

Kansas

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, Chief Engineer
Michael A. Meyer, Water Commissioner

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

June 9, 2017

SOUTHWEST PLAINS DAIRY LLC
RICHARD GEVEN
12701 SW CR 32
SYRACUSE KS 67878-7816

RE: Change in Point of Diversion Water Right, File No 21341

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

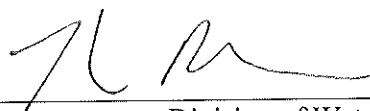
TPM:tpm
Enclosures
GMD#3

CERTIFICATE OF SERVICE

On this 13th day of June 2017, I hereby certify that the attached original Approval of Application to Change the Point of Diversion under Water Right, File No. 21341 dated June 9, 2017 was mailed postage prepaid, first class, US mail to the following:

SOUTHWEST PLAINS DAIRY LLC
RICHARD GEVEN
12701 SW CR 32
SYRACUSE KS 67878-7816

Copy provided to GMD#3

A handwritten signature in black ink, appearing to be 'JL M', written over a horizontal line.

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.

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.

File No. 21341

RECEIVED
 9:01 AM
 MAY 23 2017

Garden City Field Office
 Division of Water Resources

1. Application is hereby made for approval of the Chief Engineer to change the (check one or both):

Place of Use Point of Diversion

under the water right which is the subject of this application in accordance with the conditions described below.

The source of supply is: Groundwater Surface water

2. Name and address of Applicant: SOUTHWEST PLAINS DAIRY LLC

12701 SW CR 32 SYRACUSE KS 67878-7816

Phone Number: ()

Email address: _____

Name and address of Water Use Correspondent: SOUTHWEST PLAINS DAIRY LLC

12701 SW CR 32 SYRACUSE KS 67878-7816

Phone Number: ()

Email address: _____

3. The presently authorized place of use is:

Owner of Land ---- NAME: R C GEVEN FARMS LLC

ADDRESS: 12701 SW CR 32 SYRACUSE KS 67878-7816

(if there is more than one landowner, attach supplemental sheets as necessary.)

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

4. If this application is for a change in place of use, it is proposed that the place of use be changed to:

Owner of Land ---- NAME: no change to acres irrigated

ADDRESS: _____

(If there is more than one landowner, attach supplemental sheets as necessary.)

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

For Office Use Only: Code _____ Fee \$ 200.00 TR # _____ Receipt Date 5-23-17 Check # 007971

5. **Presently authorized point of diversion:**
 One in the sw Quarter of the sw Quarter of the se Quarter
 of Section 1, Township 26 South, Range 43 W,
 in Hamilton County, Kansas, 100 feet North 2580 feet West of Southeast corner of section.
 Authorized Rate _____ Authorized Quantity _____ Depth of well _____ (feet)
 (DWR use only: Computer ID No. 2 GPS _____ feet North _____ feet West)
 This point will not be changed This point will be changed as follows:
Proposed point of diversion: (Complete only if change is requested)
 One in the sw Quarter of the sw Quarter of the ne Quarter
 of Section 12, Township 26 South, Range 43 W,
 in Hamilton County, Kansas, 2990 feet North 2598 feet West of Southeast corner of section.
 Proposed Rate _____ Proposed Quantity _____ Proposed well depth (feet) _____
 This point is: Additional Well Geo Center List other water rights that will use this point _____

6. **Presently authorized point of diversion:**
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter
 of Section _____, Township _____ South, Range _____ (EW),
 in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner 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 changed as follows:
Proposed point of diversion: (Complete only if change is requested)
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter
 of Section _____, Township _____ South, Range _____ (EW),
 in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section.
 Proposed Rate _____ Proposed Quantity _____ Proposed well depth (feet) _____
 This point is: Additional Well Geo Center List other water rights that will use this point _____

7. Why do you need a new point of diversion? _____
 old well needs to be replaced _____

13a. If the proposed point of diversion will be relocated within 100 feet of the existing point of diversion, indicate its location on the diagram below in relation to the existing point of diversion. (PLEASE NOTE: The "X" in center of diagram below represents presently authorized point of diversion.)

