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

1. File Number: 49,901	2. Status Change Date: 11/1/2019	3. Change Num:	4. Field Office: 01	5. GMD:	
6. Status: ☐ Approved ☐ Den	ied by DWR/GMD	Dismiss by Reques	t/Failure to Return	7. Filing Date of Change: 10/28/19	
8a. Applicant(s) New to system KENT HERRS 1321 10 TH RD LINN, KS 66953	Person ID 65540 Add Seq# 1	8c. Landowne New to sy		Person ID Add Seq#	
8b. Landowner(s) New to system □ 8a.	Person ID Add Seq#	8d. WUC New to sy	stem 🗌	Person ID Add Seq#	
9. Documents and Enclosure(s):		□ N & P Form	☐ Water Tube ☐ ☐	Comply: H & E Letter Comply: Comply:	
10. Use Made of Water From:		To: _			
			Date Prepared: 10/31 Date Entered:	/19 By: LHH/TFO By:	

File No.	49,90	1		11. (County	/: WS	;	Ba	sin: Re	epubli	can				S	tream:							Fo	ormation C	ode: 33 0	Special Use:	
12. Poir CHK	12. Points of Diversion Rate and Quantity																										
MOD	PDIV																		A	uthori	zed		Α	dditional			
ENT	. 5.,	Qualif	ier		S	Т	I	₹	ID	•	N	ʻW		Com	ment	(AKA I	Line)		Rate gpm/c		Quanti af/mg		Rate gpm/c		antity mgy	Overlap PD Files	
CHK 85476																					None						
13. Stora	age: Rate					NF		Quar	ntity _					_ac/ft	A	ddition	al Rat	e				NF	Addi	tional Qua	intity		_ ac/ft
14. Limit	ation:				_af/yr	at				(gpm (cfs) wl	hen co	mbine	ed with	file nu	ımber((s)						
Limit	tation:				_af/yr	at				(gpm (cfs) wl	hen co	mbine	ed with	file nu	umber((s)						
15. 5YR	Allocation	: Allo	cation	Туре		_ :	Star	t Year			5 YR	Amou	nt		Amo	ount Ur	nit	_	Base	Acres		Co	mment _				
16. Plac	e of Use						NE1/4			NW1/4			SW1/4					s	E¼		Total	Owner	Chg?	Overlap Files			
MOD DEL	PUSE	S 1	. B		ID		NE 1⁄4	NW 1⁄4	SW 1/4	SE 1/4	NE 1⁄4	NW 1⁄4	SW 1/4	SE ¼	NE 1⁄4	NW 1⁄4	SW 1/4	SE ¼	NE 1⁄4	NW 1⁄4	SW 1/4	SE 1⁄4					
	67927				2	:	33	33	33	33									33	33	33	33	264	8a.	No	None	
ENT		24 49	3 2E													40							40	8a.	No	None	
																						Total:	304				
						\perp																					
Base Ac	res: 320	Year	:		Mini	imum	Rea	asona	ble Qı	uantity	:																
Commer	nts:																										

Topeka Field Office 6531 SE Forbes Ave., Suite B Topeka, KS 66619



Phone: 785-296-5733 Fax: 785-296-8298 www.agriculture.ks.gov

Mike Beam, Secretary

Laura Kelly, Governor

November 4, 2019

KENT HERRS 1321 10TH RD LINN, KS 66953

Re:

Appropriation of Water,

File No. 49,901

Dear Sir:

Enclosed is the order executed by David W. Barfield, 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. A condition of this order requires the installation of water flow meter(s) before the first use of water in accordance with the Chief Engineer's specifications found in K.A.R. 5-1-4 through K.A.R. 5-1-12. A copy of these specifications and a list of acceptable meters can be obtained from our website at the following web address:

http://agriculture.ks.gov/meters

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) 296-5733. If you wish to refer to a specific file, please reference it when you contact us.

Sincerely,

Katherine A. Tietsort

Water Commissioner

KAT:lhh **Enclosures** 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.

