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

Department of Agriculture

Division of Water Resources

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

Sam Brownback, Governor

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

March 20, 2017

KILGORE FAMILY PARTNERSHIP LTD PO BOX 351 JOHNSON KS 67855-0351

RE: Change in Point of Diversion Water Right, File No 17826

Dear Ms. Hurlburt:

Enclosed you will find a *Summary Order Approving Application for Change in Point of Diversion* for the above referenced file. This order modifies the authorized well location under the referenced file. This order modifies the original document; it should be recorded at the County Register of Deeds.

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in this order. The diversion works should be completed and reported to the Division of Water Resources by December 31, 2017. Enclosed is a form for this purpose, along with other information for reference.

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.

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. If you would prefer, you could arrange an appointment for additional assistance.

Sincerely,

Thomas P. Makens

Assistant Water Commissioner

TPM:tpm Enclosures GMD#3

CERTIFICATE OF SERVICE

On this Z / S day of March 2017, I hereby certify that the attached original Approval of Application to Change the Point of Diversion under Water Right, File No. 17826 dated March 20, 2017 was mailed postage prepaid, first class, US mail to the following:

KILGORE FAMILY PARTNERSHIP LTD PO BOX 351 JOHNSON KS 67855-0351

Copy provided to GMD#3

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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age and the owner, the spouse of the	owner, or a duly authorized agent of tight(s) to which this application pertal, correct and complete.	ler penalty of perjury, that I am of lawful the owner(s) to make this application on ins. I further verify that the statements of CMAM., 20.
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(Owner)	1	(Spouse)
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County of Nancopa		2019
<u>19011</u> .	JESSICA ANNI LUCIA DOWN SUEZ MARICOPA COUNTY) MARICOPA COUNTY) MY Commission Expires	
My Commission Expires 06/15/2020	June 15, 2020	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 poincluded; 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
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DWR 1-121 (Revised 06/16/2014)	Page 3	File No.

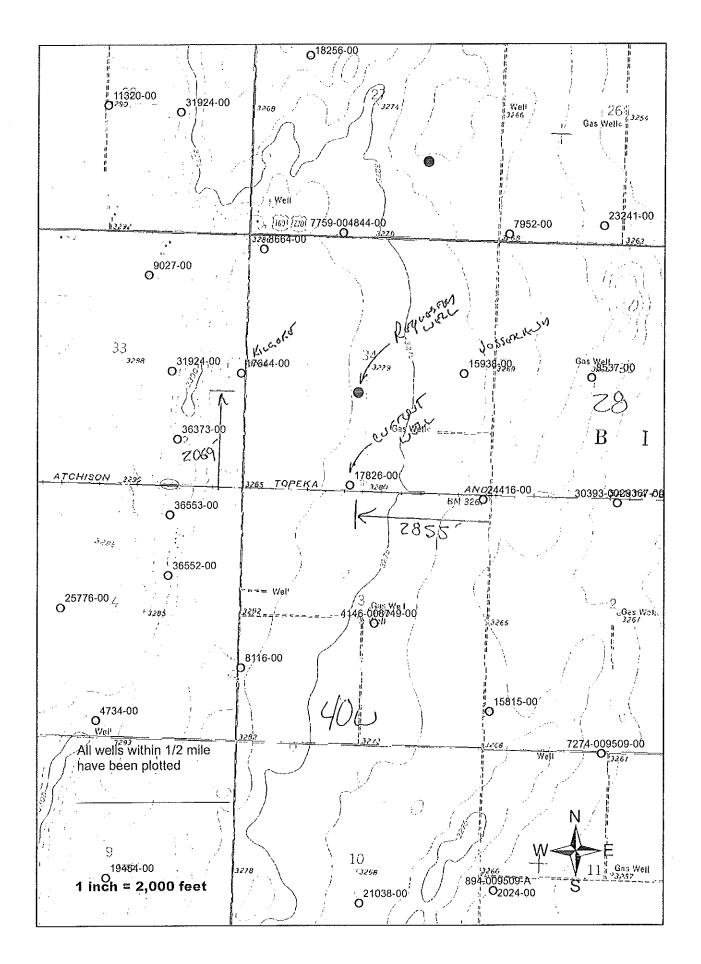
File No.

