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 McClaskey, Secretary David W. Barfield, Cluef 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 74 day 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.

tha	n 100 fe	Nos. 1, eet, or i	fplace	of use	e will l	oe cha	leted. inged,	Com _l includ	o lete a le a to	ill othe pogra	e r app phic n	licable ap or	e porti detaile	ons. ed plat	If char show	nge in ing the	point c	of divers	sion is greater and proposed
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											MANUAL PROPERTY OF THE PROPERT	MATTER STREET					9	:580	4m
							File N	o. <u>400</u>	62					-			FE	B 13	2017
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		he wate			s the s									nditior	is des	cribed	below.		
	The so	urce of	supply	is:		\boxtimes	Ground	iwater			Surfa	ce wat	er						
2.		and add						<u> </u>											
	PO Box 7602 Horseshoe Bay, TX 78657																		
		Number	*																
		and add					onder	nt: <u>W</u> a	rren M	1 & Am	anda l	R Willis	S						
		<u>lackson</u>		***********	KS 679	951		***											
_		Phone Number: () Email address:																	
3.	The presently authorized place of use is:																		
	Owner	Owner of Land NAME: Shafer Family Farms LLC ADDRESS: PO Box 7602 Horseshoe Bay, TX 78657																	
	/14 Ha o va	is more t								1 1111111111111111111111111111111111111									
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Receipt Date 7/17/17 Check# /585

For Office Use Only: Code ___

____ Fee \$_ Z O O __ TR # ____

5.	Presently authorized point of diversion:														
	One in the Quarter of the	NC	Quarter of the	ne <u>NW</u>	Quarter										
-	of Section, Township	33	South, Rang	ge <u>38</u>	W,										
ı	in Stevens County, Kansas, 3940 fe														
	Authorized Rate <u>1800 gpm</u> Authorized Quantity	524 A	F Depth of well _		(feet)										
-	(DWR use only: Computer ID No GPS _		feet North _	fe	et West)										
	☑ This point will not be changed ☐ This point will be changed as follows:														
1	Proposed point of diversion: (Complete only if change is	s requ	ested)												
	One in the Quarter of the		Quarter of th	ne	Quarter										
	of Section, Township		South, Rang	je	W.										
Ì	in County, Kansas, fe	et Nor	th feet W	est of Southeast	corner of section.										
	Proposed Rate Proposed Quantity														
	This point is: Additional Well Geo Center List other	r water	rights that will use this	s point											
L															
6. l	Presently authorized point of diversion:		A CONTRACTOR OF THE PROPERTY O												
٠	One in the Quarter of the		Quarter of th	ne	Quarter										
	of Section, Township		South, Rang	je	,										
-	in County, Kansas, fe	et Nor	th feet W	est of Southeast	corner of section.										
- 1	Authorized Rate Authorized Quantity														
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1	☐ This point will not be changed ☐ This point will be				·										
- 1	Proposed point of diversion: (Complete only if change is														
	One in the Quarter of the			ne	Quarter										
- 1	of Section, Township		South, Rang	ie	(E/W).										
-	in County, Kansas, fe	et Nor	th feet We	est of Southeast	corner of section.										
	Proposed Rate Proposed Quantity		Proposed well	depth (feet)											
	This point is: Additional Well Geo Center List other														
L															
7.	Why do you need a new point of diversion?	13a.	If the proposed point of feet of the existing point	f diversion will be	relocated within 100										
			the diagram below in re	lation to the exist	ing point of diversion.										
			(PLEAŠE NOTE: The represents presently a	e "X" in center	r of diagram below										
			represents presently a	Morth	or diversion.										
_			100 50	0 50	100										
8.	If a well, is the test hole log attached? Yes No			- U - 30 1 1 1 1 1 1 1 1 1 1											
9.	When do you propose to complete the new point of		F	<u> </u>											
υ.	diversion?		<u> </u>												
			50 - +	+	┧50										
			-	_	4										
10.	If the point of diversion is a well:		West 0 -	 V	,,] , _E ,,										
	(a) What are you going to do with the old well?		vvest u - IIIII	<u> </u>	11-10 5881										
	(a) This are job geing to be than are the training		<u> </u>	MATERIAL DE LA CONTRACTION DEL CONTRACTION DE LA											
			50 L +	_ +	= 50										
			- ' - '	_ '	-										
	(b) When will this be done?		F.		7										
11.	Groundwater Management District recommendation		100 50	_050	100										
	attached? 🛛 Yes 🔲 No		s	South cale: 1" = 100"											
		13b.	If the proposed point of		relocated more than										
12.	Assisted by <u>CL - GMD3</u>		100 feet but within 1	320 feet from t	he existing point of										
			diversion, attach a top For groundwater source	oograpnic map o es show all wells	r aeriai pnotograph. : (including domestic)										
			within one-half mile of the	he proposed poin	t of diversion and the										
			names and mailing ad water sources, show	idresses of the c	wners. For surface										
			landowner(s) one-half	mile downstream	n and one-half mile										
			upstream from your pro	perty lines.	,										

