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

August 31, 2021

JAMES J & ALLEN L HURLEY 2055 REPUBLIC LN REPUBLIC, KS 66964

Re:

Water Right, File No. 35,723

To Whom It May Concern:

Enclosed is the order executed by Earl Lewis, 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: http://kdheks.gov/waterwell

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

Wall Bil.

MB:ndh Enclosures

CERTIFICATE OF SERVICE

On this 30th day of August 2021, I hereby certify that the attached <u>SUMMARY ORDER</u> <u>APPROVING APPLICATION FOR CHANGE in Point of Diversion</u> for water right, File No. 35,723, dated on the 30th day of August 2021, was mailed postage prepaid, first class, U.S. mail, to the following:

JAMES J & ALLEN L HURLEY 2055 REPUBLIC LN REPUBLIC, KS 66964

Staff		

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

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



STATE OF KANSAS

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) of diversion and/or place of use.

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						F	ile No.	35,72	23			T. T.	- <u>- 1</u>				Δ	UG 2	6 2021
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, u	ınder the	e water	right w	hich is	the su	_			ation i	_				ditions	s desc				
Т	he sour	ce of su	ipply is	: :		☐ Gi	roundv	vater		\boxtimes	Surfac	e wate	er						
2. N	Name an	ıd addre	ess of <i>F</i>	Applica	ant: <u>Al</u>	len L ŀ	lurley							¥-				91	1049
	2055 Rep		-			64									-				
	Phone No					-					ss: <u>abł</u>		@rural	tel.net					-
١	Name an	ıd addre	ess of \	Nater I	Use Co	orrespo	onden	t: <u>Jam</u>	<u>1es J 8</u>	<u> Allen</u>	L Hurle	ey				<u> </u>			
_	2055 Rep					964				000 10				A 10 900					* *
	Phone No								Email	addres	ss: <u>abl</u>	hurley(<u>@rural</u>	tel.net			- 41		
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C	Owner of			_			•		-			THU	rley	Tr	U & Y	<u> </u>			
			ADDRE	_			-												
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г		***************************************		
5.	Presently authorized point of diversion:			
	One in the Lot 5 Quarter of the		Quarter of the	Quarter
	of Section, Township	1	South, Range	(VV),
	in Republic County, Kansas, 2100 fe	eet North	4900 feet West of Sout	theast corner of section.
	Authorized Rate 2000 gpm Authorized Quantity			
	(DWR use only: Computer ID No. 3 GPS			
	☐This point will not be changed ☐This point will be changed as			
	Proposed point of diversion: (Complete only if change is			
	One in the Lot 5 Quarter of the			
	of Section 15 , Township 1750 for			
	in Republic County, Kansas, 1758 fe			
	Proposed Rate 2000 gpm Proposed Quantity			
Ĺ	This point is: Additional Well Geo Center List other	r water righ	ts that will use this point 11,6	
6.	Presently authorized point of diversion:			
٠. ا	One in the Quarter of the		Quarter of the	Quarter
	of Section, Township	·	South Pange	Quarter
	in County, Kansas, fe	ot North	South, Nange	(C/VV),
	Authorized Rate Authorized Quantity			
1	(DWR use only: Computer ID No GPS _			
	☐This point will not be changed ☐This point will be changed as			
	Proposed point of diversion: (Complete only if change is	s requeste	d or if existing point is bett	ter described by GPS)
	One in the Quarter of the		Quarter of the	Quarter
	of Section, Township		South, Range	(E/W),
	in County, Kansas, fe			
	Proposed Rate Proposed Quantity			
	This point is: Additional Well Geo Center List other			
L				•
7.	The changes herein are desired for the following reasons?			
	(please be specific) Complete PU & PD overlap with		North	
	File 11,632	300		100 200 300
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0	If a small to the test to de law attended to 10 D.V D.N.		Chinala Torre	=
8.	If a well, is the test hole log attached?	200	- + + = .	+ + - 200
9.	The change(s) (was)(will be) completed by?	E	-	'
Э.	The change(s) (was)(will be) completed by?		-	
	on approval	100	-	+ + = 100
10	If the point of diversion is a well:	E	-	
10.	(a) What are you going to do with the old well?	West 0 ++		======================================
	(a) What are you going to do with the old well?	E		
	n/a	E		
	(b) When will this be done?	100	- + + = -	十 十 = 100
	(4)	Ē	<u> </u>	
11	Croundwater Management District recovered datas at 15	300 E	-	
11.	Groundwater Management District recommendation attached?	200	. + + = -	+ + = 200
	☐ Yes No	-		
12	Assisted by jkb - STK FO		<u></u>	
		300	200 100 0 1 South	100 200 300 Scale: 1 hashmark=10 ft
13a	.If the proposed point of diversion will be relocated more than 300		Joden	occio. A maximum-10 ft

