the above-referenced file num limitations, as amended and/or supplemented by this Sun Appropriation Law and the Rules and Regulations promise.	A.R. 5-5-14, all of the owners of the authorized place(s) of use of ber are responsible for compliance with its terms, conditions and mmary Order, and with applicable provisions of the <i>Kansas Water</i> ulgated thereunder. Failure to comply with these provisions may nended, and/or the suspension or revocation and dismissal of the ons authorized by law.
	Administrative Appeal and Effective Date of Order	FOR OFFICE USE ONLY
you	ou are aggrieved by this order, pursuant to K.S.A. 82a-1901, may request an evidentiary hearing before the Chief	APPLICATION APPROVED AND SUMMARY ORDER ISSUED
Agr filed adr day	gineer or request administrative review by the Secretary of iculture. A request for hearing by the Chief Engineer must be divithin 15 days of service of this Order and a request for ninistrative review by the Secretary must be filed within 30 pursuant to K.S.A. 77-531. Any request for administrative	By:
File	ew must state a basis for review pursuant to K.S.A. 77-527. any request with Kansas Department of Agriculture ,	Date of Issuance:
665	pal Division, 1320 Research Park Drive, Manhattan, KS 02. Failure to timely request a hearing or review may	State of Kansas)
pre	clude review under the Kansas Judicial Review Act.) SS
	For Use by Register of Deeds	County of)
		Acknowledged before me on
		by
		Signature:Notary Public
		My commission expires:(Notary Seal)

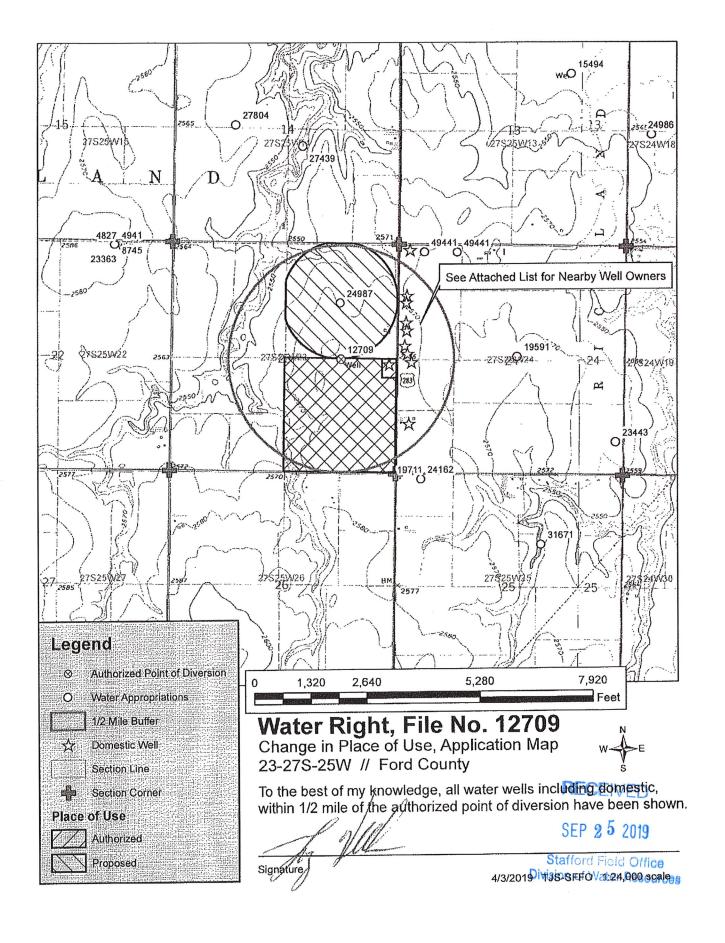
ADDITIONAL CONDITIONS TO SUMMARY ORDER APPROVING APPLICATION FOR CHANGE AND IMPOSING CONDITIONS

The effective date of the change shall be the date this order is executed by the Chief Engineer, after which Water Right, File No. 12709 shall be subject to the following condition:

11a. The water right shall be reduced to a total quantity not to exceed 314 acre feet (102,317,214 gallons) per calendar year.

File No. _____12709





File No. 12709

PU Change Application – Nearby Well Owners

Mark Dirks, 11522 HWY 283, Dodge City KS 67801

Raymond & Marilyn Williams, 11526 US HWY 283, Dodge City KS 67801-7336

Mervin & Jean Sinclair, 11534 HWY 283, Dodge City KS 67801

Paul & Pamela Wetzel, 11538 HWY 283, Dodge City KS 67801-7336

Heather May, 11542 US Hwy 283, Dodge City KS 67801-7336

Bryan S Owens, 918 Club View Dr, Dodge City KS 67801-2936

Best Supply Co Inc, 1545 E 29th St N, Wichita KS 67219-4129

Liv Robb Tr, 11576 US HWY 283, Dodge City KS 67801-6675