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

January 30, 2017

TIM DEWEY FARM & CATTLE COMPANY PO BOX 269 CIMARRON KS 67835-0269

RE: Change the Place of Use, File Nos. 25966, 26613, 26614, 26615, 27046, 27047.

Dear Mr. Dewey;

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.

An acceptable water flow meter was required to be installed on the diversion works by earlier requirement of the Chief Engineer. These water flow meters 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 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 C: GMD3

CERTIFICATE OF SERVICE

On this 3 day of January 2017, I hereby certify that the attached original Approval of Application to Change the Place of Use under Water Right File 25966, 26613, 26614, 26615, 27046, 27047 dated January 30, 2017, was mailed postage prepaid, first class, US mail to the following:

TIM DEWEY FARM & CATTLE COMPANY PO BOX 269 CIMARRON KS 67835

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.

thar	Paragraph Nos. 1, 2, 3 & 5 must be completed. Complete all other applicable portions. If change in point of diversion is greater and 100 feet, or if place of use will be changed, include a topographic map or detailed plat showing the authorized and proposed oint(s) of diversion and/or place of use. Second Pipid Aid Complete all other applicable portions. If change in point of diversion is greater and proposed oint(s) of diversion and/or place of use. Second Pipid Aid Complete all other applicable portions. If change in point of diversion is greater and proposed oint(s) of diversion and/or place of use.																		
							File No	э. <u>270</u> 4	46					-			8 50		
1.	Applicati	lon is h	ereby i	made f	for app				Engine		_	•		ne or l	both):		3 : 3	f	
							Place o				Point								i i
	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.	2. Name and address of Applicant: TIM DEWEY FARM & CATTLE COMPANY																		
	PO BOX																		
	Phone Number: () Email address:																		
	Name and address of Water Use Correspondent: TIM DEWEY FARM & CATTLE COMPANY																		
	PO BOX 269 CIMARRON KS 67835 Phone Number: ()																		
3,	The pres						·		Ellian	auure	88								ľ
J,	,	•					'FARN	л & CA	ATTLE	COME	PANY								
	Owner of Land NAME: TIM DEWEY FARM & CATTLE COMPANY ADDRESS: PO BOX 269 CIMARRON KS 67835																		
	(If there is more than one landowner, attach supplemental sheets as necessary.)																		
				N!	E¼			NV	N¼			SV	N1/4	-		SI	E¼		TOTAL
Sec	c. Twp.	Range	NE%	T	SW1/4	SE¼	NE¼	NW%	SW1/4	SE¼	NE¼			SE¼	NE1/4	T		SE¼	ACRES
8	25	31w	11			18									<u> </u>				29
9	25	31w	<u> </u>		15			30	39	35	39	35	34	34	34	40	34	34	403
16	3 25	31w					34	34	34	34			<u> </u>						136
	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: TIM DEWEY FARM & CATTLE COMPANY ADDRESS: PO BOX 269 CIMARRON KS 67835 (If there is more than one landowner, attach supplemental sheets as necessary.)																		
	(11 41010 12	11,0,0	1			1001103	PPIOTI			,,,,,,,,,,	1					-	-1/		TOTAL
Sec	c. Twp.	Range	NE¼		5W1/4	SE¼	NE¼		V¼ SW¼	SE¼	NE¼		SW1/4	SE¼	NE¼	r	sw¼	SE¼	TOTAL ACRES
16		31w	34	34	34	34	34	34	34	34									272
17		31w	34	34	34	34	34	34	34	34	34	34	34	34	34	34	34	34	544
18	25	31w	34	34	34	34		-							34	34	34	34	272
																1			
	For Office Use Only: Code Fee \$ 200 TR # Receipt Date 17/8/16 Check # 33229																		

