CHECK SHEET Short Change

(To be completed and attached to each application)

Fi	le No. <u>17</u>	076	•		Fiel	d Office	No. <u>4</u>		(GMD No.	<u>1</u>
1.	Plugging	agreement	t obtained f	or GMD?	Yes 🗌	No) []	Non App	licable ⊠		
			ct as curren e of Use Ove	•			s 🛛	No []		Change? NO
			-		•				No 🗆		Change? <u>NO</u>
4. ;	a. Point	of diversion	n compute	r ID No(s).			for poli	nt(s) being	g changed.		
I	. Show	r feet distar	nces from th	ne		cor	ner of t	he sectior	for the new	point(s) o	f diversion:
	Action	PDIV ID	Geo Ctr?	Sec	Twp	Rng	'N	'W	Coun	ty	Qualifiers
=											
	Old P	DIV ID	Authorized	Rate gpm gpm/cfs gpm/cfs	Additio	onal Rati	e gpm _ n/cfs _ n/cfs _	Authorize	lally assigned d Quantityafaf/mgyaf/mgy	Addition	af af/mgy af/mgy
											⊠ Yes □ No
						Special Use Area					
5. 1	Distances	s from the	original p/d:		' N						N
	<u>NATER F</u>	RIGHT ACT	ION TRAIL	COMMENT		Applicat	tion Rec	eived (date	e accepted for	priority)	
	/	<u>1_/17</u>			Change Notice a						
-		/			Comple	tion Req	uiremen	t Removed	d (Change No.	. C)	
7.]	WETER A	<u>CTION TRA</u>	AIL COMME	<u>NTS</u>	DWR M	eter Rec	quired by	ı <u>12/31/18</u>			
8.	Base Acre	es		Yea	ar		Mi	nimum Re	asonable Qua	ntity	
								Date Crea	ted 12/19/17	by tpm	
								Date Ente	red	bv	

CHECK SHEET ATTACHMENT

File Number 17076

9. Changes to the place of use will be:

					•		ž	NE1/4			NW74	7%			SW1/4	7%			SE14		-	; } }
Person ID ID #	D N	Se	<u>ئ</u> ئ	Sec. Twp. Range	je	NE%	$\overline{}$	NW1/4 SW1/4 SE1/4	SE14	NEW NWW SWW SEW	NW74	SW74	SE1/4	NE74	NE1/2 NW1/4 SW1/4 SE1/4	SW7.4	SE1/4	NE% NW% SW% SE%	NW74 S	W74 S)E1/4 /	ACRES
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74		7		77.00	Acres Authorized	40	40	40	40									40	40	40	40	320
NO CHG 40133 1100	_				New Acres																	
	1 1				Acres Authorized	40	40	40	40	40	40	40	40			:						320
40135 27.173	.,		77	Moc ol	New Acres															,		
					Acres Authorized																	
					New Acres																	

GENERAL INSTRUCTIONS

- Send to headquarters:
- a. Good, <u>microfilmable</u> copy of application and/or approval and this check sheet
- b. Original check and copy of receipt

b. Original receipt (one for each application)

a. Original application/approval

Give to Applicant:

c. Information packet containing:

 Water Meter Specifications Notice and Proof form

Acceptable Meter list

- c. Test hole log
- d. GMD recommendation, if any
- e. Map or aerial photograph, if any
- Send to KDHE: Letter (KDHE.LT) advising of location of abandoned well.

CONDITIONS

Insert notice and proof date.

Form stating to record in Register of Deeds Office (OPTIONAL AS NEEDED)

Pink Sheet - K.S.A. 82a-728 letter

Check Valve specifications

Water level measurement tube specifications

- Type or print applicant's/owner's name on line. . ε ε
 - Complete notary statement.

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Date
4,

Complete ownership and WUC change information. ις

ADDITIONAL PHOTOCOPIES

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717			
	_		



Garden City Field Office 2508 Johns Street Garden City, Kansas 67846-2804

Jackie McClaskey, Secretary
David W. Barfield, Chief Engineer
Michael A. Meyer, Water Commissioner

Phone: (620) 276-2901 Fax: (620) 276-9315 www.agriculture.ks.gov

Sam Brownback, Governor

January 9, 2018

R & M MILLER FARMS INC PO BOX 7B LEOTI KS 67861-0602

RE: Change the Place of Use, File Nos File 7548, 17076, 21150

Dear Mr. Miller;

Enclosed you will find a *Summary Order Approving Application for Change in Place of Use* for the above referenced files. Since these orders modify the original documents, it should be recorded at the County Register of Deeds.

