

CHECK SHEET

Short Change

(To be completed and attached to each application)

File No. 28132

Field Office No. 4

GMD No. 3

1. Plugging agreement obtained for GMD? Yes No Non Applicable
2. Is Landowner correct as currently shown in WRIS? Yes No Address Change? NO
 If applicable, list Place of Use Overlap File Nos. _____
3. Is Water Use Correspondent correct as currently shown in WRIS? Yes No Address Change? NO
 Name of Former WUC _____ Name of New WUC _____
4. a. Point of diversion computer ID No(s). 3 for point(s) being changed.

b. Show feet distances from the SE corner of the section for the new point(s) of diversion:

| Action | PDIV ID | Geo Ctr? | Sec | Twp | Rng | 'N | 'W | County | Qualifiers |
|--------|---------|----------|-----|-----|-----|------|-----|--------|------------|
| ENT | | | 21 | 33 | 31w | 3180 | 870 | Seward | SWSENE |
| DEL | 25474 | | | | | | | | |
| | | | | | | | | | |

c. If multiple points of diversion exist and rates and quantities are individually assigned, show:

| Old PDIV ID | Authorized Rate | Additional Rate | Authorized Quantity | Additional Quantity |
|-------------|-----------------|-----------------|---------------------|---------------------|
| _____ | _____ gpm | _____ gpm | _____ af | _____ af |
| _____ | _____ gpm/cfs | _____ gpm/cfs | _____ af/mgy | _____ af/mgy |
| _____ | _____ gpm/cfs | _____ gpm/cfs | _____ af/mgy | _____ af/mgy |

d. Name of Drainage Basin cimarron Is this correctly shown in WRIS? Yes No

e. Formation Name & No. 211 oglala Special Use Area na

5. Distances from the original p/d: _____ ' N _____ ' W

6. WATER RIGHT ACTION TRAIL COMMENTS

9/5/17 Change Application Received (date accepted for priority)
9/15/17 Change Approved
 Notice and Proof by 12/31/17
 _____ / _____ / _____ Completion Requirement Removed (Change No. C. _____)

7. METER ACTION TRAIL COMMENTS

9/15/17 DWR Meter Required by 12/31/17

8. Base Acres _____ Year _____ Minimum Reasonable Quantity _____

Date Created 9/11/17 by tpm
 Date Entered _____ by _____

CHECK SHEET ATTACHMENT

9. Changes to the place of use will be:

File Number 28132

| Action | Owner Person ID | Place Use ID # | Sec. | Twp. | Range | NE 1/4 | | | NW 1/4 | | | SW 1/4 | | | SE 1/4 | | | TOTAL ACRES | | |
|--------|-----------------|----------------|------|------|-------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|-------------|--|--|
| | | | | | | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | | | |
| NO CHG | | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | | |

Names and Address:

| | | |
|-------------------------------|-------------------------------|-------------------------------|
| 1. _____ Person ID # _____ | 2. _____ Person ID # _____ | 3. _____ Person ID # _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |

GENERAL INSTRUCTIONS

1. Give to Applicant:
 - a. Original application/approval
 - b. Original receipt (one for each application)
 - c. Information packet containing:
 - Notice and Proof form
 - Water Meter Specifications
 - Acceptable Meter list
 - Water level measurement tube specifications
 - Check Valve specifications
 - Pink Sheet - K.S.A. 82a-728 letter
 - Form stating to record in Register of Deeds Office (OPTIONAL AS NEEDED)
 2. Send to headquarters:
 - a. Good, microfilmable copy of application and/or approval and this check sheet
 - b. Original check and copy of receipt
 - c. Test hole log
 - d. GMD recommendation, if any
 - e. Map or aerial photograph, if any
 3. Send to KDHE: Letter (KDHE.LT) advising of location of abandoned well.

CONDITIONS

 1. Insert notice and proof date.
 2. Type or print applicant's/owner's name on line.
 3. Complete notary statement.
 4. Date stamp received and approved.
 5. Complete ownership and WUC change information.
- ADDITIONAL PHOTOCOPIES
- _____
- _____
- _____
- _____
- _____
- _____



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

September 15, 2017

KANSAS-SMITH FARMS LLC
23179 5 RD
PLAINS KS 67869

RE: Change in Point of Diversion Water Right, File No 28132

Dear Mr Smith:

Enclosed you will find a *Summary Order Approving Application for Change in Points 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,

A handwritten signature in black ink, appearing to read "T. Makens".