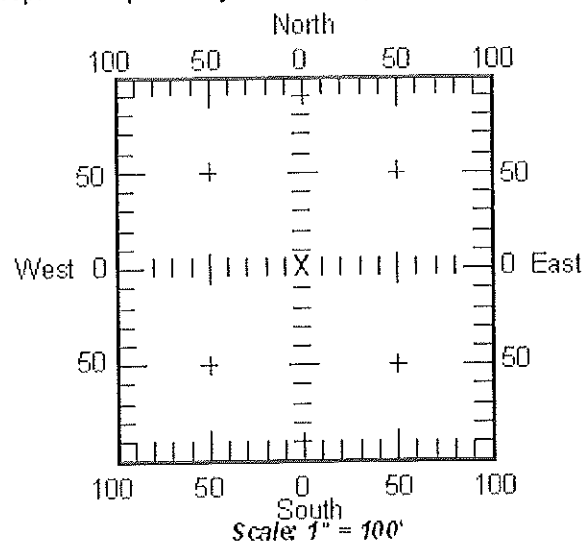
8. If a well, is the test hole log attached? Yes No

9. When do you propose to complete the new point of diversion?
June 15, 2017

10. If the point of diversion is a well:
 (a) What are you going to do with the old well?
plug
 (b) When will this be done? 2017

11. Groundwater Management District recommendation attached? Yes No

12. Assisted by tpm



13b. If the proposed point of diversion will be relocated more than 100 feet but within 1320 feet from the existing point of diversion, attach a topographic map or aerial photograph. For groundwater sources, show all wells (including domestic) within one-half mile of the proposed point of diversion and the names and mailing addresses of the owners. For surface water sources, show the names and addresses of the landowner(s) one-half mile downstream and one-half mile upstream from your property lines.

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 authorized place(s) of use identified in this application?
 Yes No (If no, all owners must sign this application.)
- (b) Will the ownership interest of any owner of the currently authorized place(s) of use identified in this application be adversely affected if this application is approved as requested?
 Yes No (If yes, all owners must sign this application.)
- (c) If this application is not approved expeditiously, will there be substantial damage to property, public health or safety?
 Yes No (If no, all owners must sign this application.)

If the application proposes a surface water change in point of diversion, a groundwater change in point of diversion greater than 300 feet, or a change in place of use, the application must be signed by all owners of the currently authorized place of use, or their duly authorized agent (attach notarized statement authorizing representation).


I hereby verify, being first duly sworn upon my oath or affirmation and under penalty of perjury, that I am of lawful age and the owner, the spouse of the owner, or a duly authorized agent of the owner(s) to make this application on their behalf, in regard to the water right(s) to which this application pertains. I further verify that the statements contained in this application are true, correct and complete.

Dated at GARDEN CITY, Kansas, this 22ND day of MAY, 2017.

X [Signature] _____ (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

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 22ND day of MAY, 2017.

My Commission Expires 9-14-18  Catherine Reinert Notary Public

ONLY COMPLETE APPLICATIONS WILL BE PROCESSED. To be complete, all of the applicable portions of the application form must be completed with accurate information; maps, if necessary, must be included; signatures of all the appropriate owners' must be affixed to the application and notarized; and the appropriate fee must be paid.

FEE SCHEDULE

Each application to change the place of use or the point of diversion under this section shall be accompanied by the application fee set forth in the schedule below: Make checks payable to: **Kansas Department of Agriculture**

- (1) Application to change a point of diversion 300 feet or less \$100
- (2) Application to change a point of diversion more than 300 feet \$200
- (3) Application to change the place of use \$200

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. 21341.

- 1. A change application was received on MAY 23, 2017 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.
- 2. 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
- 3. 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 300 foot radius of the authorized point(s) of diversion. Applicable Not Applicable
- 4. The point(s) of diversion authorized herein shall not actually be located more than 2640 feet from the previously authorized point(s) of diversion. Applicable Not 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 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
- 6. 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. 5-3-3-5e, 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
- 7. 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
- 8. The completed well log shall be submitted with the required notice. Applicable Not Applicable
- 9. 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.

