

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

February 10, 2020

HARVEY HERRS FAMILY TRUST
ATTN: C/O DEAN HERRS, TRUSTEE
1117 8TH RD
LINN, KS 66953-9268

Re: Water Right, File No. 28,655

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 order also requires that the diversion works should be completed, including installation of the flow meter(s), by December 31, 2020. If you do not have access to the internet, please contact this office and we will send you a paper copy of the referenced information.

Because this order modifies the original certificate issued under your water right file, it should be recorded with the Register of Deeds as other instruments affecting real estate.

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

Sincerely,

A handwritten signature in blue ink that reads "Katherine A. Tietsort".

Katherine A. Tietsort
Water Commissioner

KAT:lh
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. 28,655

RECEIVED
 FEB 03 2020
 2:45
 Topeka Field Office
 DIVISION OF WATER RESOURCES

1. 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.

The source of supply is: Groundwater Surface water

2. Name and address of Applicant: HARVEY HERRS FAMILY TRUST Attn: C/O DEAN HERRS, TRUSTEE

1117 8TH RD LINN, KS 66953-9268

Phone Number: () Email address: _____

Name and address of Water Use Correspondent: as above

Phone Number: () Email address: _____

3. The presently authorized place of use is:

Owner of Land ---- NAME: HARVEY HERRS FAMILY TRUST Attn: C/O DEAN HERRS, TRUSTEE

ADDRESS: 1117 8TH RD LINN, KS 66953-9268

(If there is more than one landowner, attach supplemental sheets as necessary.)

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					
24	4S	2E									40				40				40	40	40	40	240

4. 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: NO CHANGE

ADDRESS: _____

(If there is more than one landowner, attach supplemental sheets as necessary.)

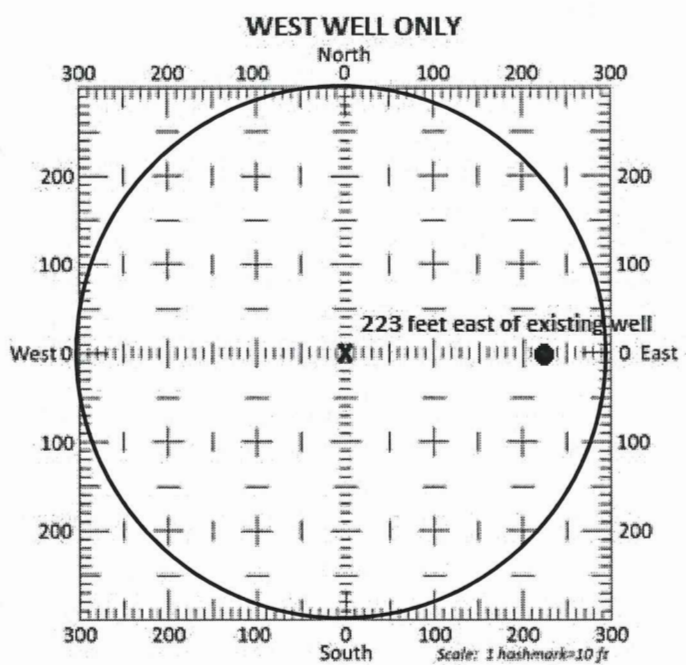
Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES				
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼					

For Office Use Only: Code <u>LSO</u> Fee \$ <u>100</u> TR # _____ Receipt Date _____ Check # <u>1670</u>

5. **Presently authorized point of diversion: WEST WELL**
 One in the SW Quarter of the NW Quarter of the SE Quarter of Section 24, Township 4 South, Range 2 EAST, in Washington County, Kansas, 1420 feet North 2610 feet West of Southeast corner of section.
 Authorized Rate _____ Authorized Quantity _____ Depth of well _____ (feet)
(DWR use only: Computer ID No. 1 (PDIV: 21982) GPS 1347 feet North 2674 feet West)
 This point will not be changed This point will be changed as follows: No change, point better described with GPS as follows:
Proposed point of diversion: (Complete only if change is requested or if existing point is better described by GPS)
 One in the SW Quarter of the NW Quarter of the SE Quarter of Section 24, Township 4 South, Range 2 EAST, in Washington County, Kansas, 1347 feet North 2451 feet West of Southeast corner of section.
 Proposed Rate _____ Proposed Quantity _____ Proposed well depth (feet) _____
 This point is: Additional Well Geo Center List other water rights that will use this point _____

