

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

Document Signature LPL

1. File Number: 9859	2. Status Change Date: <i>10/24/2016</i>	3. Change Num: C2	4. Field Office: 03	5. GMD:
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6. Status: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied by DWR/GMD <input type="checkbox"/> Dismiss by Request/Failure to Return	7. Filing Date of Change: 4/17/15
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8a. Applicant(s) New to system <input checked="" type="checkbox"/> Person ID <u>65198</u> Add Seq# _____ SEAN LAMBERT 2249 N 280 RD CLYDE KS 66938	8c. Landowner(s) New to system <input type="checkbox"/> Person ID _____ Add Seq# _____
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8b. Landowner(s) New to system <input type="checkbox"/> Person ID 41281 _____ Add Seq# _____ HARDIN FARM PARTNERSHIP RLLP MURIEL A HARDIN 3564 HAYWOOD CT PICKERINGTON OHIO 43147 ADDRESS & NAME UPDATE	8d. WUC New to system <input checked="" type="checkbox"/> Person ID 41281 _____ Add Seq# _____ HARDIN FARM PARTNERSHIP RLLP MURIEL A HARDIN 3564 HAYWOOD CT PICKERINGTON OHIO 43147 ADDRESS & NAME UPDATE
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9. Documents and Enclosure(s): DWR Meter(s) Date to Comply: 12/31/17 N & P Date to Comply: _____

Anti-Reverse Meter Meter Seal Check Valve N & P Form Water Tube Driller Copy H & E Letter

Conservation Plan Date Required: _____ Date Approved: _____ Date to Comply: _____

10. Use Made of Water From: _____ To: _____

Date Prepared: **9/28/2016** By: **LI**
 Date Entered: *10/24/2016* By: *UM*

File No. **9859** 11. County: **CD** Basin: **REPUBLICAN RIVER** Stream: **NA** Formation Code: **113 & 331** Special Use: **NA**

12. Points of Diversion
 T
 MOD
 DEL PDIV
 ENT
 Qualifier S T R ID 'N 'W Comment
 Rate and Quantity
 Authorized Additional
 Rate Quantity Rate Quantity
 gpm/cfs af/mgy gpm/cfs af/mgy Overlap PD Files

NO CHANGE

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

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

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

16. Place of Use T MOD DEL ENT	PUSE	S	T	R	ID	NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg?	Overlap Files
						NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼				
MOD 28334	2	5	1W	1																	58.0	8B	NO	49350	
MOD 24520	11	5	1W	1					31.0	37.0	23.0	23.0									114	8B	NO	49350	
																					172	TOTAL			

Comments:

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: October 18, 2016

FROM: Leslie Ireland

RE: Water Right, File No. 9,859
Application File No. 49,350

Sean Lambert has filed the application referred to above on March 23, 2015, for a permit to appropriate surface water at the rate of natural flows to be stored in a new reservoir, located in the Southwest Quarter of Section 2, in Township 5 South, Range 1 West, Cloud County, Kansas. The reservoir was reviewed and authorized by DWR Structures Program under File No. CCD 079. They determined it would be classified as a pit pond. The requested storage diversion is located on Elk Creek Trib 2, in the lower Republican River basin. The applicant is requesting to appropriate a total of 223.6 acre-feet of surface water storage per calendar year, and re-divert 223.6 acre-feet of the stored water for irrigation use at 700 gallons per minute. The proposed point of diversion is located on property originally owned by the Muriel A. Hardin and now shown to be held as Hardin Farm Partnership RLLP. The place of use is shown by the Cloud County Appraisers office to be owned by the Hardin Farm Partnership RLLP. The place of use has historically been authorized under File No. 9,859 and only overlaps in place of use. An application for change in place of use under File No. 9,859 was received on April 17, 2016.

Water Right, File No. 9,859 authorizes the diversion of groundwater from two wells with a blanket quantity of 190 acre-feet at 1,280 gallons per minute for the irrigation of 138 acres. The current place of use is comprised of two pivots, a pack-man and a partial wiper. The base acres have been determined by David Means, ES, Stockton Field Office to be 128 acres. The proposed change in place of use is to increase the irrigated acres to 172 acres to be irrigated by a whipper and full pivot. The half pivot located in the Southwest Quarter of Section 2 and the full pivot located in the Northwest Quarter of Section 11, both in Township 5 South, Range 1 West, Cloud County. The water for the new acres has been requested under File No. 49,350.

