

File No. **22466** 11. County: TH Basin: SF SOLOMON RIVER Stream: Formation Code: 211 Special Use:

12. Points of Diversion ✓ MOD DEL ENT	PDIV	Qualifier	S	T	R	ID	'N	'W	Comment	Rate and Quantity				
										Authorized		Additional		
										Rate gpm/cfs	Quantity af/mgy	Rate gpm/cfs	Quantity af/mgy	Overlap PD Files
IRR MOD 25787	SENENE		34	8	33W	4	4490	210		605 G.P.M.	297 AF	605 G.P.M.	297 G.P.M. ^{AF}	NO
STK ENT 86088	SESESE		27	8	33W	2	62	614	GEOCENTER	75 G.P.M.	6.517 MGY (20 AF)	75 G.P.M.	6.517 M.G.Y.(20 AF)	34041 & 34044
STK ENT 3098	SWSESE		27	8	33W	1	186	655	BATT 1 OF 2 WELLS					34041 & 34044
STK ENT 78619	NENENE		34	8	33W	6	5201	599	BATT 1 OF 2 WELLS					34041 & 34044

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 ✓ MOD DEL ENT	PUSE	S	T	R	ID	NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg?	Overlap Files						
						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										
STK ENT 22325	27	8	33W	3		STOCKWATERING: IN SE SE																8B	NO	34041 & 34044							
STK ENT 38035	34	8	33W	3		STOCKWATERING: IN NE NE																8B	NO	34041 & 34044							
IRR MOD 14394	27	8	33W	2																31.00			31.00	9.00	40.00	40.00	4.00	155.00	8B	NO	NO
IRR MOD 39282	34	8	33W	2		4.00	29.00			6.00																	39.00	8B	NO	NO	

Comments:

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

TO: Files

DATE: November 2, 2017

FROM: Richelle A. Krueger

RE: Water Right
File No. 22,466

Craig Hills, on behalf of H and H Farms Inc., owner of the above referenced water right, filed an application for approval to change the place of use, point of diversion and use made of water for Water Right, File No. 22,466.

The referenced file number does not appear abandoned pursuant to K.S.A. 82a-718.

File No. 22,466 has no overlaps and is authorized 320 acre-feet at a diversion rate of 680 gallons per minute (all additional no limitations) for irrigation use on 208 acres located in Sections 27 and 34, Township 8 South, Range 33 West, Thomas County, Kansas. The water right owner proposes to convert 20 acre-feet (6.517 million gallons) of water from irrigation use to stockwatering use pursuant to K.A.R. 5-5-10 *Partial changes in the use made of water from irrigation to another type of beneficial use*. After application of the K.A.R. 5-5-10 regulation a total of 297 acre-feet of water will remain authorized by File No. 22,466 on the presently authorized well. Irrigation acres will be reduced to 194 acres. Thomas Co. 50% NIR with 85% efficiency is 1.33 acre-feet per acre, so the 297 acre-feet to be authorized by File No. 22,466 will irrigate the proposed 194 acres with 1.53 acre-feet which appears reasonable.

The water right owner also proposes to unstack the 20 acre-feet (6.517 million gallons) and 75 gallons per minute to be authorized for stockwatering use under File No. 22,466 pursuant to K.A.R. 5-5-16 *Additional wells*, moving the authorized quantity and rate to an existing battery of two stockwatering wells authorized by Water Right, File Nos. 34,041 and 34,044. The geocenter of the proposed battery of two wells, located 62 feet North and 614 feet West of the Southeast corner of Section 27, involves a distance move of approximately 944 feet. A July 21, 2017 pump test conducted by Northwest Kansas Groundwater Management District No. 4 staff indicated that the aquifer can pump a maximum of 692 gallons per minute (no rate reduction), so the requested 75 gallons per minute for the stockwatering well and the 605 gallons per minute to remain authorized for irrigation use appears reasonable.

The only wells within one-half mile of the geocenter of the proposed stockwatering battery is the irrigation well to remain authorized by File No. 22,466, an irrigation well authorized by Water Right, File No. 11,433 and a domestic well. The nearby well owners within one-half mile of the proposed existing battery of wells were notified of the proposed change by a letter dated October 11, 2017; no responses have been received as of today's date.

The proposed stockwatering place of use for File No. 22,466 will be the Southeast Quarter of the Southeast Quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 27 and the Northeast Quarter of the Northeast Quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 34 as shown on the map. The place of use will overlap Water Right, File Nos. 34,041 and 34,044. The total quantity to be authorized for stockwatering use, 16.46 m.g.y. (50.5 acre-feet), appears reasonable based on the number of head reported on past water use reports.