Administrative Appeal and Effective Date of Order

You have the right to a hearing in accordance with K.A.R. 5-14-3 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, 1320 Research Park Drive, Topeka, Kansas 66502**, within 15 days after the date 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 on the Certificate of Service.

For Use by Register of Deeds

FOR OFFICE USE ONLY
**APPLICATION APPROVED AND
SUMMARY ORDER ISSUED**

By: JL P.L.
Duly Authorized Designee of the Chief Engineer

(Print Name): THOMAS P. MAKENS
Division of Water Resources - Kansas Department of Agriculture

Date of Issuance: JUNE 9, 2017

State of Kansas)
County of Atterbury) SS

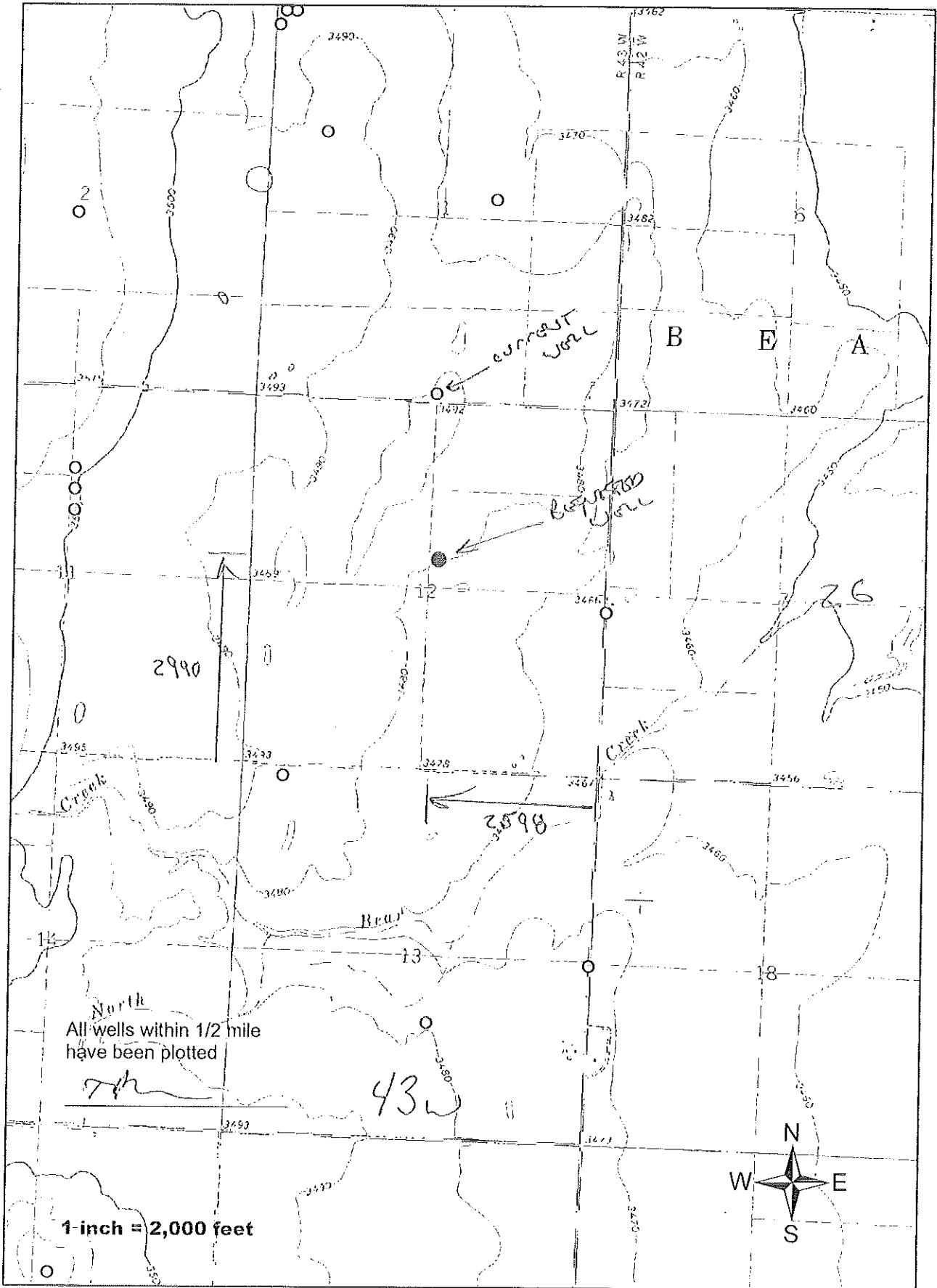
Acknowledged before me on june 9, 2017
by Thomas P. Makens