These orders modify the authorized acres that can be irrigated by these files. The authorized place of use is as shown on the plats within the change approvals.

A condition of this order is that an acceptable flow meter must be properly installed on the diversion works authorized under the referenced file number in accordance with the Kansas Administrative Regulations 5-1-4 through 5-1-12. This water flow meter shall be used to provide information required on the annual water use report (including the meter reading at the beginning and end of the report year).

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. The date of service is the date listed on the enclosed *Certificate of Service*.

Should you have any questions, please feel free to call this office or arrange an appointment for additional assistance. Please refer to the file number when you contact us if you wish to discuss a specific file.

Sincerely,

Thomas P. Makens

Assistant Water Commissioner

TPM:tpm Enclosures GMD#1

CERTIFICATE OF SERVICE

On this day of January 2018, I hereby certify that the attached original Approval of Application to Change the Place of Use under Water Right File 7548, 17076, 21150 dated January 9, 2017, was mailed postage prepaid, first class, US mail to the following:

R & M MILLER FARMS INC PO BOX 7B LEOTI KS 67861-0602

Copy provided to GMD#1

Division of Water Resources

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



STATE OF KANSAS

Stockton -- (785) 425-6787

Garden City -- (620) 276-2901

http://agriculture.ks.gov/dwr

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.

PECEIVED

2: 46 PM

DEC 0.1.2017

Filing Fee Must Accompany the Application, K.S.A. 82a-708b(b), as amended.

JOHR	(s) of div	ersion a	and/or	place	of use.	•										RE(イe CEIV	PM	
						F	ile No	. <u>1707</u>	'6								01		
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1	under the	e water	right w	/hich is	the s	ubject	of this	applic	ation i	n acco	rdance	e with t	he cor	ndition	s desc	ribed l	oelow.		
	The sour							water			Surfac								
	Name an						<u> (ILLEF</u>	R FAR	MS IN	<u>c</u>									
-	PO BOX																		
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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



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.

	Office Use Only: LGMDMeets K.A.R. 5-5-1 (YES / NO) UseSource G / S CountyByDate deFee \$TR #Receipt DateCheck #
	The change(s) (was) (will be) completed by 3-1-3018 (Date)
	flexability
•	The change(s) proposed herein are desired for the following reasons (please be specific): More efficient to run 2 welk through tree specific more flexability
	Phone Number: () E-mail address:
	City, State and Zip:
	Address:
	Name of water use correspondent: Same as Applicant
	What is your relationship to the water right; 🛛 owner 🔲 tenant 🔲 agent 🔲 other? If other, please explain.
	Phone Number: (620) 874 ~ /569
	City, State and Zip: Leoti, Ks 67861
	Address: P.O. Box 7B
	Name of applicant: R + M Miller Farms Inc.
	File No. <u>17076</u>
	☐ Use Made of Water
	(Check one or more) Point of Diversion NOV 2 8 2017
	Application is hereby made for approval of the Chief Engineer to change the Place of Use

DWR 1-120 (Revised 06/16/2014)

RECEIVED

Assisted by:

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0	16	36	40	40	40	40									40	40	40	40	320
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-				F	File No. <u>17076</u>
6.	The presently authorized	point(s) of diversion (is) (are)	1 well		ber of points)
7	The proposed point(s) of	diversion (ie) (ere) A/r	a.t		
١.	the proposed point(s) or	diversion (is) (are)	CNange	(Provide description and num	ber of points)
-	List all presently author	rized point(s) of diversion:			
8.	Presently authorized po	oint of diversion:			
	One in the	Quarter of the		Quarter of the	<u>S</u> EQuarter
					36 (EM)
		County, Kansas, <u>//.3 /</u>			Southeast corner of section.
	-	5 Authorized Quantit			
		iter ID No (feet West)
		changed			
		sion: (Complete only if cha			
	One in the	Quarter of the		Quarter of the	Quarter
					(E/W),
		County, Kansas,			Southeast corner of section.
		Proposed Quantity			
l	This point is. Addition	ai vveii Geo Ceillei Lis	omer water ngm	s that will use this point	
9.	Presently authorized po	int of diversion:			
				Quarter of the	Quarter
					(E/W),
	in	County, Kansas,	feet North	feet West of S	
	Authorized Rate	Authorized Quantit	у	<u> </u>	
	(DWR use only: Compu	iter ID No G	PS	feet North	feet West)
	☐ This point will not be	changed 🔲 This point w	vill be changed a	s follows:	
	Proposed point of diver	sion: (Complete only if cha	nge is requested	<u>1)</u>	
					Quarter
					(E/W),
	in	County, Kansas,	feet North	feet West of S	Southeast corner of section.
	Proposed Rate	Proposed Quantity			
L	This point is: Addition	al Well 🔲 Geo Center List	other water right	s that will use this point	•
ο. Γ	Presently authorized po	int of diversion:			
U.		Quarter of the		Quarter of the	Quarter
	of Section	Townshin		South Range	(E/W),
	in	County, Kansas,	feet North	feet West of S	Southeast corner of section
	Authorized Rate	Authorized Quantity	/	,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	outhouse como, or cooling,
	(DWR use only: Compu	ter ID No G	PS	— feet North	feet West)
		changed			•
ı	Proposed point of divers	sion: (Complete only if cha	age is requested	}	
		Quarter of the			Quarter
		, Township			
	in	County, Kansas,	feet North	feet West of S	Southeast corner of section.
		Proposed Quantity			

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

			File No. 17076
12.		esently authorized use of water is for <u>Tryiga Fion</u> purpose	
	It is pro	posed that the use be changed to <u>No Change</u>	purposes.
13.	If change	ging the place of use and/or use made of water, describe how the consumptive use with the consumptive use and the co	ill not be increased.
		VV V	
	(Please	show any calculations here.)	
		uested that the maximum annual quantity of water be reduced to	
		uested that the maximum rate of diversion of water be reduced to $N.A.$	
16.	1:24,00 Kansas Distand should	plication must include either a topographic map or detailed plat. A U.S. Geological 30, is available through the Kansas Geological Survey, 1930 Constant Avenue, U 66047-3726 (www.usgs.gov). The map should show the location of the presently sees North and West of the Southeast corner of the section must be shown. The pralso be shown. Identify the center of the section, the section lines and the section contours, township, and range numbers on the map. In addition the following information must	niversity of Kansas, Lawrence, authorized point(s) of diversion. esently authorized place of use orners and show the appropriate
	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 must be shown. Please be certain that the information shown on the map agree Paragraph Nos. 9, 10 and 11 of the application.	
	2)	If the source of supply is groundwater, please show the location of existing was domestic wells, within $\frac{1}{2}$ mile of the proposed well or wells. Identify each well as to mailing address of the property owner or owners. If there are no wells within $\frac{1}{2}$ mile	to its use and furnish name and
	3)	If the source of supply is surface water, the names and mailing addresses of all la and $\frac{1}{2}$ mile upstream from your property lines must be shown.	ndowner(s) ½ mile downstream
	b. If a	t change in the place of use is desired, show the proposed place of use by crosshatain that the information shown on the map agrees with the information shown in Para	atching on the map. Please be agraph No. 5 of the application.
17.	local so	documentation to show the change(s) proposed herein will not impair existing water burce of supply as to which the water right relates. This information may include stags, test hole logs, and other information as necessary information to show the above below.	tements, plats, geology reports,
-			
18.	identify request	roposed change(s) does not meet all applicable rules and regulations of the Kansas the rules and regulations for which you request a waiver. State the reason why a should be granted. Attach documentation showing that granting the request will not prejudicially and unreasonably affect the public interest.	waiver is needed and why the

File	No.	170	76	

Any use of water that is not as authorized by the water right or permit to authorize water <u>before</u> 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 a authorized to make this application on their behalf, and declare furth complete. By filing this application I authorize the chief engineer to pe as specified in sections 14 and 15 of this application.	er that the statements contained herein are true, correct, and emanently reduce the quantity of water and/or rate of diversion
Dated at Scott City K5 , Kansas, this	28 day of November, 20 17
Mark Miller	(Spouse)
Prod (Ully	(Please Print)
Richard Miller	(Spouse)
(Please Print)	(Please Print)
(Owner)	(Spouse)
(Please Print)	(Please Print)
State of Kansas County of Scott I hereby certify that the foregoing application was My Appl. Expire My Appl. Expire	s
My Commission Expires 9/26/2018.	Mylary Public
FEE SCHEDU	<u>ILE</u>
Each application to change the place of use, the point of diversion or the use application fee set forth in the schedule below:	made of the water under this section shall be accompanied by the
 (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	

Make check payable to Kansas Department of Agriculture.



