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



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

Sam Brownback, Governor

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

February 15, 2017

PHILLIP W SMITH 31806 4 RD COPELAND KS 67837

RE: Application to Change the Place of Use File Nos. 19191, 25909

Dear Mr. Smith:

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#3

CERTIFICATE OF SERVICE

On this of February 2017, I hereby certify that the attached original Approval of Application to Change the Place of Use under Water Right, 19191, 25909 dated February 15, 2017, was mailed postage prepaid, first class, US mail to the following:

PHILLIP W SMITH 31806 4 RD COPELAND KS 67837

Division of Water Resources

Submit completed application to: Kansas Department of Agriculture Division of Water Resources Field Office for your area. Call for address:

DWR 1-121 (Revised 06/16/2014)

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

File No. ____

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.

tnai	r <mark>agraph</mark> n 100 fe nt(s) of d	et, or 11	place	of us	e will	be cha	leted. anged,	Comp	olete a le a to	all oth pogra	er app phic m	ilicabl nap or	e port detail	i <mark>ons.</mark> ed pla	lf char t show	nge in ring th	point o	of diver orized	sion is greater and proposed
μ	(0) 0, 0	,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	4,10,0	, plac	J 01 45	0.													CEIVED
								Edward Company	SHALE THE PROPERTY OF THE	<u> </u>	Handala Valla de La company	(v/mid e.u/)						/(101 AM
							File N	o. <u>191</u>	91					_				JAN	0 5 2017
1.	Applicat	tion is h	ereby	made	for app				Engine						both):		Ga	irden C	City Field Office
								of Use			Point								Water Resources
	under th	ie watei	r right '	which	is the s	subjec	t of this	s appli	cation	in acc	ordano	e with	the co	nditio	ns des	cribed	below	•	
	The sou	rce of s	upply	is:		\boxtimes	Ground	dwater			Surfa	ice wa	ter						
2. '=	Name a						PWS	мітн					·					****	
	31806 4												~~						
	Phone N								Emai	addre	ess:								
	Name a	nd addr	ess of	Water	Use (Corres	ponde	nt: <u>CH</u>	AD S	APLE	TON			·					
	<u>33902 1</u>	<u> 0 RD</u>	MONT	<u> </u>	1A KS	6786	7												
	Phone N								Email	addre	ss:								
	The pres	•																	
	Owner o												****						
								PELAN											- The state of the
	(If there is	s more ti	nan one	e lando	vner, a	tach si	n hblew	ental sh	ieets a	s neces	sary.)	w-07							
			ļ	N	E¼	T	ļ	N	γ γ		-	SI	N14			s	E¼		TOTAL
Sec	. Twp.	Range	NE¼	NW%	SW1/4	SE14	NE%	NW1/4	SW1/4	SE14	NE%	NW1/	SW1/4	SE14	NE%	NW14	SW1/4	SE14	ACRES
10		30W	18	36	40	36	36	18	36	40	 		ļ		40	40	40	40	420
3	29	30W					-				15	<u> </u>		28					43
			<u> </u>			<u> </u>	JL			<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u>L</u>	?				
	lf this ap								ropose	ed that	t the pl	ace of	use b	e chan	ged to	:			
	Owner o																		
								ELAN											
	(If there is	more th	an one	landov	vner, at	tach su	ppleme	ental sh	eets as	neces	sary.)								
			ļ	NE	1/4			NV			Ĺ	sv	٧%			SE	1/4		TOTAL
Sec	. Twp.	Range	NE%	NW%	SW1/4	SE%	NE%	NWN	SW1/4	SE1/4	NE%	NW%	SW14	SE¼	NE%	NW¼	sw%	SE¼	ACRES
10	29	30W	12	35	40	35	35	12	35	40					35	40	35	12	366
3	29	30		·····							15			15					30
																			-
		***										_							
ı	For Offic	e Use	Only:	Code		Fee	\$ <u>2</u>	?c/c	_TR	#		Re	celpt i	Date_	1/5/	17	Chec	k# <u>\$</u> 9	497
															, ,		··········		