The pit pond has a surface area of 1 acre and a depth of approximately 15 feet, was determined in the structure permitting process to have a capacity of 11 acre-feet. The new permit, File No. 49,350 for 223.6 acre-feet has a drainage area of 2,777 acre-feet, providing approximately 1,099 acre-feet of runoff in 1 out of every five (5) years at a 20% chance of precipitation. The limiting factor for the storage would be the requested quantity for the re-diversion as the maximum quantity that can be requested for storage. The requested quantity for direct use of 223.6 acre-feet when combined with the senior water right, File No. 9,859 will require the new permit to be limited to a combined total of 223.6 acre-feet of water to irrigate the proposed place of use of 172 acres. The additional limitation will maintain a reasonable quantity for irrigation, providing 1.3 acre-feet per acre. The 700 gallons per minute for the re-diverted quantity is reasonable for irrigation use.

The applicant provided the names and addresses of landowners within one-half (1/2) mile upstream and downstream of the property boundaries. These owners were contacted for their comments on the new appropriation. No comments were received. The nearby well owners were contacted about the proposed change in place of use under File No. 9,859. No comments were received.

The size, location and design of the pit pond will not cause water to back-up on property under a different ownership. The design of the pit pond and that there are no immediate down stream permits indicates that the approval of the new permit would not impact any senior, permitted water rights.

Due to the design and location of the storage structure, it appears that there are times when the diversion would be more aptly operated as a direct diversion of the surface waters in the Lower Republican River Basin (LRRB). A notarized Minimum Desirable Streamflow (MDS) statement signed by Sean Lambert, the tenant farmer, was submitted on February 8, 2016. By completing the MDS statement, the operator and owner affirms acknowledgement that there could be times when the diversion of water may not be allowed under the new permit. File No. 49,350 will be subject to MDS conditions. The permit will have the additional condition: "That in order to implement the provisions of K.A.R. 5-3-11(d)(6), no water shall be diverted unless the written permission of the Chief Engineer, or an authorized representative of the Chief Engineer, is obtained each time the applicant desires to divert water. The approval of this permit is not an indication that surface water will be available from this source of supply, or that written permission will be granted to divert water." As the structure is an instream pit and not a dam, it will not be required to have a controlled outlet. The LRRB is currently open to new appropriations meeting the criteria required by K.A.R. 5-3-11(d)(6), and the approval of this application is consistent with similar applications requesting surface water from the Republican River. The direct diversion will be subject to the MDS restrictions per the Kansas Water Office administration of the gage at Clay Center.

The modifications to the channel and permitting of the pit pond have been reviewed and approved by DWR Structures Program and assigned permit No. CCD 0079.

An approved water flowmeter shall be installed on the secondary diversion works (pumpsite) for the new permit. The change approval will also require meters to be installed. If any chemical or foreign substance is injected into the water pumped from the authorized diversions, a check valve will be required.

In an October 17, 2016 email, Kelly Stewart, Water Commissioner, Stockton Field Office, stated that he recommended approval of the new permit. He did request that the permit be issued with the condition that permission is required to be obtained prior to diversion, as there will be times when the creek will flow into the pit pond and be more like a standard surface water diversion.

The permitting of the new appropriation will allow approval of the application for change.

Based on the above discussion, that this area is open to new appropriations, the proposed appropriation of water appears reasonable, the structure is permitted under the DWR Water Structures Program, and there is no evidence that senior rights will be impacted, the change will not result in an increase in consumptive use, so it is recommended that the referenced new permit and change be approved.



Leslie Ireland
Environmental Scientist
Division of Water Resources

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



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

Jackie McClaskey, Secretary

Governor Sam Brownback

October 24, 2016

SEAN LAMBERT
2249 N 280TH ROAD
CLYDE KS 66938

FILE COPY

RE: Water Right, File No. 9,859

Dear Mr. Lambert:

Enclosed is the order executed by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the application for change under the above referenced file number.

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in the approval for change. A condition of the approval is that an acceptable water flowmeter must be installed on the diversion works authorized under the referenced file.

Since this order modifies the original document referred to above, it should be recorded with the Register of Deeds as other instruments affecting real estate.

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

If you have any questions, please contact Leslie Ireland, Environmental Scientist, at (785) 564-6633. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

A handwritten signature in cursive script that reads "Brent A. Turney".