feet but within 2,640 feet of the existing point of diversion, attach a topographic map or aerial photograph. For groundwater sources, show all wells (including domestic) within one-half mile diagram shown above in relation to the existing point of of the proposed point of diversion and the names and mailing addresses of the owners. For surface water sources, show the names and addresses of the landowner(s) one-half mile downstream and one-half mile upstream from your property

of the existing point of diversion, indicate its location on the diagram shown above in relation to the existing point of diversion. (PLEASE NOTE: The "X" in center of diagram above represents the presently authorized point of diversion.)

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

FILE NO. 35,723

MAKE ADDITIONAL COPIES AS NECESSARY

RECEIVED

AUG 26 2021

Stockton Field Office Division of Water Resources

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O ¹ Sec. 16	Twp. 01 wner o	Range 05w	NE1/4 40 N/ADDR	AME: ESS: NII NW/4 40 AME: ESS:	James 706 Fi	S J Hur r Rd R	epubli	NW/A	66964 W¼ SW¼	SE%	NE%	SV NW¼	V¼ SW¼		NE% 36	SI NW¼	5¼ SW¼	SE¼ 32	ACRE 228 TOTA
O ¹ Sec. 16	Twp. 01 wner o	Range 05w	NE1/4 40 N/ADDR	AME: ESS: NII NW/4 40 AME: ESS:	James 706 Fi	S J Hur r Rd R	epubli	NW/A	66964 V/4 SW/4	SE%	NE%	SV NW¼	V% SW%	SE1/4	NE% 36	SI NW¼	5¼ SW¼	SE¼ 32	ACRE: 228
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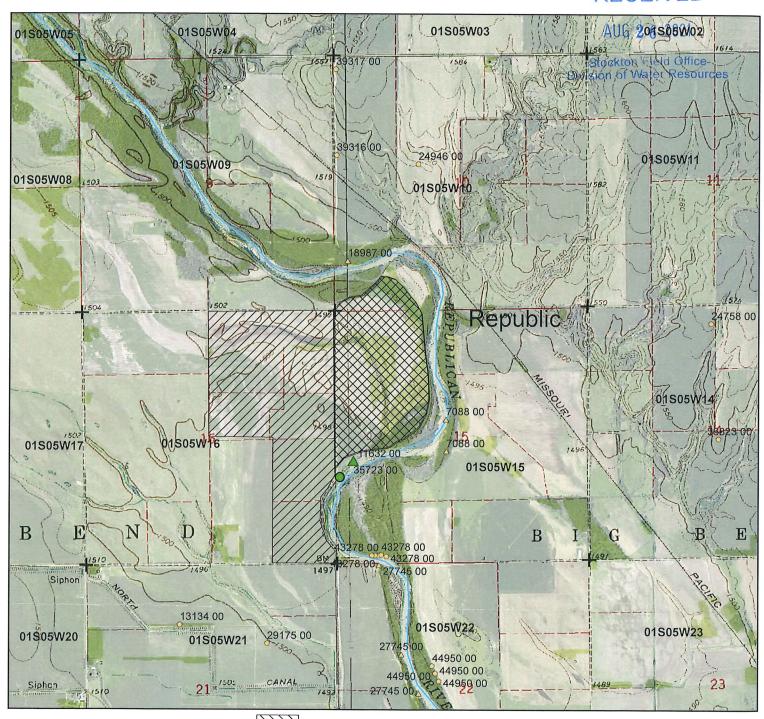
14. If the proposed groundwater point of diversion	is 300 or fower foot fro	m the evi	eting point	of diversion, complete t	ho following:
(a) Does the undersigned represent all owner					
	ers must sign this applic		e(s) or use	sidentified in this applic	alion
(b) Will the ownership interest of any owner affected if this application is approved as☐ Yes☒ No(If yes, all own			e(s) of use	identified in this applic	ation be adversely