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. 17826 A change application was received on <u>FEBRUARY 17, 2017</u> 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.

Applicable Not Applicable on the topographic map accompanying the application to change the place of use. 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 Not Applicable 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 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, 2017, 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. 5-5e, 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. Not Applicable 又 Applicable Installation of the works for diversion of water shall be completed on or before December 31, 2017, or within any authorized extension of time. By March 1, 2018 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. ☐ Not Applicable The completed well log shall be submitted with the required notice. Applicable ☐ Not 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 **⊠**No ☐ Yes 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 Order will become effective on the 15th day after the date shown 从付いるから (Print Name): THOMAS 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 SS County of Acknowledged before me on Signature: KEVIN L. SALTER YAKTON My Appointment Expires PUBLIC November 2, 2017 in die My commission expires: (Notary Seal)

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 au☐ Yes☐ No(If no, all owners must sign this approximately auxiliary)	thorized place(s) of use identified in this application? plication.)
 (b) Will the ownership interest of any owner of the currently authorized affected if this application is approved as requested? ☐ Yes ☐ No (If yes, all owners must sign this approved as requested?) 	•
(c) If this application is not approved expeditiously, will there be so ☐ Yes ☐ No ☐ (If no, all owners must sign this app	ubstantial damage to property, public health or safety? lication.)
If the application proposes a surface water change in point of diversion or a change in place of use, the application must be signed by all owne agent (attach notarized statement authorizing representation).	a groundwater change in point of diversion greater than 300 feet, rs of the currently authorized place of use, or their duly authorized
I hereby verify, being first duly sworn upon my oath or affir age and the owner, the spouse of the owner, or a duly author their behalf, in regard to the water right(s) to which this ap- contained in this application are true, correct and complete.	orized agent of the owner(s) to make this application on oplication pertains. I further verify that the statements
Dated at Sarden City, Kansas, thi	s 17 day of February , 20 17.
(Owner) Figury Parmers	(Spouse)
(Please Print)	(Please Print)
(Owner)	(Spouse)
(Please Print)	(Please Print)
(Owner)	(Spouse)
(Please Print)	(Please Print)
State of Kansas	
County of Finney SS	•
I hereby certify that the foregoing application was signed in m	ny presence and sworn to before me this 170 day of
SUE KEENY	Aug Kaa
My Appointment Expires June 8, 2018	Notary Public
ONLY COMPLETE APPLICATIONS WILL BE PROCESSED. To be complete, al accurate information; maps, if necessary, must be included; signatures of all the at the appropriate fee must be paid.	of the applicable portions of the application form must be completed with ppropriate owners' must be affixed to the application and notarized; and
FEE SCHED	II E
Each application to change the place of use or the point of diversion und forth in the schedule below: Make checks payable to: Kansas Departm (1) Application to change a point of diversion 300 feet or less (2) Application to change a point of diversion more than 300 fee (3) Application to change the place of use	er this section shall be accompanied by the application fee set ent of Agriculture\$100 t\$200