The local source of supply will not change, previously determined to be Ogallala Formation (211).

Approval of the application for File No. 22,466 will be subject to the condition that for the sole purpose of administering wells concerning direct impairment, the additional well shall be considered to have the priority of the date the application was filed (July 24, 2017) to add the additional well.

In a letter dated October 19, 2017 Ray Luhman, Manager of Northwest Kansas Groundwater Management District No. 4, indicated that the Board of Directors of GMD No. 4 recommended approval of the application.

In an e-mail dated October 26, 2017 Kelly Stewart, Water Commissioner of the Stockton Field Office, indicated no objection to approval of the application.

Water flow meters and water level measurement tubes are required. Check valves are required if chemigating.

Based on the above discussion, that the changes are reasonable, that impairment to existing water rights is unlikely, and that no change in the same local source of supply will occur, it has been recommended that the referenced application be approved.


Richelle A. Krueger
Environmental Scientist



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

November 13, 2017

H & H FARMS INC
CRAIG HILLS
PO BOX 564
COLBY KS 67701

FILE COPY

RE: Water Right, File No. 22,466

Dear Mr. Hills:

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.

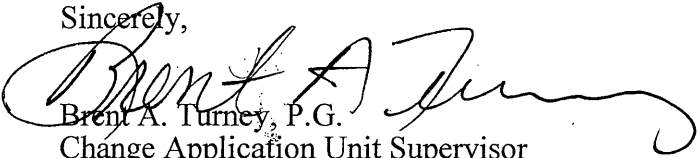
Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in this approval for change. A condition of this approval is that acceptable water flow meters must be installed on the diversion works authorized under the referenced file number. Please return the required notification of completion of the diversion works and/or installation of the required meters as soon as these actions are completed.

Please note that the application to change the point of diversion for File No. 22,466 is approved subject to the condition that for the sole purpose of administering wells concerning direct impairment, the additional well shall be considered to have the priority of the date the application was filed (July 24, 2017) to add the additional well. In addition, the Chief Engineer specifically retains jurisdiction in this matter with authority to review the approval of the additional well at intervals of no fewer than five years, and no more than ten years to determine if the total annual quantity of water actually being withdrawn by all wells authorized by the approval of application for change is exceeding the total annual quantity of water that could have been physically withdrawn if the additional well had not been approved, and based on the review, the Chief Engineer retains authority to make a reasonable reduction in the authorized quantity of water as may be deemed to be in the public interest.

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

If you have any questions, please contact this office. If you call, please reference the file number so we can help you more efficiently.

Sincerely,


Brent A. Turney, P.G.
Change Application Unit Supervisor
Water Appropriation Program

Enclosures

pc: Stockton Field Office
Groundwater Management District No. 4

SCANNED

The portion changed to stockwatering use shall be authorized from a point of diversion located as follows:

one (1) battery of two (2) wells with a geographic center located in the Southeast Quarter of the Southeast Quarter of the Southeast Quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 27, more particularly described as being near a point 62 feet North and 614 feet West of the Southeast corner of said section, in Township 8 South, Range 33 West, Thomas County, Kansas, at a diversion rate not in excess of 75 gallons per minute (0.16 c.f.s.) and a quantity not to exceed 6.517 million gallons (20 acre-feet) of water per calendar year,

for stockwatering use in the Southeast Quarter of the Southeast Quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 27 and the Northeast Quarter of the Northeast Quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 34, all in Township 8 South, Range 33 West, Thomas County, Kansas,

located substantially as shown on the map accompanying the application to change the place of use, point of diversion and use made of water.

The point of diversion described herein as a battery of two (2) wells is further limited such that the wells shall be located within a three hundred (300) foot radius circle, in the same local source of supply.

Installation of the works for diversion of water shall be completed on or before December 31, 2018, or within any authorized extension of time. The water right owner shall notify the Chief Engineer of the Division of Water Resources, Kansas Department of Agriculture when construction of the works for diversion has been completed.

All wells with a diversion rate of 100 gallons per minute or more drilled under the authority of this order 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.

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.

The Chief Engineer specifically retains jurisdiction in this matter with authority to review the approval of the additional well at intervals of no fewer than five years, and no more than ten years to determine if the total annual quantity of water actually being withdrawn by all wells authorized by the approval of application for change is exceeding the total annual quantity of water that could have been physically withdrawn if the additional well had not been approved, and based on the review, the Chief Engineer retains authority to make a reasonable reduction in the authorized quantity of water as may be deemed to be in the public interest.

In all other respects, the Certificate of Appropriation issued pursuant to Approval of Application, File No. 22,466, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated January 24, 1983, as modified and amended by the aforementioned order.