(c) If this application is not approved expediti ☐ Yes ☒ No (If no, all owne	ously, will there be sub ers must sign this applic		ımage to p	roperty, public health o	safety?
If the application proposes a surface water change or a change in place of use, the application must b agent (attach notarized statement authorizing repre	e signed by all owners				
I hereby verify, being first duly sworn upor age and the owner, the spouse of the own their behalf, in regards to the water right(s contained in this application are true, corre	er, or a duly authori s) to which this app	zed age	nt of the	owner(s) to make th	is application on
Dated at Republic	, Kansas, this _	18	_ day of _	August	, 20 <u>21</u>
Va zamel Id walen	Taunt				
(Owner)	of succession			(Spouse)	
X. Tarrey (Z/ wolen T)	Sente	22			
X James J Wrley T) (Owner) X James J Wrley T) (Please Print)				(Please Print)	The state of the s
	_ ut. " n.	2 7 1			
(Owner)				(Spouse)	
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(Owner)				(Spouse)	<u> </u>
(Please Print)			A	(Please Print)	
State of Kansas)					
County of Republic SS					.6
l hereby certify that the foregoing application	ion was signed in n	ny prese	nce and	sworn to before me	thisday
MOLLY	- State of Kansas M. WILLIAMS 7 13/2022	Mol	lygm	Notary Public	
ONLY COMPLETE APPLICATIONS WILL BE PROCESS	SED. To be complete, all of	of the appli	cable portion	as of the application form	nust he completed with
accurate information; maps, if necessary, must be include the appropriate fee must be paid.					
		. =			
Each application to change the place of use or the	FEE SCHEDU		ion shall h	e accompanied by the a	annlication fee set
forth in the schedule below: Make checks payable (1) Application to change a point of divers	to: Kansas Departme ion 300 feet or less	nt of Agı	iculture		\$100
(2) Application to change a point of divers(3) Application to change the place of use					
REBECCA R HAGEMAN My Appointment Expires			REC	EIVED	
June 26, 2023	(-)-Y0		AUG 2	6 2021	

