

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

1. File Number: <b>42379</b>	2. Status Change Date: <b>8/27/2018</b>	3. Change Num: <b>C1</b>	4. Field Office: <b>01</b>	5. GMD:
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6. Status: <input type="checkbox"/> Approved <input type="checkbox"/> Denied by DWR/GMD <input type="checkbox"/> Dismiss by Request/Failure to Return	7. Filing Date of Change: <b>15-JUN-2018</b>
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8a. Applicant(s)  New to system  Person ID **65964**  
 Add Seq# \_\_\_\_\_

**HUCKLEBERRY FARM LLC**  
**5341 WEST 151<sup>ST</sup> TERRACE**  
**LEAWOOD KS 66224**

Address change

8c. Landowner(s)  New to system  Person ID **40450**  
 Add Seq# \_\_\_\_\_

**KANSAS DEPT OF WILDLIFE PARKS & TOURISM**  
**ACTIVE DIVERSIONS (TOP)**  
**1020 S KANSAS AVE FL 2**  
**TOPEKA KS 66612-1389**

8d. Landowner(s)  New to system  Person ID **65683**  
 Add Seq# **1**

**NEOSHONUF LLC**  
**PO BOX 80016**  
**BATON ROUGE LA 70898**

8b. Landowner(s)  New to system  Person ID \_\_\_\_\_  
 Add Seq# \_\_\_\_\_

**8a**

8e. WUC  New to system  Person ID **65684**  
 Add Seq# **1**

**NICK SMITH**  
**528 WASHINGTON**  
**SAINT PAUL KS 66771**

9. Documents and Enclosure(s):  DWR Meter(s) Date to Comply: **12/31/19**  N & P Date to Comply: \_\_\_\_\_

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

Conservation Plan Date Required: \_\_\_\_\_ Date Approved: \_\_\_\_\_ Date to Comply: \_\_\_\_\_

10. Use Made of Water From: \_\_\_\_\_ To: \_\_\_\_\_

Date Prepared: **8/13/18** By: **RAK**  
 Date Entered: **8/28/2018** By: **LLM**



**KANSAS DEPARTMENT OF AGRICULTURE**  
**Division of Water Resources**

**M E M O R A N D U M**

**TO:** Files

**DATE:** August 13, 2018

**FROM:** Richelle A. Krueger

**RE:** Water Right  
File Nos. 40,414 and 42,379

Huckleberry Farm, L.L.C. etal, filed applications for approval to change the authorized place of use for File Nos. 40,414 and 42,379, both authorized surface water from the same pumpsite on the Neosho River. The referenced change applications were filed in conjunction with Application, File No. 50,035 being processed by Doug Schemm, Environmental Scientist of the Topeka Field Office.

The above referenced files do not appear abandoned as per K.S.A. 82a-718.

File Nos. 40,414 and 42,379 are authorized a limited total of 696 acre-feet and 5,200 gallons per minute for recreational use for the same waterfowl marsh located in Sections 19 and 20, Township 30 South, Range 21 East, Neosho County. The referenced change applications propose to create a complete overlap in the point of diversion and place of use with Application, File No. 50,035 (surface water), adding new land to the marsh to be located in Sections 17, 19 and 20 of the aforementioned township and range.

The total limited quantity to be authorized by File Nos. 40,414, 42,379 and 50,035 will provide 1,035 acre-feet and 6,000 gallons per minute for a total marsh area of 345 acres, filling it with 3 feet of water.

Doug sent notifications on June 20, 2018 to nearby upstream and downstream landowners one-half (½) mile upstream and downstream of the property boundaries, informing them of the new application and the referenced change applications. No responses were received.


Doug also notified the Cottonwood and Neosho River Water Assurance District No. 3 via letter dated July 10, 2018 of the new application and change applications; no response was received from them.

The same local source of supply will not change.

Katherine Tietsort, Water Commissioner of the Topeka Field Office, recommended approval of the applications in an August 3, 2018 e-mail.

A waterflow meter is required. A check valve is required if any chemical or foreign substance is injected into the water through the diversion works.

Based on the above discussion, that the changes are reasonable, that impairment to existing water rights is unlikely, that no change in the local source of supply will occur, and if Application, File No. 50,035 can be approved, it has been recommended that the change applications be approved.

  
Richelle A. Krueger  
Environmental Scientist

STATE OF KANSAS

DEPARTMENT OF AGRICULTURE  
1320 RESEARCH PARK DRIVE  
MANHATTAN, KS 66502  
PHONE: (785) 564-6700  
FAX: (785) 564-6777



900 SW JACKSON, ROOM 456  
TOPEKA, KS 66612  
PHONE: (785) 296-3556  
www.agriculture.ks.gov

GOVERNOR JEFF COLYER, M.D.  
JACKIE McCLASKEY, SECRETARY OF AGRICULTURE

HUCKLEBERRY FARM LLC  
% DOUG HENZLIK  
5341 WEST 151ST TERRACE  
LEAWOOD KS 66224

August 29, 2018

**FILE COPY**

RE: Water Right, File Nos. 40,414 and 42,379

Dear Sir or Madam:

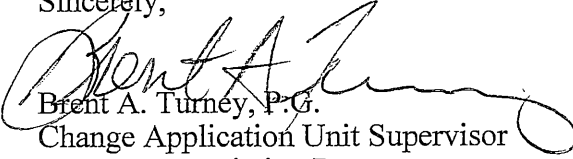
Enclosed are the orders executed by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the applications for change under the above referenced file numbers.

