

File No. **34044** 11. County: TH Basin: NF SOLOMON RIVER Stream: Formation Code: 211 Special Use: NA

12. Points of Diversion										Rate and Quantity				
MOD DEL ENT	PDIV	Qualifier	S	T	R	ID	'N	'W	Comment	Authorized		Additional		Overlap PD Files
										Rate gpm	Quantity mgly	Rate gpm	Quantity mgly	
ENT	86088	SESE SE	27	85	33W		62	614	GEO CTR BATT ID <u>2023</u>	21	2.281	21	2.281	34041
ENT	3098	SWSE SE	27	85	33W	1	186	655	BATT 1 OF 2 WELLS BATT ID <u>2023</u>					34041
MOD	78619	NE NE NE	34	85	33W	6	5201	599	BATT 1 OF 2 WELLS BATT ID <u>2023</u>					34041

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) **NONE NO CHANGE**
 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
						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				
NO CHANGE																									

Comments:

Kansas Department of Agriculture
 Division of Water Resources
WAIVER REQUEST & WAIVER RULE WORKSHEET

File Number: 34,044

FO: 3

GMD: 4

WAIVER REQUEST:

UMW	Date Requested	Rule ID	Applies	Rule Type	Rule Subtype
IRR	1/13/2017	50	Statewide	Battery of Wells	Conversion to a Battery
Rule Number	Date Granted	Date Denied	Justification:	The wells are existing, having a location, rate and distribution system that meet the definition of a battery. No new wells will be drilled. Groundwater Management District No. 4 recommended approval with a waiver.	
K.A.R. 5-2-3	5/1/2017				

WAIVER RULE:

Rule ID	Applicability	Type	Subtype	Rule Number	Date Active	Date Inactive
				K.A.R.		

Date Prepared 4/14/2017 By LI

Date Entered 5/2/2017 By LLM

THE STATE



OF KANSAS

KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

**WAIVER OF REGULATION
K.A.R. 5-2-3 Battery of Wells**

Date: 5/1/17

RE: Water Right, File Nos. 34,041 & 34,044

1. That K.A.R. 5-2-3 states that once the time to complete the diversion works has expired, a change in point of diversion to create a battery of wells must meet the criteria for a new application to appropriate water, such as safe yield, allowable appropriation, or similar regulation, for a new well at that location or a specific regulation applicable to batteries of wells.
2. That the application to change the point of diversion has been requested under the referenced file and File No. 34,044, to operate as a battery of two(2) wells as the wells meet the physical definition of a battery, which will divert a combined total of 30.5 acre-feet at 72 gallons per minute for stockwatering use.
4. The rights are located within Groundwater Management District No. 4 which has a specific regulation for changing rights to a battery of wells, however the proposal doesn't meet any of the requirements.
5. The District has recommended approval of the applications for change and supported the requested waiver of regulation.
6. No new wells will be drilled, so the local source of supply will remain unchanged.
7. There will be no increase in the quantity of water diverted, and the change to a battery of two (2) wells will not impair existing water rights nor adversely affect the public interest.

Comments:

Handwritten signature of David W. Barfield in cursive.

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

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: April 14, 2017

FROM: Leslie Ireland

RE: Water Right, File Nos. 34,041 & 34,044

Craig Hills on behalf of H & H Farms Inc., has submitted applications to change the points of diversion to create a battery for stockwatering use. The applicant had Ray Luhman, Manager of the Northwest Kansas Groundwater District No. 4 assist with the applications. The applications were received on January 13, 2017.

The referenced files appear to comply with K.S.A. 82a-732 and K.A.R. 5-5-2a.

The change to a battery will facilitate the pumping of the combined total authorized quantity from either well for pumping flexibility.

The proposed change is to make the two (2) existing wells into a battery of two (2) wells. A review of the referenced files found that the spacing of the wells meet the spacing as defined for a battery, as the wells are approximately 261 feet apart. The senior right, File No. 34,041 is authorized 7 acre-feet and a rate not to exceed 21 gallons per minute with File No. 34,044 authorized 23.5 acre-feet and a rate not to exceed 51 gallons per minute for a combined total of 30.5 acre-feet (9.94 million gallons) and combined rate of 72 gallons per minute. The wells are located in the North Fork of the Solomon River Basin with their source of supply designated as the Ogallala Formation. The rights do not appear to be in a special use area, but are located within the boundaries of Northwest Kansas Groundwater District No. 4 (GMD 4).

