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.agriculture.ks.gov

Sam Brownback, Governor

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

March 8, 2017

MDM FARM & MINERALS LLC PO BOX 1330 WOODWARD OK 73802-1330

RE: Change the Place of Use, File Nos 27796, 37200

Dear Mr. Miller;

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 Q day of March 2017, I hereby certify that the attached original Approval of Application to Change the Place of Use under Water Right File 27796, 37200 dated March 8, 2017, was mailed postage prepaid, first class, US mail to the following:

MDM FARM & MINERALS LLC PO BOX 1330 WOODWARD OK 73802-1330

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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ρc	ли(ъ) о	olvei	181011	anuro	piace	i Oi use		File No	o. <u>277</u> 9	96					_				4:31,	IVED 0 2017
1.	undei	r the v	vater		which i		☑ F subject	Place c	of Use applic	cation	in acco	hange Point ordanc Surfa	of Div e with	ersion the co			D	livision	roi Wal	Field Office er Resources
2.	PO B Phone Name PO B	OX 13 e Nun e and OX 13	330 nber: addre 330	WOO (ess of WOO	DWAF) Water DWAF	Use C	73802	2-1330 oonder 2-1330	nt: <u>MD</u>	Email M FAI	addre	ss: MINER	ALS L	LC						
3.	The p Owne	Phone Number: () Email address: The presently authorized place of use is: Owner of Land NAME: MDM FARM & MINERALS LLC ADDRESS: PO BOX 1330 WOODWARD OK 73802-1330 (If there is more than one landowner, attach supplemental sheets as necessary.)																		
			NE½ NW½ SW½						1	SE%		TOTAL ACRES								
	ec. Tw		ange 39w	NE1/4	NW%	SW%	SE¼	NE%	NW¼	SW1/4	SE1/4	NE¼ 32.5	1	T	SE1/4 32.5	NE1/4	NWW	SW1/4	SE1/4	130
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									Mileton Wa	The Park Street Control of the Contr										
	For O	ffice	Use (Only:	Code		Fee	s_7	.00	_ TR	#		Re	ceipt	Date _	1/30	/17	Chec	к# <u>Ч</u>	260

5.	Presently authorized point of diversion:		·									
	One in the Quarter of the	Quarter of the	Quarter									
	of Section, Township	South, Range										
	in County, Kansas,	feet Northfeet West of Southeast	corner of section.									
	Authorized Rate Authorized Quantity	Depth of well	(feet)									
	(DWR use only: Computer ID No GPS	feet North fe	et West)									
	oxtimes This point will not be changed $oxtimes$ This point will b	e 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	• •									
	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											
1												
6.	Presently authorized point of diversion:	,	·									
	One in the Quarter of the											
	of Section, Township	South, Range	(E/W),									
	in County, Kansas,	eet North feet West of Southeast	corner of section.									
	Authorized Rate Authorized Quantity	Depth of well	_ (feet)									
	(DWR use only: Computer ID No. GPS		et West)									
	☐ This point will not be changed ☐ This point will b	•										
	Proposed point of diversion: (Complete only if change	s requested)	_									
- 1	One in the Quarter of the of Section Township	Quarter of the	Quarter									
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	This point is: Additional Well Geo Center List other	Proposed well depth (leet)	·									
L.	This point is. Extrachional veil Coo ochici Elst office	water rights that will use this point										
7.	Why do you need a new point of diversion?	13a. If the proposed point of diversion will be	relocated within 100									
		feet of the existing point of diversion, inc the diagram below in relation to the existing	licate its location on									
	no change to water well	(PLEASE NOTE: The "X" in center	of diagram below									
		represents presently authorized point	of diversion.)									
		North										
В.	If a well, is the test hole log attached? Yes No	100 50 0 50 	100									
3.	When do you propose to complete the new point of		'									
	diversion?		7									
		50 - + - +	─ 50									
		<u> </u>	=									
10.	If the point of diversion is a well:	West 0 -	U ⊒0 Eact									
	(a) What are you going to do with the old well?		- Last									
			7 .									
		50 - + - +	- 50 °									
	(h) Mhun will this he done?		=									
	(b) When will this be done?	<u> </u>										
1	Groundwater Management District recommendation	100 ED D. 770	400									
11.	Groundwater Management District recommendation attached? Yes No	100 50 0 50 South	100									
		Scale: 1" = 100"										
2.	Assisted by tpm	13b. If the proposed point of diversion will be a 100 feet but within 1320 feet from the	elocated more than									
	••	diversion, attach a topographic map or For groundwater sources, show all wells	aerial photograph.									
	and the second of the second o	For groundwater sources, show all wells a within one-half mile of the proposed point	(including domestic)									
		within one-half mile of the proposed point names and mailing addresses of the ov	vners. For surface									
	William Communication (Communication)	water sources, show the names and landowner(s) one-half mile downstream	addresses of the									
			and one-nan mile									