WELL LOG

CUSTOMER NAME: KILGORE FAMILY PARTNERSHIP, LTD

NE S L J LEGAL: <u>NE/SE-34-28S-40W</u>

COUNTY: STANTON

37,56826

GP\$: 37

05.75" N

DATE: 1/1/2017

-101.68138

<u>-101</u> 52.96" W

DRILLER: NORMAN WO: 16-923

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	60	300	MEDIUM-COARSE-VERY COARSE SAND, FINE-MEDIUM GRAVEL WITHTHIN SANDY CLAY STRS AT 120, 190, AND 210	LOOSE		CHATTER
	300	315	SANDY CLAY	SOFT	BROWN	SMOOTHER
X	315	342	MEDIUM-COARSE-VERY COARSE SAND AND FINE-MEDIUM GRAVEL		RED	CHATTER
	342	356	SANDY CLAY	SOFT	BROWN	SMOOTHER
Х	356	362	MEDIUM-COARSE-VERY COARSE SAND	LOOSE	BROWN / TAN	CHATTER
	362	371	SANDY CLAY	SOFT	BROWN	SMOOTHER
х	371	376	MEDIUM-COARSE-TRACE OF VERY COARSE SAND	SOFT	BROWN / TAN	CHATTER
X	376	402	COARSE-VERY COARSE SAND AND FINE-MEDIUM GRAVEL	96	RED	CHATTER
	402	408	FINE SAND AND SANDY CLAY		BROWN	
X	408	415	MEDIUM-COARSE-VERY COARSE SAND 7	00	RED	CHATTER
X	415	430	VERY COARSE SAND AND FINE-MEDIUM GRAVEL WITH BROWN ROCK 15	06	RED	CHATTER
\square	430	434	SANDY CLAY			
X	434	443	MEDIUM-TRACE OF COARSE SAND WITH WHITE ROCK		TAN YELLOW /	CHATTER
	443	460	CLAY AND SHALE	DENSE	GRAY	SMOOTHER .
X	460	479	VERY FINE-FINE-TRACE OF MEDIUM SAND	06?	TAN	CHATTER
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	612	617	CLAY AND SHALE			SMOOTH
X	617	640	MEDIUM-COARSE-TRACE OF VERY COARSE SAND 23	DAK T	'AN	CHATTER
-	640	654	FINE SAND WITH RED SILTSTONE AND CLAY			SMOOTHER
-	654	660	RED SILTSTONE AND CLAY			RED BED
-						
			OGALLACA = 59			

DAKOTA : 128



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

February 17, 2017

PAT JOSSERAND PO BOX 390 JOHNSON KS 67855

RE: Water Right 17826

Dear Pat;

This is to advise you that the Kilgore Farms has filed an application for approval of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, to change the point of diversion under the above referenced application.

You can find the complete application posted by water right file number as referenced above at www.agriculture.ks.gov/divisions-programs/dwr/water-appropriation/notices

You are notified on this proposed change in point of diversion so that you may furnish this office with any comments or other information you may want to submit. Such comments or other information must be received in this office within 15 days from the date of this letter.

Should you have any questions, please feel free to call this office. If you would prefer, an appointment could be arranged 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

Environmental Scientist III

pc: GMD#3



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

March 8, 2017

Southwest Kansas Groundwater Management District No 3 409 Campus Drive, Suite 106 Garden City KS 67846

Re: Water Right file number 17826

Dear Mr. Norquest;

Kilgore Family has applied to relocate the well authorized by the above water right number. There are two neighboring wells within ½ mile of the requested.

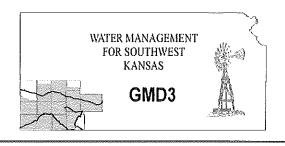
We are delaying action for 15 days on the change application to allow you time to review and provide a recommendation if you feel one is warranted.

Thank you and as always feel free to call or write us at any time.

Sincerely;

Thomas P Makens

TPM:tpm enc



Southwest Kansas Groundwater Management District No. 3 2009 E. Spruce Street Garden City, Kansas 67846

(620) 275-7147 phone (620) 275-1431 fax www.gmd3.org

March 14, 2017

Thomas P. Makens Division of Water Resources 2508 N Johns Street Garden City, Kansas 67846

RECEIVED

MAR 1 6 2017

Garden City Field Office Division of Water Resources

RE: Application for Change in Point of Diversion Water Right, File No. 17826

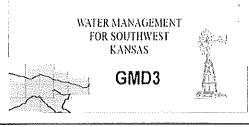
Dear Thomas:

We have completed a review of the application for the above referenced water right. The proposal is not in conflict with the Management Program of the Southwest Kansas Groundwater Management District No. 3 (GMD3). The proposed distance moved and spacing to neighboring wells is met in accordance with K.A.R. 5-23-3. It is therefore recommended that the application be approved at this time.

Thank you for the opportunity to review the applications and to provide a recommendation. If you have any questions, please don't hesitate to contact us.