Page 1

If he relocated more than on the existing point of ap or serial photograph. wells (including domestic) point of diversion and the he owners. For surface and addresses of the and addresses of the	oposed point of diversion will but within 1320 feet from the attach a topographic mandwater sources, show all module of the proposed and mailing addresses of the cources, show the names sources, show the names sources, show the names ret(s) one-half mile downst from your property lines.	eel OO! oistevilo Tootg too Too nidtilw semsan sets selsw		Z. Assisted by tom
90. 20. 100	00 09 001 00 09 001 00 09 001	uo	District recommendati	1. Groundwater Management attached? Yes Do
09 - +)		(d) When will this be done?
tss∃ 0 —		ts9\V	h the old well?	0. If the point of diversion is a well:
09 +	20 + = = = = = = = = = = = = = = = = = =			t. If a well, is the test hole log attac When do you propose to co diversion?
n, indicate its location on existing point of diversion enter of diagram below	oposed point of diversion wi the existing point of diversion tram below in relation to the of tram below in relation to the of the work in ce	13a. If the pri feet of t the diag	diversion?	Mo CHANGE TO WELL LOCATI
1		ther water rights t		Proposed Rate Additional We
	Proposed well depth (feet)		unty, Kansas, Quantity	
east corner of section.		rthoM teet	qihanwoT ,	of Section
(EW),	South, Range		Quarter of the	One in the
Quarter	Quarter of the	Ingreambateral	*: *	Proposed point of diversion:
	10410110			This point will not be chan
/2224 2224				(DWR use only: Computer ID
(teet West)	Depth of well feet North	- 3	Authorized Quantity <u> </u>	Authorized Rate
sast corner of section. (feet)		feet North	unty, Kansas,	
(EM),	South, Range	- IL - IA 1 2	qidanwoT ,	of Section
Quarter (100.2)	Quarter of the		Quarter of the	One in the
	1,7			Presently authorized point of
		,		
•	hat will use this point	ther water rights t	II 🗌 Geo Center List o	This point is:
•	Proposed well depth (feet)_		Proposed Quantity	Proposed Rate
east corner of section.		feet North	unty, Kansas,	
(South, Range		qirlanwoT ,	of Section
Quarter	Quarter of the	***************************************	Quarter of the	. 1
			•	Proposed point of diversion:
				This point will not be chan
(Jeet West)	feet North			(DWR use only: Computer ID
(feet)	Depth of well		Authorized Quantity	Authorized Rate
east corner of section.		feet North	unty, Kansas,	3
,	South, Range		Quarter of the	One in the of Section
ranguei				

5. Presently authorized point of diversion:

APPLICATION FOR APPROVAL TO CHANGE THE PLACE OF USE AND/OR POINT OF DIVERSION SUPPLEMENTAL SHEET FILE NO. 1919 MAKE ADDITIONAL COPIES AS NECESSARY