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in these approvals for change. A condition of these approvals is that an acceptable water flow meter 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 meter as soon as these actions are completed.

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 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

BAT:rak

pc: Topeka Field Office  
KDWP & T, Attn Keith Sexson  
Neoshonuf L.L.C., Attn Thomas A. Patrick III

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE  
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES  
David W. Barfield, Chief Engineer

**APPROVAL OF APPLICATION  
FOR  
CHANGE IN PLACE OF USE  
WATER RIGHT  
FILE NO. 42,379**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Doug Henzlik, on behalf of Huckleberry Farm, L.L.C., 5341 West 151<sup>st</sup> Terrace, Leawood, Kansas 66224; Thomas A. Patrick III, on behalf of Neoshonuf L.L.C., P.O. Box 80016, Baton Rouge, Louisiana 70898; and Keith Sexson, on behalf of Kansas Department of Wildlife Parks and Tourism, Active Diversions (Topeka), 1020 South Kansas Avenue 2<sup>nd</sup> Floor, Topeka, Kansas 66612-1389, received in this office on June 15, 2018, for approval of a change in the location of the place of use under the certificate of appropriation issued pursuant to the permit to appropriate water for beneficial use, finds that the change is reasonable and will not impair existing rights, and that the application should be and is hereby approved.

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

a waterfowl marsh located in the Southwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$  SW $\frac{1}{4}$ ) of Section 17; Lots 4 and 5, and the Northeast Quarter (NE $\frac{1}{4}$ ) of Section 19; and in Lot 2, and the Northwest Quarter (NW $\frac{1}{4}$ ) of Section 20, all in Township 30 South, Range 21 East, Neosho County, Kansas,

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

All diversion works shall be equipped with an in-line, automatic, quick-closing check valve capable of preventing pollution of the source of the water supply. The type of valve installed shall meet specifications adopted by the Chief Engineer and shall be maintained in an operating condition satisfactory to the Chief Engineer.

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

In all other respects, the Certificate of Appropriation issued pursuant to Approval of Application, File No. 42,379, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated July 11, 2003.

**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.

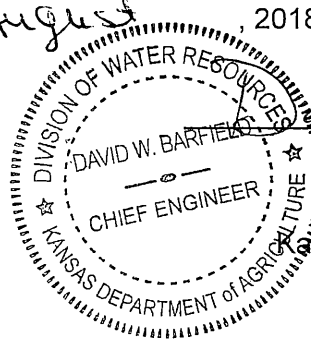
To obtain an evidentiary hearing before the Chief Engineer, a written request for hearing must be filed within 15 days after service of this Order as provided in K.S.A. 77-531 (i.e., within a total of 18 days after this Order was mailed to you), with the Kansas Department of Agriculture, Attn: Legal 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 27<sup>th</sup> day of August, 2018, 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        )  
                                   ) SS  
 County of Riley        )

The foregoing instrument was acknowledged before me this 27<sup>th</sup> day of August, 2018, 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 <sup>29th</sup> day of August, 2018, I hereby certify that the attached Approval of Application for the Change in Place of Use, File No. 42,379, dated August 27th was mailed postage prepaid, first class, US mail to the following:

HUCKLEBERRY FARM LLC  
5341 WEST 151<sup>ST</sup> TERRACE  
LEAWOOD KS 66224

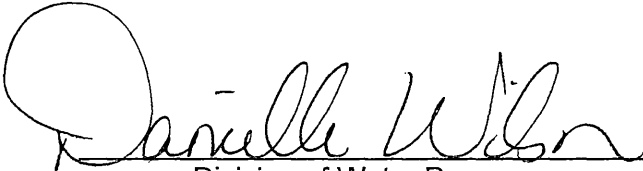
With true and correct copies sent to:

KANSAS DEPT OF WILDLIFE PARKS & TOURISM  
ACTIVE DIVERSIONS (TOP)  
1020 S KANSAS AVE FL 2  
TOPEKA KS 66612-1389

NEOSHONUF LLC  
PO BOX 80016  
BATON ROUGE LA 70898

With a photocopy sent to:

Topeka Field Office

  
Division of Water Resources

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

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



State of Kansas

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

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

1. Application is hereby made for approval of the Chief Engineer to change the  
Water Resources  
Received  
Water Resources  
Received  
UNACCEPTABLE  
JUN 14 2018  
12:40  
KS Dept Of Agriculture  
KS Dept Of Agriculture
- (Check one or more)  Place of Use  
 Point of Diversion  
 Use Made of Water

File No. 42379

2. Name of applicant: Huckleberry Farm, LLC

Address: 5341 West 151<sup>st</sup> Terrace

City, State and Zip: Leawood, KS 66224

Phone Number: (913)706-7037 E-mail address: doug@henzlikrealestate.com

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

Name of water use correspondent: Nick Smith

Address: 528 Washington

City, State and Zip: Saint Paul, KS 66771

Phone Number: ( ) \_\_\_\_\_ E-mail address: \_\_\_\_\_

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

Currently the marsh is authorized for 273 acres and a quantity of 696 acre-feet, an application is being filed to increase the marsh to 345 acres and a quantity of 1035 acre-feet. This is to create a complete overlap in place of use with the new expanded marsh.