Signature: Julie Jones
Notary Public



My commission expires: _____
(Notary Seal)

21341



3795 W. Jones Ave.
Garden City, KS 67846
PH: 620-277-2389



Richard Green - 620-214-1446
Hydro
SOLUTIONS

PO Box 639
Garden City, KS 67846
Fax: 620-277-0224

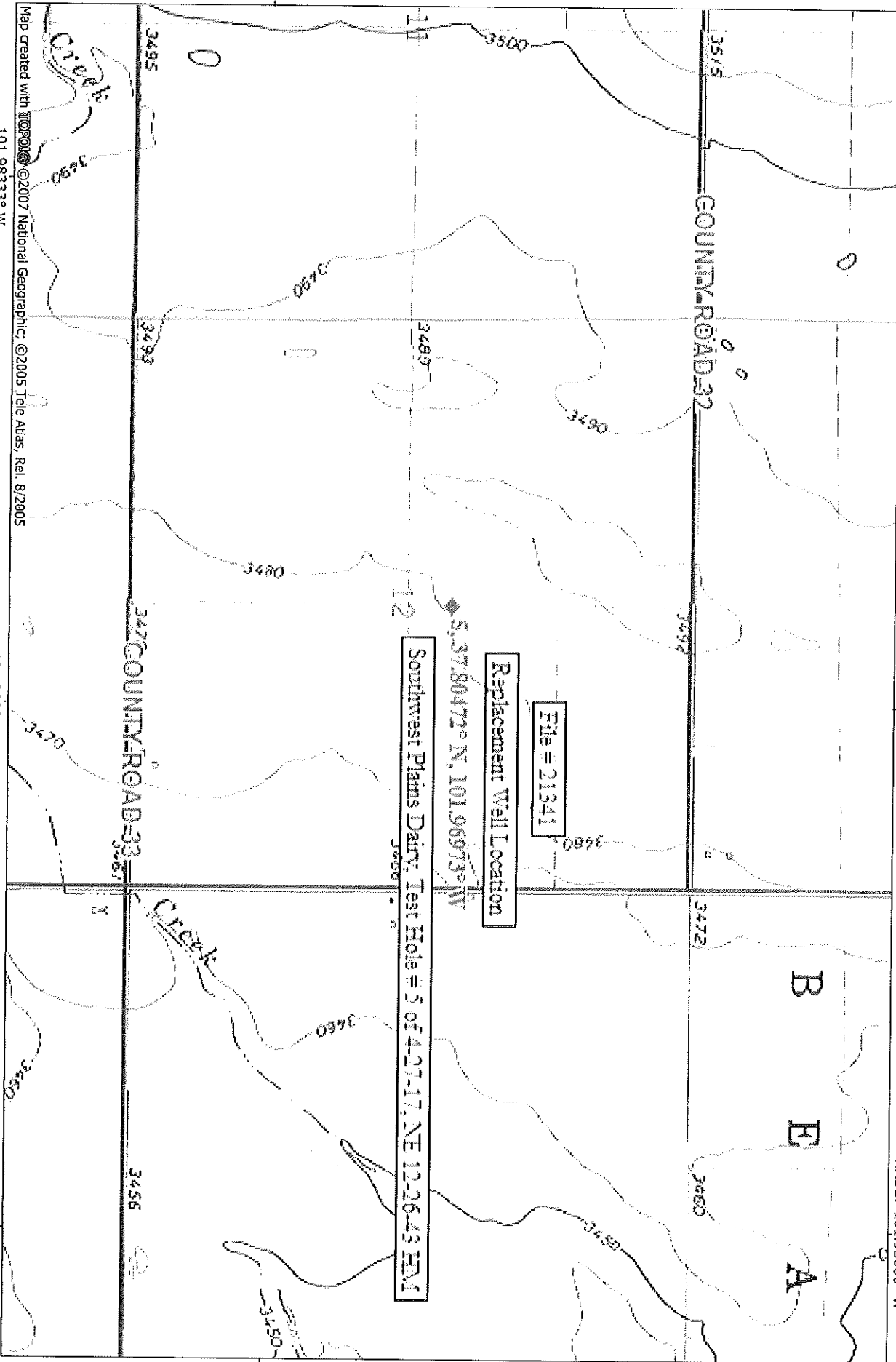
Customer Name: SW Plains Dairy WO#: 11774 Date: 4/27/17
Street Address: HC 1 Box 14 Test #: 5 E LOG: _____
City, State: Wagoner, KS 67878 Driller: Drew Koppel
County: HM Quarter: NE Section: 12 Township: 26 Range: 43
Location: _____ GPS: 37.804720N 101.969720W
Rig #: 10001 Elevation: 3416 Static WL: 340 Estimated? Yes
Proposed Well Depth 743'