		ed: The of Land		AME:		•		use is:											
			1				1				11				1				1
			NEX			NW1/4			SW¼			SE%			TOTAL ACRES				
Sec.	Twp.	Range	NE¼	NW¼	SW1/4	SE¼	NE%	NW1/4	SW1/4	SE14	NE%	NW¼	SW1/4	SE1/4	NE%	NW ½	SW1/4	SE¼	ACRES
	_		╂			ļ		-	ļ	ļ			ļ	<u> </u>	<u> </u>		1	ļ	
			 						ļ	-					ļ			1	
			<u> </u>	<u> </u>				<u> </u>		<u> </u>				<u> </u>	<u> </u>]	
C	Owner c	of Land	N.	AME:															•
			ADDR																
				N	 E¼		T	N.N.	N ¼		1		N1/4	,,			F1/		TOT41
. 500	Tivo	Range	NE1/	NW%	1	SE¼	NE%	T	T	QE1/.	NE1/		SW1/4	ec.i/	NEK	T	E%	051/	TOTAL ACRES
Sec.	Twp.	range	IVE /4	1999/4	344/4	3C/4	INE 74	1977/4	37774	SE/4	IVE /4	1977/4	377/4	SE%	NE1/4	1977/2	SW1/4	SE¼	
			-		<u> </u>		ļ			<u> </u>	-		 						
**************************************		····	 		***************************************		 				<u> </u>	!	<u> </u>	<u> </u>	╬	1	 		
			<u> </u>		<u> </u>	<u> </u>	J		<u> </u>		<u> </u>		<u> </u>	<u></u>	<u> </u>				
C	wner o	f Land -																	
			ADDR	ESS:															
				NE	=¼			N۷	V1/4		SW¼				s	E¼		TOTAL	
Sec.	Twp.	Range	NE¼	NW¼	1	SE¼	NE¼	1	SW1/4	SE%	NF%	T	SW1/4	SE¼	NE¼	NW¼	T	SE¼	ACRES
												1	0/	W271		,,,,,	0,,,,	1 02/1	
<u></u>			 								 								
<u> </u>																 			
0	wner o	d: If th f Land -	NA	ME: J	<u>Leo M</u>	cDoug	al Trus	st % PI ELANI	HILLIP	W SN	<u> MİTH</u>		•						
				NE	· ¼		NW¼			SW¼			SE¼			TOTAL			
Sec.	Twp.	Range	NE1/4	NW¼		SE¼	NE¼	NW%		SE¼	NE¼		SW¼	SE1/4	NF1/	NW%	T T	SE¼	ACRES
3	29	30w											, , , , , , , , , , , , , , , , , , ,	02//	4	31	31	4	70
															•	- 01			
ī																			
				<u>i</u>				J											
O	wner of	Land -																	
		<i></i>	ADDRE	:55: _			,												
				NE	1/4			NV	1%			sw	11/4			SE	1/4		TOTAL
Sec.	Twp.	Range	NE¼	NW%	sw¼	SE¼	NE¼	NW%	SW¼	SE¼	NE¼	NW¼	8W14	SE¼	NE¼	NW%	SW1/4	SE¼	ACRES
Δ.	waar of	Land	NIA.	KAE,				***************************************	•										
O.	wilet of		DDRE											·····					
				_										11				· i	
		#										0144							
			- 1	NE:			1	NM			Т	SW			- 1	SE	1		TOTAL
Sec.	Twρ.	Range	NE¼			SE¼	NE%	NW4		SE¼	NE¼		SW¼	SE¼	NE¼	SE NW¼	1	SE¼	TOTAL ACRES
Sec.	Тwp.	Range	NE½			SE¼	NE¼			SE¼	NE¼			SE¼	NE¼		1	SE¼	
Sec.	Тwp.	Range	NE¼			SE¼	NE%			SE¼	NE¼			SE¼	NE¼		1	SE¼	

Page ____

File No.

