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



Phone: (620) 276-2901 Fax: (620) 276-9315 www.agriculture.ks.gov Sum Brownback, Governor

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

April 21, 2017

T BAR J LAND INVESTMENTS LLC 1578 CO RD C TRIBUNE KS 67879

RE: Application to Change the Place of Use File Nos. 9777, 17100, 19064, 24565 D1 & D2.

Dear Mr. Weaver:

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 25⁴ day of April 2017, I hereby certify that the attached original Approval of Application to Change the Place of Use under Water Right, 9777, 17100, 19064, 24565 D1 & D2 dated April 21, 2017, was mailed postage prepaid, first class, US mail to the following:

T BAR J LAND INVESTMENTS LLC 1578 CO RD C TRIBUNE KS 67879

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 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.

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5.	Presently authorized point of diversion:		Quarter of the		Quarter
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7.	Why do you need a new point of diversion?		feet of the existing point	of diversion, indicate	e its location on
	no change to well locations		the diagram below in relat (PLEASE NOTE: The	tion to the existing po	oint of diversion.
			represents presently aut	thorized point of di	version.)
			•	North	
Ω	If a well, is the test hole log attached? Yes No		100 50	n 50 1	100
o.	in a wonth to the feet here led attached; [1] 109 [1] 140				
9.	When do you propose to complete the new point of	f	 	= :	7
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10.	If the point of diversion is a well:		West 0 - 111 111	X -	0 East
	(a) What are you going to do with the old well?				
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	(b) When will this be done?		<u>L</u> .,.1		=
			<u> </u>		 100
11.	Groundwater Management District recommendation	1	100 50	South	100
	attached?			ale: 1" = 100'	
	Assisted by tom	13b.	If the proposed point of d	liversion will be relo	cated more than
12.	Assisted by tpm		100 feet but within 132 diversion, attach a topo	20 feet from the e	existing point of
			For groundwater sources	s, show all wells (incl	luding domestic)
			within one-half mile of the	e proposed point of d	nversion and the
			names and mailing addr water sources, show the	he names and ad	dresses of the
			landowner(s) one-half m	nile downstream an	d one-half mile
			upstream from your prope	erty lines.	

APPLICATION FOR APPROVAL TO CHANGE THE PLACE OF USE AND/OR POINT OF DIVERSION SUPPLEMENTAL SHEET

FILE NO. 17100 MAKE ADDITIONAL COPIES AS NECESSARY

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Page _____

File No. _____

DWR 1-121-2 (Rev. 01/23/2008)

14. If the proposed groundwater point of div	version is 300 or fewer feet from existing poin	t of diversion, complete the following:
	I owners of the currently authorized place(s) of the owners must sign this application.)	of use identified in this application?
affected if this application is approv	owner of the currently authorized place(s) of red as requested? all owners must sign this application.)	use identified in this application be adversely
(c) If this application is not approved each of the control of th	xpeditiously, will there be substantial damage Il owners must sign this application.)	to property, public health or safety?
If the application proposes a surface water content or a change in place of use, the application ragent (attach notarized statement authorizing	must be signed by all owners of the currently	ange in point of diversion greater than 300 feet, authorized place of use, or their duly authorized
age and the owner, the spouse of the	owner, or a duly authorized agent of t ght(s) to which this application pertai correct and complete	er penalty of perjury, that I am of lawful he owner(s) to make this application on ins. I further verify that the statements
Dated at Lity	, Kansas, this 10 day	of March, 2017.
Cowner)		(Spouse)
(Please Print)		(Please Print)
(Owner)		(Spouse)
(Please Print)		(Please Print)
(Owner)		(Spouse)
(Please Print)		(Please Print)
State of Kansas County of Finney	SS	C
I hereby certify that the foregoing application in the foregoing applicati	lication was signed in my presence and	sworn to before me this 10 day of
SUE KEEN Wy Appointment of June 8, 201	Y Expires	Notary Public
ONLY COMPLETE APPLICATIONS WILL BE PRO accurate information; maps, if necessary, must be in the appropriate fee must be paid.	CESSED. To be complete, all of the applicable po ncluded; signatures of all the appropriate owners' n	rtions of the application form must be completed with nust be affixed to the application and notarized; and
(2) Application to change a point of d	FEE SCHEDULE r the point of diversion under this section shale yable to: Kansas Department of Agriculture liversion 300 feet or less	\$100 \$200
DWR 1-121 (Revised 06/16/2014)	Page 3	File No.