Thomas P. Makens
Assistant Water Commissioner

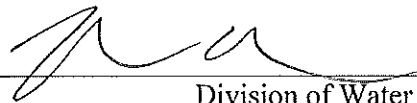
TPM:tpm
Enclosures
GMD#3

CERTIFICATE OF SERVICE

On this 18th day of September 2017, I hereby certify that the attached original Approval of Application to Change the Point of Diversion under Water Right, File No.28132 dated September 5, 2017 was mailed postage prepaid, first class, US mail to the following:

KANSAS-SMITH FARMS LLC
23179 5 RD
PLAINS KS 67869

Copy provided to GMD#3

A handwritten signature in black ink, appearing to be 'Ma', is 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) 862-6300
 Stafford -- (620) 234-5311
 Stockton -- (785) 425-6787
 Garden City -- (620) 276-2901
www.ksda.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. 28132

RECEIVED
 4:00 PM
 SEP 6 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: Kansas Smith Farms, 23179 #5 Road, Plains, KS 67869

Phone Number: (620) 563-7226 Email address: melissa@kstaigs.com

Name and address of Water Use Correspondent: Same as above

Phone Number: () Email address:

3. The presently authorized place of use is:

Owner of Land --- NAME: Kansas Smith Farms

ADDRESS: 23179 #5 Road, Plains, KS 67869

(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: _____

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 \$ <u>100.00</u> TR # _____ Receipt Date <u>9-5-11</u> Check # <u>5915</u> |
|--|

5. **Presently authorized point of diversion:**
 One in the Southwest Quarter of the Southeast Quarter of the Northeast Quarter
 of Section 21, Township 33 South, Range 31 W,
 in Seward County, Kansas, 3,165 feet North 768 feet West of Southeast corner of section.
 Authorized Rate 300 gpm Authorized Quantity 12.775 mil gal Depth of well _____ (feet)
 (DWR use only: Computer ID No. 3 GPS mi/jy 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 SE Quarter of the NE Quarter
 of Section 21, Township 33 South, Range 31 W,
 in SEWARD County, Kansas, 3180 feet North 870 feet West of Southeast corner of section.
 Proposed Rate Same Proposed Quantity Same Proposed well depth (feet) 400'
 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 SW Quarter of the SW Quarter of the NW Quarter
 of Section 21, Township 33 South, Range 31
 in SEWARD County, Kansas, 3129 feet North 4644 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 _____ Quarter of the _____ Quarter of the _____ Quarter
 of Section _____, Township _____, South, Range _____ (E/W),
 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? Casing on
current well fell; therefore well
is not able to be used.

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

9. When do you propose to complete the new point of diversion?
As soon as approved

10. If the point of diversion is a well:

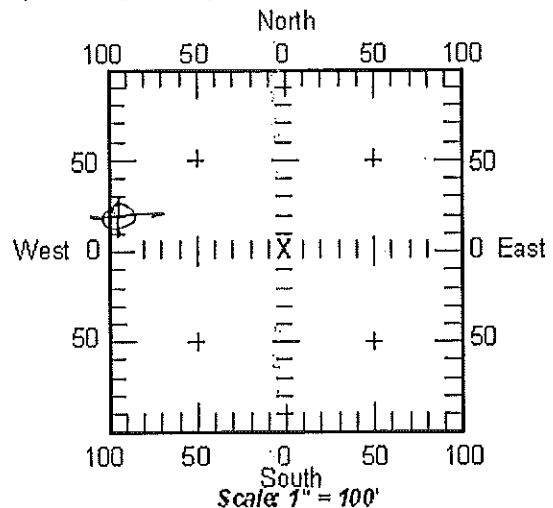
(a) What are you going to do with the old well?
Plug upon completion

(b) When will this be done? Upon completion

11. Groundwater Management District recommendation attached? Yes No

12. Assisted by _____

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.)



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 Plains, Kansas, this 30 day of August, 2017.

Nathan Smith
 (Owner)
Nathan Smith
 (Please Print)

 (Owner)

 (Please Print)

 (Owner)

 (Please Print)

 (Spouse)

 (Please Print)

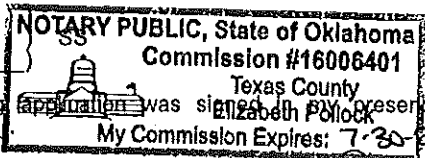
 (Spouse)

 (Please Print)

 (Spouse)

 (Please Print)

State of Oklahoma
~~Kansas~~
County of Texas



I hereby certify that the foregoing application was signed in my presence and sworn to before me this 30 day of August, 2017.

