THE STATE OF KANSAS

STATE BOARD OF AGRICULTURE
Roy Freeland, *Secretary*

DIVISION OF WATER RESOURCES
R. V. Smrha, *Chief Engineer*

CERTIFICATE OF APPROPRIATION FOR BENEFICIAL USE OF WATER

APPLICATION No. 7858
PRIORITY July 31, 1958

WHEREAS, It has been determined by the undersigned that construction of the appropriation diversion works has been completed, that water has been used for beneficial purposes and that the appropriation right has been perfected, all in conformity with the conditions of approval of the above-numbered application and in conformity with the laws of the State of Kansas,

NOW, THEREFORE, Be It Known that I, R. V. SMRHA, the duly appointed, qualified and acting Chief Engineer of the Division of Water Resources of the Kansas State Board of Agriculture, by authority of the laws of the State of Kansas, and particularly K. S. A. 82a-714, do hereby certify that, subject to vested rights and prior appropriation rights, the appropriator is entitled to make use of ground water in the drainage basin of the Cimarron River to be withdrawn by means of a well located in the Northwest Quarter of the Northeast Quarter of the Northwest Quarter (NW¼ NE¼ NW¼) of Section 19, Township 32 South, Range 32 West, Seward County, Kansas, at a maximum rate of 1334 gallons per minute (2.97 c.f.s.) and in an amount not to exceed 700 acre-feet per year for irrigation use on the following-described property:

160 acres in the Northeast Quarter (NE¼),
30 acres in the Northeast Quarter of the Northwest Quarter (NE¼ NW¼),
30 acres in the Northwest Quarter of the Northwest Quarter (NW¼ NW¼),
30 acres in the Southwest Quarter of the Northwest Quarter (SW¼ NW¼),
40 acres in the Southeast Quarter of the Northwest Quarter (SE¼ NW¼),
25 acres in the Northeast Quarter of the Southwest Quarter (NE¼ SW¼),
5 acres in the Northwest Quarter of the Southwest Quarter (NW¼ SW¼),
20 acres in the Southeast Quarter of the Southwest Quarter (SE¼ SW¼),
all in Section 19, Township 32 South, Range 32 West, Seward County, Kansas, a total of 340 acres, which, according to information on file in connection with Application No. 7858, is owned by McPherson College.

RECEIVED
JUL 20 1970
Division of Water Resources
GARDEN CITY

IN WITNESS WHEREOF, I have hereunto set my hand at my office at Topeka, Kansas, this 8th day of July, 1970.

R. V. Smrha, Chief Engineer
Division of Water Resources
KANSAS STATE BOARD OF AGRICULTURE

STATE OF KANSAS, Shawnee COUNTY, ss.

BE IT REMEMBERED, That on this 8th day of July, A. D. 1970, before me, the undersigned, a notary public in and for said County and State, came R. V. Smrha, Chief Engineer, Division of Water Resources of the Kansas State Board of Agriculture, who is personally known to me to be such duly appointed, qualified and acting official, and who is personally known to me to be the same person who executed the within instrument of writing as such official and such person duly acknowledged the execution of the same as such Chief Engineer.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year last above written.

Signature: Carmelita Hutton
Carmelita Hutton, Notary Public

My commission expires Apr. 5, 1973.

The appropriation right as perfected is appurtenant to and severable from the land herein described.

The appropriation right shall be deemed abandoned and shall terminate when without due and sufficient cause no lawful beneficial use is made of water under this appropriation for three (3) successive years.

The right of the appropriator shall relate to a specific quantity of water and such right must allow for a reasonable raising or lowering of the static water level and for the reasonable increase or decrease of the stream flow at the appropriator's point of diversion.

(Record in the Office of Register of Deeds in the county or counties wherein the point of diversion is located)

WATER APPROPRIATION CERTIFICATE

No. 3322

STATE OF KANSAS

Application No. 7858

To McPherson College

STATE OF KANSAS, _____ COUNTY, SS.

Filed for record this _____ day of _____, 19__

at _____ o'clock _____ m. and

recorded in Book _____ Page _____

Fee $ _____

_____ Register of Deeds.

33-459-S—8-6-7 8-69-5M

Submit completed application to:
Kansas Department of Agriculture
Division of Water Resources
Field Office for your area.
Call for address:
Topeka -- (785) 368-8251
Stafford -- (620) 234-5311
Stockton -- (785) 425-6787
Garden City -- (620) 276-2901
www.ksda.gov

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.

RECEIVED
1:35 pm
APR 09 2014
Garden City Field Office
Division of Water Resources

File No. 7,858

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: Ryan Hamlin (Tenant for McPherson College)
300 RD 20 Hugoton, KS 67951
Phone Number: (620) 544-6473 Email address:
Name and address of Water Use Correspondent: Gary L. Baker
PO Box 247 Hugoton, KS 67951
Phone Number: (620) 544-2121 Email address:

3. The presently authorized place of use is:
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	

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:
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* _____ *Fee $* 100 *TR #* _____ *Receipt Date* 4/9/14 *Check #* 1199

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5. **Presently authorized point of diversion:**

One in the NW Quarter of the NE Quarter of the NW Quarter of Section 19, Township 32 South, Range 32W ~~(E/W)~~, in Seward County, Kansas, 5,225 feet North 3,625 feet West of Southeast corner of section.

