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

March 23, 2017

SHAFER FAMILY FARMS LLC PO BOX 7602 HORSESHOE BAY TX 78657-7602

RE: Change the Place of Use, File Nos 435, 38616, 39036, 40062, 41347

Dear Mr. Shafer;

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 ZY Aday of March 2017, I hereby certify that the attached original Approval of Application to Change the Place of Use under Water Right File 435, 38616, 39036, 40062, 41347 dated March 23, 2017, was mailed postage prepaid, first class, US mail to the following:

SHAFER FAMILY FARMS LLC PO BOX 7602 HORSESHOE BAY TX 78657-7602

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) 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. 39036 Application is hereby made for approval of the Chief Engineer to change the (check one or both): Place of Use Point of Diversion Garden City Field under the water right which is the subject of this application in accordance with the conditions described belowed Water Resource of supply is: Surface water										7 4~ 3 2017 Field Office									
	. Name and address of Applicant: Robert Shafer PO Box 7602 Horseshoe Bay, TX 78657																		
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5.	Presently authorized point of diversion:		_				
- 1	One in the Lot U Quarter of	of the	<u> </u>	Quart	er of the	SW	Quarter
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- 1	in Stevens County, Kansas,	600	_ feet No	rth <u>5240</u> f	feet West of So	outheast corne	er of section.
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6.	Presently authorized point of diversion:	W. A					
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	in County, Kansas,	ııp	foot No	Soutt	, inalige	outhoast corns	r of section
	Proposed Rate Proposed Control Proposed						
L	This point is: ☐ Additional Well ☐ Geo Cer	iter List o	ther wate	rights that will u	se this point _		·
7	Why do you need a new point of diversion?		13a.	If the proposed p	point of diversion	on will be reloc	ated within 100
٠.	why do you need a new point of diversion.			feet of the existi	ng point of dive	ersion, indicate	its location on
				the diagram belo (PLEASE NOTE	w in relation to E: The "X" i	the existing po n center of c	int of diversion. liagram below
				represents pres	ently authoriz	ed point of div	version.)
					North	f	
8.	If a well, is the test hole log attached? Tyes	☐ No			50 0		
	,				TITTIT		
9.	When do you propose to complete the ne	ew point	of	_		Ξ	1
	diversion?			50 🗀		+ -	50
				30 E	· <u> </u>		
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10.	If the point of diversion is a well:			West 0 - 11	1 1 1 1 \overline{X}	T	0 East
	(a) What are you going to do with the old well?			L	'	' <u>-</u>	1
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	A Maria Maria Maria			Ē	_		-
	(b) When will this be done?				111117		
				100			
11.		mmendati	on	100	50 0 _ Souti	h	00
	attached? 🛛 Yes 🗌 No				Scale: 1"	= 100'	
12.	Assisted by CL - GMD3		13b.	If the proposed p 100 feet but w	point of diversion	n will be reloc	ated more than
				diversion, attach	n a topographi	c map of aer	ial photograph.
				For groundwater	sources, show	ı all wells (inclu	udina domestic)
				within one-half mames and mail	nie of the propo ling addresses	sea point of di of the owner	version and the s. For surface
				water sources,	show the na	mes and add	tresses of the
				landowner(s) on upstream from you	e-half mile do	wnstream and	one-half mile
				apourdant noin ye	an broberth iits	70.	

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

FILE NO. 39036

MAKE ADDITIONAL COPIES AS NECESSARY

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

FILE NO. 39036

Presently authorized point of diversion:	
One in the Quarter of the	Quarter of the Quarter
of Section, Township feet North	South, Range (E/W),
in County, Kansas, teet North	Donth of well (feet)
Authorized Rate Authorized Quantity	feet North feet West)
Authorized Rate Authorized Quantity (DWR use only: Computer ID No GPS This point will not be changed This point will be changed a	as follows:
Proposed point of diversion: (Complete only if change is requeste	
One in the Quarter of the	
of Section . Township	South, Range (E/W),
Lin County, Kansas, teet 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 right	its that will use this point
Presently authorized point of diversion:	
One in the Quarter of the	Quarter of the Quarter
Lof Section Township	South, Range (E/VV),
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 ☐ This point will not be changed ☐ This point will be changed	as follows:
Proposed point of diversion: (Complete only if change is requeste	
One in the Quarter of the	South Range (FMI)
of Section, Township inCounty, 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 right	nts that will use this point
	Management of the Control of the Con
Presently authorized point of diversion:	
One in the Quarter of the	Quarter of the Quarter
of Section, Township feet North	South, Range (E/W),
in County, Kansas, feet North _	feet West of Southeast corner of section.
L Authorized Rate Allinorized Ullantiv	Depth of well (1660)
(DWR use only: Computer ID No GPS ☐ This point will not be changed ☐ This point will be changed	as follows:
Proposed point of diversion: (Complete only if change is requeste	Q)
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of Section, Townshipfoot North	feet West of Southeast corner of section
Proposed Rate Proposed Quantity	Proposed well depth (feet)
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Presently authorized point of diversion:	
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of Section, Township	South, Range (E/W),
of Section, Township	teet west of Southeast corner of section.
Proposed Rate Proposed Quantity	rroposed well depth (reet) ste that will use this point
THIS POINTS. LI Additional Well Liber Center List other water right	to that and ago the bont.