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

FILE NO. 40062

MAKE ADDITIONAL COPIES AS NECESSARY

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4. C O	ontinue wner o	ed: If th f Land -	N/	lication AME: ; ESS: j	<u>Shafer</u>	Famil	y Farn	าร LLC	;			d that	the pla	ce of	use be	chang	ged to:		
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17	33	38					30,5	30.5	30.5	30.5									122
18	33	38	8.5	32.1	40	32.1	32.1	8.5	32.1	40	40	32.1	8,5	32.1			:		338.1
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Page ____

DWR 1-121-2 (Rev. 01/23/2008)

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

FILE NO. 40062

Presently authorized poi	nt of diversion:		
One in the	Quarter of the	Quarter of the	Quarter
of Section	, Township, Township, feet N County, Kansas, feet N Authorized Quantity, ter ID No GPS, changed This point will be cha	South, Range	(E/W),
in	_ County, Kansas, feet N	lorth feet West of Southe	ast corner of section.
Authorized Rate	Authorized Quantity	Depth of well	(feet)
(DWR use only: Comput	er ID No GPS	feet North	_ feet West)
I his point will not be	changed 📋 This point will be cha	inged as follows:	=
Proposed point of divers	ion: (Complete only if change is rec	quested)	
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of Section	, Township County, Kansas, feet N Proposed Quantity	South, Range	(EW),
in	_ County, Kansas, feet N	lorth feet West of Southe	ast corner of section.
Proposed Rate	Proposed Quantity	Proposed well depth (feet)	,
This point is: Additiona	I Well ☐ Geo Center List other wat	ter rights that will use this point	1
Presently authorized poi			
One in the	Quarter of the	Quarter of the	Quarter
of Section	, Township feet N	South, Range	(E/W),
in	_ County, Kansas, feet N	orth feet West of Southe	ast corner of section.
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	ion: (Complete only if change is rec		
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In	County, Kansas, reet N Proposed Quantity	Proposed well don'th (foot)	ast corner of section.
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This politicis. L. Additiona	Well Goo ochra Eist ather wat	or rights that will ase this point.	
Presently authorized poi	nt of divorcion:		
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One in the	Quarter of the	Quarter of the	Quarter
in Section	, Township feet N	orth feet West of Southe	ast corner of section
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(DWR use only: Comput	er ID No GPS	feet North	feet West)
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of Section	Township	South Range	(FAM)
in	County, Kansas. feet N	orth feet West of Southe	ast corner of section.
Proposed Rate	Proposed Quantity	Proposed well depth (feet)	
This point is: Additiona	Quarter of the, Township feet N County, Kansas, feet N Proposed Quantity Well Geo Center List other wat	er rights that will use this point	
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Presently authorized poin	at of divoraions		
	it of diversion:		1
I One in the	Quarter of the	Quarter of the	Quarter
of Section	Quarter of the	Quarter of the South, Range	Quarter (E/W),
of Sectionin	Quarter of the	Quarter of the South, Range orth feet West of Souther	Quarter (E/W), ast corner of section.
one in the of Section Authorized Rate	Quarter of the	Quarter of the South, Range orth feet West of Souther Depth of well	Quarter (E/W), ast corner of section. (feet)
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of Section	Quarter of the, Township, Township feet N _ County, Kansas, feet N _ Authorized Quantity er ID No GPS changed	South, Range orth feet West of Souther Depth of well feet North nged as follows: tuested) Quarter of the South, Range orth feet West of Souther Proposed well depth (feet)	(E/W), ast corner of section (feet) feet West) Quarter (E/W), ast corner of section.