File No. 49,901 Topeka I Application is hereby made for approval of the Chief Engineer to change the (check one or both): DIVISION OF W	8 2019 Tield Office ATER RESOURCE 2:30
 Application is hereby made for approval of the Chief Engineer to change the (check one or both): ✓ Place of Use ✓ Point of Diversion under the water right which is the subject of this application in accordance with the conditions described below. 	ATER RESOURCE
☐ Place of Use ☐ Point of Diversion under the water right which is the subject of this application in accordance with the conditions described below.	
The source of supply is: Groundwater Surface water	
2. Name and address of Applicant: KENT HERRS	
1321 10 TH RD, LINN, KS 66953	
Phone Number: (785)747-6709 Email address:	
Name and address of Water Use Correspondent: Same as above	
Disas Newbook ()	
Phone Number: () Email address:	THE PARTY OF
3. The presently authorized place of use is:	
Owner of Land NAME: KENT HERRS ADDRESS: 1321 10TH RD, LINN, KS 66953	
(If there is more than one landowner, attach supplemental sheets as necessary.)	
	Ι
NE% NW% SW% SE%	TOTAL ACRES
Sec. Twp. Range NE½ NW½ SW½ SE½ NE½ NW½ SW½ SE½ NE½ NW½ SW½ SE½ NE½ NW½ SW½ SE½ SE½ NE½ NW½ SW½ SE½ NW½ SW½ SE½ NE½ NW½ SW½ SE½ NW½ SE½ NW½ SE½ NW½ SW½ SE½ NW½ SE½ NW½ SW½ SE½ NW½ SW½ SE½ NW½ SW½ SE½ NW½ SE½ NW½ SW½ SE½ NW½ SE½ NW½ SW½ SE½ NW½ SE½ NW½ SW½ SE½ NW½ SW½ SW½ SE½ NW½ SW½ SE½ NW½ SW½ SW½ SW½ SE½ NW½ SW½ SW½ SW½ SW½ SW½ SW½ SW½ SW½ SW½ S	200
23 4 2E 40 40 40 40 40 40 40 40 40 40 40 40 40	320
4. If this application is far a should in place of the it is proposed that the place of the beginning to	
 If this application is for a change in place of use, it is proposed that the place of use be changed to: Owner of Land NAME: KENT HERRS 	
ADDRESS: 1321 10TH RD, LINN, KS 66953	,
(If there is more than one landowner, attach supplemental sheets as necessary.)	
	TOTAL
NE% NW% SW% SE%	TOTAL ACRES
Sec. Twp. Range NE½ NW½ SW½ SE½ NE½ NW½ SW½ SE½ NE½ NW½ SW½ SE½ NE½ NW½ SW½ SE½ OR 4 OF OR	264
23 4 2E 33 33 33 33 33 33 33 33 33 33 33 33 33	264
24 4 2E 40	40
For Office Use Only: Code CPU Fee \$ 200 TR # Receipt Date 10-28-19 Check # 5	013

5.	Presently authorized point of diversion:				
	One in the Quarter of the	NW	Quarter of the	NE	Quarter
	of Section, Township	4	South, Range	2 E	
	in WASHINGTON County, Kansas, 5120				
	Authorized Rate Authorized Quantity				
	(DWR use only: Computer ID No. 85476 GPS)
	☑This point will not be changed ☐This point will be changed				
	Proposed point of diversion: (Complete only if change				
	One in the Quarter of the				
	of Section, Township		South, Range		(E/W),
	in County, Kansas,	feet North _	feet West of S	Southeast corner of	of section.
	Proposed Rate Proposed Quantity		Proposed well depth ((feet)	
- 1	This point is: ☐ Additional Well ☐ Geo Center List oth	er water rig	hts that will use this point		
				9	
6.	Presently authorized point of diversion:				
	One in the Quarter of the		Quarter of the		Quarter
	of Section, Township				
	in County, Kansas,				
	Authorized Rate Authorized Quantity	_	Depth of well	(feet)	
	(DWR use only: Computer ID No GPS		feet North	feet West)
- 1	☐This point will not be changed ☐This point will be changed				
- 1	Proposed point of diversion: (Complete only if change	is request	ed or if existing point is	better described	by GPS)
- 1	One in the Quarter of the				
- 1	of Section, Township		South Range		(E/W).
	in County, Kansas,	feet North	feet West of S	Southeast corner of	of section.
	Proposed Rate Proposed Quantity				
	This point is: Additional Well Geo Center List oth				
			The distribution and point.		
7.	the change therein are accurate for the following reaccine.				
	(please be specific) Add new ground to place of use and		0 200 100 North		200
	better reflect actual irrigated ground.	30i	0 200 100 0	100 200	300 ∏∃
			_ =		4
8.	If a well, is the test hole log attached? Yes No	200	-141+1	1 + 1 + 1	3000
		200	-1/+ + =	+ + +/	
9.	The change(s) (was)(will be) completed by?		-/	\	\ <u></u>
	Spring 2020	100	∤ + + = −	1 + 1 + 1	100
40	M				4
10.	If the point of diversion is a well:	1	<u>.</u>	(I I I I	1
	(a) What are you going to do with the old well?	West 0	n dan anlan anjar \$ a	andimmahma	HH 0 East
			-		-1
		100	+++==	1 + 1 + 1	100
	(b) When will this be done?		\ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \		/=
				/	3
11.	Groundwater Management District recommendation	200	-14 1+1=	+ +/	200
	attached? Yes No		=	- /-	릨
12	Assisted by _dws/tfo		indundandandan 🗓		盂
12.	rissisted by <u>awartio</u>	300	0 200 100 0	100 200	300