Brent A. Turney, L.G.
Change Applications Unit Supervisor

BAT:LI:li

Enclosures

pc: Stockton Field Office
Hardin Farm Partnership RLLP



KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

**APPROVAL OF APPLICATION
FOR
CHANGE IN PLACE OF USE
WATER RIGHT, FILE NO. 9,859**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Muriel A. Hardin, 6791 Devon Drive, Middletown, Ohio 45044, received in the office of the Chief Engineer on April 17, 2015, for approval of a change in the location of the place of use under the certificate of appropriation issued pursuant to the permit to appropriate water for beneficial use, as modified and amended by the Order of the Chief Engineer dated June 25, 2002, approving the application to change the point of diversion, and by the Order of the Chief Engineer dated March 27, 2013, approving the application to change the place of use and Order to better describe the authorized point of diversion, finds that the change is reasonable and will not impair existing rights, and that the application should be and is hereby approved.

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

Sec. Twp. Range	NE¼				NW¼				SW¼				SE¼				TOTAL	
	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼		
2 5S 1W												32.00	26.00					58.0
11 5S 1W					31.00	37.00	23.00	23.00										114.0

a total of 172 acres, in Township 5 South, Range 1 West, Cloud County, Kansas,

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

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

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

In all other respects, the Certificate of Appropriation issued pursuant to Approval of Application, File No. 9,859, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated May 24, 1972, as modified and amended by the aforementioned orders.

This Order shall become a final agency action, as defined by K.S.A. 77-607(b), without further notice to the parties, if a request for hearing or a petition for administrative review is not filed as set forth below.

Request for Hearing. According to K.A.R. 5-14-3(c), any party who desires a hearing must submit a request within 15 days after the date shown on the Certificate of Service attached to this Order. Filing a request for a hearing will give you the opportunity to submit additional facts for consideration, contest any findings made by the Chief Engineer or present any other information you believe should be considered in this matter. A timely-filed request for hearing will stay the deadline for requesting administrative review of this Order pending the outcome of the hearing.

Petition for Review. Any person aggrieved by this Summary Order may petition for administrative review, pursuant to K.S.A. 82a-708b(a) and K.S.A. 82a-1901(a). The petition must be filed within 30 days after the date shown on the Certificate of Service attached to this Order and must set forth the basis for the review, unless stayed by the timely filing of a request for hearing.

Any request for hearing or petition for administrative review shall be in writing and shall be submitted to the attention of: Chief Legal Counsel, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, Fax: (785) 564 - 6777.

Ordered this 24th day of October, 2016, at Topeka, Shawnee County, Kansas.

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

State of Kansas)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this 24th day of October, 2016, by Lane P. Letourneau, P.G., Program Manager, Division of Water Resources, Kansas Department of Agriculture.



Danielle Wilson
Notary Public

CERTIFICATE OF SERVICE

On this 24 day October, 2016, I hereby certify that the attached Approval of Application for Change in Place of Use, Water Right, File No. 9,859 dated, October 24, 2016 was mailed postage prepaid, first class, US mail to the following:

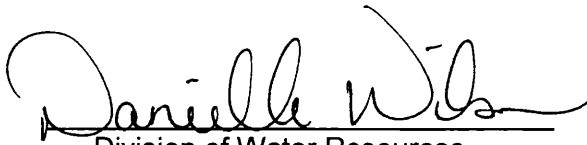
Sean Lambert
2249 N 280TH Road
Clyde, KS 66938

With a true and correct copy to:

Hardin Farm Partnership RLLP
Muriel A Hardin
3564 Haywood Ct
Pickerington, Ohio 43147

With photocopies sent to:

Stockton Field Office


Division of Water Resources

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
RECEIVED

APR 17 2015

11:28

KS DEPT OF AGRICULTURE

File No. 9859

UNACCEPTABLE FOR PRIORITY
WATER RESOURCES
RECEIVED
MAR 17 2015
17:59
KS DEPT OF AGRICULTURE

2. Name of applicant: PATRICK LAMBERT

Address: 2715 UNION ROAD

City, State and Zip: CLYDE KS 66938

Phone Number: (785) 262-1058 E-mail address: _____

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

OWNER *Meriel A. Gordon*

Name of water use correspondent: SAME AS OWNER

Address: _____

City, State and Zip: _____

Phone Number: () _____ E-mail address: _____

3. The change(s) proposed herein are desired for the following reasons (please be specific): _____

TO CREATE A COMPLETE OVERLAP WITH NEW APPLICATION BEING FILED AT THE SAME TIME

The change(s) (will be) completed by SUMMER 2015

(Date)

For Office Use Only:

F.O. 3 GMD Meets K.A.R. 5-5-1 (YES/NO) Use IRR Source S County CD By KAG Date 4-17-15
Code CPU Fee \$ 200 TR # 15041716 Receipt Date 4-17-15 Check # 1584