The well under File No. 34,041, is located in Section 27, Township 8, South, Range 33, West, Thomas County will have its actual well location updated to the February 2009 GPS determined coordinates. The actual well location under File No. 34,041, is in the (SW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$) updated to 186 feet North and 655 feet West of the Southeast corner of Section 27. The well under File No. 34,044, located in the (NE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$) will be updated by the July 2011 compliance investigation to 5,201 feet North and 599 feet West of the Southeast corner of Section 32. The actual well locations appear to comply with K.A.R. 5-5-6, *Failure to construct diversion works at authorized location*, as the correction of the wells feet distances are less than 300 feet or the 50 foot allowance per the 2011 change approval for File No. 34,044. The GPS locations will result in a geographical center described as being 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. This geographical center will authorize a total of 9.94 million gallons (30.5 acre-feet) at 72 gallons per minute under File Nos. 34,041 & 34,044. Each right will remain with its authorized quantity and rate, so the applications were corrected, as a change cannot increase a rights quantity or rate.

The proposed existing wells meet the definition of a battery as per K.A.R. 5-1-1-(n), *Battery of wells*. The updated location of the wells indicates them to be 261 feet apart, placing them within a 300 foot radius of the proposed geocenter. The combined rate of 72 gallons per minute is less than the 800 gallons per minute maximum. Records do not specifically indicate the wells have distributed water through a common distribution system, but have been serving the same feedlot and feed manufacturing facility since they were authorized in the 80's.

The proposed changes do not comply with K.A.R. 5-2-3; *Battery of wells*, specifically part (b)(1); which states that once the time to complete the diversion works has expired, a change in point of diversion to create a battery of wells must meet the criteria for a new application to appropriate water, such as safe yield, allowable appropriation or similar regulation for a new well at that location. The wells are located in GMD 4, who has a specific regulation for the allowance of changes regarding batteries, in part (c)(1) of K.A.R. 5-24-6, *Changes in points of diversion*. It appears a safe yield determination by WIMAS show the area is over appropriated and closed to new appropriations, however the referenced files were the last to rights approved in the area and it would appear they were approved as 25 acre-foot exemptions. Under this old regulation it would appear the rights could have met part (b)(2) of K.A.R. 5-2-3 and K.A.R. 5-24-6. In a letter received on April 7, 2017, Ray Luhman, Manager of GMD 4, indicated the District recommends a waiver of K.A.R. 5-2-3, supporting the approval of the applications. **Waivers of K.A.R. 5-2-3 and K.A.R. 5-24-6**, have been prepared as recommend by GMD 4. Additionally, the wells are existing, so no new wells will be drilled. The wells serve the feedlot facility.

There are two(2) irrigation wells located within one-half ($\frac{1}{2}$) mile of the proposed geographical center. The closest irrigation well, under File No. 22,466, is owned by the applicant. The irrigation well under File No. 11,433, was indicated by WRIS to be approximately 1,867 feet to the East. The proposed battery authorizing 30.2 acre-feet requires 1,400 feet of well to well spacing per part (a)(1)(B) of K.A.R. 5-24-3, *Well spacing*. The applications comply with part 5 of this regulation.

Kelly Stewart, Water Commissioner, Stockton Field Office recommended approval of the referenced applications and supported the waiver of K.A.R. 5-2-3 and 5-24-6, per his e-mail dated April 12, 2017.

A water flowmeter will be required on the proposed battery. Check valves will also be required if chemigating. Water level measurement tubes and a WWC-5 are not applicable to the changes, as no new wells will be drilled.

Based on the above discussion, that a waiver of K.A.R. 5-2-3, *Battery of wells* is approved, the changes appears to be reasonable, impairment to nearby water rights is unlikely and that no change in the local source of supply will occur, it is recommended that the referenced applications be approved.