The change(s) (was) (will be) completed by upon approval (Date)

For Office Use Only:							
F.O. Code	<u>1</u>	GMD	<u>0</u>	Meets K.A.R. 5-5-1 (YES / NO)	Use	Source	County
	<u>CP</u>			<u>(YES)</u>	<u>RFC</u>	<u>NO</u>	<u>NO</u>
Fee \$	<u>0.00</u>	TR #		Receipt Date	<u>6/15/18</u>	By	<u>AW</u>
						Check #	<u>100000</u>

APPROVED FOR SIGNATURE  
8/13/18  
TRALC

6/19/18 DAW SCANNED



\* 4. The presently authorized place of use is:

① Huckleberry Farm LLC  
5341 West 151<sup>st</sup> Terrace  
Leawood KS 66224

② File No. 42379  
Neosho F LLC  
PO Box 80016  
Barton Range LA 70898

Owner of Land — NAME: SEE ATTACHED

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		
D&②	19	305	2	NE																
D&③	20	305	2	NE																

Rec use in a marsh located in Lots 4 & 5 & the NE¼ of Section 19; and Lot 2 & the NW¼ of Section 20; all in Township 30 South Range 21 East, Neosho Co. KS

List any other water rights that cover this place of use. 40414

Owner of Land — NAME:

ADDRESS:

③ Kansas Dept of Wildlife Parks & Tourism Active Divisions (Top)  
1020 S Kansas Ave FL2, Topeka KS 66612-1389

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: SEE ATTACHED

ADDRESS:

See above

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		
①	17	305	2	NE																
①&②	19	305	2	NE																
①&③	20	305	2	NE																

Rec use in a waterfowl marsh located in SW¼ SW¼ of Section 17; in NE¼ & Lots 4 & 5 of Section 19; & in the NW¼ & Lot 2 of Section 20; all in Township 30 S Range 21 East, Neosho Co. KS

List any other water rights that cover this place of use. File No 40414 & Application File No 50035

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.

Water Resources Received Water Resources Received

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

\* Modified per Certificate issued 7-11-03  
& Neosho Co Appraiser ONIA & Topeka FOMed  
\* Backlog 8/1/18

JUN 15 2018

JUN 14 2018

KS Dept Of Agriculture KS Dept Of Agriculture

SCANNED

- 6. The presently authorized point(s) of diversion (is) (are) NO CHANGE  
(Provide description and number of points)
- 7. The proposed point(s) of diversion (is) (are) \_\_\_\_\_  
(Provide description and number of points)

**List all presently authorized point(s) of diversion:**

8. **Presently authorized point of diversion:**  
 One in the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter  
 of Section \_\_\_\_\_, Township \_\_\_\_\_ South, Range \_\_\_\_\_ (E/W),  
 in \_\_\_\_\_ County, Kansas, \_\_\_\_\_ feet North \_\_\_\_\_ feet West of Southeast corner of section.  
 Authorized Rate \_\_\_\_\_ Authorized Quantity \_\_\_\_\_  
 (DWR use only: Computer ID No. \_\_\_\_\_ GPS \_\_\_\_\_ feet North \_\_\_\_\_ feet West)  
 This point will not be changed  This point will be changed as follows:  
**Proposed point of diversion: (Complete only if change is requested)**  
 One in the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter  
 of Section \_\_\_\_\_, Township \_\_\_\_\_ South, Range \_\_\_\_\_ (E/W),  
 in \_\_\_\_\_ County, Kansas, \_\_\_\_\_ feet North \_\_\_\_\_ feet West of Southeast corner of section.  
 Proposed Rate \_\_\_\_\_ Proposed Quantity \_\_\_\_\_  
 This point is:  Additional Well  Geo Center List other water rights that will use this point \_\_\_\_\_

9. **Presently authorized point of diversion:**  
 One in the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter  
 of Section \_\_\_\_\_, Township \_\_\_\_\_ South, Range \_\_\_\_\_ (E/W),  
 in \_\_\_\_\_ County, Kansas, \_\_\_\_\_ feet North \_\_\_\_\_ feet West of Southeast corner of section.  
 Authorized Rate \_\_\_\_\_ Authorized Quantity \_\_\_\_\_  
 (DWR use only: Computer ID No. \_\_\_\_\_ GPS \_\_\_\_\_ feet North \_\_\_\_\_ feet West)  
 This point will not be changed  This point will be changed as follows:  
**Proposed point of diversion: (Complete only if change is requested)**  
 One in the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter  
 of Section \_\_\_\_\_, Township \_\_\_\_\_ South, Range \_\_\_\_\_ (E/W),  
 in \_\_\_\_\_ County, Kansas, \_\_\_\_\_ feet North \_\_\_\_\_ feet West of Southeast corner of section.  
 Proposed Rate \_\_\_\_\_ Proposed Quantity \_\_\_\_\_  
 This point is:  Additional Well  Geo Center List other water rights that will use this point \_\_\_\_\_