6. **Presently authorized point of diversion: EAST WELL**
 One in the NW Quarter of the NE Quarter of the SE Quarter of Section 24, Township 4 South, Range 2 EAST, in Washington County, Kansas, 2370 feet North 1010 feet West of Southeast corner of section.
 Authorized Rate _____ Authorized Quantity _____ Depth of well _____ (feet)
(DWR use only: Computer ID No. 2 (PDIV: 28861) GPS _____ feet North _____ feet West)
 This point will not be changed This point will be changed as follows: No change, point better described with GPS as follows:
Proposed point of diversion: (Complete only if change is requested or if existing point is better described by GPS)
 One in the NW Quarter of the NE Quarter of the SE Quarter of Section 24, Township 4 South, Range 2 EAST, in Washington County, Kansas, 2395 feet North 968 feet West of Southeast corner of section.
 Proposed Rate _____ Proposed Quantity _____ Proposed well depth (feet) _____
 This point is: Additional Well Geo Center List other water rights that will use this point _____

7. The changes herein are desired for the following reasons?
 (please be specific) _____
 Failure of the existing well _____
8. If a well, is the test hole log attached? Yes No
9. The change(s) (was)(will be) completed by?
 Following approval _____
10. If the point of diversion is a well:
 (a) What are you going to do with the old well?
 plug it _____
 (b) When will this be done? Following approval _____
11. Groundwater Management District recommendation attached?
 Yes No
12. Assisted by Lloyd Hemphill/TFO



- 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 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
- 13b. If the proposed point of diversion will be relocated within a 300 foot radius of the existing point of diversion, indicate its location on the diagram shown above in relation to the existing point of diversion. The proposed point of diversion must be located within the circle shown above. **(PLEASE NOTE: The "X" in center of diagram above represents the presently authorized point of diversion.)**

14. If the proposed groundwater point of diversion is 300 or fewer feet from the existing point of diversion, complete the following:

- (a) Does the undersigned represent all owners of the currently authorized place(s) of use identified in this application?
 Yes No (If no, all owners must sign this application.)
- (b) Will the ownership interest of any owner of the currently authorized place(s) of use identified in this application be adversely affected if this application is approved as requested?
 Yes No (If yes, all owners must sign this application.)
- (c) If this application is not approved expeditiously, will there be substantial damage to property, public health or safety?
 Yes No (If no, all owners must sign this application.)

If the application proposes a surface water change in point of diversion, a groundwater change in point of diversion greater than 300 feet, or a change in place of use, the application must be signed by all owners of the currently authorized place of use, or their duly authorized agent (attach notarized statement authorizing representation).

I hereby verify, being first duly sworn upon my oath or affirmation and under penalty of perjury, that I am of lawful age and the owner, the spouse of the owner, or a duly authorized agent of the owner(s) to make this application on their behalf, in regards to the water right(s) to which this application pertains. I further verify that the statements contained in this application are true, correct and complete.

Dated at Linn, Kansas, this 29th day of January, 2020.

<u>Dean Herrs, Trustee</u> (Owner)	_____	(Spouse)
<u>Dean Herrs, Trustee</u> (Please Print)	_____	(Please Print)
_____	_____	(Spouse)
(Owner)	_____	(Please Print)
_____	_____	(Spouse)
(Please Print)	_____	(Please Print)
_____	_____	(Spouse)
(Owner)	_____	(Please Print)
_____	_____	(Spouse)
(Please Print)	_____	(Please Print)

State of Kansas
County of Washington } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 29th day of January, 2020.



Carla Scheele
Notary Public

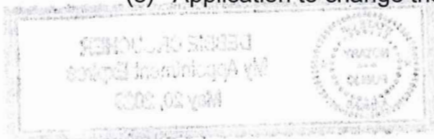
My Commission Expires 6 29 23.

ONLY COMPLETE APPLICATIONS WILL BE PROCESSED. To be complete, all of the applicable portions of the application form must be completed with accurate information; maps, if necessary, must be included; signatures of all the appropriate owners' must be affixed to the application and notarized; and the appropriate fee must be paid.

FEE SCHEDULE

Each application to change the place of use or the point of diversion under this section shall be accompanied by the application fee set forth in the schedule below: Make checks payable to: **Kansas Department of Agriculture**

- (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



CERTIFICATE OF SERVICE

On this 10th day of February, 2020, I hereby certify that the attached **APPROVAL OF APPLICATION FOR CHANGE IN POINT OF DIVERSION**, Water Right, File No. 28,655, dated February 7, 2020 was mailed postage prepaid, first class, US mail to the following:

HARVEY HERRS FAMILY TRUST
ATTN: C/O DEAN HERRS, TRUSTEE
1117 8TH RD
LINN, KS 66953-9268

A handwritten signature in blue ink, reading "Debbie Leach", written over a horizontal line.

Staff