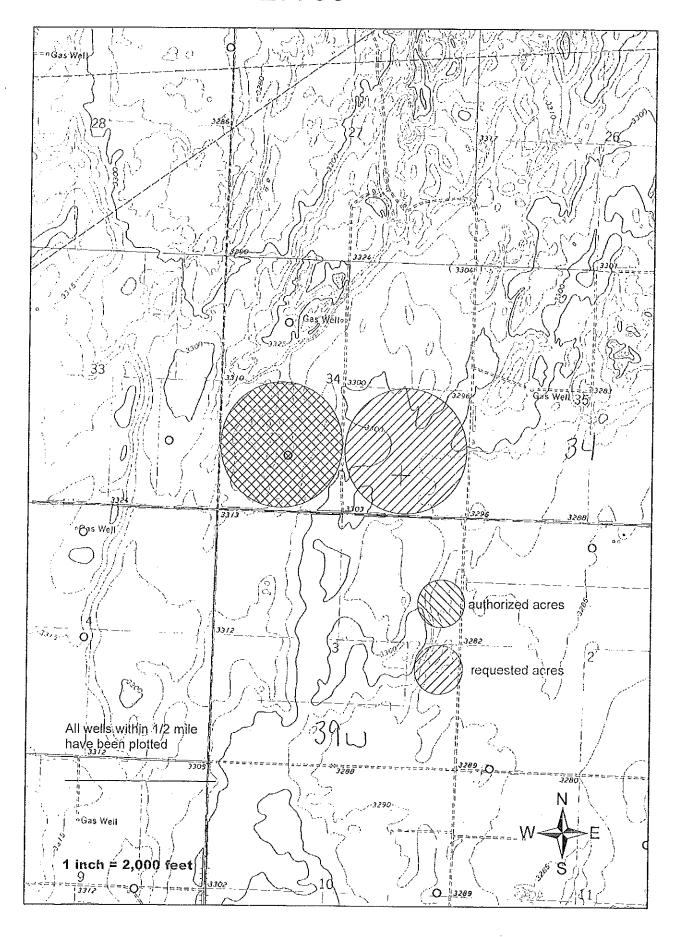
14. If the proposed groundwater point of diversion is 300 or fewer feet f	rom existing point of diversion, complete the following:
(a) Does the undersigned represent all owners of the currently aut ☐ Yes ☐ No (If no, all owners must sign this app	horized place(s) of use identified in this application? lication.)
 (b) Will the ownership interest of any owner of the currently authors 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 su ☐ Yes ☐ No (If no, all owners must sign this app	
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 owner agent (attach notarized statement authorizing representation).	a groundwater change in point of diversion greater than 300 feet, s of the currently authorized place of use, or their duly authorized
I hereby verify, being first duly sworn upon my oath or affirmage and the owner, the spouse of the owner, or a duly author their behalf, in regard to the water right(s) to which this appointment in this application are true, correct and complete.	rized agent of the owner(s) to make this application on plication pertains. I further verify that the statements
Dated at Working, Chloring, Kansas, this	331. day of January , 20 17.
banding lamlas	
(Owner)	(Spouse)
MARTIN P. MILLICE, MANAGER (Please Print)	(Please Print)
(Flease Fillity	(Flease Fillit)
(Owner)	(Spouse)
(Please Print)	(Please Print)
(Owner)	(Chausa)
(Owiel)	(Spouse)
(Please Print)	(Please Print)
State of Kansas Oldalisma County of Libralism SS	
Thereby certify that the foregoing application was signed in m	y presence and sworn to before me this Budday of
NOTARY PUBLIC, State of Oklahoma Commission #02020504 Woodward County	Maron Fostantens
My Commission Expires My Commission Expires 17 (rotally Judice
ONLY COMPLETE APPLICATIONS WILL BE PROCESSED. To be complete, all accurate information; maps, if necessary, must be included; signatures of all the a he 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 SCHEDU	<u>JLE</u>
Each application to change the place of use or the point of diversion under orth 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 feet (3) Application to change the place of use	ent of Agriculture \$100
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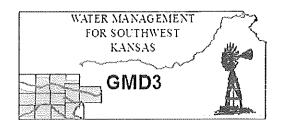
SUMMARY ORDER APPROVING APPLICATION FOR CHANGE AND IMPOSING CONDITIONS