10. **Presently authorized point of diversion:**  
 One in the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter  
 of Section \_\_\_\_\_, Township \_\_\_\_\_ South, Range \_\_\_\_\_ (E/W),  
 in \_\_\_\_\_ County, Kansas, \_\_\_\_\_ feet North \_\_\_\_\_ feet West of Southeast corner of section.  
 Authorized Rate \_\_\_\_\_ Authorized Quantity \_\_\_\_\_  
 (DWR use only: Computer ID No. \_\_\_\_\_ GPS \_\_\_\_\_ feet North \_\_\_\_\_ feet West)  
 This point will not be changed  This point will be changed as follows:  
**Proposed point of diversion: (Complete only if change is requested)**  
 One in the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter  
 of Section \_\_\_\_\_, Township \_\_\_\_\_ South, Range \_\_\_\_\_ (E/W),  
 in \_\_\_\_\_ County, Kansas, \_\_\_\_\_ feet North \_\_\_\_\_ feet West of Southeast corner of section.  
 Proposed Rate \_\_\_\_\_ Proposed Quantity \_\_\_\_\_  
 This point is:  Additional Well  Geo Center List other water rights that will use this point \_\_\_\_\_

- 11. Describe the current condition of and future plans for any point(s) of diversion which will no longer be used. \_\_\_\_\_

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

Water Resources Received

Water Resources Received

JUN 15 2018

JUN 14 2018

SCANNED

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

13. If changing the place of use and/or use made of water, describe how the consumptive use will not be increased.  
Filing a new application for more quantity.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(Please show any calculations here.)

14. It is requested that the maximum annual quantity of water be reduced to NO REDUCTION (acre-feet or million gallons).

15. It is requested that the maximum rate of diversion of water be reduced to NO REDUCTION 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](http://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 PD CHANGE  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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.

<u>MEETS ALL RULES AND REGULATIONS</u>	<u>Water Resources</u>	<u>Water Resources</u>
	<u>Received</u>	<u>Received</u>
	<u>JUN 15 2018</u>	<u>JUN 14 2018</u>

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY  
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.

X Dated at LEAWOOD OK, Kansas, this 3rd day of August, 2018.

X [Signature] HUCKLEBERRY FARMS LLC (Owner) \_\_\_\_\_ (Spouse) \_\_\_\_\_  
*Managing member*

Doug Henzlik (Please Print) \_\_\_\_\_ (Please Print) \_\_\_\_\_

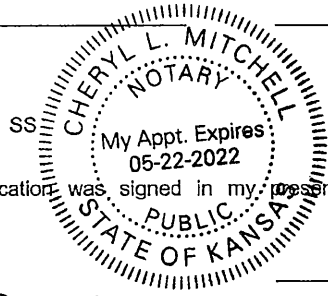
\_\_\_\_\_  
 (Owner) \_\_\_\_\_ (Spouse) \_\_\_\_\_

\_\_\_\_\_  
 (Please Print) \_\_\_\_\_ (Please Print) \_\_\_\_\_

\_\_\_\_\_  
 (Owner) \_\_\_\_\_ (Spouse) WATER RESOURCES RECEIVED

\_\_\_\_\_  
 (Please Print) \_\_\_\_\_ (Please Print) Aug 6 2018

State of Kansas }  
 County of Johnson }



KS DEPT OF AGRICULTURE

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 3rd day of August, 2018.

My Commission Expires May 22, 2022 [Signature]  
 Notary Public

**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.**

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 Pratt, Kansas, this 31<sup>st</sup> day of May, 20 18.

Keith Sexson -  
(Owner) KOWPT  
Keith Sexson - Asst. Secretary  
(Please Print)

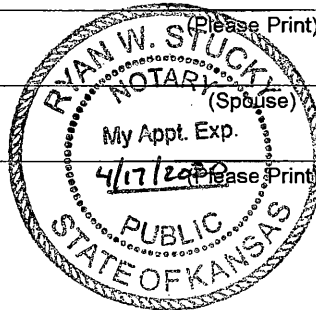
\_\_\_\_\_  
(Spouse)  
\_\_\_\_\_  
(Please Print)

\_\_\_\_\_  
(Owner)  
\_\_\_\_\_  
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(Spouse)  
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(Please Print)

\_\_\_\_\_  
(Owner)  
\_\_\_\_\_  
(Please Print)

\_\_\_\_\_  
(Spouse)  
\_\_\_\_\_  
(Please Print)



State of Kansas }  
County of Pratt } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 31<sup>st</sup> day of May, 20 18.

Ryan Stucky  
Notary Public

My Commission Expires 04/17/2020

**FEE SCHEDULE**

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- (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  
JUN 15 2018  
KS Dept Of Agriculture

Water Resources  
Received  
JUN 14 2018  
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.

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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 Winasboro, SC, Kansas, this 8<sup>th</sup> day of August, 2018.

Thomas A. Patrick, III  
(Owner) \_\_\_\_\_ (Spouse) \_\_\_\_\_

\_\_\_\_\_  
(Please Print) \_\_\_\_\_ (Please Print) \_\_\_\_\_

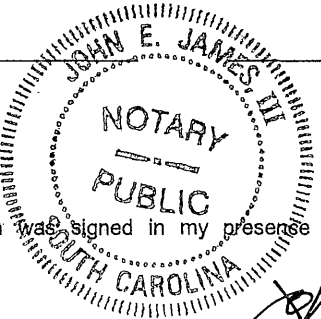
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(Owner) \_\_\_\_\_ (Spouse) \_\_\_\_\_

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(Please Print) \_\_\_\_\_ (Please Print) 1 3 2016

\_\_\_\_\_  
(Owner) \_\_\_\_\_ (Spouse) OF AGRICULTURE

\_\_\_\_\_  
(Please Print) \_\_\_\_\_ (Please Print) \_\_\_\_\_

State of Kansas SC  
County of Fairfield } SS



I hereby certify that the foregoing application was signed in my presence and sworn to before me this 8<sup>th</sup> day of August, 2018.