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

			·
	·		
		,	

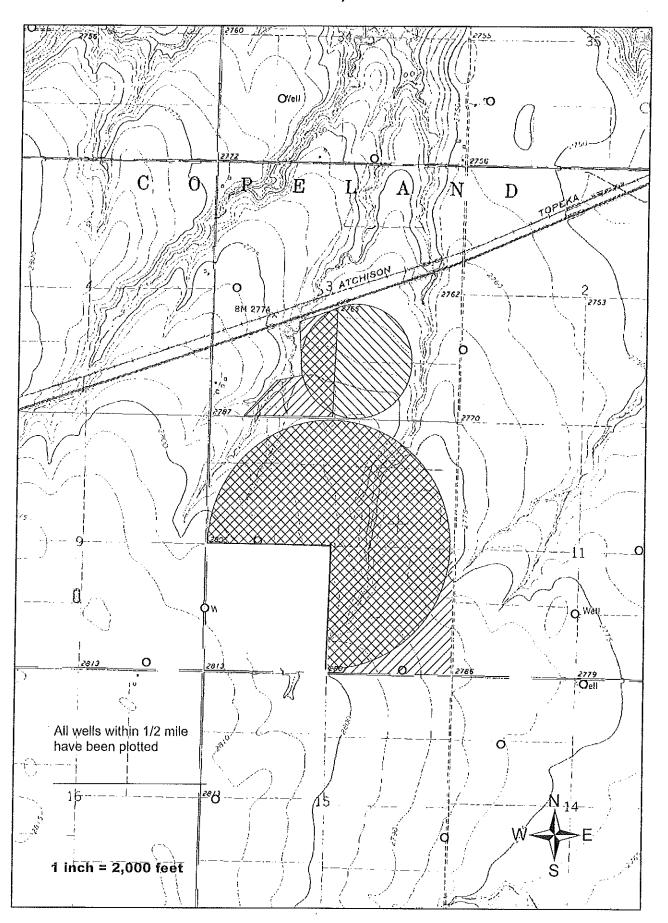
14. If the proposed groundwater point of diversion is 300 or fewer	er feet from existing point of diversion, complete the following:
(a) Does the undersigned represent all owners of the currer ☐ Yes ☐ No (If no, all owners must sign the	
 (b) Will the ownership interest of any owner of the currentle affected if this application is approved as requested? ☐ Yes ☐ No (If yes, all owners must sign to the currentle of the currentle	ly authorized place(s) of use identified in this application be adversely this application.)
(c) If this application is not approved expeditiously, will there Yes No (If no, all owners must sign the	e be substantial damage to property, public health or safety? nis application.)
	ersion, a groundwater change in point of diversion greater than 300 feet I owners of the currently authorized place of use, or their duly authorized
age and the owner, the spouse of the owner, or a duly their behalf, in regard to the water right(s) to which the contained in this application are true, correct and compare true.	r affirmation and under penalty of perjury, that I am of lawfu authorized agent of the owner(s) to make this application or his application pertains. I further verify that the statements plete.
Daled at Australian Lity, Kans.	as, this 5 day of January , 20 17.
LAND MI SIAA	8
(Owter)	(Spouse)
PHILLIP W SMITH (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 my presence and sworn to before me this 5th day of
SUE KEENY Ny Appointment Expires June 8, 2018	Notary Public
ONLY COMPLETE APPLICATIONS WILL BE PROCESSED. To be compaccurate information; maps, if necessary, must be included; signatures of a he appropriate fee must be paid.	plete, all of the applicable portions of the application form must be completed with all the appropriate owners' must be affixed to the application and notarized; and
FEE SO	CHEDULE
Each application to change the place of use or the point of diversice forth in the schedule below: Make checks payable to: Kansas De (1) Application to change a point of diversion 300 feet or I (2) Application to change a point of diversion more than 3	on under this section shall be accompanied by the application fee set

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. 1919. A change application was received on <u>NANVAR4 5</u>, <u>ZOIT</u> requesting that the place of diversion authorized under the above-referenced file number be changed as described in the application. requesting that the place of use and / or point of 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 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 ☐ Applicable Mot 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 M 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. 5-3-5e, 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. ☐ Not Applicable 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. ☐ 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 ⊠ No 10. Additional Conditions are attached. ☐ Yes 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 THOMAS MAKOU! (Print Name): Division of Water Resources - Kansas Department of Agriculture on the Certificate of Service. 2017 Date of Issuance: For Use by Register of Deeds State of Kansas SS Acknowledged before me on Signature: VLM Notary Public WINTER. JULIE JONES 'NOTABY' My Appointment Expires PUBLIC December 15, 2018 My commission expires: (Notary Seal)