Leslie Ireland
Environmental Scientist
Water Appropriation Program

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



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

Jackie McClaskey, Secretary

May 2, 2017

Governor Sam Brownback

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

FILE COPY

RE: Water Right, File Nos. 34,041 & 34,044

Dear Mr. Hills:

Enclosed are the orders executed by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the applications for change under the files referenced above.

Your attention is directed to the enclosures, terms, and the conditions specified in the approvals for change. A condition of the approvals is that an acceptable water flowmeter must be installed on the diversion works authorized. Please return the required and the enclosed form, Notification of the Completion of the Diversion Works to acknowledge the approval and upon completion of battery that will be authorized under both files.

Since these orders modify the original document referred to above, they should be recorded with the Register of Deeds as other instruments affecting real estate.

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, P.G.
Change Application Unit Supervisor

BAT:LI:li:

Enclosures

pc: Stockton Field Office
Groundwater Management District No. 4

**KANSAS DEPARTMENT OF AGRICULTURE**

Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES

David W. Barfield, Chief Engineer

**APPROVAL OF APPLICATION
FOR
CHANGE IN POINT OF DIVERSION
WATER RIGHT
FILE NO. 34,044**

FILE COPY

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Craig Hills on behalf of H & H Farms, Inc., PO Box 564, Colby, Kansas 67701, received in this office on January 13, 2017, for approval of a change in the location of the point of diversion under the certificate of appropriation issued pursuant to the application for permit to appropriate water for beneficial use, as modified and amended by the Order of the Chief Engineer dated May 16, 2011, approving the application to change the point of diversion, finds that the change is reasonable and will not impair existing rights, that the change relates to the same local source of supply 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 point of diversion authorized for stockwatering shall be:

a 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,

located substantially as shown on the topographic map accompanying the application to change the point of diversion.

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.

That the battery of wells authorized herein shall be located within a three hundred (300) foot radius circle and be in the same local source of supply.

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.

Installation of the works for diversion of water shall be completed on or before December 31, 2017 or within any authorized extension of time. The applicant 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.

In all other respects, the Certificate of Appropriation issued pursuant to Approval of Application, File No. 34,044, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated August 3, 1989, as modified and amended by the aforementioned order.

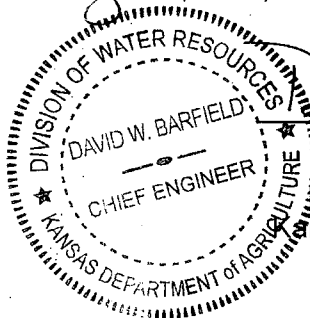
This Order shall become a final agency action, as defined by K.S.A. 77-607(b), without further notice to the parties, if a request for hearing or a petition for administrative review is not filed as set forth below.

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 1st day of May, 2017, at 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)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this 1st day of May, 2017, by David W. Barfield, P.E., Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.



Karen Hunter
Notary Public

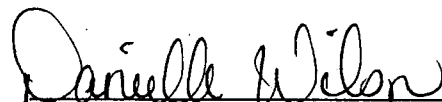
CERTIFICATE OF SERVICE

On this *2nd* day of *May*, 2017, I hereby certify that the attached Approval of Application for Change in Point of Diversion, Water Right, File No. 34,044, dated *May 1, 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 a Photocopy 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**



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

- Place of Use
 Point of Diversion
 Use Made of Water

(Check one or more)

WATER RESOURCES
RECEIVED

JAN 13 2017

12:46

KS DEPT OF AGRICULTURE

File No. 34044

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 COMBINE 34041 & 34044 INTO A 2 WELL BATTERY

The change(s) (was) completed by COMPLETE

(Date)

For Office Use Only:

F.O. 3 GMD 4 Meets K.A.R. 5-5-1 (YES/NO) Use STK Source G/S County TH By ASW Date 1/13/17
Code CGT Fee \$ 100 TR # _____ Receipt Date 1/13/17 Check # 13504

APPLICATION COMPLETE

4/7/17
Reviewer LE

1/19/2017 LM

SCANNED

4. The presently authorized place of use is:

Owner of Land — NAME: 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	
27	8	33																	
34	8	33																	

