Stockton Field Office 820 S. Walnut Stockton, KS 67669-0192



Phone: 785-425-6787 Fax: 785-425-6842 www.agriculture.ks.gov

Mike Beam, Secretary

Laura Kelly, Governor

September 29, 2020

DAN HAFFNER RT 2 BOX 49 HOXIE, KS 67740

Re:

Appropriation of Water, File No. 48,223

Dear Mr. Haffner:

Enclosed is the order executed by Chris Beightel, Acting 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 terms, conditions, and limitations specified in this approval for change. Also, the approval of the order requires the installation of a water flow meter(s) on the point(s) of diversion authorized under the above referenced file number by **December 31, 2021**. Please complete and return the enclosed Notice of Completion of Diversion Works when a water flow meter has been installed. A copy of the Chief Engineer's specifications for the water flow meters are found in K.A.R. 5-1-4 through K.A.R. 5-1-12 along with a partial list of those flow meters found to be acceptable for installation in Kansas can be found on our website at the following web address:

http://agriculture.ks.gov/meters

Please note that all meters must be installed and maintained in accordance with the specifications for water flow meters referenced above.

The abandoned water well must be plugged in accordance with the requirements of Article 30 of the Rules and Regulations as adopted by the Kansas Department of Health and Environment (KDHE). If the well is to be retained by the landowner for other purposes, a copy of the legal transfer of responsibility for maintenance of the well must be forwarded to KDHE Geology Section, 1000 SW Jackson, Suite 420, Topeka, Kansas 66612, telephone number (785) 296-5524. More information is available online at: <a href="http://kdheks.gov/waterwell">http://kdheks.gov/waterwell</a>

Since this order modifies the original certificate, it should be recorded with the Register of Deeds just as other legal documents affecting real estate. Such records are maintained at the Register of Deeds Office in the county wherein the place of use is located.

This document is a summary order by this agency regarding this matter. This order shall become final if a request for a hearing is not filed with the Chief Engineer within 15 days of the date of service of this order.

If you have any questions, please feel free to contact this office at (785)425-6787. If you wish to refer to a specific file, please reference it when you contact us.

Sincerely,

Mark Billinger

Assistant Water Commissioner

While Bily

MB:rfh Enclosures pc: G.M.D.4

### **CERTIFICATE OF SERVICE**

On this 29<sup>th</sup> day of September, 2020, I hereby certify that the attached <u>SUMMARY ORDER APPROVING APPLICATION FOR CHANGE in POINT OF DIVERSION</u> for appropriation of water, File No. 48,223, dated on the 29<sup>th</sup> day of September, 2020, was mailed postage prepaid, first class, U.S. mail, to the following:

DAN HAFFNER RT 2 BOX 49 HOXIE, KS 67740

Polecia Hagewier

A copy of the Change Approval was sent to the following:

Groundwater Management District No. 4 P.O. Box 905 Colby, KS 67701

Submit completed application to: Kansas Department of Agriculture Division of Water Resources Field Office for your area. Call for address:

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

of diversion and/or place of use

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



#### STATE OF KANSAS

## NATER METER REQUIRED

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

Paragraph Nos. 1, 2, 3 & 5 must be completed. Complete all other applicable portions. If change in point of diversion is greater than 100 feet, or if place of use will be changed, include a topographic map or detailed plat showing the authorized and proposed point(s)