13a.If the proposed point of diversion will be relocated more than 300 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 of the proposed point of diversion and the names of the proposed point of diversion must be located within a 300 foot radius of the existing point of diversion for the existing point of diversion. The proposed point of diversion must be located within a 300 foot radius of the existing point of diversion. The proposed point of diversion must be located within a 300 foot radius of the existing point of diversion must be located within a 300 foot radius of the existing point of diversion must be located within a 300 foot radius of the existing point of diversion must be located within a 300 foot radius of the existing point of diversion for the existing point of diversion must be located within a 300 foot radius of the existing point of diversion for the existing 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 lines

within the circle shown above. (PLEASE NOTE: The "X" in center of diagram above represents the presently authorized point of diversion.)

14. If the	e proposed groundwater point of diversion is 300 or fewer fee	t from the existing point of diversion, complete the following:
(a)	Does the undersigned represent all owners of the currently a \square Yes \square No (If no, all owners must sign this ap	uthorized place(s) of use identified in this application? oplication.)
(b)	Will the ownership interest of any owner of the currently au affected if this application is approved as requested? ☐ Yes ☐ No (If yes, all owners must sign this a	thorized place(s) of use identified in this application be adversely application.)
(c)	If this application is not approved expeditiously, will there be \square Yes \square No (If no, all owners must sign this approximation)	
or a char		n, a groundwater change in point of diversion greater than 300 feet ers of the currently authorized place of use, or their duly authorized
age and their be	the owner, the spouse of the owner, or a duly auth	rmation and under penalty of perjury, that I am of lawfu norized agent of the owner(s) to make this application or application pertains. I further verify that the statements
Dated at	, Kansas, tl	his 32 day of October, 2019.
	Kept Ham	- sdeen Heur
	(Owner)	(Spouse)
	(Please Print)	(Please Print)
	(Owner)	(Spouse)
	(Please Print)	(Please Print)
	(Owner)	(Spouse)
	(Please Print)	(Please Print)
State of h	Kansas of Washington SS MY APPRI	Carla Scheele TARY PUBLIC State of Kansas
I here	by certify that the foregoing application was signed in 20_1	n my presence and sworn to before me this 22 day
	1. 20 2022	Motary Public
My Comr	mission Expires <u>029-2023</u> .	
accurate in		all of the applicable portions of the application form must be completed wit e appropriate owners' must be affixed to the application and notarized; and
	FEE SCHE	DULE
forth in th	plication to change the place of use or the point of diversion under schedule below: Make checks payable to: Kansas Depar 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	\$100 feet\$200

SUMMARY ORDER APPROVING APPLICATION FOR CHANGE AND IMPOSING CONDITIONS

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 promulgated thereunder, With the exception of those conditions expressly contained herein, this Summary Order does not change the terms, conditions and limitations of File No. 49,401 A change application was received on October 28,2019 requesting that the place of use and / or point of diversion authorized under the above-referenced file number be changed as described in the application. 2. On and after the effective date of this summary order, the authorized place(s) of use shall be located substantially as shown 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 The point(s) of diversion authorized herein shall not actually be located more than authorized point(s) of diversion. ☐ Applicable ☑ Not Applicable 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. Applicable ☐ Not Applicable Installation of the works for diversion of water shall be completed on or before December 31, 20 or within any authorized extension of time. By March 1, 20____ 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 The completed well log shall be submitted with the required notice. ☐ Applicable Not Applicable 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 ☑ No 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. Administrative Appeal and Effective Date of Order FOR OFFICE USE ONLY If you are aggrieved by this order, pursuant to K.S.A. 82a-1901, APPLICATION APPROVED AND you may request an evidentiary hearing before the Chief SUMMARY ORDER ISSUED 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 administrative review by the Secretary must be filed within **30** days pursuant to K.S.A. 77-531. Any request for administrative review must state a basis for review pursuant to K.S.A. 77-527. Duly Authorized Designee of the Chief Engineer 110+500+ atherino (Print Name): File any request with Kansas Department of Agriculture, Division of Water Resources - Kansas Department of Agriculture Legal Division, 1320 Research Park Drive, Manhattan, KS Date of Issuance: 66502. Failure to timely request a hearing or review may preclude review under the Kansas Judicial Review Act. State of Kansas For Use by Register of Deeds SS aunee Acknowledged before me on Signature Notary Public

DWR 1-121 (Revised 09/11/2019)

Page 4

My commission expir

DEBBIE CROUCHER
My Appointment Expires
Men 20,87249,901

CERTIFICATE OF SERVICE

On this 4th day of November, 2019, I hereby certify that the attached <u>APPROVAL OF</u> <u>APPLICATION FOR CHANGE IN PLACE OF USE</u>, Appropriation of Water, File No. 49,901, dated November 1, 2019 was mailed postage prepaid, first class, US mail to the following:

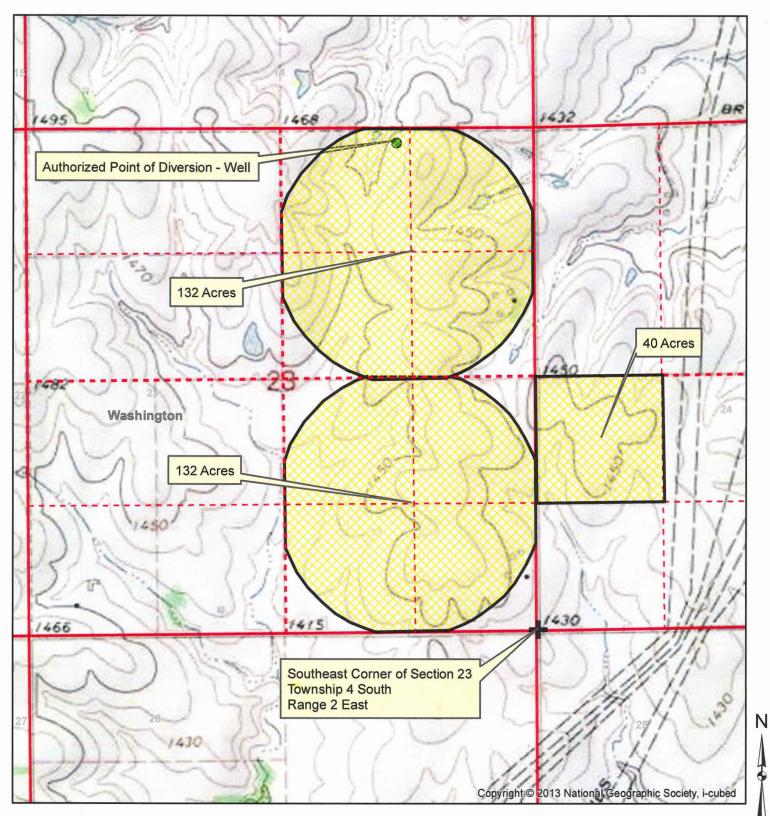
KENT HERRS 1321 10TH RD LINN, KS 66953

Staff

KENT HERRS - FILE NO. 49,901 PROPOSED PLACE OF USE

Sections 23 & 24, Township 4 South, Range 2 East Washington County

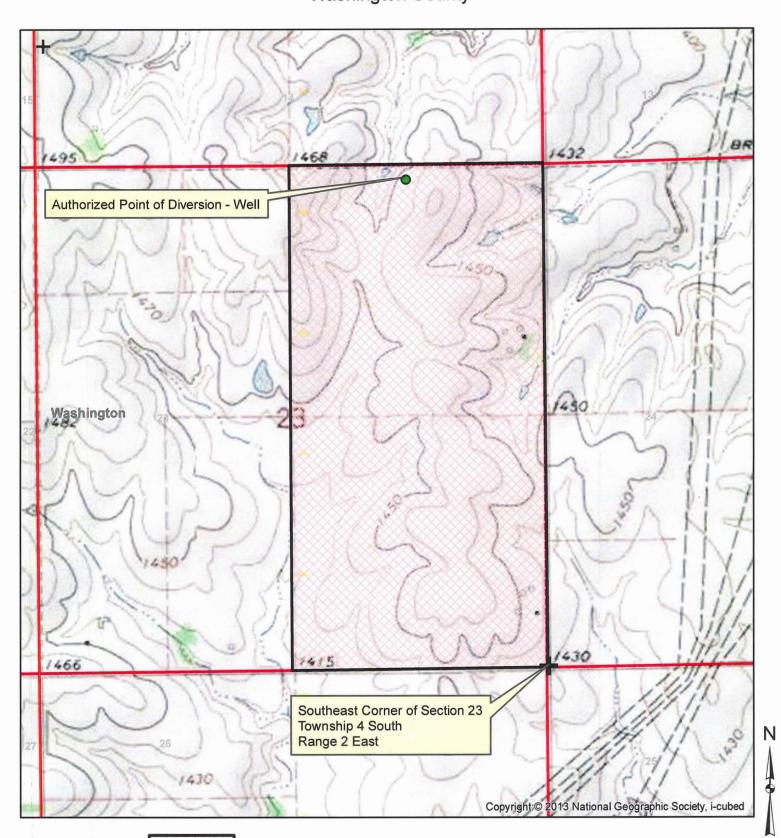
1:12,000



Proposed Place of Use (304 Acres)

KENT HERRS - FILE NO. 49,901 AUTHORIZED PLACE OF USE Section 23, Township 4 South, Range 2 East Washington County

1:12,000



Authorized Place of Use