RIGHT TO A HEARING AND TO ADMINISTRATIVE REVIEW

If you are aggrieved by this Order, then pursuant to K.S.A. 82a-1901, you may:

- 1) request an evidentiary hearing before the Chief Engineer, or
- 2) request administrative review by the Secretary of Agriculture.

Failure to request an evidentiary hearing before the Chief Engineer does not preclude your right to administrative review by the Secretary.

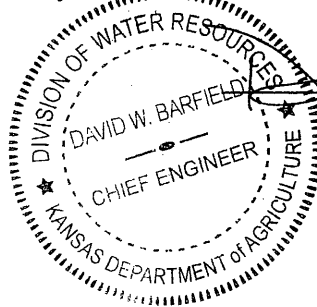
To obtain an evidentiary hearing before the Chief Engineer, a written request for hearing must be filed within 15 days after service of this Order as provided in K.S.A. 77-531 (i.e., within a total of 18 days after this Order was mailed to you), with the Kansas Department of Agriculture, Attn: Legal Section, 1320 Research Park Drive, Manhattan, Kansas 66502, or by FAX (785) 564-6777.

If you do not file a request for an evidentiary hearing before the Chief Engineer, you may petition for administrative review of the Order by the Secretary of Agriculture. A petition for review shall be in writing and state the basis for requesting administrative review. The request for review may be denied if the request fails to clearly establish factual or legal issues for review. See K.S.A. 77-527. The petition must be filed within 30 days after service of this Order as provided in K.S.A. 77-531 (i.e., within a total of 33 days after this Order was mailed to you), and be filed with the Secretary of Agriculture, Attn: Legal Division, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, or by FAX (785) 564-6777.

If neither a request for an evidentiary hearing nor a petition for administrative review is filed as set forth above, then this Order shall be effective and become a final agency action as defined in K.S.A. 77-607(b). Failure to timely request either an evidentiary hearing or administrative review may preclude further judicial review under the Kansas Judicial Review Act.

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 9th day of November, 2017, in Topeka, Shawnee County, Kansas.



David W. Barfield

 David W. Barfield, P.E.
 Chief Engineer
 Division of Water Resources
 Kansas Department of Agriculture

State of Kansas)
 County of Riley) SS

The foregoing instrument was acknowledged before me this 9th day of November, 2017, by David W. Barfield, P.E., Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.



Karen Hunter

 Notary Public

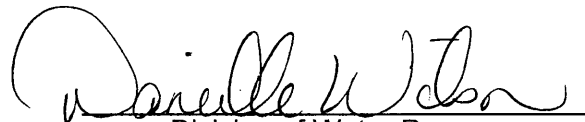
CERTIFICATE OF SERVICE

On this ^{13th} day of November, 2017, I hereby certify that the foregoing Approval of Application for Change in Place of Use, Point of Diversion and Use Made of Water, File No. 22,466, dated November 9, 2017 was mailed postage prepaid, first class, US mail to the following:

H & H FARMS INC
CRAIG HILLS
PO BOX 564
COLBY KS 67701

With photocopies to:

Stockton Field Office
Groundwater Management District No. 4


Division of Water Resources

Submit To: CHIEF ENGINEER
Division of Water Resources
Kansas Department of Agriculture
1320 Research Park Drive
Manhattan, KS 66502
http://agriculture.ks.gov/dwr

**APPLICATION FOR APPROVAL TO
CHANGE THE PLACE OF USE, THE
POINT OF DIVERSION OR THE USE
MADE OF THE WATER UNDER AN
EXISTING WATER RIGHT**



Filing Fee Must Accompany the Application
(Please refer to Fee Schedule on signature page of application form.)

Paragraph Nos. 1, 2, 3, 4 & 8 must be completed. Complete all other applicable portions. A topographic map or detailed plat showing the authorized and proposed points(s) of diversion and /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

JUL 24 2017

12:05

KS DEPT OF AGRICULTURE

File No. 22466

2. Name of applicant: H&H FARMS INC

Address: PO BOX 564

City, State and Zip: COLBY, KS 67701

Phone Number: (785)443-1075 E-mail address: _____

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

Name of water use correspondent: SAME

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 CONVERT 20 AF TO STK AND ADD AN ADDITIONAL WELL. ALSO ADD FEEDLOT AS STK PL/USE

The change(s) (was) (will be) completed by 12/31/2017 (Date)

For Office Use Only:													
F.O.	<u>3</u>	GMD	<u>4</u>	Meets K.A.R. 5-5-1	(<u>YES</u> / NO) Use	<u>IRR</u>	Source	<u>G/S</u> County	<u>TH</u>	By	<u>AW</u>	Date	<u>7/24/17</u>
Code	<u>C-3</u>	Fee \$	<u>700</u>	TR #		Receipt Date	<u>7/24/17</u>	Check #	<u>3702</u>				