SUMMARY ORDER APPROVING APPLICATION FOR CHANGE AND IMPOSING CONDITIONS

nro	s Summary Order is issued under authority of K.S.A. 82a- visions of the <i>Kansas Water Appropriation Law, K.S.A.</i> 82 n the exception of those conditions expressly contained her tations of File No	?a₌701 et seα and rules :	and regulations	s promulgated thereunder
1	A change application was received on	requesti mber be changed as descr	ng that the pla ribed in the app	ce of use and / or point o dication.
2.	On and after the effective date of this summary order, the a the topographic map accompanying the application to c	authorized place(s) of use s hange the place of use.	shall be located Applicable	l substantially as shown or ☐ Not Applicable
3.	The change in point of diversion shall not impair existing r previously authorized. The point of diversion authorized radius of the authorized point(s) of diversion.	d by this summary order sh	ıall be located \	rce or sources of water a within a <u></u> foot
4.	The point(s) of diversion described herein is administrat Positioning System (GPS), as described in the applicati	ively corrected to be more on. ☐ Applicable ☐ Not A	e accurately d Applicable	escribed using the Globa
5.	The point(s) of diversion authorized herein shall not actual authorized point(s) of diversion.	ly be located more than Not Applicable		feet from the previously
6.	As required by K.A.R. 5-3-5d, if the works for diversion is a or other device suitable for making water level measurer K.A.R. 5-6-13. Applicable Vot Applicable	ments shall be installed, op	of 100 gallons erated and mai	per minute or more, a tube ntained in accordance with
7.	The owner of the authorized place(s) of use shall proceed and maintained in accordance with K.A.R. 5-1-1. K.A.R. 5-3-5e, the owner shall maintain records and represented annually to the Chief Engineer by March 1 follows Applicable.	er, whichever occurs first. -4 through 5-1-12. As requ ort the reading of the water	The water flovired by K.S.A. Flow meter and	w meter shall be installed 82a-732, as amended, and
8.	Installation of the works for diversion of water shall k authorized extension of time. By March 1, 20 the works for diversion has been completed, on the form properties to the properties of the works for diversion has been completed, on the form properties to the properties of the works for diversion of water shall k authorized extension of the works for diversion of water shall k authorized extension of the works for diversion of water shall k authorized extension of time. By March 1, 20 the works for diversion of water shall k authorized extension of time. By March 1, 20 the works for diversion of water shall k authorized extension of time. By March 1, 20 the works for diversion of time. By March 1, 20 the works for diversion has been completed, on the form properties of the works for diversion has been completed, on the form properties of the works for diversion has been completed, on the form properties of the works for diversion has been completed, on the form properties of the works for diversion has been completed, on the form properties of the works for diversion has been completed, on the form properties of the works for diversion has been completed.	oe completed on or befor ne applicant shall notify the ovided by the Chief Engine	re December 3 e Chief Engine eer, as required	31, 20 21 , or within an er that construction of the law K.A.R. 5-8-4e.
9.	The completed well log shall be submitted with the red	quired notice. \square Appl	licable 🖭	Not Applicable
10.	All diversion works into which any type of chemical or othe with an in-line, automatic, quick-closing check valve carcheck valve(s) shall be installed, operated and maintained.	pable of preventing pollutic	on of the source	of the water supply. The
11.	Additional Conditions are attached. Yes No			
12.	In accordance with K.S.A. 82a-708a, as amended, and k water appropriated under the above-referenced file nu limitations, as amended and/or supplemented by this S <i>Appropriation Law</i> and the <i>Rules and Regulations</i> propriesult in civil penalties pursuant to K.S.A. 82a-737, as a water or appropriation right or any other enforcement as	mber are responsible for c ummary Order, and with a mulgated thereunder. Fail amended, and/or the suspe	compliance with pplicable provi ure to comply	n its terms, conditions and sions of the <i>Kansas Wate</i> with these provisions ma
	Administrative Appeal and Effective Date of Order		OR OFFICE USE	
you Eng Agr filed adn day revi	ou are aggrieved by this order, pursuant to K.S.A. 82a-1901, may request an evidentiary hearing before the Chief gineer or request administrative review by the Secretary of iculture. A request for hearing by the Chief Engineer must be d within 15 days of service of this Order and a request for ninistrative review by the Secretary must be filed within 30 s pursuant to K.S.A. 77-531. Any request for administrative ew must state a basis for review pursuant to K.S.A. 77-527.	By:	MHEL B	f the Chief Engineer as Department of Agriculture
Leg 665	any request with Kansas Department of Agriculture, gal Division, 1320 Research Park Drive, Manhattan, KS 02. Failure to timely request a hearing or review may clude review under the Kansas Judicial Review Act.	Date of Issuance: State of Kansas	8-30-2)
	For Use by Register of Deeds	County of Looks) SS)
		Acknowledged before	me on %-3	0-21
		by Mark Billin	aer	
		Signature: Rule	ea F Ko	rgemen
		My commission expi	res Notary *	REBECCA F. HAGEMAN My Appointment Expires (Notating September 20)
			- minie	

Application for Change in Place of Use and Point of Diversion, Water Right, File No. 35,723

RECEIVED



+ Section Corners

1 100

Authorized Point of Diversion

Proposed Point of Diversion

Authorized Place of Use

Proposed Place of Use

1:24,000

W E

Names & addresses of all landowners within 1/2 mile downstream and upstream of property lines are shown.

Signature Jalurlay

8-19-2021

Date

Date: 8/11/2021