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. _/______. A change application was received on $\underline{\gamma\gamma}$ APCH 10, ZOTT 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. 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. ☐ 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.

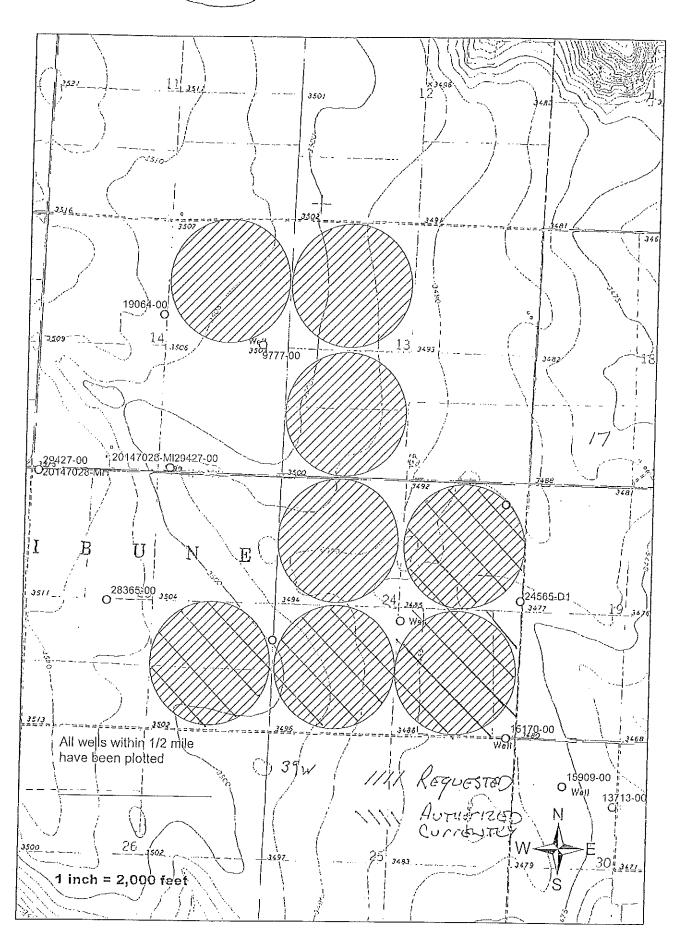
Applicable __ feet from the previously The point(s) of diversion authorized herein shall not actually be located more than _ ☐ Applicable authorized point(s) of diversion. As required by K.A.R. 5-3-5d, if the works for diversion is a well with a diversion rate of 100 gallons per minute or more, a tube or other device suitable for making water level measurements shall be installed, operated and maintained in accordance 5. ☐ Applicable Not Applicable with K.A.R. 5-6-13. The owner of the authorized place(s) of use shall properly install an acceptable water flow meter on or before December 31, 2016, 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<u>16</u>, or within any authorized extension of time. By March 1, 20<u>17</u> 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. Not Applicable ☐ 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 [S] No ☐ Yes 10. Additional Conditions are attached. 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. 5-14-3 SUMMARY ORDER ISSUED 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, 1320 Research Park Drive, Topeka, Kansas 66502, within 15 days after the date Duly Authorized Designee of the Chief Engineer 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 111/1/18 3772 (Print Name): Order will become effective on the 15th day after the date shown Division of Water Resources - Kansas Department of Agriculture on the Certificate of Service. Date of Issuance: For Use by Register of Deeds State of Kansas County of Finner Acknowledged before me on Ma Kens Signature: eerw) Notar@Public SUE KEENY HOTIAY PULLIC My Appointment Expires June 8, 2018

My commission expires

(Notary Seal)

9777, (17100), 19064, 24565D1, 24565D2



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