My Commission Expires 1-28-20  
\_\_\_\_\_  
Notary Public

**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.

March 27, 2018  
(Date)

Kansas Department of Agriculture  
Division of Water Resources  
David W. Barfield, Chief Engineer  
109 SW 9<sup>th</sup> Street, 2nd Floor  
Topeka, Kansas 66612-1283

Re: Application  
File No. \_\_\_\_\_

Minimum Desirable Streamflow


Dear Sir:

I understand that a Minimum Desirable Streamflow requirement has been established by the legislature for the source of supply to which the above referenced application applies.

I understand that diversion of water pursuant to this application will be subject to regulation any time Minimum Desirable Streamflow requirements are not being met.

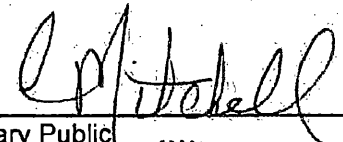
I also understand that if this application is approved, there could be times, as determined by the Division of Water Resources, when I would not be allowed to divert water. I realize that this could affect the economics of my decision to appropriate water.

I am aware of the above factors, and with the knowledge thereof, request that the Division of Water Resources proceed with processing and approval, if possible, of the above referenced application.

  
\_\_\_\_\_  
Signature of Applicant  
David Henwick  
(Print Applicant's Name)

State of Kansas )  
County of Johnson ) ss

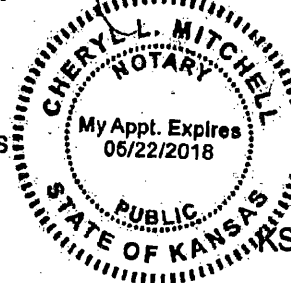
I hereby certify that the foregoing instrument was signed in my presence and sworn to before me this 27 day of March, 2018

  
\_\_\_\_\_  
Notary Public

My Commission Expires: May 22, 2018

Water Resources  
Received

JUN 15 2018



Water Resources  
Received

JUN 14 2018

KS Dept Of Agriculture

KS Dept Of Agriculture

SCANNED

## Krueger, Richelle [KDA]

---

**From:** Tietsort, Katie [KDA]  
**Sent:** Friday, August 3, 2018 10:29 AM  
**To:** Krueger, Richelle [KDA]  
**Cc:** Bunger, Brett [KDA]; Schemm, Doug [KDA]  
**Subject:** RE: Request for Recommendation Change in PU File Nos. 40414 amd 42379 Huckleberry Farms, Inc

Richelle,

Once the signature pages arrive, we agree the change approvals should move forward with the permit.

Thanks!

Katie Tietsort

Kansas Department of Agriculture  
6531 SE Forbes Ave Ste B  
Topeka, KS 66619  
[katie.tietsort@ks.gov](mailto:katie.tietsort@ks.gov)  
Phone 785-296-5733

*Achiever~Responsibility~Input~Relator~Arranger*

---

**From:** Krueger, Richelle [KDA]  
**Sent:** Thursday, August 2, 2018 3:26 PM  
**To:** Tietsort, Katie [KDA] <Katie.Tietsort@ks.gov>  
**Cc:** Bunger, Brett [KDA] <Brett.Bunger@ks.gov>; Schemm, Doug [KDA] <Doug.Schemm@ks.gov>  
**Subject:** Request for Recommendation Change in PU File Nos. 40414 amd 42379 Huckleberry Farms, Inc

Hi Katie,

I am waiting on signatures for these (as you know ☺) but I am still sending this out because I expect to get the signatures I need in the near future.

Do you recommend approval of the referenced change applications provided I get the signatures from Huckleberry Farms LLC and Neoshonuf LLC?

Thanks!

Richelle



## Krueger, Richelle [KDA]

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**From:** Krueger, Richelle [KDA]  
**Sent:** Wednesday, August 1, 2018 2:14 PM  
**To:** 'doug@henzlikrealestate.com'  
**Cc:** Schemm, Doug [KDA]  
**Subject:** Applications to Change the Place of Use Water Right File Nos. 40414 and 42379  
**Attachments:** FileNo40414ChangeinPU.pdf; FileNo42379ChangeinPU.pdf

Good Afternoon,

You had contacted me on Monday regarding your applications to change the place of use for Water Right File Nos. 40414 and 42379 (Doug Schemm is processing your New Application File No. 50035). I have had a chance to review the applications and the package from the Topeka Field Office and it appears we still need the original notarized signatures of the authorized representative of Huckleberry Farm LLC and of Neoshonuf LLC for the applications for File Nos. 40414 and 42379. I have attached blank signature pages and copies of the applications for your convenience. Also please review the enclosed map for the proposed place of use and sign where indicated.