APPLICATION COMPLETE
9 /24 /2020
Reviewer MB

	CISIOIT	and of p		b I			File No	o. <u>48,2</u>	23	41: C	10 4 10	S10-70		ile o			F	SEP 2	EIVED 132 PM 18 2020
1. <i>F</i>	Application is hereby made for approval of the Chief Engineer to change the (check one or both):  □ Place of Use □ Point of Diversion												Stockton Field Office Division of Water Resource						
ι	nder th	e water	right v	vhich i	s the s	ubject	of this	applic	cation	in acco	ordanc	e with	the co	ndition	s desc	cribed	below.		
Ţ	he sou	rce of s	upply i	s:		$\boxtimes$	Ground	water			Surfa	ce wat	er						
	Name and address of Applicant: <u>Dan Haffner</u> RT 2 Box 49 Hoxie, KS 67740																		
_	Phone Number: (785)657-1299 Email address: dhaffner@ruraltel.net																		
<u> </u>	lame ar RT 2 Bo	x 49 H	oxie, K	S 677	40	orresp	onder	nt: <u>Da</u> ı	n Haffr	ner	turi v					12			i date of
	hone N								Email	addre	ss: <u>dh</u>	affner	@rural	tel.net					
	The presently authorized place of use is:																		
C	Owner of Land         NAME:         A. Dan Haffner         B. Pat J Haffner           ADDRESS:         RT 2 Box 49 Hoxie, KS 67740         7380 E Road 10 S Hoxie, KS 67740-4116																		
(1	f there is											<u>′380 E</u>	Road	10 S	Hoxie,	KS 6	7740-4	1116	
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	of Section	7	, Township		9	South,	Range	27		W,
1	in <u>Sheridan</u>	Cou	ınty, Kansas,	2,840 fe	et North _	400 fe	et West of	Southeast co	rner of s	section.
	Authorized Rate	800 gpm	_ Authorized C	uantity	335 AF	Depth of	well	n/a	(feet)	
	(DWR use only:	Computer ID	No. <u>5</u>	GPS _		feet No	rth	feet	West)	
	☐This point will n	ot be changed	$oxtimes$ This point will ${}^{ m t}$	oe changed as	s follows:	No change,	point better	described with	GPS as 1	follows:
	Proposed point	of diversion: (	Complete only	if change is	s requeste	ed or if existi	ng point is	<u>s better desci</u>	ribed by	<u>/ GPS)</u>
	One in the	Southeast	Quarter of	the <u>S</u>	outheast	Quarte	r of the	Northeast		Quarter
	of Section	7	, Township		9	South,	Range	27		VV,
	in <u>Sheridan</u>	Cou	ınty, Kansas,	2,783 fe	et North _	<u>549</u> fe	et West of	Southeast co	rner of s	section.
	Proposed Rate _									
	This point is:	Additional Well	⊠ Geo Cente	er List other	r water righ	nts that will us	se this poin	t <u>None.</u>		· .
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14. If the proposed groundwater point of diversion is 300 or fewer feet (	from the existing point of diversion, complete the following:
<ul> <li>(a) Does the undersigned represent all owners of the currently aut</li> <li>☑ Yes</li> <li>☑ No</li> <li>(If no, all owners must sign this app</li> </ul>	fiorized place(s) of use identified in this application? lication.)
<ul> <li>(b) Will the ownership interest of any owner of the currently authors affected if this application is approved as requested?</li> <li>☐ Yes</li> <li>☒ No</li> <li>(If yes, all owners must sign this application)</li> </ul>	The control of the same of the second of the
(c) If this application is not approved expeditiously, will there be su ☐ Yes ☐ No (If no, all owners must sign this appl	ibstantial damage to property, public health or safety? lication.)
If the application proposes a surface water change in point of diversion, or a change in place of use, the application must be signed by all owner agent (attach notarized statement authorizing representation).	a groundwater change in point of diversion greater than 300 feet, is of the currently authorized place of use, or their duly authorized
I hereby verify, being first duly sworn upon my oath or affire age and the owner, the spouse of the owner, or a duly author their behalf, in regards to the water right(s) to which this appointment in this application are true, correct and complete.  Dated at Hoxie :	prized agent of the owner(s) to make this application on opplication pertains. I further verify that the statements
Dated at 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	s_ro
(Owner)	(Spouse)
(Please Print)	(Please Print) RECEIVED
(Owner)	(Spouse) SEP 2 8 2020
(Please Print)	(Please Print) Stockton Field Office Division of Water Resources
(Owner)	(Spouse)
(Please Print)	(Please Print)
State of Kansas  County of Sheridan	as formation with
I hereby certify that the foregoing application was signed in	my presence and sworn to before me this 15th day
HEID My April Ev	BLIC - State of Kansas DI HAFFNER  pires 88-12-2/
My Commission Expires 199-12-2	piles Corp & Cor
ONLY COMPLETE APPLICATIONS WILL BE PROCESSED. To be complete, a accurate information; maps, if necessary, must be included; signatures of all the the appropriate fee must be paid.	If of the applicable portions of the application form must be completed with appropriate owners' must be affixed to the application and notarized; and
FEE SCHED	DULE
Each application to change the place of use or the point of diversion und forth in the schedule below: Make checks payable to: Kansas Departn (1) Application to change a point of diversion 300 feet or less. (2) Application to change a point of diversion more than 300 feet (3) Application to change the place of use	nent of Agriculture\$100 et\$200