APPLICATION COMPLETE
11/1/17
Recorder RAIL

7/28/17 DW

4. The presently authorized place of use is:

Owner of Land — NAME: H&H FARMS INC

ADDRESS: PO BOX 564 COLBY, KS 67701

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				
27	8	33											31				31	13	40	40	8	163
34	8	33	15	30																		45

List any other water rights that cover this place of use. _____

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: IRR: H&H FARMS INC

ADDRESS: PO BOX 564 COLBY, KS 67701

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				
27	8	33											31				31	9	40	40	4	155
34	8	33	4	29			6															39

List any other water rights that cover this place of use. _____

Owner of Land — NAME: STK: H&H FARMS INC STK USE IN SE SE 27 & NE NE 34-8-33

ADDRESS: PO BOX 564 COLBY, KS 67701

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. 34041 & 34044

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

197

- 6. The presently authorized point(s) of diversion is ONE WELL
(Provide description and number of points)
- 7. The proposed point(s) of diversion are TWO WELLS
(Provide description and number of points)

List all presently authorized point(s) of diversion:

8. **Presently authorized point of diversion:**
 One in the SE Quarter of the NE Quarter of the NE Quarter of Section 34, Township 8 South, Range 33 W, in THOMAS County, Kansas, 4490 feet North 210 feet West of Southeast corner of section.
 Authorized Rate 680 GPM Authorized Quantity 320 AF
 (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) Well Remains Authorized INR USE
 One in the SE Quarter of the NE Quarter of the NE Quarter of Section 34, Township 8 South, Range 33 W, in Thomas County, Kansas, 4490 feet North 210 feet West of Southeast corner of section.
 Proposed Rate 605 gpm Proposed Quantity 297 AF
 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 _____ Quarter of the _____ Quarter of the _____ Quarter of Section _____, Township _____ South, Range _____ 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) Geoctr Battery of 2 Wells STK USE
 One in the SE Quarter of the SE Quarter of the SE Quarter of Section 27, Township 8 South, Range 33 W, in THOMAS County, Kansas, 62 feet North 614 feet West of Southeast corner of section.
 Proposed Rate 75 GPM Proposed Quantity 20 AF
 This point is: Additional Well Geo Center List other water rights that will use this point 34041 & 34044

10. **Presently authorized point of diversion:**
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter of Section _____, Township _____ South, Range _____ 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 _____ W, in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section.
 Proposed Rate _____ Proposed Quantity _____
 This point is: Additional Well Geo Center List other water rights that will use this point _____

11. Describe the current condition of and future plans for any point(s) of diversion which will no longer be used WATER RESOURCES RECEIVED

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY JUL 24 2017

x per WRI S * RAC/DWR 10/10/17

12. The presently authorized use of water is for IRR purposes.
 It is proposed that the use be changed to IRR & STK purposes.
13. If changing the place of use and/or use made of water, describe how the consumptive use will not be increased.
KAR 5-5-10. PERFECTED ACRES = 202. 202 X 1.13 = 228.3 MAX CONVERTIBLE. REQUESTING CONVERSION
OF 20 AF TO STK. QTY REMAINING FOR IRR = 292 AF MAX ACRES = 194
COPY OF RATE TEST ATTACHED. * KAR 5-5-10 Calculation Effective 9/22/17
 1) 320 AF X 87.5% Thomas Co = 280 AF 2) 20 AF / 280 AF = 0.071428571 3) 1 - 0.071428571 =
 4) 0.928571429 X 320 AF = 297 AF Can keep for irrigation
 (Please show any calculations here.) * 297
14. It is requested that the maximum annual quantity of water be reduced to IRR-202 AF STK-20 AF (acre-feet or million gallons).
15. It is requested that the maximum rate of diversion of water be reduced to IRR-605 STK-75 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.
- If a change in the location of the point(s) of diversion is proposed, show:
 - 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.
 - 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.
 - 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.
 - 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 ACTUAL RE-DRILL. MOVING 20 AF TO EXISITNG STK BATTERY. NO IMPAIRMENT WILL OCCUR.

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.

ALL REGS ARE MET

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

* IRR Quantity Modified per KAR 5-5-10 calculation effective 9/22/17
 * RAK/dwn 10/10/17

METER COMPARISON TEST

File No. 22466

GMD

D.W.R. METER

Manufacturer GE
Serial 02490

Model PANAMETRICS
Meter Diameter 8.0 inches
.105 W.T.