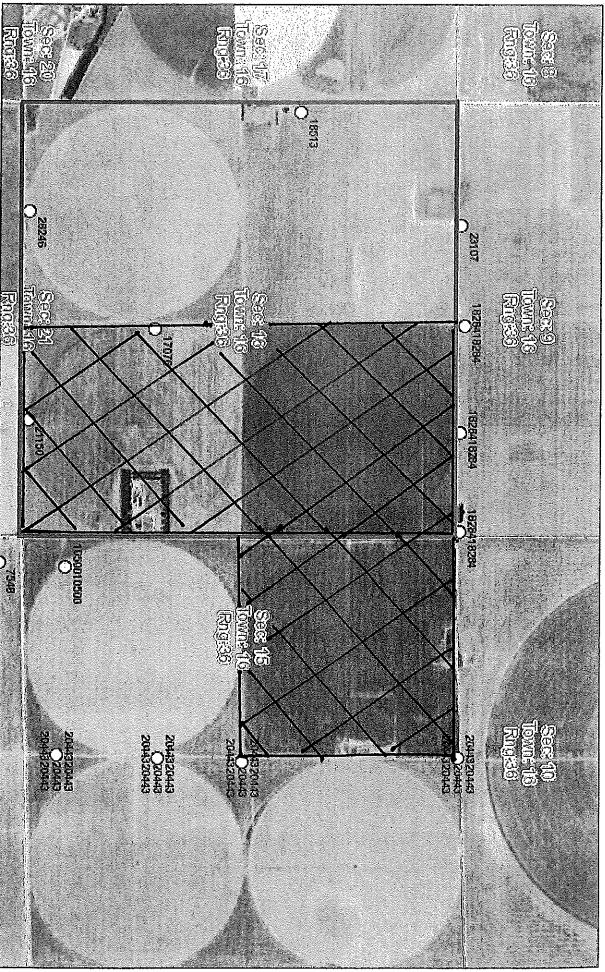
November 28, 2017 DISCLAIMER: This map is not intended for conveyances, nor is it a legal survey. The information is presented on a best-efforts basis, 09:20 AM and should not be relied upon for making financial, survey, legal or other commitments. P. O U. Carrent P. o. U. Proposed 0.15 0.25

0.5

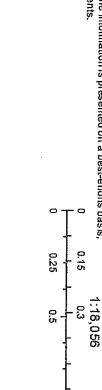
S KS

0.6 mi



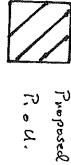


November 28, 2017 DISCLAIMER: This map is not intended for conveyances, nor is it a legal survey. The information is presented on a best-efforts basis, 09:16 AM



0.6 mi

1 Km



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. 17076 requesting that the place of use and / or point of A change application was received on December 1, 2017 diversion authorized under the above-referenced file number be changed as described in the application. 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 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 ________ foot radius of the authorized point(s) of diversion.

Applicable
Not Applicable The point(s) of diversion authorized herein shall not actually be located more than feet from the previously authorized point(s) of diversion. ☐ Applicable 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, 2018, 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 approach by March 1 following the end of each polander year. 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 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. FOR OFFICE USE ONLY Administrative Appeal and Effective Date of Order APPLICATION APPROVED AND You have the right to a hearing in accordance with K.A.R. 5-SUMMARY ORDER ISSUED 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 Duly Authorized Designee of the Chief Engineer hearing is not requested in accordance with K.A.R. 5-14-3, this Summary Order will become effective on the 15th day (Print Name): Thomas P Makens Division of Water Resources - Kansas Department of Agriculture after the date shown on the Certificate of Service. Date of Issuance: 2018 For Use by Register of Deeds State of Kansas SS Acknowledged before me on lakens Signature: JULIE JONES NOTARY My Appointment Expires PHBLIC . December 15, 2018 tanais My commission expires: (Notary Seal)

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