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. 27796 A change application was received on <u>JADJANY 30, 7,017</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 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 authorized point(s) of diversion.

Applicable Prot Applicable feet from the previously 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. 5-3-5e, 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, 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. □ Not Applicable 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 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. 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 Surimary 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 (Print Name): THOWAS MILLERIA 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 COM CL JONES Signature: Notary Public-STATE OF JULIE JONES NOTARY My Appointment Expires PUSUC. December 15, 2018 My commission expires: (Notary Seal) DWR 1-121 (Revised 06/16/2014) Page 4

File No. _





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

February 1, 2017

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

RECEIVE

FEB 06 2017

RE: Applications for Change in Place of Use Water Appropriation, File Nos. 27796 & 37200

Garden City Field Office Division of Water Resources

Coyun

Dear Thomas:

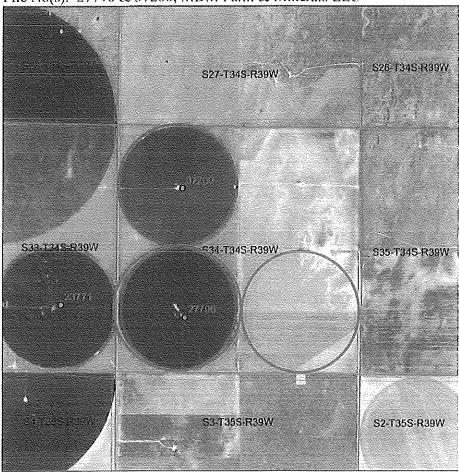
We have completed a review of the applications for the above referenced water rights. The proposal is not in conflict with the Management Program of the Southwest Kansas Groundwater Management District No. 3 (GMD3). The proposed change in place of use is in accordance with K.A.R. 5-5-11. It is therefore 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). 27796 & 37200; MDM Farm & Minerals LLC



Base acres = 130/WR = 260 acres total (verified with DWR)

Current = 27796 130 acres in SW, 37200 130 acres in NW

Proposed = 130 acres in SW & 130 acres in SE, complete overlap PU with both WRs

Neighboring wells: NA Domestic wells: NA

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

Board Review Date: NABoard Recommendation: NA

Waiver Reason: NA

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

are met. Staff therefore recommends approval of the applications.

1/1



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

January 31, 2017

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

Re: Water Right file number 27796, 37200

Dear Mr. Norquest;

MDM Farm and Minerals LLC has applied to alter the acres authorized and relocate one pivot and overlap. The base acres are 130 for each file.

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.