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 au ☐ Yes ☐ No (If no, all owners must sign this approximately auxiliary) 	thorized place(s) of use identified in this application?
 (b) Will the ownership interest of any owner of the currently authorized affected if this application is approved as requested? ☐ Yes ☐ No (If yes, all owners must sign this approved as requested?) 	·
(c) If this application is not approved expeditiously, will there be sure of the sure of	ubstantial damage to property, public health or safety? plication.)
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 owne agent (attach notarized statement authorizing representation).	a groundwater change in point of diversion greater than 300 feet, rs of the currently authorized place of use, or their duly authorized
I hereby verify, being first duly sworn upon my oath or affire age 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.	prized agent of the owner(s) to make this application on oplication pertains. I further verify that the statements
Dated at TUOSES NOE Say Ty Kansas, this	s \underline{I} day of \underline{I} day \underline{I} \underline
Cower (Owner)	(Spouse)
ROBERT J. Shafer	Donne M. Shafer
10/max (Please Print)	(Please Print)
(Owner)	(Spouse)
(Please Print)	(Please Print)
(Owner)	(Spouse)
(Please Print) State of Kansas County of KRISTINE WOMA Notary ID # 130822 My Commission Ex I hereby certify that the foregoing application was signed in County in the county of the	257-3 prices
of 1000000 1 201) Francisco de company of the property of the	Victorial Control of the Control of
My Commission Expires Supt 15. 200	Notary Public
ONLY COMPLETE APPLICATIONS WILL BE PROCESSED. To be complete, all accurate information; maps, if necessary, must be included; signatures of all the a the 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	
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

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. 39036 FERRUARY 13, 2017 requesting that the place of use and / or point of A change application was received on _ 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 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 ☐ Applicable Not Applicable authorized point(s) of diversion. 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 5. 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, 20____, 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 authorized extension of time. By March 1, 20____ 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. Not Applicable ☐ 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 ☐ Yes 10. Additional Conditions are attached. 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. FOR OFFICE USE ONLY Administrative Appeal and Effective Date of Order CAN'S WY JUST APPLICATION APPROVED AND You have the right to a hearing in accordance with K.A.R. 5-SUMMARY ORDER ISSUED 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, 109 SW 9th Street, Topeka, Kansas 66612, within 15 days after the Duly Authorized Designee of the Chief Engineer date shown on the Certificate of Service attached hereto. If a hearing is not requested in accordance with K.A.R. 5-14-3, THOMAS (Print Name): this Summary Order will become effective on the 15th day Division of Water Resources - Kansas Department of Agriculture after the date shown on the Certificate of Service. 201 Date of Issuance: For Use by Register of Deeds State of Kansas SS Acknowledged before me on 11 Makens by Ihomas Signature: Notary Public a chite of SUE KEENY PARTORIA My Appointment Expires

June 8, 2018

PUBLIO .

THINKS

My commission expires:

Change App. PU, File No. 39036 S36-T32S-R39W S31-T32S-R38W S32-T32S-R38W \$33-T32S-R38W o Zôn AUTHORIZED, PROPOSED, S1-T33S-R39W S5-T33S-R38W S4-T33S-R38W S12-T33S-R39W \$8-T33S-R38W S9-T33S-R38W 2142727{h+29.1 S13-T33S-R39W S18-T33S-R38W S17-T33S-R38W \$16-T33\$-R38W 138 m [\$3.27 ४२ म्ह्राकु **⊙** s20-т33S-R38W Cale: "=2000" S24-T33S-R39W \$19-T33S-R38W