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 3, 2017

J D BORTH FARMS LTD PO BOX 754 MEADE KS 67864

RE: Change in Point of Diversion Water Right, File No 6509, 41234, 41525

Dear Mr. Borth:

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

Thomas P. Makens

Assistant Water Commissioner

TPM:tpm Enclosures GMD#3

CERTIFICATE OF SERVICE

On this 7 th day of March 2017, I hereby certify that the attached original Approval of
Application to Change the Point of Diversion under Water Right, File No. 6509, 41234, 41525
dated March 3, 2017 was mailed postage prepaid, first class, US mail to the following:

J D BORTH FARMS LTD PO BOX 754 MEADE KS 67864

Copy provided to GMD#3

Division of Water Resources

ompleted application to:
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.

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. RECEIVED 3: 25 pm File No. <u>41234</u> FEB 1 4 2017 1. Application is hereby made for approval of the Chief Engineer to change the (check one or both): Garden City Field Office ☐ Place of Use Division of Water Resources under the water right which is the subject of this application in accordance with the conditions described below. The source of supply is: ☐ Surface water 2. Name and address of Applicant: JD BORTH FARMS LTD PO BOX 754 MEADE KS 67864 Phone Number: (620)629-1849 Email address: Name and address of Water Use Correspondent: JDBORTH FARMS LTD PO BOX 754 MEADE KS 67864 Phone Number: (_____) Email address: The presently authorized place of use is: Owner of Land ---- NAME: JD BORTH FARMS LTD ADDRESS: PO BOX 754 MEADE KS 67864 (If there is more than one landowner, attach supplemental sheets as necessary.) NE₁4 NW14 SW1/4 SE1/4 **JATOT** Sec. Twp. Range NE% NW% SW% SE% NE% NW% SW% SE% **ACRES** NE1/4 NW¼ SW¼ NE% NW% SW% SE% 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: no change to irrigated acres. ADDRESS: (If there is more than one landowner, attach supplemental sheets as necessary.) NE% NW1/4 SW% SE¼ TOTAL NEW NWW SWW SEW NW1/ SW1/ SE1/ NE% Sec. Twp. Range **ACRES** NE% NW14 SW14 SE14 NEW NWW SWW SEW

WR 1-121	(Revised	06/16/2014)
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For Office Use Only: Code _____ Fee \$ \(\text{O} \)

TR # _____ Receipt Date 2/14/17 Check # 18638

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names and mailing addresses of the owners	are For enifor	of the owr	aresses	ailina ade	n bas and n	n				
water sources, show the names and add fandowner(s) one-half mile downstream and	بن. Fur Suriac			Ching GO	anco ana n					
	adresses of th	nes and a	the nar	s show	afor source	147				

14. If the proposed groundwater point of diversion is 300 or fe	wer feet from existing point of diversion, complete the following:
 (a) Does the undersigned represent all owners of the cur ☑ Yes ☑ No (If no, all owners must sign 	rently authorized place(s) of use identified in this application? a this application.)
 (b) Will the ownership interest of any owner of the curre affected if this application is approved as requested? ☐ Yes ☑ No (If yes, all owners must significant to the current of the current of	ntly authorized place(s) of use identified in this application be adversely n this application.)
(c) If this application is not approved expeditiously, will th 図 Yes □ No (If no, all owners must sign	ere be substantial damage to property, public health or safety? this application.)
If the application proposes a surface water change in point of or a change in place of use, the application must be signed by agent (attach notarized statement authorizing representation).	liversion, a groundwater change in point of diversion greater than 300 fee all owners of the currently authorized place of use, or their duly authorize
age and the owner, the spouse of the owner, or a dul their behalf, in regard to the water right(s) to which contained in this application are true, correct and contained in this application are true, correct and contained in this application are true.	or affirmation and under penalty of perjury, that I am of lawfu y authorized agent of the owner(s) to make this application or this application pertains. I further verify that the statements
Dated at GALARACITY Kan	nsas, this 13 day of FERRYARY , 2017.
Dated at Track 177	isas, this 13 day of 7 & 15 RV HU9 , 20 17.
X Lento (lawhot CONTRACTOR	
(Owner)	(Spouse)
(Please Print)	(Please Print)
(Owner)	(Spouse)
(Please Print)	(Please Print)
(Owner)	(Spouse)
(Please Print)	(Please Print)
State of Kansas County of SS	
I hereby certify that the foregoing application was signed, 20	ed in my presence and sworn to before me this $\frac{3H}{3H}$ day of
A HOTARY PUBL CATHE	IC · State of Kansas RINE REINERS RINE REINE REINERS RINE REINE REINERS RINE REINERS RINE REINE REINERS RINE REINE REINE REINERS RINE RE
My Commission Expires	xp, Color Fubility
ONLY COMPLETE APPLICATIONS WILL BE PROCESSED. To be con accurate information; maps, if necessary, must be included; signatures of the appropriate fee must be paid.	nplete, all of the applicable portions of the application form must be completed with fall the appropriate owners' must be affixed to the application and notarized; and
<u>FEE</u>	SCHEDULE SCHEDULE
forth in the schedule below: Make checks payable to: Kansas I (1) Application to change a point of diversion 300 feet o (2) Application to change a point of diversion more than	r less
(3) Application to change the place of use	\$200