Location of Meter:

5' downstream from COOLING COILS
1.5' upstream from VANES

Ending 6844 gal.
Beginning 200 gal.
Difference 6644 gal.
Time 9.6 min.
Rate 692.1 g.p.m.

APPLICANT'S METER

DID NOT CHECK

Manufacturer _____
Serial _____

Model _____
Meter Diameter _____ inches

Location of Meter:

_____ downstream from _____
_____ upstream from _____

Ending _____ gal.
Beginning _____ gal.
Difference _____ gal.
Time _____ min.
Rate _____ g.p.m.

COMMENTS: TEST FOR ADDITIONAL WELL

- Good Test
- Adequate Test
- Unacceptable Comparison
- No Comparison Possible

Tester: [Signature]
Date: 7/21/17

WATER RESOURCES RECEIVED

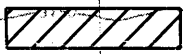
JUL 24 2017

1 : 24000

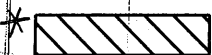
CHANGE PL/USE,
PT/DIV. USE TYPE
22466

CTR 27-8-33

CTR 34-8-33



PROPOSED IRR PL/USE



PROPOSED STK PL/USE

1 - PRESENT AND PROPOSED PT/DIV IRR
4429 FT N X 285 FT W (GPS)

2 - EXISTING PROPOSED GEO CTR STK
62 FT N X 614 FT W

3 - 11433

4 - DOMESTIC

MICHAEL BREMENKAMP
1546 COUNTY ROAD 23

GOLBY, KS 67701

** STK PU Modified per 10/9/17 e-mail
Mark Billinger / Stuckton FO & Down
2 records*

NO OTHER WELLS WITHIN 1/2 MILE.

REVIEWED AND APPROVED BY:

WATER RESOURCES
RECEIVED

DATE:

JUL 24 2017

** Pull down 10/9/17*

KS DEPT OF AGRICULTURE

SCANNED

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 COLBY, Kansas, this 21 day of JULY, 2017.

<u>H & A Farms Inc. Craig Hill & Les</u> (Owner)	<u>NA</u> (Spouse)
<u>Craig Hill</u> (Please Print)	 (Please Print)
 (Owner)	 (Spouse)
 (Please Print)	 (Please Print)
 (Owner)	 (Spouse)
 (Please Print)	 (Please Print)

State of Kansas }
County of Shoaras } SS



I hereby certify that the foregoing application was signed in my presence and sworn to before me this 21 day of July, 2017.

Rita R. Wade
Notary Public

My Commission Expires Jan 5, 2021

FEE SCHEDULE

Each application to change the place of use, the point of diversion or the use made of the water under this section shall be accompanied by the application fee set forth in the schedule below:

- (1) Application to change a point of diversion 300 feet or less \$100
- (2) Application to change a point of diversion more than 300 feet \$200
- (3) Application to change the place of use \$200
- (4) Application to change the use made of the water \$300

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

WATER RESOURCES RECEIVED

JUL 24 2017

KS DEPT OF AGRICULTURE SCANNED

Krueger, Richelle

From: Stewart, Kelly
Sent: Thursday, October 26, 2017 1:06 PM
To: Krueger, Richelle
Cc: Billinger, Mark; Hageman, Rebecca
Subject: RE: Request for Recommendation Change in pu pd umw File No. 22466 H and H Farms Inc Craig Hills

Richelle,

I would have no objection to the approval of this application provided the comment period doesn't result in some unforeseen issues.

Kelly

From: Krueger, Richelle
Sent: Wednesday, October 25, 2017 8:43 AM
To: Stewart, Kelly <Kelly.Stewart@ks.gov>
Cc: Billinger, Mark <Mark.Billinger@ks.gov>; Hageman, Rebecca <Rebecca.Hageman@ks.gov>
Subject: Request for Recommendation Change in pu pd umw File No. 22466 H and H Farms Inc Craig Hills

Hi Kelly,

Attached is a draft memo for the referenced change, the comment period for nearbys expires Oct 31, no comments so far. If there are no comments, do you recommend approval of this change in pd pu umw?

Thanks,
Richelle



**NORTHWEST KANSAS
GROUNDWATER MANAGEMENT
DISTRICT NO. 4**

1290 West 4th Street
P.O. Box 905
Colby, Kansas 67701-0905

October 19, 2017

Richelle Krueger
Division of Water Resources
1320 Research Park Drive
Manhattan KS 66502

RE: Applications: 22,466
H & H Farms, Inc.

Dear Richelle

The Northwest Kansas Groundwater Management District has reviewed the above referenced application and based on our records and the information supplied by the applicant, we have determined that the following recommendations be made to the Chief Engineer:
If you have any questions, please contact this office.