List any other water rights that cover this place of use. 34041

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: NO CHANGE PL/USE

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. _____

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 MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

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

7. The proposed point(s) of diversion (is) (are) A BATTERY OF 2 WELLS
(Provide description and number of points)

List all presently authorized point(s) of diversion:

8. **Presently authorized point of diversion:**
 One in the NE Quarter of the NE Quarter of the NE Quarter of Section 34, Township 8 South, Range 33 W, in THOMAS County, Kansas, 5201 feet North 599 feet West of Southeast corner of section.
 Authorized Rate 51 GPM Authorized Quantity 23.5 AF *REMAIN NE AUTHORIZED QUANTITY*
 (DWR use only: Computer ID No. _____ GPS HSTED ABOVE feet North _____ feet West)
 This point will not be changed This point will be changed as follows: *PER 7/11 COMPLIANCE INVESTIGATION*
Proposed point of diversion: (Complete only if change is requested)
 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 72 GPM Proposed Quantity 30.5 *WHEN COMBINED WITH FILE NO. 34041*
 This point is: Additional Well Geo Center List other water rights that will use this point 34041

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)
 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 _____

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

LI/DWR 3/6/17

JAN 13 2017

12. The presently authorized use of water is for STK 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.

(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 ACTUAL RE-DRILL. 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.

REQUEST A WAIVER OF KAR 5-2-3 & KAR 5-24-6. WELLS ARE NOW OPERATED AS A BATTERY.

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

2-10-90 1:19 PM

5/10/93 1:43

2-10-90 1:19 PM

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 9th day of Jan, 2017.

[Signature]
(Owner)

(Spouse)

(Please Print)

(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

State of Kansas

County of _____



I hereby certify that the foregoing application was signed in my presence and sworn to before me this 9 day of January, 2017.

[Signature]
Notary Public

My Commission Expires January 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

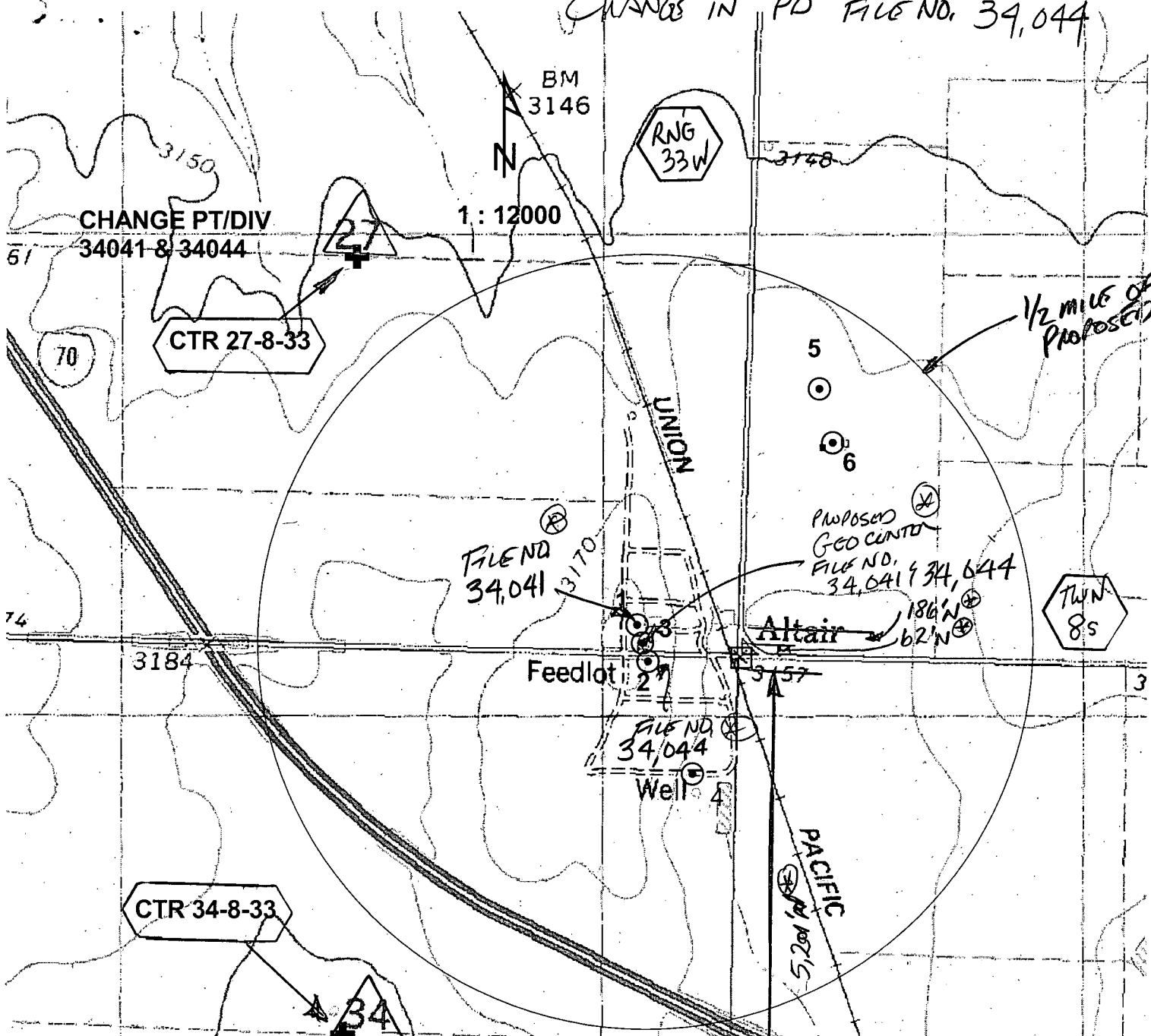
Make check payable to **Kansas Department of Agriculture.**