Authorized Rate 1334 gpm Authorized Quantity 680 AF Depth of well _____ (feet) ★ SCALED

(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 NW Quarter of the NE Quarter of the NW Quarter of Section 19, Township 32 South, Range 32W ~~(E/W)~~, in Seward County, Kansas, 5,225 feet North 3,370 feet West of Southeast corner of section.

Proposed Rate 1334 gpm Proposed Quantity 689 AF Proposed well depth (feet) 520'.

This point is: ☐ Additional Well ☐ Geo Center List other water rights that will use this point _____.

6. **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 _____ Depth of well _____ (feet)

(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 _____ Proposed well depth (feet) _____.

This point is: ☐ Additional Well ☐ Geo Center List other water rights that will use this point _____.

7. Why do you need a new point of diversion? casing failure

8. If a well, is the test hole log attached? ☑ Yes ☐ No

9. When do you propose to complete the new point of diversion? After approval of this application

10. If the point of diversion is a well:

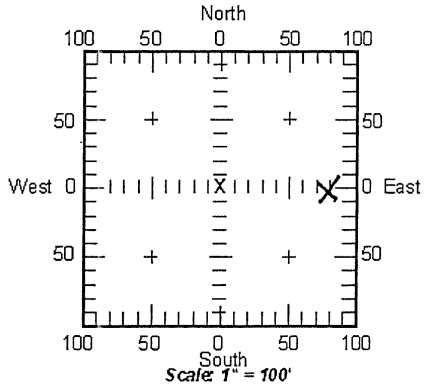
(a) What are you going to do with the old well? will plug

(b) When will this be done? soon

11. Groundwater Management District recommendation attached? ☐ Yes ☐ No

12. Assisted by GLB Services

13a. If the proposed point of diversion will be relocated within 100 feet of the existing point of diversion, indicate its location on the diagram below in relation to the existing point of diversion. **(PLEASE NOTE: The "X" in center of diagram below represents presently authorized point of diversion.)**



Scale: 1" = 100'

13b. If the proposed point of diversion will be relocated more than 100 feet but within 1320 feet from 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.

25698

Pherson College

544-6473

L.C. BURKETT, JR.
DRILLING COMPANY
(WE TEST THE EARTH)
Phone 806-948-4252
P.O. Box 630
SUNRAY, TEXAS 79086

Sec. 19 Blk. 32 Sur. 32

N 37° 15' 24.7"
W 100° 50' 45.3"

10/24/12

Test No. E 85' Tib Ogl. 7858 County Seward

FROM	TO	DESCRIPTION	SAND
)	200	surface clay sand + gravel "loose"	
200	220	fine to medium coarse sand + gravel "fairly loose" w/ few clay stringers	3-dirty 16
220	240	fine to medium coarse sand + gravel "fairly loose" using little water	2-dirty 18
240	260	fine to medium coarse sand + gravel "loose" using little water	3-dirty 17
260	280	fine to medium coarse sand + gravel "loose" using little water	1-dirty 19
280	300	fine to medium coarse sand + gravel "loose" w/ one "280-285" dirty streaks + clay stks using little water	4-dirty 15
300	320	fine to medium coarse sand + gravel "loose" w/ few clay + dirty sand streaks "310-315" using little water	2-dirty 14
320	340	fine to medium coarse sand + gravel "loose" w/ one "339" clay stk using little water	1-dirty 18
340	360	fine to medium coarse sand + gravel "loose" "little"	1-dirty 19
60	380	fine to medium coarse sand + gravel "loose" "little"	3-dirty 17
380	400	fine to medium coarse sand + gravel "loose" "little"	3-dirty 17
400	420	fine to medium coarse sand + gravel "loose" "little"	5-dirty 15
420	440	fine to medium coarse sand "loose"	1-dirty 19
440	460	fine to medium sand "very loose" using little water	3-dirty 17
460	480	red fine to med. coarse sand + gravel "red" "very loose" w/ few clay stringers + tight streaks "476-480"	10-dirty 9
480	500	480-485 "tight + dirty" fine to med. coarse red sand + 485-500 firm red clay w/ alibate stks + fine sand stks	5-dirty 3
500	520	"little hard" white alibates w/ one firm red clay streaks + loose stks	

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14. If the proposed groundwater point of diversion is 300 or fewer feet from 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 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.

Dated at Hugoton, Kansas, this 9th day of April, 20 14.

Ry— Hamlin	
(Owner)	(Spouse)
RYAN HAMLIN	
(Please Print)	(Please Print)
(Owner)	(Spouse)
(Please Print)	(Please Print)
(Owner)	(Spouse)
(Please Print)	(Please Print)

State of Kansas
County of Stevens } SS

GARY L. BAKER
Notary Public - State of Kansas
My Appt. Expires –

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 9th day of April, 20 14.