4/23/2015 *LM*

APPLICATION COMPLETE
9/1/16
Reviewer LE

6. The presently authorized point(s) of diversion is TWO (2) WELLS
(Provide description and number of points)

7. The proposed point(s) of diversion is TWO (2) WELLS (NO CHANGE IN POINTS OF DIVERSION)
(Provide description and number of points)

List all presently authorized point(s) of diversion:

8. **Presently authorized point of diversion:**
 One in the NW Quarter of the NW Quarter of the NW Quarter of Section 11, Township 5 South, Range 1 (W), in CLOUD County, Kansas, 5235 feet North 5273 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 _____

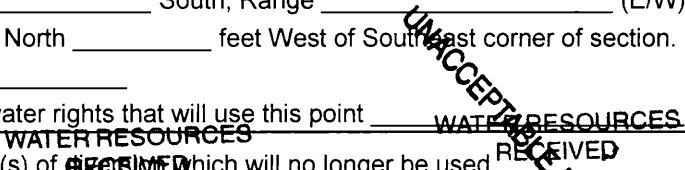
9. **Presently authorized point of diversion:**
 One in the NW Quarter of the NE Quarter of the NW Quarter of Section 11, Township 5 South, Range 1 (W), in CLOUD County, Kansas, 5235 feet North 3819 feet West of Southeast corner of section.
 Authorized Rate _____ Authorized Quantity _____
 (DWR use only: 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 _____ which will no longer be used. _____

APR 17 2015

MAR 25 2015



4. The presently authorized place of use is:

Owner of Land — NAME: MURIEL A HARDIN

ADDRESS: 6791 DEVON DR. MIDDLETOWN OH 45044

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
2	5 S	1 W																	45.0 56 93.0 116 TOTAL 138
11	5 S	1 W					12.50 24.5	37.0	25.5	29.0									

List any other water rights that cover this place of use. NONE *

Owner of Land — NAME: _____

ADDRESS: _____

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

List any other water rights that cover this place of use. _____
(If there are more than two landowners, attach additional sheets as necessary.)

5. It is proposed that the place of use be changed to:

Owner of Land — NAME: MURIEL A HARDIN **HARDIN FARM PARTNERSHIP RLLP**

ADDRESS: 6791 DEVON DRIVE, MIDDLETOWN OH 45044 *** 3564 HAYWOOD PICKERTON OH 45069**

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
x 2	5	1 W																	58
x 11	5	1 W					31	37	23	23									114
																			TOTAL 172

List any other water rights that cover this place of use. 49,350 *

Owner of Land — NAME: _____

ADDRESS: _____

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

List any other water rights that cover this place of use. NONE

APR 17 2015
MAR 28 2015
UNACCEPTABLE FOR PRIORITY
WATER RESOURCES RECEIVED
KS DEPT OF AGRICULTURE
 * LI/OWN 2/17/16 - FROM NEW PLS

12. The presently authorized use of water is for IRRIGATION purposes.
It is proposed that the use be changed to NO CHANGE purposes.

13. If changing the place of use and/or use made of water, describe how the consumptive use will not be increased.
IT IS PROPOSED TO OVERLAP IN THE PLACE OF USE WITH A NEW APPLICATION FOR SURFACE WATER STORAGE THEREFORE COMPLIES WITH KAR 5-5-11

BASE ACRES DETERMINED TO BE 128 ACRES BY DAVID MEANS on 1/13/15 - LI/OWR 8/20/15

KAR 5-5-11 D(6) NEW APPLICATION FILE NO. 49,350

(Please show any calculations here.)

14. It is requested that the maximum annual quantity of water be reduced to NA (acre-feet or million gallons).

15. It is requested that the maximum rate of diversion of water be reduced to NA 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 CHANGE IN POINT OF DIVERSION ONLY CHANGE IN PLACE OF USE

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.

MEETS ALL APPLICABLE RULES AND REGS

WATER RESOURCES RECEIVED

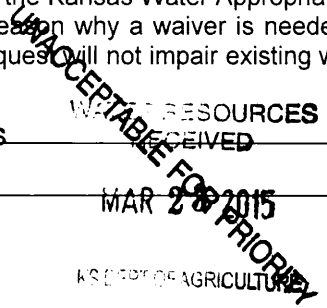
APR 17 2015

KS DEPT OF AGRICULTURE

WATER RESOURCES RECEIVED

MAR 20 2015

KS DEPT OF AGRICULTURE



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

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

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

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

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

Dated at GROVEPORT, ~~Kansas~~ OHIO, this 31st day of MARCH, 20 15.