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1.4. It this proposed groundwaler point of diversion is 360 or lesser ties to	the existing pulled of coveragint, confidence one limitaring.
<ul> <li>(a) Does the undersigned represent all owners of the currently auting Yes ☐ No (If no, all owners must sign this appliance)</li> </ul>	
<ul> <li>(b) Will the ownership interest of any owner of the currently authoraffected if this application is approved as requested?</li> <li>☐ Yes</li> <li>☒ No</li> <li>(If yes, all owners must sign this application)</li> </ul>	The first of a read of the part of the first
(c) it this application is not approved expeditiously, will there be sub.  If yes No (If no, all owners must sign this applie	
If the application proposes a surface water change in point of diversion, a or a change in place of use, the application must be signed by all owners agent (attach notarized statement authorizing representation).	a groundwater change in point of diversion greater than 300 feet, of the currently authorized place of use, or their duly authorized
I hereby verify, being first duly sworn upon my oath or affirm age and the owner, the spouse of the owner, or a duly author their behalf, in regards to the water right(s) to which this appointment in this application are true, correct and complete.  Dated at Sept 21 200, Kansas, this	rized agent of the owner(s) to make this application on
(Owner)	(Spouse)
////lease Print)	(Please Print)
Cha Million	,
(Owner)	(Spouse) RECEIVED SEP 2.8 2020
V	SEP 2 8 2020
(Please Print)	C <sub>1</sub>
(Owner)	Division of Water Resources  (Spouse)
(Please Print)	(Please Print)
State of Kansas ) SS	
County of	2.1
I hereby certify that the foregoing application was signed in of Sept.	my presence and sworn to before me this 🗹 📗 day
My Commission Expires 7-7-2024  NOTARY PU  ALEG  My Appt Exp	BLIC - State of Kansas CYA BOESE Oires 7-7-2624
ONLY COMPLETE APPLICATIONS WILL BE PROCESSED. To be complete, a accurate information; maps, if necessary, must be included; signatures of all the the appropriate fee must be paid.	of the applicable portions of the application form must be completed with appropriate owners' must be affixed to the application and notarized; and
FEE SCHED	
Each application to change the place of use or the point of diversion und forth in the schedule below: Make checks payable to: Kansas Departm (1) Application to change a point of diversion 300 feet or less. (2) Application to change a point of diversion more than 300 feet (3) Application to change the place of use	tent of Agriculture