Approve application

Sincerely,

Ray Luhman
Manager

RPL: rw

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 11, 2017

NORTHWEST KANSAS GROUNDWATER
MANAGEMENT DISTRICT NO 4
ATTN RAY LUHMAN
PO BOX 905
COLBY KS 67701-0905

FILE COPY

Re: Water Right, File No. 22,466

Dear Ray:

We are enclosing a copy of the application to change the place of use, point of diversion and use made of water under Water Right, File No. 22,466.

We are delaying further action for a period of 15 days from the date of this letter to allow you time to submit your recommendations concerning this application.

Please submit your recommendations within the allowed time, or any authorized extension of time thereof. If you have any questions, please contact me at (785) 564-6635. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

A handwritten signature in cursive script that reads "Richelle A. Krueger".

Richelle A. Krueger
Environmental Scientist
Water Appropriation Program

Enclosures

pc: Stockton Field Office

SCANNED

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 11, 2017

MICHAEL & ELAINE BREMENKAMP
1546 COUNTY ROAD 23
COLBY KS 67701

FILE COPY

RE: Water Right
File No. 22,466

Dear Mr. and Mrs. Bremerkamp:


This is to advise you that Craig Hills, on behalf of H and H Farms, Inc., has filed an application for approval of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, to change the place of use, point of diversion and use made of water under the above referenced file number. The application proposes the following change in the point of diversion.

- from: one (1) well located in the Southeast Quarter of the Northeast Quarter of the Northeast Quarter (SE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 34, more particularly described as being near a point 4,490 feet North and 210 feet West of the Southeast corner of said section, in Township 8 South, Range 33 West, Thomas County, Kansas, at a diversion rate not in excess of 680 gallons per minute (1.51 c.f.s.) and in a quantity not to exceed 320 acre-feet of water per calendar year, for irrigation use,
- to: one (1) existing well located in the Southeast Quarter of the Northeast Quarter of the Northeast Quarter (SE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 34, more particularly described as being near a point 4,490 feet North and 210 feet West of the Southeast corner of said section, in Township 8 South, Range 33 West, Thomas County, Kansas, at a diversion rate not in excess of 605 gallons per minute (1.34 c.f.s.) and in a quantity not to exceed 297 acre-feet of water per calendar year, for irrigation use, and
- one (1) existing battery of two wells with a geographic center located in the Southeast Quarter of the Southeast Quarter of the Southeast Quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 27, more particularly described as being near a point 62 feet North and 614 feet West of the Southeast corner of said section, in Township 8 South, Range 33 West, Thomas County, Kansas, at a diversion rate not in excess of 75 gallons per minute (0.17 c.f.s.) and in a quantity not to exceed 20 acre-feet of water per calendar year, for stockwatering use.

A map is on the reverse of this letter for your information. You are being notified of this proposed change in the point of diversion so that you may furnish this office such comments or other information you may desire to submit. Such comments or other information must be received in this office within 15 days from the date of this letter.

If you have any questions, please contact me at (785) 564-6635 or Brent Turney, Change Application Unit Supervisor 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.