% Depth	Footage			Description of Strata
	From	Pay	To	
	0		2	Surface
	2		20	Brn Clay, (chabls fine sand)
	20		54	Brn Clay (fine) (shaly)
	54		60	Sand fine to med
	60		80	Brn Clay
	80		107	Sand fine to med, fine clay
	107		204	Brn Clay, some sand, fine limestone
	204		230	Sand fine to med, some fine clay, fine ledge
	230		239	Sandstone limestone
	239		270	Shale, fine, some (HARD)
	270		300	Sandstone limestone, some shale (HARD)
	300		333	Sandstone, some fine limestone, fine shale
	333		335	Limestone (Extremely Hard) bit thin
	335		362	Gray Sandstone + limestone (HARD)
5%	362	19	381	Sandstone, some shale (cemented)
10%	381	13	394	Sandstone (fairly loose)
	394		401	Shale, limestone
	401		418	Gray Sandstone, limestone, fine sandstone
	418		467	Shale, limestone (50% to 60% mix down) fine sandstone
5%	467	13	480	Shale, sandstone (HARD)
5%	480	76	556	Sandstone, Sandstone (VERY HARD) bit thin
	556		560	Red Shale, limestone
10%	560	60	620	Sandstone (Shaly, cemented) fine sandstone (used a little matrix)
10%	620	25	645	Sandstone (fairly loose) some sandstone (used a little matrix)
15%	645	25	670	Sandstone (Red) (loose)
10%	670	35	705	Sandstone (Red) (slightly cemented) use a little matrix
10%	705	33	738	Sandstone (Red) (tight) some sandstone
	738		759	Red Sandstone, fine sandstone
	759		770	Red Bed
				- TEST Rig -
				- Set up joints
				- Put to work
				7 - Super Gel X
				5 - Grout
				7 - Bottom Plug
				1 - Perme Plug
				3 - Blow
				3 - 4 3/4" casing block
				2 3 4

101.98333° W

101.96667° W

NAD27 101.95000° W



37.80000° N

37.80000° N

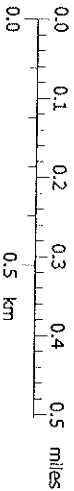
Map created with **TOPoI** ©2007 National Geographic; ©2005 Tale Atlas, Rel. 8/2005

101.98333° W

101.96667° W

NAD27 101.95000° W

NATIONAL
GEOGRAPHIC



TN 7 MN
6 1/2°
05/11/17



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

May 26, 2017

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

Re: Water Right file number 21341

Dear Mr. Norquest;

Richard Geven has applied to relocate the well authorized by the above water right number. There are no 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.

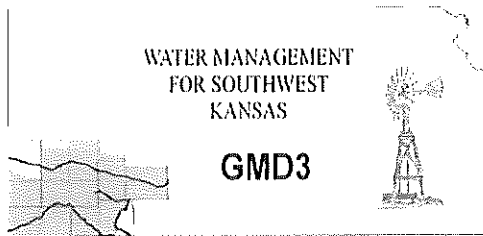
Thank you and as always feel free to call or write us at any time.