WATER RESOURCES
RECEIVED

JAN 13 2017

KS DEPT OF AGRICULTURE
SCANNED

CHANGES IN PD FILE NO. 34,044



- 1 - PRESENT 34041 & PROPOSED BATT WELL
186 FT N X 655 FT W
 - 2 - PRESENT 34044 & PROPOSED BATT WELL
5201 FT N X 599 FT W
 - 3 - PROPOSED BATT GEO CTR FILE NOS 34,041 & 34,044
62 FT N X 614 FT W - SEC 27, TWN 8, RNG 33W
 - 4 - 22466 - APPLICANT
 - 5 - 11433
 - 6 - DOMESTIC
- BOTH: MIKE BREMENKAMP
1546 COUNTY RD 23
COLBY, KS 67701

ALL WELLS WITHIN 1/2 MILE ARE PLOTTED.

SIGNATURE: *[Handwritten Signature]*
DATE: *4-9-17*

WATER RESOURCES RECEIVED
JAN 13 2017
3/6/17
3139

Ireland, Leslie

From: Stewart, Kelly
Sent: Wednesday, April 12, 2017 9:22 AM
To: Ireland, Leslie
Cc: Billinger, Mark; Hageman, Rebecca
Subject: RE: Recommendation for Change in PD, File Nos. 34,041 & 34,044, H&H Farms

Leslie,

I have no objection to the approval of these applications and the waiver.

Kelly

From: Ireland, Leslie
Sent: Tuesday, April 11, 2017 10:34 AM
To: Stewart, Kelly <Kelly.Stewart@ks.gov>
Cc: Billinger, Mark <Mark.Billinger@ks.gov>
Subject: Recommendation for Change in PD, File Nos. 34,041 & 34,044, H&H Farms

Kelly,

Please let me know if you could recommend these changes that will create a battery of wells under these rights, with the GMD recommended waivers.

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



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

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

April 3, 2017

Leslie Ireland
Division of Water Resources
1320 Research Park Drive
Manhattan KS 66502

RE: Applications: 34,041 and 34,044
H & H Farms, Inc.

Dear Leslie

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:

Waive KAR 5-2-3 and KAR 5-24-6. Approve applications.

If you have any questions, please contact this office.

Sincerely,

Ray Luhman
Manager

RPL: rw

WATER RESOURCES
RECEIVED

APR 07 2017

KS DEPT OF AGRICULTURE

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

March 29, 2017

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

Re: Water Right, File Nos. 34,041 & 34,044

Dear Mr. Luhman:

We are enclosing copies of applications for change in point of diversion under the referenced files which appear to be in proper form. We did not receive any comments to the notification letters that were sent to the nearby well owners.

