CHECK SHEET Short Change

(To be completed and attached to each application)

Fi	le No. <u>20</u>	262		-	Fle	old Office	e No. <u>4</u>		(GMD No. <u>3</u>			
1. F	Plugging	agreement	obtained fo	r GMD?	Yes □	No) []	Non Appli	cable ⊠				
2. 1	s Landov	wner correc	ct as current	ly shown	in WRIS	? Ye	es 🛛	No □	☐ Address Change? NO				
j	f applicat	ole, list Plac	e of Use Ove	rlap File N	os						· · · · · · · · · · · · · · · · · · ·		
			pondent co		-				No 🗀		Change? NO		
			n computer										
									for the new	point(s) o	f diversion:		
ſ	Action	PDIV ID	Geo Ctr?	Sec	Twp	Rng	'N	w	Coun	ty	Qualifiers		
	ENT			23	27	34	2720	3438	Hask	ell	SWSENW		
f	DEL	27438											
ŀ													
C	 I. Name		(gpm/cfs gpm/cfs		gp	m/cfs _ m/cfs _		af/mgy af/mgy		af af/mgy af/mgy ⊠ Yes □ No		
€	. Form	ation Name	& No. <u>211/3</u>	31 oglala	dakota		_ Specia	l Use Are	a <u>na</u>	attiation to the second se	0.000		
5. [Distances	s from the o	original p/d:			120		s	188	· V	٧		
6. <u>V</u>	VATER R	RIGHT ACT	ON TRAIL C	OMMENT	<u>'S</u>								
<u>4/25/17</u>						e Applica	tion Rece	ived (date	accepted for	priority)			
	511	1 /17			Change Approved Notice and Proof by 12/31/17								
•	/				Comple	tion Req	uirement	Removed	(Change No.	C)			
7. <u>N</u>	<u>IETER A</u>	CTION TRA	AIL COMMEN	<u>NTS</u>									
_	511	9_/17			DWR N	leter Red	quired by	<u>12/31/17</u>					
8. E	Base Acre	es		Yea	r		_ Min	imum Rea	sonable Qua	ntity			
								ate Create	ed 5/8/17	by tpm			
								ate Enter	ed	by			

CHECK SHEET ATTACHMENT

9. Changes to the place of use will be:

File Number 20262

								NE%				NW%		nanajeliiki	SW%	7,4			SE74		BEREATON .	
Action	Owner Person ID	Flace ∪se ID #	Sec.	Twp. Range		NE%	4 NW74	% SW%	4 SE%	NE%	4 NWY	74 SW74	2 SE%	NE%	NW72	SW%	SE%	NE% N	NW7. S		SE% AC	TOTAL ACRES
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←		Give to Applicant:				2.	end to	Send to headquarters:	uarters:					4,		stamp re	sceived	Date stamp received and approved.	roved.			
	a. <u>Origi</u>	a. <u>Original</u> application/approval	ition/ap	oproval	(1)	o o	Sood,	Good, microfilmable copy of application and/or approval and this check sheet	Imable is chec	copy * shee	of app	olication	and/o	r. D		olete owr	nership ;	and WU(Complete ownership and WUC change information.	s informa	ıtion.	
	c. Infor	c. Information packet containing:	Ket co	c. Information packet containing:	Ication)	ġ,)rigina	b. Original check and copy of receipt	and cop	py of re	ceipt			∢ł	ADDITIONAL PHOTOCOPIES	NAL PF	10TOC	OPIES				
	Notice	Notice and Proof form	form			- C	resultation		((<u>4</u>				ł								ı
	Water	Water Meter Specifications	cificati	ions		خے د	dan or	GMD Leconninelidation, it any Map or aerial photograph if any	hotogra	i, ii dii. 30h. if,	× >0,			I								1
	AccepWater	Acceptable Meter list Water level measurer	r list sureme	Acceptable Meter list Water level measurement tube specifications	ifications		i Send to scation	Send to KDHE: Letter (KDHE.LT) advising of location of abandoned well.	E: Le	tter (K well.		.T) adv	ising c	ч								1 1
	Check	Check Valve specifications	cificati	ions					CONC	CONDITIONS	ωl											
	• Pink S	Pink Sheet - K.S.A. 82a-728 letter	.A. 82a	3-728 letter										1	-		***************************************					1
	• Form	stating to n	ecord	in Register o	Form stating to record in Register of Deeds Office		Sert nc	Insert notice and proof date.	proof d	je		:		ŀ								
) - - -	ONAL AS I	Z Z	ED)			ype or	Type or print applicant's/owner's name on line.	licant's/	owners	name (on line.										
						რ თ	omplet	Complete notary statement.	stateme	ant.				J								