Sincerely;

A handwritten signature in black ink, appearing to read "TPM", with a long horizontal flourish extending to the right.

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

May 30, 2017

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

RECEIVED

MAY 31 2017

RE: Application for Change in Point of Diversion
Water Right, File No. 21341

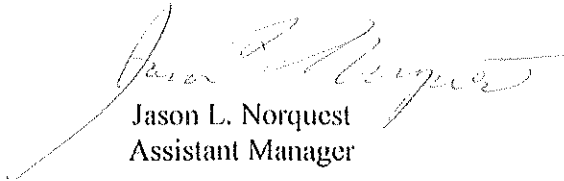
Garden City Field Office
Division of Water Resources

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

GMD3 Change Review

Change Application(s); PD

File No(s). 21341; Southwest Plains Dairy, Richard Geven

See attached map

	ft. North	ft. West	
Authorized PD	100	2580	Sect. 1-26-43
Proposed PD	2990	2598	Sect. 12-26-43
Difference	2390 S	-18 W	
a ² + b ² = c ²	5712100	324	2390.068 foot move SW

Neighboring wells: Spacing MET, see WRIS report

Domestic wells: None found on section

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

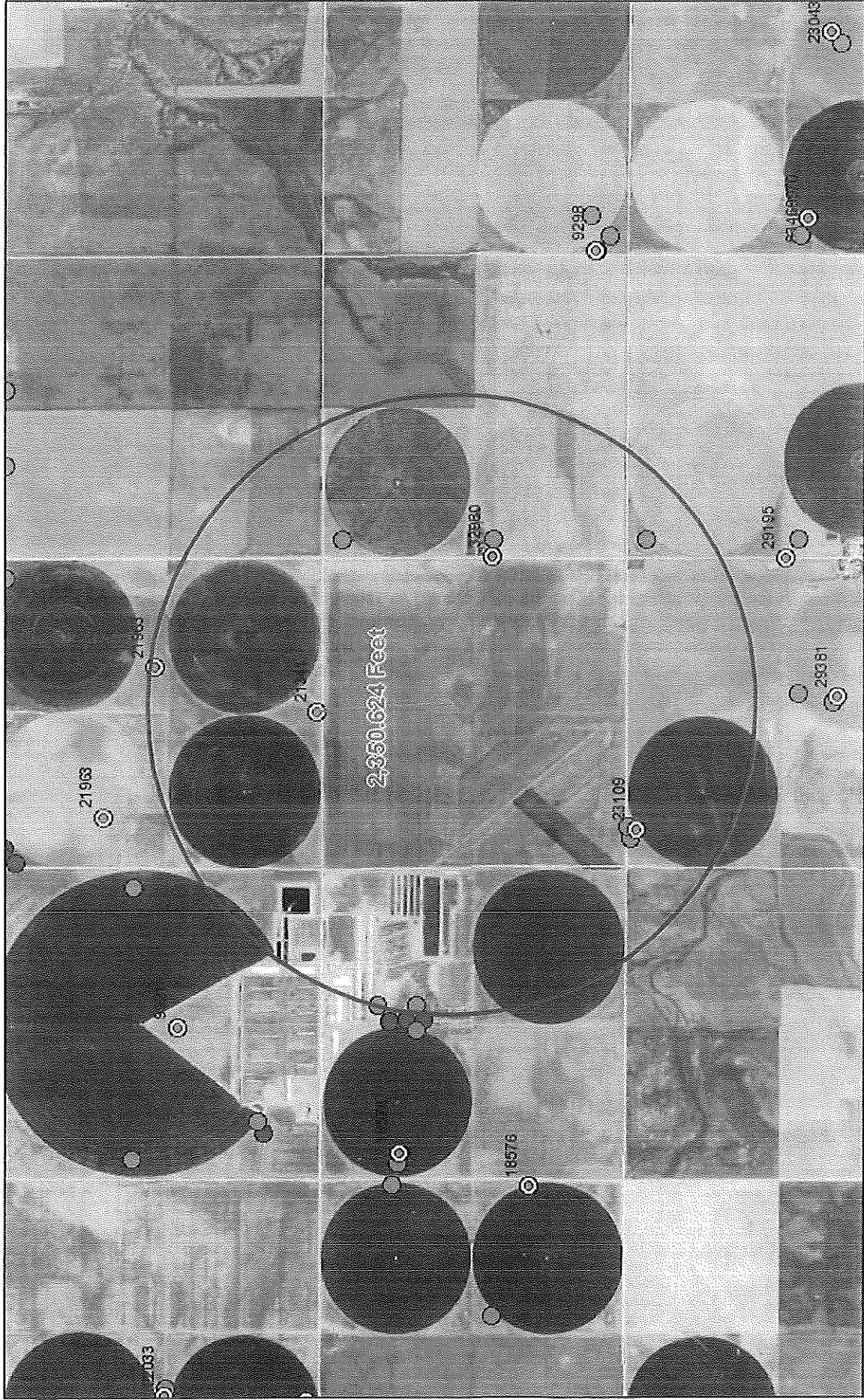
RECEIVED

MAY 31 2017

Garden City Field Office
Division of Water Resources

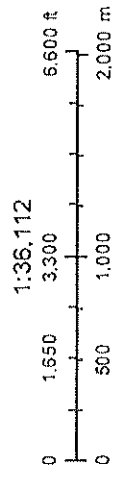


21341, PD Change



May 30, 2017

- Meters
- Wells
- WWC5 WELLS
- GMD3
- WIMAS WELLS
- GMD3
- Sections



RECEIVED

MAY 31 2017

Garcon City Field Office
Division of Water Resources

GMD
GIS Workshop, L.L.C.

Water Rights and Points of Diversion Within 1.00 miles of point defined as:

2990 ft N and 2598 ft W of the SE Corner of Section 12, T 26S, R 43W