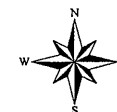
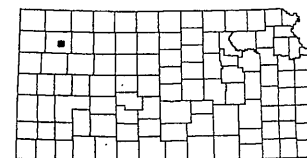
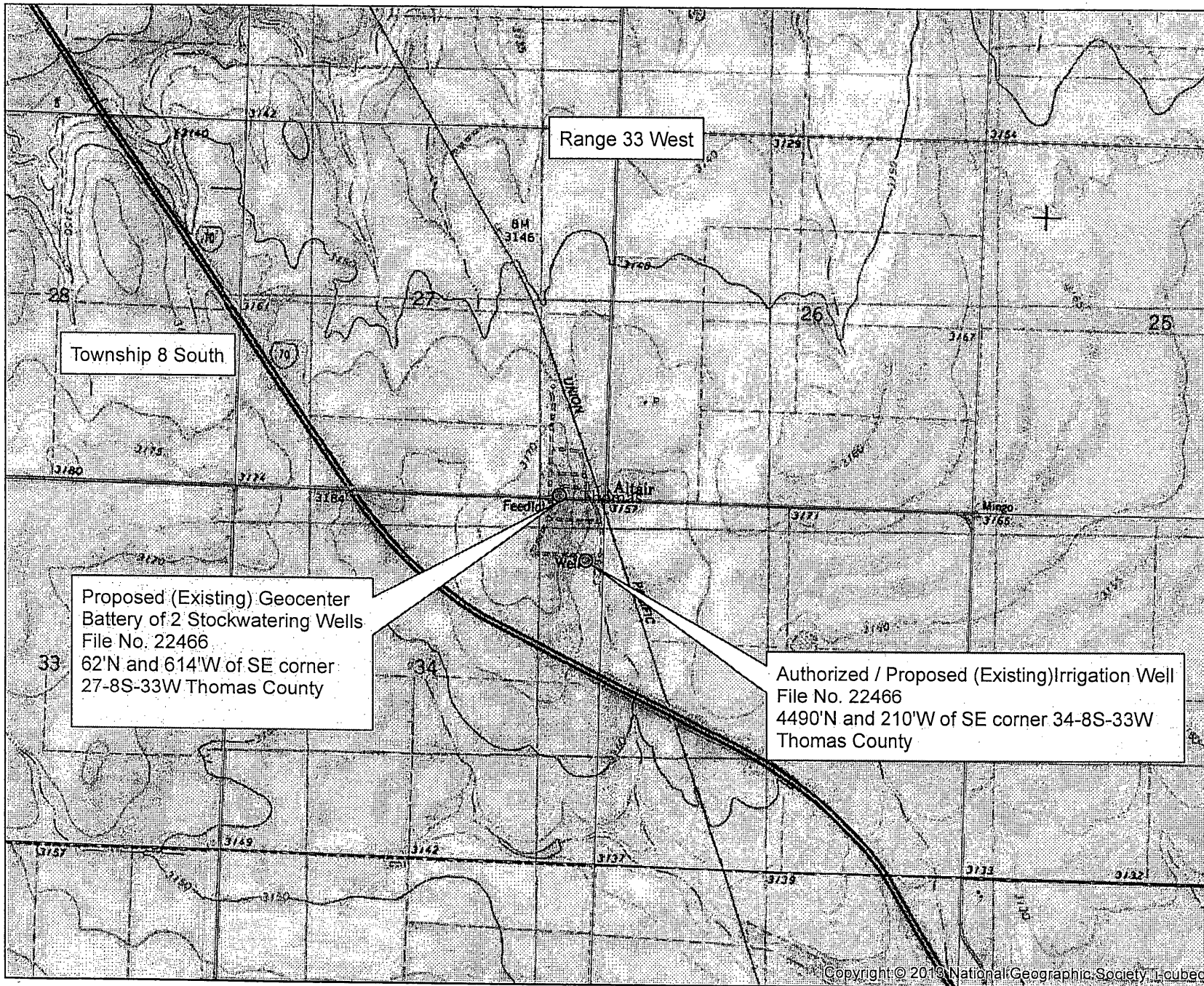
Sincerely,


Richelle A. Krueger
Environmental Scientist
Water Appropriation Program

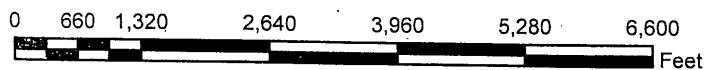
RAK
pc: Stockton Field Office
Groundwater Management District No. 4
Craig Hills, H and H Farms, Inc.

SCANNED

Proposed Change in PD PU UMW File No. 22466



1:24,000



This map was created by WIMAS on 10/10/2017 3:21:24 PM

Krueger, Richelle

From: Krueger, Richelle
Sent: Monday, October 9, 2017 12:28 PM
To: Billinger, Mark
Cc: Stewart, Kelly; Walters, Steven
Subject: RE: Changes in PD PU UMW File No. 22466 H and H Farms Craig Hills

Thanks Mark, this helps a lot! I will modify the application to reflect 297 AF for irrigation under the new reg and will modify the stock pu to match what we show in the file.

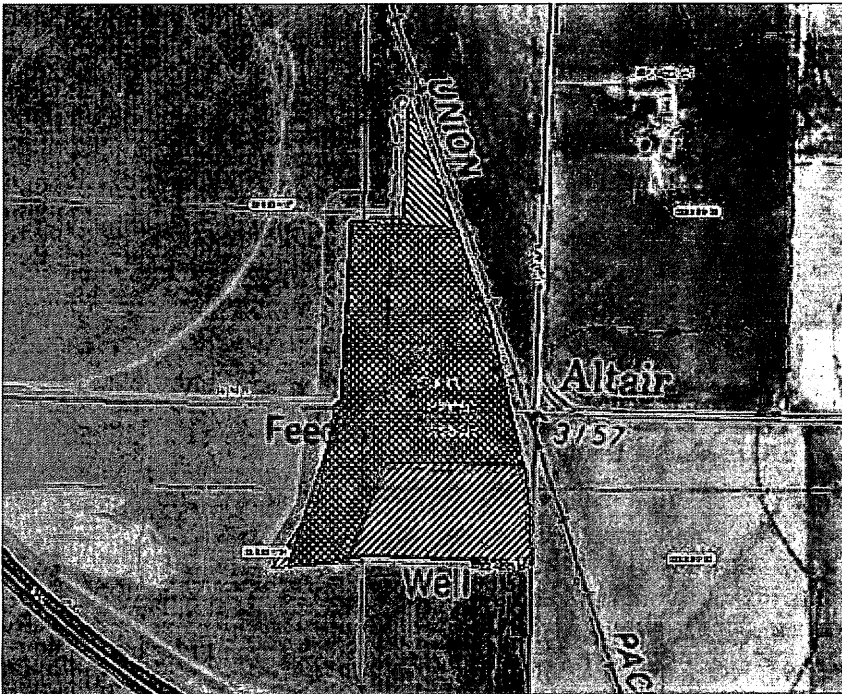
From: Billinger, Mark
Sent: Monday, October 9, 2017 11:55 AM
To: Krueger, Richelle <Richelle.Krueger@ks.gov>
Cc: Stewart, Kelly <Kelly.Stewart@ks.gov>; Walters, Steven <Steven.Walters@ks.gov>
Subject: RE: Changes in PD PU UMW File No. 22466 H and H Farms Craig Hills