Department of Agriculture

Division of Water Resources

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

Jackie McClaskey, Secretary David W. Barfield, Cluef Engineer Michael A. Meyer, Water Commissioner Phone: (620) 276-2901 Fax: (620) 276-9315 www.agriculture.ks.gov

Sam Brownback, Governor

May 19, 2017

DESERET CATTLE FEEDERS LLC ARMANDO CABALLERO GM 521 RD 50 SATANTA KS 67870

RE: Change in Point of Diversion Water Right, File No 16645 & 20262.

Dear Mr. Caballero:

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 27 day of May 2017, I hereby certify that the attached original Approval of Application to Change the Point of Diversion under Water Right, File No. 16645 & 20262 dated May 19, 2017 was mailed postage prepaid, first class, US mail to the following:

DESERET CATTLE FEEDERS LLC ARMANDO CABALLERO GM 521 RD 50 SATANTA KS 67870

Copy provided to GMD#3

Division of Water Pageuraes

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.

tha	in 100 fe		place	of use	e will t	oe cha											e auth	orized a RECI	sion is greater and proposed EIVED 27 AM
							File No	o. <u>202</u> 6	62					_				APR 2	5 2017
1.	under (ation is ho he water urce of s	right	which i		☐ F subject	Place o	of Use	cation	in acc	Point	of Div e with	ersion the co		·		Divins.	niche Sic	/ Field Office dur Ainsources
2.	521 RE Phone Name : 521 RE Phone The pro Owner	0 50 SA Number: esently a of Land	TANTA cess of TANTA uthoriz ADDR	A KS Water A KS yed pla AME: ESS:	Use 0 67870 ce of 0 DESE	Correspuse is: RET C D 50	oonder	nt: <u>DE</u> E FEE NTA K	Email SERE Email DERS S 678	addre T CAT addre LLC 370	ess: _ TLE F	EEDEI	RS LL	2	TABLET AT THE STATE OF THE STAT				
	(If there	is more th	ian one		wner, a E¼	itach su	ippleme		ieets as V¼	s neces	sary.)	51	N¼				 E¼		· TOTAL
Se	ec. Twp	. Range	NE¼	1	SW1/4	SE¼	NE¼	NW¼	1	SE¼	NE¼	γΥ	Γ	SE¼	NE¼		SW1/4	SE¼	ACRES
4.	Owner		NA ADDRI	AME: ESS:	no cha	inge to	place	of use	9,										
					≣¼				٧%			SV	٧¼			SE	Ξ¼		TOTAL
Se	ес. Тwp	Range	NE%	NW%	sw¼	SE¼	NE¼	NW14	SW¼	SE1/4	NE%	NW¼	SW14	SE%	NE¼	NW¼	SW14	SE¼	ACRES
	For Off	ice Use	Only:	Code		Fe	e \$_ \	00	_ TR	#		Re	ceipt	Date _	4/23	1/17	Chec	k# <u>5</u> 3	309