5.	Presently authorized point of diversion:		,	
	One in the Quarter of the		Quarter of the	Quarter
	of Section . Township		South, Range	
	in County, Kansas, fe	et No	th feet West of Sout	heast corner of section.
	Authorized Rate Authorized Quantity		Depth of well	(feet)
1	(DWR use only: Computer ID No GPS _		feet North	feet West)
-	☐ This point will not be changed ☐ This point will be	chan	ged as follows:	
- 1	Proposed point of diversion: (Complete only if change is	s requ	<u>ested)</u>	
	One in the Quarter of the		Quarter of the	Quarter
	of Section . Township		South, Range	<u> </u>
	in County, Kansas, fe	et Nor	th feet West of Sout	heast corner of section.
	Proposed Rate Proposed Quantity		Proposed well depth (feet	.
	This point is: Additional Well Geo Center List other	r watei	rights that will use this point	
-				MAKER BERKER MAKEYO MAKEROYANI
6. [Presently authorized point of diversion:			
٠. ا	One in the Quarter of the	,	Quarter of the	Quarter
	of Section . Township		South, Range	(E/W),
	in County, Kansas, fe	et Nor	th feet West of Sout	heast corner of section.
	Authorized Rate Authorized Quantity		Depth of well	(feet)
	(DWR use only: Computer ID No GPS _		feet North	feet West)
j	☐ This point will not be changed ☐ This point will be	chang	ged as follows:	
	Proposed point of diversion: (Complete only if change is			
	One in the Quarter of the		Quarter of the	Quarter
	of Section, Township		South, Range	(E/W),
	in County, Kansas, fe	et Nor	th feet West of Sout	heast corner of section.
	Proposed Rate Proposed Quantity		Proposed well depth (feet	
	This point is: Additional Well Geo Center List other	r watei	rights that will use this point	•
L	FOR THE STATE OF T			
7.	Why do you need a new point of diversion?	13a.	If the proposed point of diversion feet of the existing point of divers	will be relocated within 100
			the diagram below in relation to the	e existing point of diversion.
	no change to well location		(PLEASE NOTE: The "X" in	center of diagram below
			represents presently authorized	point of diversion.)
			North 100 50 0	50 100
8,	If a well, is the test hole log attached? 🔲 Yes 🛮 🖾 No		100 50 <u>0</u>	
^	tall and the new point of			· · · · · · · · · · · · · · · · · · ·
9.	When do you propose to complete the new point of diversion?			
	diversion:		50 <u> </u>	+ - 150
			<u> </u>	-
10	If the point of diversion is a well:		.,, . "F,,,, ,	
10.	(a) What are you going to do with the old well?		West $0 - 111 111 \overline{X} 1$	II I I I I I I I I I I I I I I I I I I
	(a) What are you going to do with the old well:		<u> </u>	
			50 + -	+ = 50
			20 F	
	(b) When will this be done?		–	. 7
			<u> </u>	
11	Groundwater Management District recommendation		100 50 _0	50 100
	attached? Yes No		South <i>Scale: 1</i> " =	100'
		13h	If the proposed point of diversion	
12.	Assisted by tpm	100.	100 feet but within 1320 feet	from the existing point of
			diversion, attach a topographic For groundwater sources, show a	map or aerial photograph.
			within one-half mile of the propose names and mailing addresses of	ed point of diversion and the
			names and mailing addresses of water sources, show the name	f the owners. For surface
			landowner(s) one-half mile dowr	nstream and one-half mile
			upstream from your property lines.	

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

FILE NO.

MAKE ADDITIONAL COPIES AS NECESSARY

Range Land -	nd ADI	NAME: NAME: NAME: NAME: NAME:	NEX 4 SWX	SE%		NW NW X	N%			NW%	V% -	SE¼	NEX	NW%	E¼		TOTAL
Land Range	nd ADI	NAME: NAME: NAME: NAME:	NE%	SE%	NE%	NW NW X	SW¼			NW%	SW¼			NW%	SW¼		ACRES
Range Land -	ADI	NAME:	NE%	SE%	NE%	NW%	N¼			SV		SEV.		1	1		TOTAL
Range Land -	ADI	NAME:	NE%	SE%	NE%	NW%	N¼			SV		SEW		1	1		TOTAL
Range Land -	ADI	NAME:	NE%	SE%	NE%	NW%	N¼			SV		SFW.		1	1		TOTAL
Range Land -	ADI	NAME:	NE%	SE%	NE%	NW%	N¼			SV		SEV.	l let	1	1		TOTAL
Range Land -	nge NE	NAME:	NE%			NW%	1	SE¼	NE%	1		SEW.	Net/	1	1		TOTAL
Land -	nd ADE	NAME:	4 SW¼			NW%	1	SE¼	NE¼	1		SE'/	NEW	1	1		TOTAL
Land -	nd ADE	NAME:					SW¼	SE¼	NE1/4	NW1/4	sw1/4	SEW	NEW	1			
,	ADE	RESS:				:							NE%	NW1/4	SW1/4	SE¼	ACRES
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Mange	ige NL	/4 1444/	1	SE%	NEW	NW% SW%	l	SE¼			SW% V% SW%	SE%	NE¼		1	SE¼	TOTAL ACRES
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						/lot1	lot2			lot3	lot4						
31w	w 34	34	34	34	34	34	34	34	34	∖ 34	34 /	34	34	34	34	34	544
		NAME: RESS:															
						\$ 11 A	11/	ĺ		SW	1/			SE	1/		TOTAL
Range	10 NE	NW14	E¼ SW/A	SE¼	NE1/	NW WW		SE¼	NE¼	NW1/4	<u>1</u>	SE¼	NE%	NW1/4		SE¼	TOTAL ACRES
31w		1477/4	15	SE/4	NEA	30	39	35	39	35	34	,	/34	40\	34	34	403
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(a) Does the undersigned represent al ☐ Yes ☐ No (If no, a	ll owners of the currently authorized pull owners must sign this application.)	lace(s) of use identified	in this application?
(b) Will the ownership interest of any affected if this application is approx ☐ Yes ☐ No (If yes,	owner of the currently authorized played as requested? all owners must sign this application.		n this application be adversely
(c) If this application is not approved e	expeditiously, will there be substantial ll owners must sign this application.)	damage to property, pu	blic health or safety?
If the application proposes a surface water or a change in place of use, the application agent (attach notarized statement authorizing	must be signed by all owners of the		
I hereby verify, being first duly sworn age and the owner, the spouse of the their behalf, in regard to the water ri contained in this application are true	owner, or a duly authorized agight(s) to which this applicatio	ent of the owner(s)	to make this application or
Dated at Cimarria	, Kansas, this6_	day of	, 20
X Jim Deway			
/ () Mn K) Starty/ (Owner)		(Spot	ise)
(Please Print)		(Please	Print)
(Owner)		(Ѕрог	se)
(Please Print)		(Please	Print)
(Owner)		(Spou	se)
(Please Print)		(Please	Print)
State of Kansas	SS		•
County of <u>Gray</u>			, th
I hereby certify that the foregoing app	Dication was signed in my presert the Country Pilotic State of Kansas of DOUG DAVIDSO(1) My Appt. Exp	Doug Doug	fore me this day of
My Commission Expires	<u></u> .	/ / / / / / / / / / / / / / / / / / /	CONTROL CONTRO
ONLY COMPLETE APPLICATIONS WILL BE PRO accurate information; maps, if necessary, must be the appropriate fee must be paid.	OCESSED. To be complete, all of the application included; signatures of all the appropriate	olicable portions of the appl owners' must be affixed to	ication form must be completed with the application and notarized; and
	FEE SCHEDULE		
Each application to change the place of use of forth in the schedule below: Make checks pa (1) Application to change a point of	yable to: Kansas Department of A	griculture	
(2) Application to change a point of(3) Application to change the place	diversion more than 300 feet		\$ <u>20</u> 0
DWR 1-121 (Revised 06/16/2014)	Page 3		File No