202 base and perfected checks out

IRR PU is correct in section 34 as compared to PU change approved May 8, 2000

The STK PU is not identical but close. Original maps in water right files for 34,041 & 34,044 are not well done. Maybe they do not use the SE pen anymore, now using the north triangle at top? Not sure how close we need to be on those but you can make the call if you want to modify to make this a complete overlap if you need to. I made a quick map to compare below.

Rate test appears legit. Yes we are ok with those numbers. No LEMA will not be a factor at this time.



From: Krueger, Richelle
Sent: Monday, October 9, 2017 11:08 AM
To: Billinger, Mark <Mark.Billinger@ks.gov>
Cc: Stewart, Kelly <Kelly.Stewart@ks.gov>; Walters, Steven <Steven.Walters@ks.gov>
Subject: RE: Changes in PD PU UMW File No. 22466 H and H Farms Craig Hills

Good Morning Mark,

Hope your Monday is going well, pretty quiet here. Attached is copy of the application, I think Ray must have helped, I didn't know if he had talked to you guys or not on this...

Thanks,
Richelle

From: Billinger, Mark
Sent: Monday, October 9, 2017 10:56 AM
To: Krueger, Richelle <Richelle.Krueger@ks.gov>
Cc: Stewart, Kelly <Kelly.Stewart@ks.gov>; Walters, Steven <Steven.Walters@ks.gov>
Subject: RE: Changes in PD PU UMW File No. 22466 H and H Farms Craig Hills

Richelle,
Hey when I look in docuware I only see the front page of that application. Can you send us a scanned copy? I don't think anyone here assisted with that app, we are assuming Ray Luhman assisted?

Thanks,
Mark

From: Stewart, Kelly
Sent: Monday, October 9, 2017 10:33 AM
To: Billinger, Mark <Mark.Billinger@ks.gov>; Walters, Steven <Steven.Walters@ks.gov>
Subject: FW: Changes in PD PU UMW File No. 22466 H and H Farms Craig Hills

Could you guys collaborate and put together some answers for Richelle's questions? Thanks.

From: Krueger, Richelle
Sent: Thursday, October 5, 2017 2:32 PM
To: Stewart, Kelly <Kelly.Stewart@ks.gov>
Cc: Billinger, Mark <Mark.Billinger@ks.gov>; Hageman, Rebecca <Rebecca.Hageman@ks.gov>; Turney, Brent <Brent.Turney@ks.gov>
Subject: Changes in PD PU UMW File No. 22466 H and H Farms Craig Hills

Hi Kelly,

I am reviewing the referenced change which proposes a partial umw change to convert 20 AF from irr to stk. Now I know this will surprise you, but I have some questions....

- It appears they propose to overlap the proposed stockwatering pu of File No. 22466 with that of File Nos. 34041 and 34044 but the map doesn't appear to quite match. Would you mind comparing the map submitted with the application to what is shown in your files for File Nos. 34041 and 34044 and aerial photos and let me know if it needs modification-the microfilm images are no good. Same issue for irrigation pu in Section 34?
- If the perfected acres are 202 as stated on app the old 5-5-10 calculation would give them 292 AF for irrigation. Based on the new regulation it would appear they could keep 297 AF do you agree?



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

H&H FARMS

July 25, 2017

FILE COPY

PO BOX 564
COLBY, KS 67701

RE: File No 22466

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/PD/UMW
- point of diversion
- use made of water

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

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

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

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

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

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

Sincerely,

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

BAT: DLW
pc: STOCKTON Field Office GMD4