Please send the original notarized signatures of the authorized representatives of Huckleberry Farm LLC and of Neoshonuf LLC along with the signed maps to my attention at:

CHIEF ENGINEER  
DIVISION OF WATER RESOURCES  
KANSAS DEPARTMENT OF AGRICULTURE  
1320 RESEARCH PARK DRIVE  
MANHATTAN KS 66502

Please feel free to give me a call if you have any questions. Thanks!

Richelle

Richelle Krueger, Environmental Scientist  
Kansas Department of Agriculture  
Water Appropriation Program  
(785) 564-6635  
[Richelle.Krueger@ks.gov](mailto:Richelle.Krueger@ks.gov) (please note e-mail address change)  
[www.ksda.gov/dwr](http://www.ksda.gov/dwr)

## Krueger, Richelle [KDA]

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**From:** Schemm, Doug [KDA]  
**Sent:** Thursday, July 12, 2018 2:46 PM  
**To:** Krueger, Richelle [KDA]  
**Cc:** Baum, Kristen [KDA]  
**Subject:** RE: New App File No. 50035, changes in pu File Nos. 40414 and 42379 Huckleberry Farms

Hello Richelle,  
Hope all is well with you as well. Thanks for picking this one up so quick!! I just sent the new application package up to Kristen, and it has several maps in it that should work for you. If not, let me know.  
Have a great weekend,  
Doug

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**From:** Krueger, Richelle [KDA]  
**Sent:** Thursday, July 12, 2018 2:23 PM  
**To:** Schemm, Doug [KDA] <Doug.Schemm@ks.gov>  
**Subject:** New App File No. 50035, changes in pu File Nos. 40414 and 42379 Huckleberry Farms

Hi Doug,  
Hope you are doing well today and staying out of that heat! ☺ Hey I have picked the changes up for review and looks like there is no map. Did you happen to get one with the new app you may be able to send me? I know there is the one out there with current pu and ownerships done back in February/March but there wasn't anything with the changes. Looks like I have to get additional signatures too.....

Anyway, thanks for any info you have on this one!

Richelle

# STATE OF KANSAS

DEPARTMENT OF AGRICULTURE  
1320 RESEARCH PARK DRIVE  
MANHATTAN, KS 66502  
PHONE: (785) 564-6700  
FAX: (785) 564-6777



900 SW JACKSON, ROOM 456  
TOPEKA, KS 66612  
PHONE: (785) 296-3556  
www.agriculture.ks.gov

GOVERNOR JEFF COLYER, M.D.  
JACKIE McCLASKEY, SECRETARY OF AGRICULTURE

HUCKLEBERRY FARM, LLC  
5341 W 151ST TERRACE  
LEAWOOD, KS 66224

June 18, 2018

RE: File No 42379-

Dear Sir or Madam:

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

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

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

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

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

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

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

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

Sincerely,

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

BAT: DLW  
pc: TOPEKA Field Office    GMD

SCANNED



OWNERSHIP MAP- NEW APPLICATION HUCKLEBERRY FARM, LLC, 40414 & 42379 CHANGE PU



Water Resources  
Received

**JUN 15 2018**

KS Dept Of Agriculture

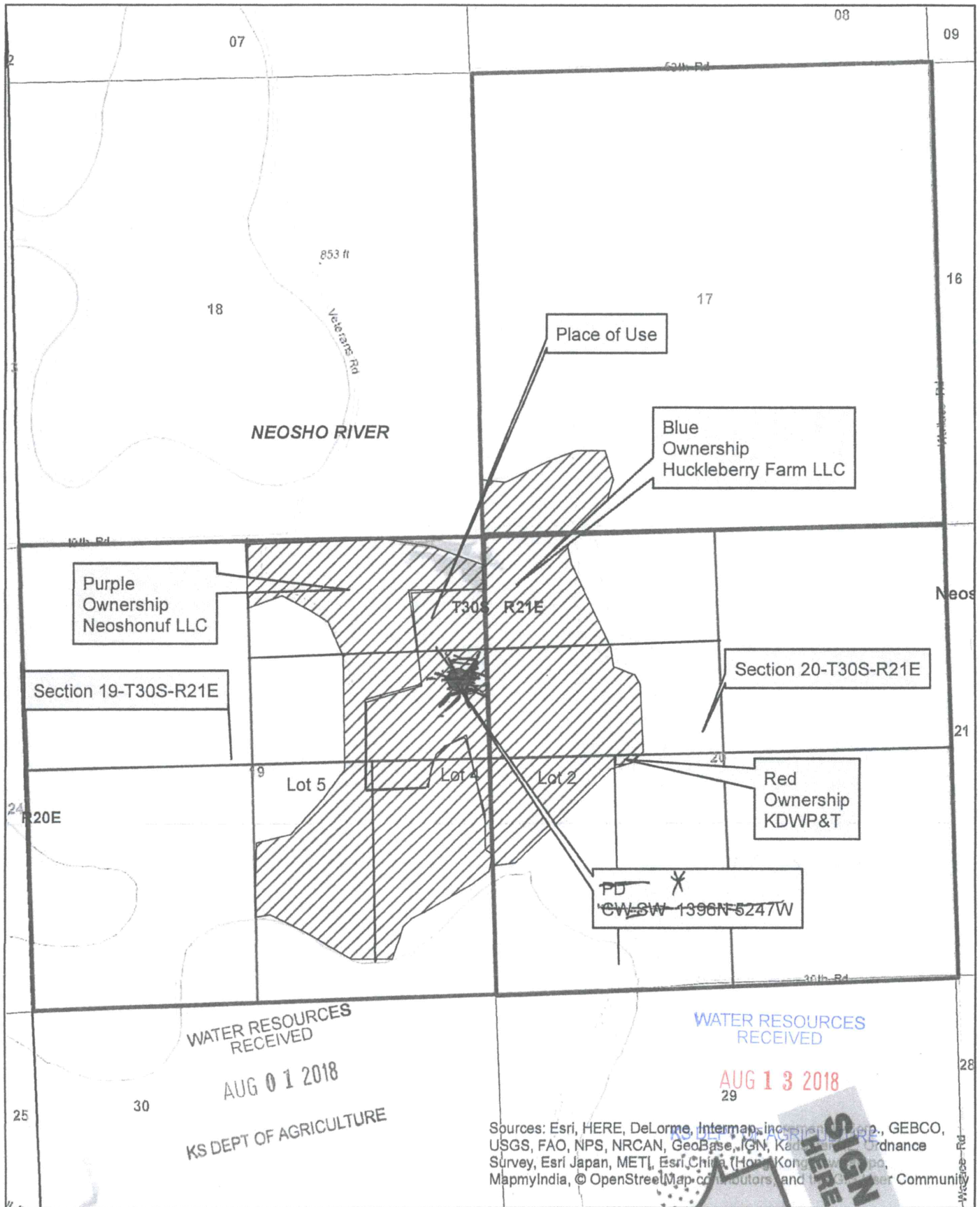
Water Resources  
Received

**JUN 14 2018**

KS Dept Of Agriculture

**SCANNED**

# Proposed New Application and PU changes 40414 & 42379



1:18,000

*Thomas A. Pate, III* 8/8/18  
 Signature Date

**WATER RESOURCES RECEIVED**  
 AUG 13 2018

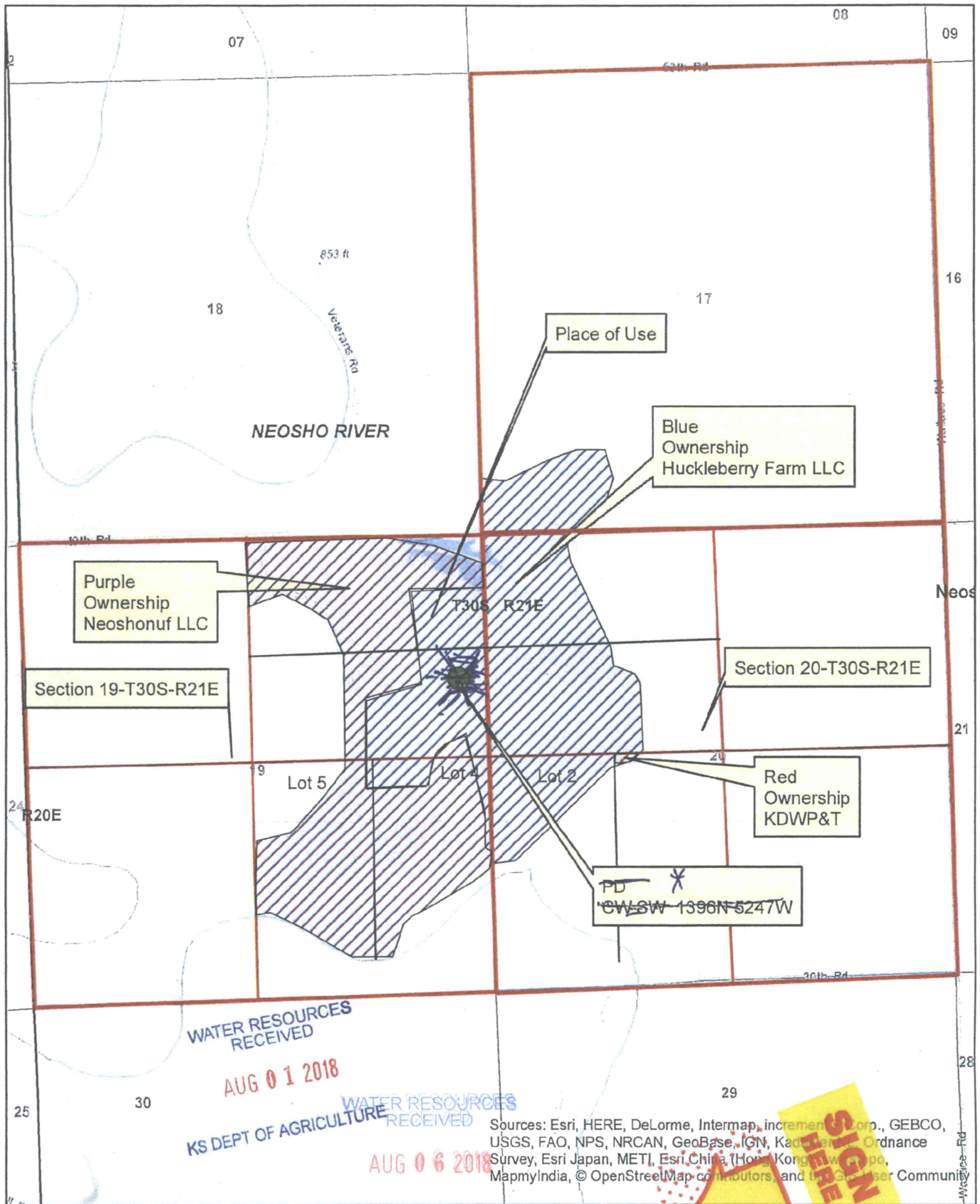
**WATER RESOURCES RECEIVED**  
 AUG 01 2018  
 KS DEPT OF AGRICULTURE

Sources: Esri, HERE, DeLorme, Intermap, inc, swisstopo, GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kad, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), Swisstopo, MapmyIndia, © OpenStreetMap contributors, and the Community