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

Please submit your recommendation within the allotted time, or any authorized extension of time thereof. If you wish to refer to a specific file, please reference it when you contact us.

Sincerely,

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

Leslie Ireland
Environmental Scientist
Water Appropriation Program

LI:li

Enclosures

pc: Stockton Field Office
Craig Hill, H & H Farms, Inc.

FILE COPY
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

March 14, 2017

MIKE & ELAINE BREMENKAMP
1546 COUNTY ROAD 23
COLBY KS 67701

RE: Water Right, File Nos. 34,041 & 34,044

Dear Sir or Madam:

This is to advise you that Craig Hills on behalf of H & H Farms, Inc., has filed applications for approval of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, to change the point of diversion under each of the above referenced files.

The applications propose the following change in point of diversion to overlap the existing wells to create a battery of two (2) wells:

from: one (1) well located in located in the Southwest Quarter of the Southeast Quarter of the Southeast Quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 27, more particularly described as being near a point 186 feet North and 655 feet West of the Southeast corner of said section, authorized under File No. 34,041 and,

one (1) well located in located Northeast Quarter of the Northeast Quarter of the Northeast Quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 34, more particularly described as being near a point 5,201 feet North and 599 feet West of the Southeast corner of said section, authorized under File No. 34,044,

to: a battery of two (2) wells with a geographical center located 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,

all in Township 8 South, Range 33 West, Thomas County Kansas

SCANNED

FILE COPY

RE: Water Right, File Nos. 34,041 & 34,044

You are being notified of the proposed changes so that you may furnish this office written comments or other information you may desire to submit. Such written 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 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,



Leslie Ireland
Environmental Scientist
Water Appropriation Program

pc: Stockton Field Office
Groundwater Management District No. 4
Craig Hill, H & H Farms Inc.

DIVISION OF WATER RESOURCES-KANSAS DEPARTMENT OF AGRICULTURE
COMPLIANCE INVESTIGATION

Field Office No. _____ G.M.D. No. _____ County TH

File No. 34044 Overlap P/D or P/U File No(s). 34041

Agency DWR Inspector MEANS

In Compliance/ Date	
<input checked="" type="checkbox"/>	Yes <u>7-14-11</u>
<input type="checkbox"/>	No, see comments _____
<input type="checkbox"/>	Re-investigation _____

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

Date of Order 5-16-11 Date of N of C Ack 6-1-11 Chg No. C 1 Date completed _____ If PD chg, old PD ID 5

Current Landowner H&H Farms Inc. Phone No. (785) 443-1075

Address Craig Hills PO Box 564 Colby, KS 67701

Additional landowners and addresses identified in remarks section.

Water Use Correspondent Same as above Phone No. _____

Authorized Water Use Classification: Domestic Industrial Irrigation Municipal Hydraulic Dredging
 Recreation Stockwatering Water Power Artificial Recharge Contamination Remediation
 Dewatering Fire Protection Thermal Exchange Sediment Control Other _____

Water currently being used for STK

Source: Groundwater Surface Water Basin/Stream N.F. Solomon

Authorized Point of Diversion: NE NE NE Sec. 34 T. 8 S. R. 33 W ID No. 6

Approximately 5214 ft. North and 598 ft. West of SE corner of Sec 34

Actual Point of Diversion: NE NE NE Sec. 34 T. 8 S. R. 33 W

Approximately 5201 ft. North and 599 ft. West of SE corner of Sec 34

How were distances determined? GPS/LEO Latitude 39.32141° Longitude 100.98254°

Distance from old pd 32 ft (N/S) and 82 ft (E/W) Old well: plugged capped equipped other: _____ ?

Location (site) map attached? Y/N Sketch or Map below

Comments: _____

13 1
13

WATER RESOURCES
RECEIVED
AUG 10 2011
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

January 18, 2017

H & H FARMS INC
PO BOX 564
COLBY, KS

FILE COPY

RE: File No. 34044

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 PD
- 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 GMD 4