Gary L. Baker
Notary Public

My Commission Expires 10-28-14.

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 Effective July 1, 2002

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

Any application submitted which requests two of the types of changes set forth above shall be accompanied by a fee of $300.

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KS DEPT OF AGRICULTURE

File No. 7,858

SCANNED

SUMMARY ORDER APPR[illegible]ING APPLICATION FOR CHANGE A[illegible] IMPOSING CONDITIONS

This Summary Order is issued under authority of K.S.A. 82a-708b, as amended, and K.A.R. 5-14-3 and other applicable provisions of the *Kansas Water Appropriation Law, K.S.A. 82a-701 et. seq.,* and rules and regulations promulgated thereunder, K.A.R. 5-1-1 *et.seq.* With the exception of those conditions expressly contained herein, this Summary Order does not change the terms, conditions and limitations of File No. 7,858.

1. A change application was received on April 9, 2014 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 on the topographic map accompanying the application to change the place of use. ☐ Applicable ☒ Not Applicable
3. The change in point of diversion shall not impair existing rights and shall be limited to the same source or sources of water as previously authorized. The point of diversion authorized by this summary order shall be located within a 50 **foot** radius of the authorized point(s) of diversion. ☒ Applicable ☐ Not Applicable
4. The point(s) of diversion authorized herein shall not actually be located more than _____ feet from the previously authorized point(s) of diversion. ☐ Applicable ☒ Not Applicable
5. 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
6. **The owner of the authorized place(s) of use shall properly install an acceptable water flow meter on or before December 31, 2014,** 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
7. **Installation of the works for diversion of water shall be completed on or before December 31, 2014**, or within any authorized extension of time. By March 1, 2015 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
8. **The completed well log shall be submitted with the required notice.** ☒ Applicable ☐ Not Applicable
9. 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
10. Additional Conditions are attached. ☐ Yes ☒ No
11. 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

You have the right to a hearing in accordance with K.A.R. 5-14-3 before this Summary Order becomes final action of the Kansas Department of Agriculture. Any request for a hearing must be filed with the **Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, 109 SW 9th Street, Topeka, Kansas 66612,** within 15 days after the date shown on the Certificate of Service attached hereto. If a hearing is not requested in accordance with K.A.R. 5-14-3, this Summary Order will become effective on the 15th day after the date shown on the Certificate of Service.

For Use by Register of Deeds

FOR OFFICE USE ONLY

APPLICATION APPROVED AND SUMMARY ORDER ISSUED

By: _____
Duly Authorized Designee of the Chief Engineer

(Print Name): Thomas P Makens
Division of Water Resources - Kansas Department of Agriculture

Date of Issuance: April 11, 2014

State of Kansas)
) SS
County of Finney)

Acknowledged before me on April 11, 2014
by Thomas P. Makens.

Signature: Sue Keeny
Notary Public

OFFICIAL SEAL
SUE KEENY
MY COMMISSION EXPIRES
June 8, 2014

My commission expires: _____
(Notary Seal)

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. 5-14-3 and other applicable provisions of the *Kansas Water Appropriation Law, K.S.A. 82a-701 et. seq.,* and rules and regulations promulgated thereunder, K.A.R. 5-1-1 *et.seq.* With the exception of those conditions expressly contained herein, this Summary Order does not change the terms, conditions and limitations of File No. 7,858.

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2. On and after the effective date of this summary order, the authorized place(s) of use shall be located substantially as shown on the topographic map accompanying the application to change the place of use. ☐ Applicable ☒ Not Applicable
3. The change in point of diversion shall not impair existing rights and shall be limited to the same source or sources of water as previously authorized. The point of diversion authorized by this summary order shall be located within a 50 **foot** radius of the authorized point(s) of diversion. ☒ Applicable ☐ Not Applicable
4. The point(s) of diversion authorized herein shall not actually be located more than 300 feet from the previously authorized point(s) of diversion. ☒ Applicable ☐ Not Applicable
5. 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
6. **The owner of the authorized place(s) of use shall properly install an acceptable water flow meter on or before December 31, 2014,** 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
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   ☒ Applicable ☐ Not Applicable
8. **The completed well log shall be submitted with the required notice.** ☒ Applicable ☐ Not Applicable
9. 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
10. Additional Conditions are attached. ☐ Yes ☒ No
11. 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.

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For Use by Register of Deeds

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KS DEPT OF AGRICULTURE

FOR OFFICE USE ONLY

APPLICATION APPROVED AND SUMMARY ORDER ISSUED

By: _____
Duly Authorized Designee of the Chief Engineer

(Print Name): Thomas P Makens
Division of Water Resources - Kansas Department of Agriculture

Date of Issuance: April 11, 2014

State of Kansas)
) SS
County of Finney)

Acknowledged before me on April 11, 2014
by Thomas P. Makens.

Signature: Sue Keeny
Notary Public

OFFICIAL SEAL
SUE KEENY
MY COMMISSION EXPIRES
June 8, 2014

My commission expires: _____
(Notary Seal)

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