**HERE SIGN HERE**

\* now down  
**SCANED** 8/11/18

# Proposed New Application and PU changes 40414 & 42379



WATER RESOURCES RECEIVED  
 AUG 01 2018  
 KS DEPT OF AGRICULTURE

WATER RESOURCES RECEIVED  
 AUG 06 2018  
 KS DEPT OF AGRICULTURE

Sources: Esri, HERE, DeLorme, Intermap, increment Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), Swisstopo, MapmyIndia, © OpenStreetMap contributors, and the GIS User Community

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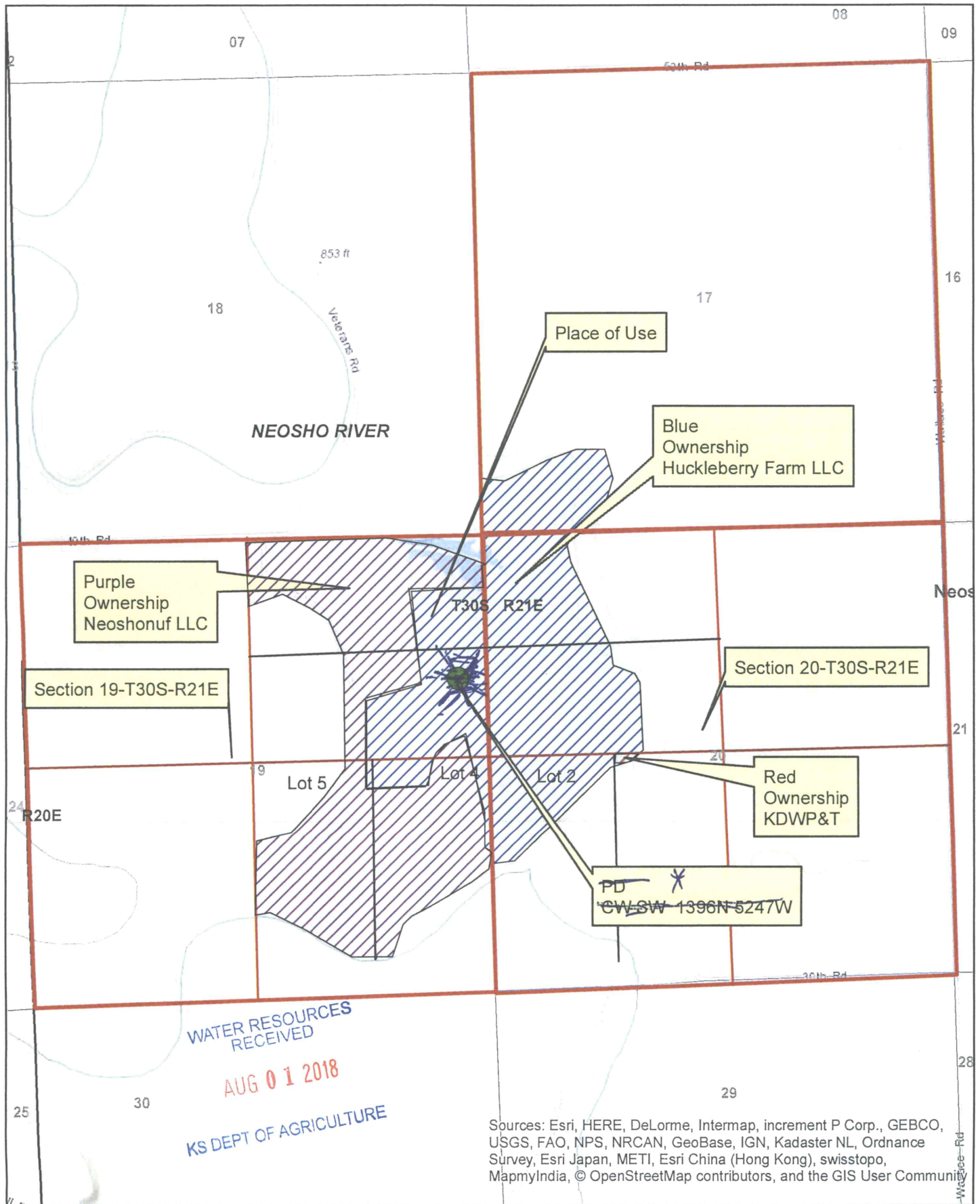
Signature *[Handwritten Signature]*

Date 8/3/18

**APPROVED**  
 \* Mark Down  
 8/12/18

SCANNED

# Proposed New Application and PU changes 40414 & 42379



1:18,000

Signature

Date

\* Mark Down  
8/1/18