Elizabeth Pollock
Notary Public

My Commission Expires June 30, 2020

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. 28132.

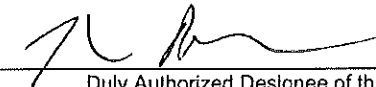
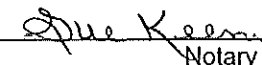
1. A change application was received on September 5, 2017 requesting that the place of use and / or point of diversion authorized under the above-referenced file number be changed as described in the application.
2. On and after the effective date of this summary order, the authorized place(s) of use 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 50 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 _____ 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. 5-3-5e, 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.

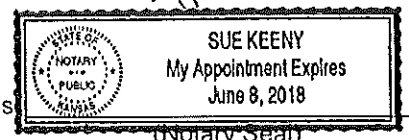
Administrative Appeal and Effective Date of Order

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: 
Duly Authorized Designee of the Chief Engineer
(Print Name): Thomas P Makens
Division of Water Resources - Kansas Department of Agriculture
Date of Issuance: SEPTEMBER 15, 2017
State of Kansas)
County of Finney) SS
Acknowledged before me on September 15, 2017
by Thomas P Makens
Signature: 
Notary Public



My commission expires _____

(Notary Seal)

8" Drill

* Please Not MW
WELL DRILL

GR

COMPANY

Company: Howard Drilling Company Company: PO Box 806 Doc #: 9-41711,004
 Phone: (580) 625-3098 Address: Beaver OK 73932 Date: 08/26/2017
 Fax: (580) 625-4477 USA Approved: N

CUSTOMER

Cust Code: C00782 Bill To: BillTo Ship To: KSF/FARM 3-15
 Cust Name: KANSAS-SMITH FARMS LLC Bill To: 23179 #5 RD Ship To: SECTION 21-33S-31WIM
 Contact: CRAIG Address: PLAINS KS 67869 Address: SEWARD COUNTY, KS
 Phone: 620-482-3791 USA KS
 Ref 1: --- Ref 2: --- Ref 3: ---

LABOR

| Emp ID | Employee Name | Project | Ref | Whs | Work Type | Blif | Sub Type | Time/Qty |
|--------|----------------|---------|-----|-----|-----------|------|----------|----------|
| 156 | SKELTON, KENNY | 1035 | | 04 | D&W | Y | st | 12.00 |

Details

Project 1035 Directions KISMET, KS: INTERSECTION OF HWY 54 & CO RD V, SOUTH ON CO RD V FOR 2.75 MILES TO MEADE LAKE RD, CONT SOUTH ON CO RD V FOR .4 MILE, WEST ON ROAD .15 TO KANSAS SMITH FARM 3, SOUTH 50' TO STAKE EAST OF WHITE PALMER TANK

Project 1035 Watersource direction

Other details

Description: DRILL 8" WATERWELL N 37.1639 W 100.6925 300' RADIUS

Remarks:

WELL NAME: _____ SURFACE OWNER: _____
 ADDRESS: _____ COUNTY: _____ FOOTAGES: _____
 STATIC WATER LEVEL: 300 PERFORATIONS: FROM 480 FT. TO 380 FT. Who Dug Pit: downwards
 GRAVEL USED: 4 GRAVEL PACKED: FROM 480 FT. TO 100 FT. HOLE PLUG: 3
 YARD CEMENT: 4 CASING SIZE: 5 INCH 6 INCH 8 INCH 10 INCH (CIRCLE ONE)
 WATER _____ SOURCE _____ TRIPS _____ Drilling Rig left at _____
 Polymer used 1 buckets Gel used _____ sacks COST OF WATER _____

| ft. to ft. | Soil sample | ft. to ft. | Soil sample |
|------------|-------------------|------------|----------------------------|
| 0-6 | surface | 207-220 | sand & clay streaks coarse |
| 6-15 | sandy clay | 220-393 | sand coarse |
| 15-58 | clay | 393-430 | sand & clay streaks medium |
| 30-65 | clay & sandy clay | 430-470 | sand medium |
| 65-80 | clay | 470-485 | clay blue |
| 80-163 | sand coarse | | |
| 163-166 | clay | | |
| 166-207 | sand coarse | | |

Driller Kenny Drive Time To Locallon 8:30 TO 11:30
 Helpers Alex Maton DRILL Time _____ TO _____
 UNIT# D11 W13 214 Drive Time Back to Shop 8:45 TO 10:00

RECEIVED

SEP 8 2017

Gardner Field Office
Division of Resources