Muriel A. Hardin
(Owner)

(Spouse)

MURIEL A. HARDIN
(Please Print)

(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

(Owner)

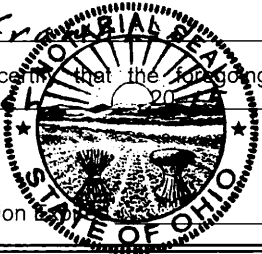
(Spouse)

(Please Print)

(Please Print)

State of Ohio)
County of Franklin) SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 31st day of March, 2015.



Gregory W. Davis
Notary Public, State of Ohio
My Commission Expires 05-28-2018

Gregory W. Davis
Notary Public

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

**WATER RESOURCES
RECEIVED**

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

APR 17 2015

DOMESTIC WELL TO THE NORTHEAST OF 9.859

WATER WELL RECORD Form WWC-5 KSA 82a-1212

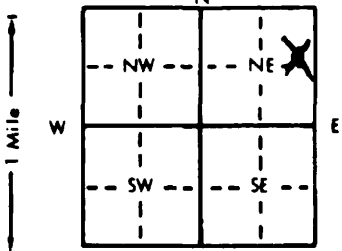
1 LOCATION OF WATER WELL: Fraction **SE 1/4 NE 1/4 NE 1/4** Section Number **11** Township Number **T 5 S** Range Number **R 1 XSW**

Distance and direction from nearest town or city street address of well if located within city?

3 miles North of Clyde, KS

2 WATER WELL OWNER: **Robert Harden**
 RR#, St. Address, Box #: **c/o Harold Lambert, RR2, Box 252** Board of Agriculture, Division of Water Resources
 City, State, ZIP Code: **Clyde, KS 66938** Application Number: **43,910**

3 LOCATE WELL'S LOCATION WITH AN "X" IN SECTION BOX:



4 DEPTH OF COMPLETED WELL: **163** ft. ELEVATION: _____
 Depth(s) Groundwater Encountered 1. _____ ft. 2. _____ ft. 3. _____ ft.
 WELL'S STATIC WATER LEVEL: **45** ft. below land surface measured on mo/day/yr **3/25/00**
 Pump test data: Well water was **115** ft. after **2** hours pumping **550** gpm
 Est. Yield **600-650** gpm: Well water was _____ ft. after _____ hours pumping _____ gpm
 Bore Hole Diameter: **20** in. to **163** ft., and _____ in. to _____ ft.
 WELL WATER TO BE USED AS:
 1 Domestic 3 Feedlot 5 Public water supply 8 Air conditioning 11 Injection well
 2 Irrigation 4 Industrial 6 Oil field water supply 9 Dewatering 12 Other (Specify below) _____
 7 Lawn and garden only 10 Monitoring well
 Was a chemical/bacteriological sample submitted to Department? Yes _____ No If yes, mo/day/yr sample was submitted _____
 Water Well Disinfected? Yes No _____

5 TYPE OF BLANK CASING USED:
 1 Steel 3 RMP (SR) 5 Wrought iron 8 Concrete tile CASING JOINTS: Glued Clamped _____
 2 PVC 4 ABS 6 Asbestos-Cement 9 Other (specify below) _____ Welded _____
 7 Fiberglass Threaded _____
 Blank casing diameter: **12** in. to **113** ft., Dia _____ in. to _____ ft., Dia _____ in. to _____ ft.
 Casing height above land surface: **12** in., weight **12.52** lbs./ft. Wall thickness or gauge No. **.490**
 TYPE OF SCREEN OR PERFORATION MATERIAL:
 1 Steel 3 Stainless steel 5 Fiberglass 8 RMP (SR) 10 Asbestos-cement
 2 Brass 4 Galvanized steel 6 Concrete tile 9 ABS 11 Other (specify) _____
 12 None used (open hole) _____
 SCREEN OR PERFORATION OPENINGS ARE:
 1 Continuous slot 3 Mill slot 5 Gauzed wrapped 8 Saw cut 11 None (open hole) _____
 2 Louvered shutter 4 Key punched 6 Wire wrapped 9 Drilled holes
 7 Torch cut 10 Other (specify) _____
 SCREEN-PERFORATED INTERVALS: From **113** ft. to **163** ft., From _____ ft. to _____ ft.
 From _____ ft. to _____ ft., From _____ ft. to _____ ft.
 GRAVEL PACK INTERVALS: From **20** ft. to **163** ft., From _____ ft. to _____ ft.
 From _____ ft. to _____ ft., From _____ ft. to _____ ft.