Located at: 101.969731 West Longitude and 37.804720 North Latitude

GROUNDWATER ONLY

2990' on A11

File Number	Use	ST	SR	Dist (ft)	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Twp	Rng	ID	Batt	Auth_Quan	Add_Quan	Unit
A 18576 00	STK	NK	G	5256	--	NW	SW	NE	3504	2600	11	26	43W	6	B 2	.00	.00	AF
A 21341 00	IRR	NK	G*	2355	--	SW	SW	SE	100	2580	1	26	43W	2		511.00	511.00	AF
A 21963 00	IRR	NK	G	5212	--	SE	SW	NE	2900	1840	1	26	43W	3		370.00	370.00	AF
A 23109 00	IRR	NK	G	3754	--	NE	NW	NW	5110	4614	13	26	43W	3		521.00	521.00	AF
A 32980 00	IRR	NK	G	2767	--	--	--	--	2265	5100	7	26	42W	1		544.00	544.00	AF
T 20127214	MF	IRR	GY	G	5212	--	SE	SW	NE	2900	1840	1	26	43W	3	873.00	.00	AF

Total Met 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) =	1946.00	.00
Total Vested Amount (AF) =	.00	.00
TOTAL AMOUNT (AF) =	1946.00	.00

Spacing MET!!
JDA

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:

101.969731 West Longitude and 37.804720 North Latitude

GROUNDWATER ONLY

WATER USE CORRESPONDENTS:

- File Number Use ST SR
- A 18576 00 STK NK G
- > R C GEVEN FARMS LLC
- >
- > 12701 SW CR 32
- > SYRACUSE KS 67878
-
- A 21341 00 IRR NK G
- > SOUTHWEST PLAINS DAIRY LLC
- > RICHARD GEVEN
- > 12701 SW CR 32
- > SYRACUSE KS 67878
-
- A 21963 00 IRR NK G
- > ZACHARY GALE
- >
- > PO BOX 1227
- > SYRACUSE KS 67878
-
- A 23109 00 IRR NK G
- > KEVIN L & ELIZABETH FOX

RECEIVED

MAY 31 2017

Garden City Field Office
Division of Water Resources