14. If the proposed groundwater point of diversion is 300 or fewer feet	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?
 (b) Will the ownership interest of any owner of the currently auth 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 su ☐ Yes ☐ No (If no, all owners must sign this app	bstantial damage to property, public health or safety? lication.)
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 fee s of the currently authorized place of use, or their duly authorize
I hereby verify, being first duly sworn upon my oath or affirr age and the owner, the spouse of the owner, or a duly autho their behalf, in regard to the water right(s) to which this ap contained in this application are true, correct and complete.	rized agent of the owner(s) to make this application or
Dated at TUSSESTIE BAY Kansas, this	15 day of Feb. 2017
Paket J. Cowner)	Doman Ahrfer (Spouse)
Ko Bent J. Shifter	Donna M. Shater
(Please Print)	(Please Print)
(Owner)	(Spouse)
(Please Print)	(Please Print)
(Owner)	(Spouse)
(Please Print)	(Please Print)
State of Kansas TCXCO KRISTINE WOMACH Notary ID # 1308225 My Commission Expi	7-3
Thereby certify that the foregoing application was signed in 20	ny presence and sworn to before me this day
	Kristin Comak
My Commission Expires Supply 15, 2020	Notary Public
DNLY COMPLETE APPLICATIONS WILL BE PROCESSED. To be complete, all accurate information; maps, if necessary, must be included; signatures of all the apple appropriate fee must be paid.	of the applicable portions of the application form must be completed with propriate owners' must be affixed to the application and notarized; and
FEE SCHEDU	<u>LE</u>
Each application to change the place of use or the point of diversion unde orth in the schedule below: Make checks payable to: Kansas Departme (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. <u>YOO67</u>. A change application was received on FERURY 13, 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. 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 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 Not Applicable The point(s) of diversion authorized herein shall not actually be located more than _ feet from the previously ☑ Not Applicable authorized point(s) of diversion. 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 sultable for making water level measurements shall be installed, operated and maintained in accordance with K.A.R. 5-6-13.

Applicable with K.A.R. 5-6-13. 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. Not Applicable ☐ 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. ☐ Applicable Not Applicable ☑ Not Applicable ☐ Applicable The completed well log shall be submitted with the required notice. 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 **⊠**No 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 ALMOON NOT APPLICATION APPROVED AND 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 SUMMARY ORDER ISSUED must be filled with the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, 109 SW 9th Street, Topeka, Kansas 66612, within 15 days after the date shown on the Certificate of Service attached here14. Duly Authorized Designee of the Chief Engineer hearing is not requested in accordance with K.A.R. 5-14-3, this Summary Order will become effective on the 15th day (Print Name): TJOMAS MAKOUS Division of Water Resources - Kansas Department of Agriculture after the date shown on the Certificate of Service. Date of Issuance: MARCH 2017 For Use by Register of Deeds State of Kansas SS Acknowledged before me on Man Signature: emy Notary Public 11 F.O. SUE KEENY NOTARY PUBLIC My Appointment Expires June 8, 2018 My commission expires:

40062 Change App. PU, File No. ¹ S36-T32S-R39W S32-T32S-R38W \$33-T32S-R38W AUTHORIZED, PROPOSED S1-T33S-R39W S6-T336-R38W S5-T33S-R38W S4-T33S-R38W S12-T33S-R39W S7-T33S-R38V \$8-T33S-R38W S9-T33S-R38W o²⁶⁸⁰⁸ S13-T33S-R39W S18-T33S-R38W S17-T33S-R38W \$16-T33S-R38W - अन्यक्षिक्ष्य इस्ट्रेस 40/16/96/8 **0** S20-T33S-R38WCale: "=2000" S24-T33S-R39W \$19-T33S-R38W

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