#### APPLICATION FOR APPROVAL TO CHANGE THE PLACE OF USE AND/OR POINT OF DIVERSION SUPPLEMENTAL SHEET

RECEIVED

		FILE NO	O. <u>48,223</u>	A Company of the Comp	Stockton Field Division of Water R	to lating is pr
Presently auth	norized point of	diversion:	24	Quarter of the	Wision of Water D	Office
One in the	Southeast	Quarter of the	Southeast	Quarter of the	Northeast	Olester
of Section	7	Township	9	South, Range	27	Quarter
in Sheridan	Col	inty Kansas 3 040	feet North	600 feet West of	Southeast corner	of section
				Depth of well		
				feet North		
				☐ No change, point better		
-				d or if existing point is		
				Quarter of the		
				South, Range		
				695 feet West of		
Proposed Rate		Proposed Quantity	166( 140(11)	Proposed well depth	(foot)	or section.
This point is:	7 Additional Woll	_ Proposed Quantity	other water righ	ts that will use this poin	(leet)	One stage
This point is. L		☐ Geo Center List	other water rigi	its that will use this poin		THE
Presently auth	norized point of	diversion:	4010040	A NOVI LE SENSO SESSO	the Control	Fish, 7
			F2	Quarter of the	F2 100	Quarter
of Section	7	Township	9	South, Range	27	Quarter
				600 feet West of		
Authorized Rat		Authorized Quantity	TOCK TOTAL	Depth of well	(feet	or section.
/DWR use onl	v: Computer ID	No 7 G	PS	feet North	foot Wes	et)
				No change, point better		
				d or if existing point is		
				Quarter of the		
				South, Range		
				50util, realige 749 feet West of		
				Proposed well depth		
This point is:	7 Additional Wall	Froposed Quartity	other weter righ	ts that will use this poin	(leet)	7.1.17.7.1
THIS POINT IS. L		☐ Geo Center Fist	other water rigi	its triat will use triis poil	2 2 7 778 1 16	et transfer and the
Presently auth	norized point of	diversion:	7 8 8 9 9 9 9 1		1 10 11 11 11 11	
				Quarter of the	CE	Quarter
of Section	7	Township	9 11 7	South, Range	27	W
				200 feet West of		
Authorized Rat	te	Authorized Quantity	ir enodev inčva	Depth of well	(feet	
				feet North		
				No change, point better		
The same of the sa		to a Valorian control of the control		ed or if existing point is		
				Quarter of the		
				South, Range		
				440 feet West of		
				Proposed well depth		
This point is:	Additional Well	Troposed edantity	other water righ	nts that will use this poin	1 (IEEI)	
Triis point is. L		Oco Center List	Other water rigi	its that will use this poin	ally Commission and the	<del></del>
Presently auth	norized point of	diversion:	521	HERE WALLS DANCE START	donesia de la companya de la company	Life, and Indian
				Quarter of the		Quarter
of Section	EL (	. Township		South, Range	rational Tire	(F/\/\)
in	Cou	intv. Kansas.	feet North	feet West of	Southeast corner	of section
Authorized Rat	e a	Authorized Quantity	ioA	Depth of well	(feet	)
(DWR use onl	v: Computer ID	No G	PS	feet North	foot Wes	c+)
				☐ No change, point better		
				ed or if existing point is		
of Section	ran di da	Township		Quarter of the		Quarter
in Section	Col	, rownsnip	foot North	South, Range feet West of	Couthonat corner	(⊏/VV),
Proposed Beta	000	Proposed Overtity	IEEL MOITH	reet vvest of Proposed well depth	Southeast comer	or section.
This point is:	7 Additional Mall	Floposed Quantity	other water riel	Proposed well deptr	(leer)	•
THIS POINT IS: L	_ Additional Well	☐ Geo Center List	other water righ	nts that will use this poin	IL	·