6 GROUT MATERIAL: 1 Neat cement 2 Cement grout 3 Bentonite 4 Other _____
 Grout Intervals: From **0** ft. to **20** ft., From _____ ft. to _____ ft., From _____ ft. to _____ ft.
 What is the nearest source of possible contamination: **None within 1/4 mile** Livestock pens 14 Abandoned water well
 1 Septic tank 4 Lateral lines 7 Pit privy 11 Fuel storage 15 Oil well/Gas well
 2 Sewer lines 5 Cess pool 8 Sewage lagoon 12 Fertilizer storage 16 Other (specify below) _____
 3 Watertight sewer lines 6 Seepage pit 9 Feedyard 13 Insecticide storage

Direction from well?		LITHOLOGIC LOG		PLUGGING INTERVALS	
FROM	TO	FROM	TO	FROM	TO
0	4				
		Topsoil			
4	18	Brown Clay			
18	48	Red, White, Gray Shale			
48	120	Gray Shale			
120	122	Iron Pyrite			
122	144	Tan Sandstone			
144	146	Iron Pyrite			
146	162	Tan Sandstone			
162	163	Hard Gray Shale			

7 CONTRACTOR'S OR LANDOWNER'S CERTIFICATION: This water well was **(0)** constructed, (2) reconstructed, or (3) plugged under my jurisdiction and was completed on (mo/day/year) **3/27/00** and this record is true to the best of my knowledge and belief. Kansas Water Well Contractor's License No. **138** This Water Well Record was completed on (mo/day/yr) **3/27/00** under the business name of **Peterson Irrigation, Inc.** by (signature) *Mike Peterson*

INSTRUCTIONS: Use typewriter or ball point pen. PLEASE PRESS FIRMLY and PRINT clearly. Please fill in blanks, underline or circle the correct answers. Send top three copies to Kansas Department of Health and Environment, Bureau of Water, Topeka, Kansas 66620-0001. Telephone: 913-296-5545. Send one to WATER WELL OWNER and retain one for your records.

OFFICE USE ONLY
T
R
E
M
SEC.

Ireland, Leslie

From: Stewart, Kelly
Sent: Monday, October 17, 2016 7:52 AM
To: Ireland, Leslie
Cc: Billinger, Mark; Hageman, Rebecca
Subject: RE: Recommendation for Permit, File No. 49350 & change approval File No. 9717-D1

Leslie,

I have no objection to the approval of these applications.

Kelly

From: Ireland, Leslie
Sent: Tuesday, October 11, 2016 11:37 AM
To: Stewart, Kelly <Kelly.Stewart@ks.gov>
Cc: Billinger, Mark <Mark.Billinger@ks.gov>
Subject: Recommendation for Permit, File No. 49350 & change approval File No. 9717-D1

Kelly,

I heard about your requested revisions and took another stab at this strange pit pond... and while this is considered a storage application,, but not... the memo and permit conditions for this to be like a direct diversion in the LRRB, because that is more like what it really is.... Please see the paragraph at the top of page 2 in the memo and conditions in paragraphs 15-18 in the permit.

Please let me know if you could recommend the revised conditions of this permit.

As always comments and concerns are welcome.

Leslie Ireland, Environmental Scientist II
Kansas Department of Agriculture
Division of Water Resources - Change Unit
(785) 564-6633
Leslie.Ireland@ks.gov
www.agriculture.ks.gov

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



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

Jackie McClaskey, Secretary

Governor Sam Brownback

September 2, 2016

MICHAEL L & ELLEN K LONG
237 NORTHSIDE DR
HEBRON NE 68370

RE: Application for Change
Water Right, File No. 9,859

Dear Sir or Madam:

Effective July 1, 2016, Senate House Bill No. 337 approved by the legislature requires the Division of Water Resources to notify all water right owners within one-half mile of a water right that has submitted an application to the Chief Engineer to change the place of use or use made of water.

This is to provide notice to you that Muriel A. Hardin has filed an application for approval of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, to change the place of use authorized for irrigation use under File No. 9,859. A copy of the map for the proposed change has been enclosed for your information. The complete application for change is available for your review on our website:

<http://agriculture.ks.gov/divisions-programs/dwr/water-appropriation/notices>

If you have any questions, please contact our office, my desk phone is (785) 564-6633. If you wish to discuss a specific file, please have the file numbers ready so that we may help you more efficiently.