Sincerely,

Jason L. Norquest Assistant Manager



Southwest Kansas Groundwater Management District No. 3 2009 E. Spruce Street

Garden City, Kansas 67846

(620) 275-7147 phone (620) 275-1431 fax www.gmd3.org

March 14, 2017

Thomas P. Makens Division of Water Resources 2508 N Johns Street Garden City, Kansas 67846

RECEIVED

MAR 1 5 2017

RE:

Application for Change in Point of Diversion

Water Right, File No. 17826

Garden City Field Office Division of Water Resources

Dear Thomas:

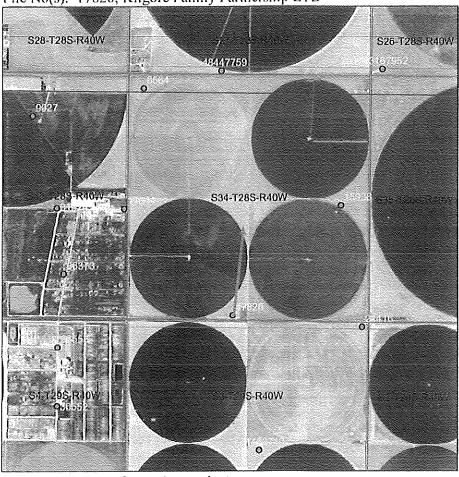
We have completed a review of the application for the above referenced water right. The proposal is not in conflict with the Management Program of the Southwest Kansas Groundwater Management District No. 3 (GMD3). The proposed distance moved and spacing to neighboring wells is met in accordance with K.A.R. 5-23-3. It is therefore recommended that the application be approved at this time.

Thank you for the opportunity to review the applications and to provide a recommendation. If you have any questions, please don't hesitate to contact us.

Sincerely,

Jason L. Norquest Assistant Manager Change Application(s); PD

File No(s). 17826; Kilgore Family Partnership LTD



	ft. North	ft. West	
Authorized PD	138	2976	Sect. 34-28-40
Proposed PD	2069	2855	
Difference	-1931 N	121 E	
a2 + b2 = c2	3728761	14641	1934.787 foot move SE

Neighboring wells: Spacing is MET. WRIS shows spacing not met to WR 15938, however, GPS from a field inspection shows the distance to be 2341°, which would meet the needed spacing.

Domestic wells: None found in area of concern

Regulation(s) Reviewed: KAR 5-23-3

Board Review Date: NA Board Recommendation: NA

Waiver Reason: NA

Final Recommendation: After review of all available information, it appears the area

rules are met. Staff therefore recommends approval of the application.

Water Rights and Points of Diversion Within 1.00 miles of point defined as: 2069 ft W and 2855 ft W of the SE Corner of Section 34, T 285, R 40W Located at: 101.680932 West Longitude and 37.568243 North Latitude GROUNDWATER ONLY Use ST SR Dist (ft) 04 03 02 01 FeetN FeetW Sec Twp Rng ID Batt Auth Quan Add Quan Unit Rile Humber 40W (3/ 2 300 480,00 4146 00 IRR BK G 4850 -- NW NW SE 2500 2358 3 29 480.00 AF A $\left(\frac{3}{3},7^{\frac{1}{3}3}\right)^{\frac{1}{3}} \le \frac{1980.00}{1220.00}$ 4.022 / 3 880.00 AF 4844 00 TRR HK G* 3358 -- SW SE SW 3535 27 28 Λ 7835 80 3535 3358 -- SW SE SW 27 4.017 340.00 AF 7759 00 IRR HK G* 2.8 4595 -- SW SW SW 183 5017 26 28 101 4 233 844.00 844.00 AF 7952 00 IRR NK G 9537 00 IRR NK G 5045 -- NE NE SW 2413 3124 35 28 4.027 5 50 624.00 624.00 AF Α... 7350 600.00 Α ... 8664 00 IRR NK G 3618 -- NW NW NW 4993 4986 34 28 4.011 6 600.00 AF 4850 -- NW NW SE (3) Α ... 8749 00 IRR NK G 2500 2358 3 29 4.01 7 333 160.00 160.00 AF 5109 -- SW NW NE 4365 73,00 510.00 510.00 AF 9027 00 IRR HK G 2110 33 28 1.011 11 /3/1/26.00 λ ___ 15038 00 IRR NK G 2283 -- NE NE SE 2520 617 34 28 4.011 5 726.00 AF 🛠 17544 00 STK NK G 2544 -- NE NE SE 75 33 409 7 40. 252.57 252.57 AF -Α.... 17926 00 IRR NK G* ____ 1935 -- SE SE SW 138 2976 34 28 40%320,00 320.00 AF 4 915. 490.00 24416 00 IRR NK G 3477 -- HE HE HE 5169 3 29 5 490,00 AF 123 4.077 31924 OO IRR HK G 4011 -- NE NE SE 2388 1553 4.03 935,00 ووري .00 AF Α ... 3.3 2.8 36373 00 STK NK G 3994 -- NE SW SE 960 1400 2.9 yes. 24,00 .00 AF Λ___ 3.3 4.0% 8 36553 00 STK NK G 4758 -- -- 4669 1 53.77 53.77 AF 1539 4 29 0' Total Net Quantities Authorized: Direct Storage Total Requested Amount (AF) = .00 .00 Total Permitted Amount (AF) = .00 .00 Total Inspected Amount (AF) -.00 .00 Total Pro Cert Amount (AF) = ,00 .00 Total Certified Amount (AF) = 6280.34 .00 Total Vested Amount (AF) = .00 .00 TOTAL AMOUNT (AF) = 6290,34 .00 An * after the source of supply indicates a pending application for change for the file number. An ' after the ID indicates a 15 AF exemption was granted for the file number. A "G" in the Batt column indicates the GEO CTR of a battery. A "B" indicates a well in the battery, The number in the Batt column is the number of wells in the battery. Water Rights and Points of Diversion Within 1.00 miles of point defined as: 101.680932 West Longitude and 37.568243 North Latitude GROUNDWATER ONLY WATER USE CORRESPONDENTS: File Humber Use SY SR 4146 00 IRR NK G - DOUGLAS F DOUGLAS RECEIVED