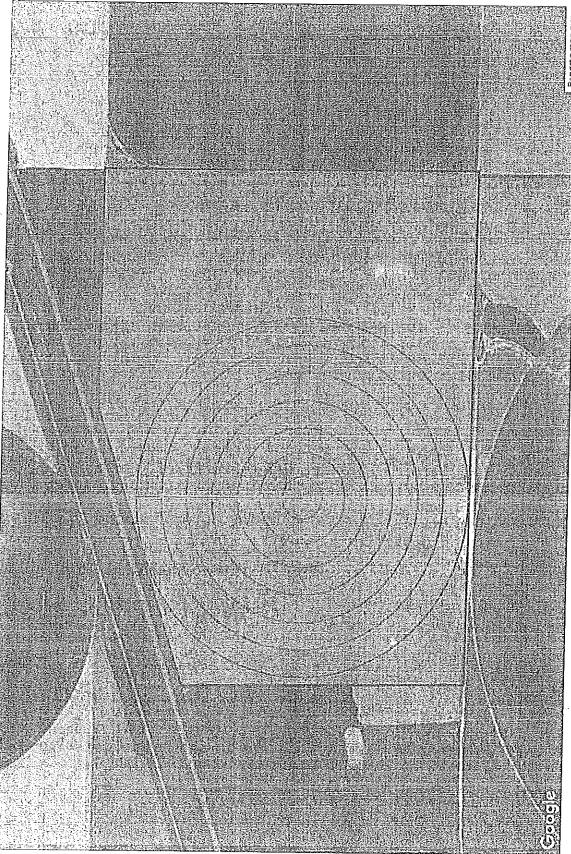
File No.

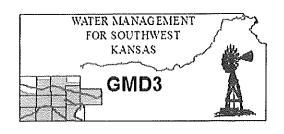
19191, 25909



Chad Stapleton_1

Map Summary Report





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

January 16, 2017

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

JAN 1 8 2017

Garden City Field Office Division of Water Resources

RE: Applications for Change in Place of Use

Water Appropriation, File Nos. 19191 & 25909

Dear Thomas:

We have completed a review of the applications for the above referenced water rights. The proposal is not in conflict with the Management Program of the Southwest Kansas Groundwater Management District No. 3 (GMD3). The proposed change in place of use is in accordance with K.A.R. 5-5-11(b). It is therefore recommended that the applications 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); PU

File No(s). 19191 & 25909; Phillip Smith



Applicant requesting to cover a 100 acre pivot in section 3 and keep the ¾ section pivot in section 10.

Currently authorized acres = 463 Base Acres = 467 (Verified by DWR) Proposed acres = 466

Neighboring wells: NA Domestic wells: NA

Regulation(s) Reviewed: KAR 5-5-11

Board Review Date: NA Board Recommendation: NA

Waiver Reason: NA

Final Recommendation: After thorough review of all available information, it appears the area rules are met. Staff therefore recommends approval of the applications.

12



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

Phone: (620) 276-2901

January, 12 2017

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

Re: Water Right file number 19191, 25909

Dear Mr. Norquest;

Phillip Smith has applied to alter the acres authorized and add a 100-acre pivot. The base acres are 467.

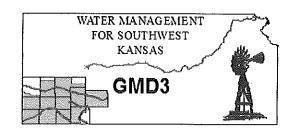
We are delaying action for 15 days on the change application to allow you time to review and provide a recommendation if you feel one is warranted. I have enclosed a copy of the change for your perusal.

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

Sincerely;

Thomas P Makens

encs.



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

January 16, 2017

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

RE: Applications for Change in Place of Use

Water Appropriation, File Nos. 19191 & 25909

Dear Thomas:

We have completed a review of the applications for the above referenced water rights. The proposal is not in conflict with the Management Program of the Southwest Kansas Groundwater Management District No. 3 (GMD3). The proposed change in place of use is in accordance with K.A.R. 5-5-11(b). It is therefore recommended that the applications 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

MECRIVED