Sincerely,

A handwritten signature in cursive script that reads "Leslie Ireland".

Leslie Ireland
Environmental Scientist
Water Appropriation Program

pc: Stafford Field Office

FILE COPY
SCANNED

Ireland, Leslie

From: Stewart, Kelly
Sent: Thursday, September 29, 2016 1:47 PM
To: Ireland, Leslie
Cc: Billinger, Mark; Hageman, Rebecca
Subject: RE: 49350 SW STORAGE IRR PUM COND 3_0

Leslie,

I have no objection to the approval of this application.

Kelly

From: Ireland, Leslie
Sent: Thursday, September 29, 2016 11:14 AM
To: Stewart, Kelly <Kelly.Stewart@ks.gov>
Cc: Billinger, Mark <Mark.Billinger@ks.gov>
Subject: 49350 SW STORAGE IRR PUM COND 3_0

Kelly,

Please let me know what you think, and as always comments and concerns are welcome.

Leslie Ireland, Environmental Scientist II
Kansas Department of Agriculture
Division of Water Resources - Change Unit
(785) 564-6633
Leslie.Ireland@ks.gov
www.agriculture.ks.gov

Robert A. Hardin

3564 Haywood Court
Pickerington, Ohio 43147
Home: 614-861-4053
Cell: 614-332-8452
Email: bob@hdwater.com

Ms. Katie Goff
Water Application Program
1320 Research Park Drive
Manhattan, KS 66502

RE: Water Right, File No. 9,859 Application for Change

Dear Ms. Goff:

Returned herewith is our corrected/completed Application for Approval to Change an existing water right. My mother Muriel A. Hardin has signed the signature page that was sent to us in your correspondence dated March 24, 2015. As instructed, we have also included a \$200 check to cover the application to change the place of use.

We have returned all of the pages sent by you on March 24, 2015, along with the items discussed in the paragraph above. Should have any questions or concerns, please feel free to contact me at 614-332-8452.

Sincerely,



Robert A. Hardin

WATER RESOURCES
RECEIVED

APR 17 2015

KS DEPT OF AGRICULTURE

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



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

Jackie McClaskey, Secretary

Governor Sam Brownback

March 24, 2015

MURIEL A HARDIN
6791 DEVON DR
MIDDLETOWN OHIO 45044

WATER RESOURCES
RECEIVED

APR 17 2015

RE: Water Right, File No. 9,859 Application for Change

KS DEPT OF AGRICULTURE

Dear Mr. Hardin:

Returned herewith is your Application for Approval to Change an existing water right, which was received in this office on March 23, 2015. The application is not acceptable for filing in its present form.

It is required by K.A.R. 5-5-1(c) *Filing an application for change*, that the Division of Water Resources, is required to obtain a notarized signature from each landowner and their spouse, or a duly authorized agent. Records in this office indicate that the landowner of the place of use for File No. 9,859 is Muriel Hardin. If the property is held by a different party, please provide documentation to that effect in the form of a copy of the recorded deed. Please be reminded that all submitted signatures must be original and be notarized. Photocopies or fax signatures are not acceptable. A blank signature page has been included for your convenience.

In addition, it was noticed that the application was not accompanied by the statutorily required application fee. K.S.A 82a-708b states in part:

“(b) 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”

Based on your requested changes, **an application fee of \$200 is required.**

Upon return of an acceptable application, with the required information and filing fee, the application will be assigned a priority based on the date and time it is received in the office of the Chief Engineer. If you have any questions, please contact me at (785) 564-6631.

Sincerely,

A handwritten signature in cursive script that reads "Katie Goff".

Katie Goff
Environmental Scientist
Water Appropriation Program

Enclosures



1320 Research Park Drive
Manhattan, Kansas 66502
Jackie McClaskey, Secretary

Phone: (785) 564-6700
Fax: (785) 564-6777
Email: ksag@kda.ks.gov
www.agriculture.ks.gov
Sam Brownback, Governor

PATRICK LAMBERT
2715 UNION RD
CYLDE KS 66938

April 22, 2015

RE: File No. 9859

Dear Sir or Madam:

An application for approval of the Chief Engineer to change the following condition or conditions of the file number referred to above has been received:

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

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

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

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

(b) (1) The violation of any provision of this section by any person is a class C misdemeanor...