5.	Presently authorized point of diversion:				_
	One in the Quarter of the	<u>se</u>	Quarter of the	nw	Quarter
	of Section 23 , Township 2 in Haskell County, Kansas, 2840 feet	<u>27</u>	South, Range	34	W,
	in <u>Haskell</u> County, Kansas, <u>2840</u> fee	t No	th <u>200 323</u> feet West of So	outheast corner o	of section.
	Authorized Rate Authorized Quantity		Depth of well	(feet)	
	(DWR use only: Computer ID No. 3 GPS		feet North	feet West	:)
	☐ This point will not be changed ☐ This point will be c	han	ged as follows:		
- 1	Proposed point of diversion: (Complete only if change is r	requ	<u>ested)</u>		
	One in the Quarter of the	se	Quarter of the	nw	Quarter
	of Section 23 , Township2	27	South, Range	34	(W),
-	in <u>Haskell</u> County, Kansas, <u>2720</u> feet	t Nor	th <u>3438</u> feet West of So	outheast corner o	of section.
	Proposed Rate Proposed Quantity		Proposed well depth (fe	eet)	·
	This point is: Additional Well Geo Center List other w	vater	rights that will use this point _		·
				W/F************************************	772-712-712-712-712-712-712-712-712-712-
a [Presently authorized point of diversion:				
٠	One in the Quarter of the		Quarter of the		Quarter
	of Section, Township		South, Range	·.,	(E/W),
	in County, Kansas, feet	t Nor	th feet West of Sc	outheast corner c	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 c	hang	ged as follows:		
	Proposed point of diversion: (Complete only if change is r	requ	ested)		
	One in the Quarter of the		Quarter of the		Quarter
	of Section Township		South, Range		(E/W),
	in County, Kansas, feet	t Nor	th feet West of Sc	outheast corner o	of section.
	Proposed Rate Proposed Quantity		Proposed well depth (fe	eet)	· [
	This point is: Additional Well Geo Center List other w	vater	rights that will use this point _		,
7.	Why do you need a new point of diversion?1 old well needs to be replaced		If the proposed point of diversic feet of the existing point of dive the diagram below in relation to (PLEASE NOTE: The "X" in represents presently authorized.	ersion, indicate its the existing point n center of diag ed point of diver	s location on of diversion. gram below
8.	If a well, is the test hole log attached? X Yes No		100 50 0	50 100	
9.	When do you propose to complete the new point of				
	diversion?		50 - + -	+ 15	0
	May 15, 2017		<u> </u>		
10	If the point of diversion is a well:			. = _	
10.	•		West $0 = \prod \prod \prod \overline{X}$		East
	(a) What are you going to do with the old well?				
	Plug		50 = + =	+ = = 5	n
			30 F + -	7 - 3	o
	(b) When will this be done? 2017				
11.	Groundwater Management District recommendation		100 50 _0 .	. 50 100	
	attached? Yes No		Soutl Scale: 1"	ii = 100'	
		l3b.	If the proposed point of diversion	on will be relocate	ed more than
12.	Assisted by tpm		100 feet but within 1320 fee	et from the exist	ing point of
			diversion, attach a topographi For groundwater sources, show	v all wells (includii	ng domestic)
					/
			within one-half mile of the propo	osed point of diver	sion and the
			within one-half mile of the propo- names and mailing addresses	osed point of diver of the owners. mes and addres	sion and the For surface sses of the
			within one-half mile of the propo- names and mailing addresses water sources, show the na landowner(s) one-half mile do upstream from your property line	mes and addre: wnstream and c	rsion and the For surface sses of the ene-half mile