4844 00 IRR NK G

PREMIER FARMS LLC

» 8817 W ILIFF AVE . LAKEWOOD CO 80227

. MELVIN WINGER

■ PO EOX 914

. JOHNSON KS 67855

MAR 1 5 2017

Garden City Field Office Division of Water Resources

A__ 7759 00 IRR NK G PREMIER FARMS LLC > MELVIN WINGER - PO BOX 914 > JOHNSON KS 67855 7952 00 IRR NK G > PATRICK JOSSERAND & CYNTHIA JOSSERAND > PO BOX 390 > JOHNSON KS 67855 A ... 8537 00 TRR NK G . TRIPLE J PARTNERSHIP - PAT JOSSERAND . PO BOX 390 JOHNSON KS 67855 A __ 8664 00 IRR NK G RONALD K KENDRICK > PO BOX 450 . JOHNSON KS 67855 g------A __ 8749 00 IRR NK G • DOUGLAS F DOUGLAS 5 8917 W 1LIFF AVE J LAKEWOOD CO 80227 ,........... A 9027 00 IRR NK G > BRIAN PETERSON > PO BOX 914 JOHNSON KS 67855 * WRIS Shows spring out met.

6PS from 6mp3 Tasp. shows it to be A _ 15938 00 IRR NK G · TRIPLE J PARTNERSHIP - PAT JOSSERAND - PO BOX 390 > 23001 донизон кs 67855. A _ 17644 00 STK NK G - DUANE & BECKY ZORTMAN - 11430 LARIAT RD DODGE CITY KS 67801 A__ 17826 00 IRR NK G KENDRICK FARMS

· E KENDRICK

Constitution	INPUTS		
	Longitude	Latitude	
F	-101.681380	37,568260	Proposed 17826
F		37.569440	15938 GMD3 Field Insp

Degrees Longitude per Foot Degrees Latitude per Foot 3.45005702E-06 2.74629596E-06

Distance Between Points (ft)

2341

meits specing

Compute Distance Between Points

Instructions

1. Enter Longitudes and Latitudes of the two points (both must be in the same datum, NAD27 or NAD83).

2. Click "Compute Distance Between Points" button.

> PO BOX 300
> JOHNSON KS 67855
> =
A 24416 00 IRR NK G
> TRIPLE J PARTNERSHIP
> PAT JOSSERAND
> PO BOX 390
> JOHNSON KS 67855
>
A 31924 00 IRR NK G
> VENTURE LAND INC
>
> 6190 N ROAD G
> JOHNSON KS 67855
>
A 36373 00 STK NK G
> DUANE & BECKY ZORTMAN
>
> 11430 LARIAT RD
> DODGE CITY KS 67801
>
A 36553 00 STK NK G
> DUANE & BECKY ZORTMAN
>
> 11430 LARYAT RD
> DODGE CITY KS 67801
>
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RECEIVED

MAR 1 5 2017

Gardon City Fluid Office Division of Water Resources