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

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

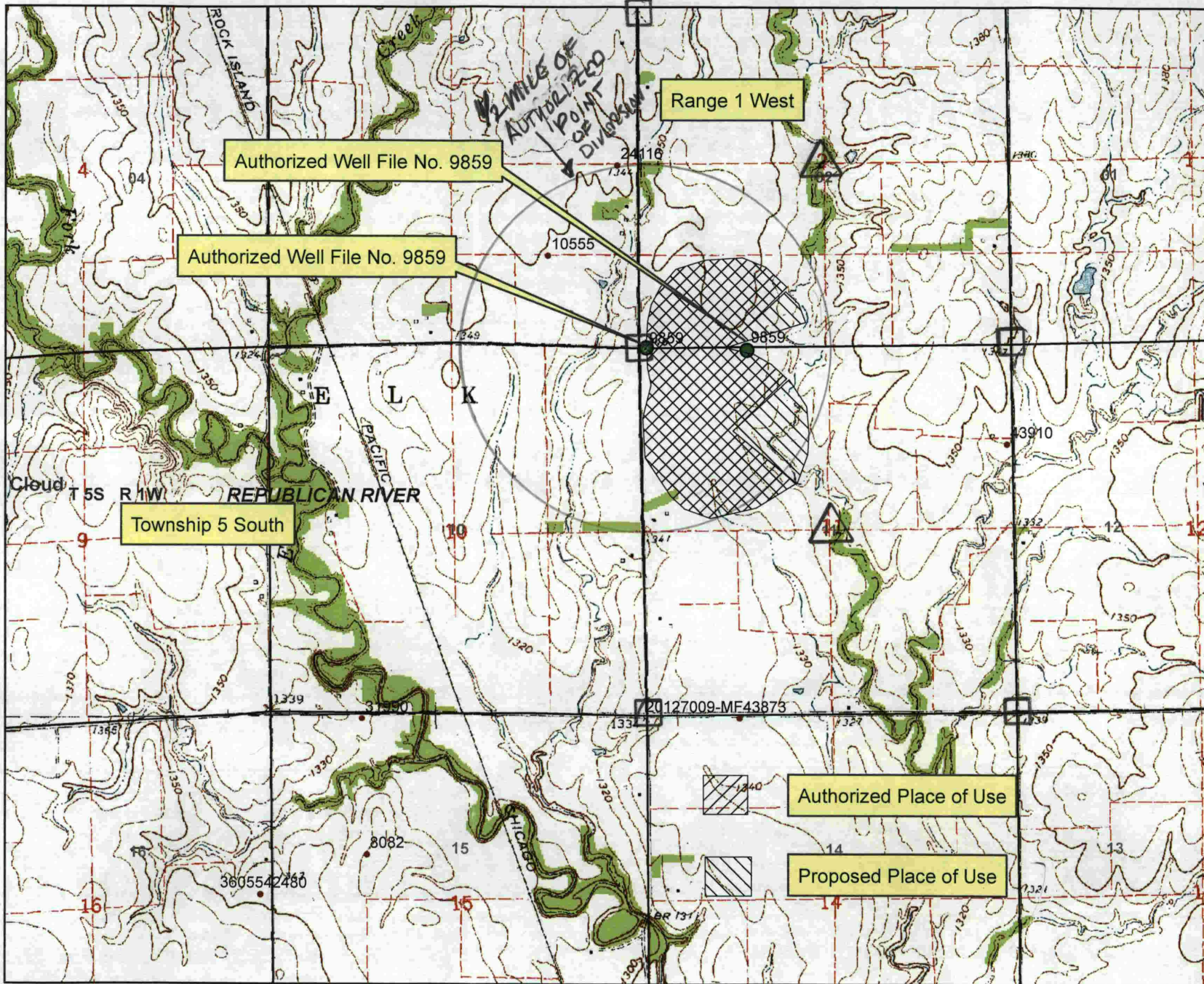
Sincerely,

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

BAT: dlw
pc: STOCKTON Field Office
0

Application to Change the Place of Use File No. 9859

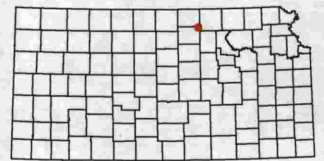
FILE # 10555
OWNER MICHAEL & ELLAN LONG



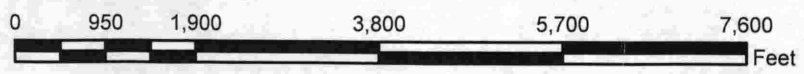
UNACCEPTABLE FOR PRIORITY
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WATER RESOURCES RECEIVED
APR 17 2015
KS DEPT OF AGRICULTURE

Index Map



1:24,000



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