SUMMARY ORDER APPROVING APPLICATION FOR CHANGE AND IMPOSING CONDITIONS

pro K./ ter	DVISIONS OF the Kansas Water Appropriation Law, K.S.A. 82a- A.R. 5-1-1 et.seq. With the exception of those conditions expi ms, conditions and limitations of File No. <u>20262</u>	a-708b, as amended, and K.A.R. 5-14-3 and other applicable -701 et. seq., and rules and regulations promulgated thereunder, ressly contained herein, this Summary Order does not change the
1.	A change application was received on APPL 25 2 diversion authorized under the above-referenced file number	requesting that the place of use and / or point of be changed as described in the application.
2.	On and after the effective date of this summary order, the a	uthorized place(s) of use shall be located substantially as shown ange the place of use. Applicable Not Applicable
3.	The change in point of diversion shall not impair existing right previously authorized. The point of diversion authorized by tradius of the authorized point(s) of diversion.	nts and shall be limited to the same source or sources of water as his summary order shall be located within a 50 foot le Not Applicable
4.	The point(s) of diversion authorized herein shall not actually authorized point(s) of diversion.	be located more than feet from the previously t 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 ements shall be installed, operated and maintained in accordance
6.	The owner of the authorized place(s) of use shall pro December 31, 2017, or before the first use of water, whicher and maintained in accordance with K.A.R. 5-1-4 through 5-1	operly install an acceptable water flow meter on or before wer occurs first. The water flow meter shall be installed, operated -12. As required by K.S.A. 82a-732, as amended, and K.A.R. 5-g of the water flow meter and the total quantity of water diverted of each calendar year.
7.	Installation of the works for diversion of water shall be authorized extension of time. By March 1, 2018 the applican diversion has been completed, on the form provided by the Carlon Applicable Not Applicable	e completed on or before December 31, 2017, or within any t shall notify the Chief Engineer that construction of the works for chief Engineer, as required by K.A.R. 5-8-4e.
8.	The completed well log shall be submitted with the requi	red notice. 🖸 Applicable 🔲 Not Applicable
9.	All diversion works into which any type of chemical or other for with an in-line, automatic, quick-closing check valve capable check valve(s) shall be installed, operated and maintained in	preign substance will be injected into the water shall be equipped of preventing pollution of the source of the water supply. The accordance with K.A.R. 5-3-5c, ☑ Applicable ☐ Not Applicable
10.	Additional Conditions are attached.	•
	limitations, as amended and/or supplemented by this Summ Appropriation Law and the Rules and Regulations promula	R. 5-5-14, all of the owners of the authorized place(s) of use of are responsible for compliance with its terms, conditions and nary Order, and with applicable provisions of the <i>Kansas Water</i> ated thereunder. Failure to comply with these provisions may nded, and/or the suspension or revocation and dismissal of the authorized by law.
<u>/</u>	Administrative Appeal and Effective Date of Order	FOR OFFICE USE ONLY
/ou	have the right to a hearing in accordance with K.A.R, 5-14-3	APPLICATION APPROVED AND
efo	re this Summary Order becomes final action of the Kansas artment of Agriculture. Any request for a hearing must be	SUMMARY ORDER ISSUED
iled	with the Chief Engineer, Division of Water Resources,	M $D\Lambda$ $-$
Priv	sas Department of Agriculture, 1320 Research Park e, Topeka, Kansas 66502, within 15 days after the date	By:
	vn on the Certificate of Service attached hereto. If a hearing at requested in accordance with K.A.R. 5-14-3, this Summary	(Print Name): THOMAS P. MAKENS
Orde	er will become effective on the 15 th day after the date shown ne Certificate of Service.	Division of Water Resources - Kansas Department of Agriculture
	For Use by Register of Deeds	Date of Issuance: MAY 19, ZO17
		State of Kansas)
		County of Figure)
		Acknowledged before me on May 19 2017
		by Thomas P. Makens
		Signature: Ship Kerry Notary Rublic
		SUE KEENY No Appointment Expires
		My commission expires: (Notary Seal)

Page 4

File No. ___

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

14. If the proposed groundwater point of diversion is 300 or fewer feet from exis	ting point of diversion, complete the following	lowing:
 (a) Does the undersigned represent all owners of the currently authorized ☑ Yes ☐ No (If no, all owners must sign this application.) 	place(s) of use identified in this applicat	ion?
 (b) Will the ownership interest of any owner of the currently authorized plaffected if this application is approved as requested? ☐ Yes ☐ No (If yes, all owners must sign this application.) 		ion be adversely
(c) If this application is not approved expeditiously, will there be substantia 図 Yes □ No (If no, all owners must sign this application.)	I damage to property, public health or s	afety?
If the application proposes a surface water change in point of diversion, a groun or a change in place of use, the application must be signed by all owners of the agent (attach notarized statement authorizing representation).	dwater change in point of diversion greacurrently authorized place of use, or the	ater than 300 feet, eir duly authorized
I hereby verify, being first duly sworn upon my oath or affirmation age and the owner, the spouse of the owner, or a duly authorized a their behalf, in regard to the water right(s) to which this application contained in this application are true, correct and complete.	gent of the owner(s) to make this on pertains. I further verify that	the statements
Dated at, Kansas, this	day of	, 20
(Owner)	(Spouse)	-
(Please Print)	(Please Print)	
(Owner)	(Spouse)	
(Please Print)	(Please Print)	
(Owner)	(Spouse)	
(Please Print)	(Please Print)	
State of Kansas County of Finney SS TALLMY My A pt. Expires	State of Kansas 5-28:17	
I hereby certify that the foregoing application was signed in my pres	ence and sworn to before me this	as day of
	Smay 16	, 00 s
My Commission Expires 5-28-17	Notary Public	
ONLY COMPLETE APPLICATIONS WILL BE PROCESSED. To be complete, all of the a accurate information; maps, if necessary, must be included; signatures of all the appropriate appropriate fee must be paid.	pplicable portions of the application form mu te owners' must be affixed to the application	st be completed with and notarized; and
<u>FEE SCHEDULE</u>		. It
Each application to change the place of use or the point of diversion under this s forth in the schedule below: Make checks payable to: Kansas Department of (1) Application to change a point of diversion 300 feet or less	Agriculture	\$100 \$200

Page 3

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

File No. _____