This Summary Order is issued under authority of K.S.A. 82a-708b, as amended, and K.A.R. 5-5-1, et seq. and other applicable provisions of the Kansas Water Appropriation Law, K.S.A. 82a-701 et. seq., and rules and regulations promutgated thereunder, With the exception of those conditions expressly contained herein, this Summary Order does not change the terms, conditions and limitetions of File No. 48 223 requesting that the place of user and for point of requesting that the application. limitations of File No. 48,223 A change application was received on diversion authorized under the above-referenced file number be changed as described in the application. On and after the effective date of this summary order, the authorized place(s) of use shall be located substantially as shown on the topographic map accompanying the application to change the place of use. ☐ Applicable Not Applicable The change in point of diversion shall not impair existing rights and shall be limited to the same source or sources of water as The point(s) of diversion described herein is administratively corrected to be more accurately described using the Global Positioning System (GPS), as described in the application. ✓ Applicable ☐ Not Applicable The point(s) of diversion authorized herein shall not actually be located more than authorized point(s) of diversion. 5. feet from the previously As required by K.A.R. 5-3-5d, if the works for diversion is a well with a diversion rate of 100 gallons per minute or more, a tube or other device suitable for making water level measurements shall be installed, operated and maintained in accordance with K.A.R. 5-6-13. Applicable ☐ Not Applicable The owner of the authorized place(s) of use shall properly install an acceptable water flow meter on or before December 31, 20\_20, or before the first use of water, whichever occurs first. The water flow meter shall be installed, operated and maintained in accordance with K.A.R. 5-1-4 through 5-1-12. As required by K.S.A. 82a-732, as amended, and K.A.R. 5-3-5e, the owner shall maintain records and report the reading of the water flow meter and the total quantity of water diverted annually to the Chief Engineer by March 1 following the end of each calendar year. Maria Applicable ☐ Not Applicable Installation of the works for diversion of water shall be completed on or before December 31, 20 20, or within any authorized extension of time. By March 1, 20 21 the applicant shall notify the Chief Engineer that construction of the works for diversion has been completed, on the form provided by the Chief Engineer, as required by K.A.R. 5-8-4e. Applicable ☐ Not Applicable ☐ Applicable Not Applicable The completed well log shall be submitted with the required notice. 10. All diversion works into which any type of chemical or other foreign substance will be injected into the water shall be equipped with an in-line, automatic, quick-closing check valve capable of preventing pollution of the source of the water supply. The check valve(s) shall be installed, operated and maintained in accordance with K.A.R. 5-3-5c. Applicable Not Applicable 11. Additional Conditions are attached. ☐ Yes 12. In accordance with K.S.A. 82a-708a, as amended, and K.A.R. 5-5-14, all of the owners of the authorized place(s) of use of water appropriated under the above-referenced file number are responsible for compliance with its terms, conditions and limitations, as amended and/or supplemented by this Summary Order, and with applicable provisions of the *Kansas Water Appropriation Law* and the *Rules and Regulations* promulgated thereunder. Failure to comply with these provisions may result in civil penalties pursuant to K.S.A. 82a-737, as amended, and/or the suspension or revocation and dismissal of the water or appropriation right or any other enforcement actions authorized by law. FOR OFFICE USE ONLY Administrative Appeal and Effective Date of Order APPLICATION APPROVED AND If you are aggrieved by this order, pursuant to K.S.A. 82a-1901, SMMMARY ORDER ISSUED you may request an evidentiary hearing before the Chief Engineer or request administrative review by the Secretary of Agriculture. A request for hearing by the Chief Engineer must be filed within 15 days of service of this Order and a request for Duly Authorized Designee of the Chief Engineer administrative review by the Secretary must be filed within 30 days pursuant to K.S.A. 77-531. Any request for administrative Burnoon review must state a basis for review pursuant to K.S.A. 77-527. Division of Water Resources - Kansas Department of Agriculture File any request with Kansas Department of Agriculture, Date of Issuance: Legal Division, 1320 Research Park Drive, Manhattan, KS 66502. Failure to timely request a hearing or review may State of Kansas preclude review under the Kansas Judicial Review Act. SS For Use by Register of Deeds County of Acknowledged before me on by Mark Signature: // NATE OF REBECCA F. HAGEMAN My commission expires NOTARY My Appointment Expires

SUMMARY ORDER APPROVING APPLICATION FOR CHANGE AND IMPOSING CONDITIONS

(Notary Se29)2023

PUBLIC 4