14. If the proposed groundwater point of diversion is 300 or fewer feet from existing point of diversion, complete the following:

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. 27046 A change application was received on DECKMBEN 8, 2016 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 The point(s) of diversion authorized herein shall not actually be located more than _ feet from the previously authorized point(s) of diversion. ☐ Applicable Not Applicable 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 5. 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.

☐ Applicable ☐ Not Applicable Installation of the works for diversion of water shall be completed on or before December 31, 20<u>17</u>, or within any authorized extension of time. By March 1, 20<u>18</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.

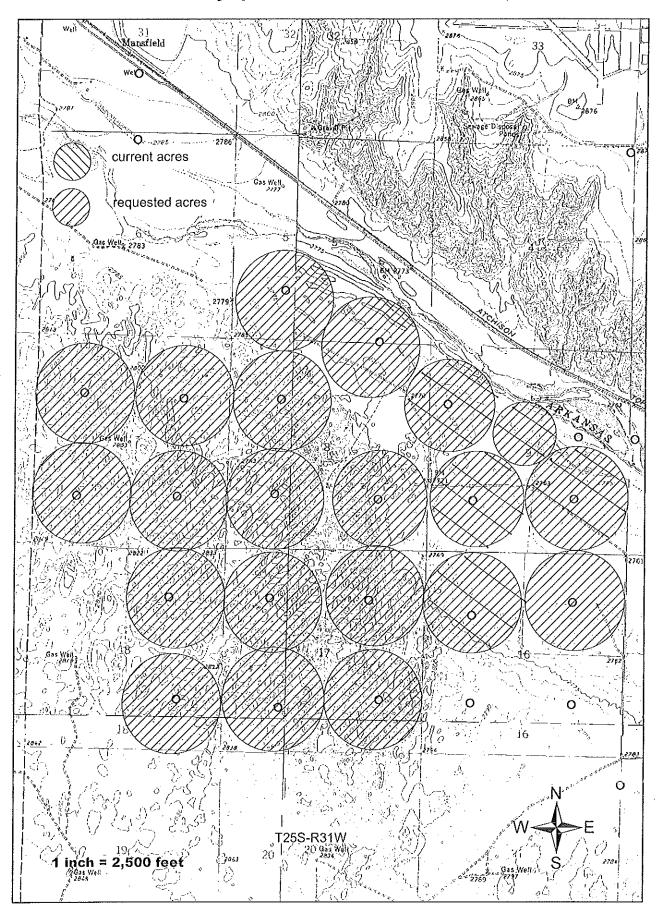
☐ Applicable ☒ Not Applicable The completed well log shall be submitted with the required notice. ☐ Applicable Not Applicable All diversion works into which any type of chemical or other foreign substance will be injected into the water shall be equipped with an in-line, automatic, quick-closing check 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 \(\sigma\) Not Applicable M No 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. Administrative Appeal and Effective Date of Order FOR OFFICE USE ONLY 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 (Print Name): <u>'アHのMA</u>& 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 Division of Water Resources - Kansas Department of Agriculture on the Certificate of Service. JANUARY Date of Issuance: For Use by Register of Deeds State of Kansas SS Acknowledged before me on by Thomas P. Maltens Signature: __ Notary Public or the Or SUE KEENY NOTARY My Appointment Expires June 8, 2018 My commission expires: (Notary Seal)

Page 4

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

File No. _

27046 Dewey place of use overlap



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