SUMMARY ORDER APPROVING APPLICATION FOR CHANGE AND IMPOSING CONDITIONS

pro K.A terr	visions of the <i>Kansas Water Appropriation Law, K.S.A. 82a-7</i> .R. 5-1-1 <i>et.seq.</i> With the exception of those conditions exprens, conditions and limitations of File No. <u>41734</u> .	708b, as amended, and K.A.R. 5-14-3 and other applicable 01 et. seq., and rules and regulations promulgated thereunder, ssly contained herein, this Summary Order does not change the
1.	diversion authorized under the above-referenced life fluttiber i	
2.	on the topographic map accompanying the application to char	
3.	previously authorized. The point of diversion authorized by the radius of the authorized point(s) of diversion.	Not Applicable
	authorized point(s) of diversion. \square Applicable \square Not	
5.	tube or other device suitable for making water level measurer with K.A.R. 5-6-13. Applicable \(\sigma\) Not Applicable	well with a diversion rate of 100 gallons per minute or more, a nents shall be installed, operated and maintained in accordance
6.	December 31, 2017, or before the first use of water, whichever and maintained in accordance with K.A.R. 5-1-4 through 5-1-3-5e, the owner shall maintain records and report the reading annually to the Chief Engineer by March 1 following the end o Applicable	
7.	Installation of the works for diversion of water shall be authorized extension of time. By March 1, 2018 the applicant diversion has been completed, on the form provided by the Chapplicable \(\sumsymbol{\text{Not Applicable}}\) Not Applicable	_
8.	The completed well log shall be submitted with the requir	
9.	with an in line, automotic, quick, closing check valve canable	reign substance will be injected into the water shall be equipped of preventing pollution of the source of the water supply. The accordance with K.A.R. 5-3-5c. ☐ Applicable ☐ Not Applicable
	Additional Conditions are attached. Yes No	
11.	water appropriated under the above-referenced file number limitations, as amended and/or supplemented by this Summ Appropriation I am and the Pules and Regulations promula:	R. 5-5-14, all of the owners of the authorized place(s) of use of are responsible for compliance with its terms, conditions and ary Order, and with applicable provisions of the <i>Kansas Water</i> ated thereunder. Failure to comply with these provisions may ided, and/or the suspension or revocation and dismissal of the authorized by law.
,	Administrative Appeal and Effective Date of Order	FOR OFFICE USE ONLY
	have the right to a hearing in accordance with K.A.R. 5-14-3	APPLICATION APPROVED AND SUMMARY ORDER ISSUED
hefo	ore this Summary Order becomes final action of the Kansas	SUMIMART ORDER 1330ED
filed	artment of Agriculture. Any request for a hearing must be with the Chief Engineer, Division of Water Resources,	71 1)
Kar	sas Department of Agriculture, 1320 Research Park re, Topeka, Kansas 66502, within 15 days after the date	By:
sho	wn on the Certificate of Service attached hereto. If a hearing of requested in accordance with K.A.R. 5-14-3, this Summary	(Print Name): THOMAS P. MAKENS
Ord	er will become effective on the 15 th day after the date shown	Division of Water Resources - Kansas Department of Agriculture
on t	he Certificate of Service. For Use by Register of Deeds	Date of Issuance: MARCH 3, ZO 17
	, o, oso by register or becau	State of Kansas)
		County of Otenman) SS
		Acknowledged before me on March 3. 2017
		by Thomas P. Makens.
		Signature: Suite Sanea
		Notary Public JULIE JONES Norray My Appointment Expires Public December 15, 2018
		My commission expires: (Notary Seal)
		(Inotally Seal)