

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

Kansas
Department of Agriculture
Division of Water Resources

Phone: (620) 276-2901
Fax: (620) 276-9315
www.agriculture.ks.gov
Sam Brownback, Governor

March 17, 2017

PREMIER FARMS LLC
PO BOX 914
JOHNSON KS 67855

RE: Change in Point of Diversion Water Right, File No 4844, 7759

Dear Mr. Winger:

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

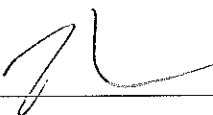
TPM:tpm
Enclosures
GMD#3

CERTIFICATE OF SERVICE

On this 20th 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. 4844, 7759 dated March 17, 2017 was mailed postage prepaid, first class, US mail to the following:

PREMIER FARMS LLC
PO BOX 914
JOHNSON KS 67855

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.

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. 4844

RECEIVED
 9:40 AM
 FEB 22 2017

1. 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 Office
 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: Groundwater Surface water

2. Name and address of Applicant: Brant Peterson

PO BOX 914 JOHNSON KS 67855

Phone Number: (620)492-3446 Email address: _____

Name and address of Water Use Correspondent: PREMIER FARMS LLC

PO BOX 914 JOHNSON KS 67855

Phone Number: () Email address: _____

3. The presently authorized place of use is:

Owner of Land ---- NAME: PREMIER FARMS LLC

ADDRESS: PO BOX 914 JOHNSON KS 67855

(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: no change to acres irrigated

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	

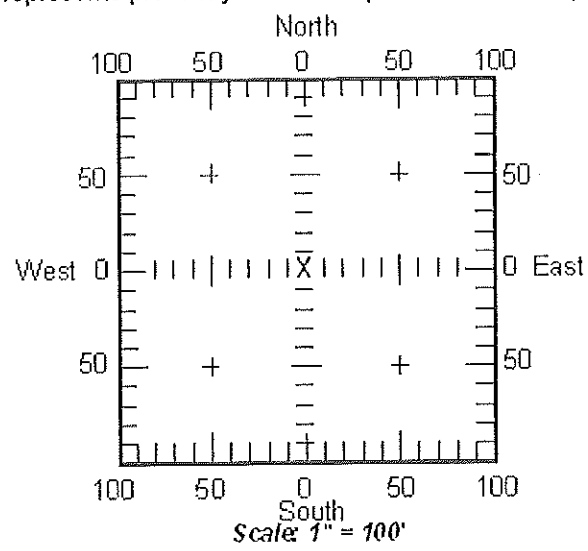
For Office Use Only: Code _____ Fee \$ <u>200</u> TR # _____ Receipt Date <u>2/22/17</u> Check # <u>4388</u>

5. **Presently authorized point of diversion:**
 One in the sw Quarter of the se Quarter of the sw Quarter of Section 27, Township 28 South, Range 40 W, in Stanton County, Kansas, 80 feet North 3535 feet West of Southeast corner of section.
 Authorized Rate _____ Authorized Quantity _____ Depth of well _____ (feet)
 (DWR use only: Computer ID No. 3 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 se Quarter of the nw Quarter of the se Quarter of Section 27, Township 28 South, Range 40 W, in Stanton County, Kansas, 1633 feet North 1644 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 _____

6. **Presently authorized point of diversion:**
 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.
 Authorized Rate _____ Authorized Quantity _____ Depth of well _____ (feet)
 (DWR use only: Computer ID No. _____ 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? _____
 old well needs to be replaced _____

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.)



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

9. When do you propose to complete the new point of diversion?
March 15, 2017

10. If the point of diversion is a well:
 (a) What are you going to do with the old well?
plug
 (b) When will this be done? 2017

11. Groundwater Management District recommendation attached? Yes No

12. Assisted by tpm

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?
(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?
(c) If this application is not approved expeditiously, will there be substantial damage to property, public health or safety?

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 GARDEN CITY, Kansas, this 20th day of FEBRUARY, 20 17.

X Melissa Winger (Owner)
(Please Print)
(Owner)
(Please Print)
(Owner)
(Please Print)
(Owner)
(Please Print)

State of Kansas
County of Finney } SS



I hereby certify that the foregoing application was signed in my presence and sworn to before me this 20 day of Feb, 20 17.

Tanny Kells
Notary Public

My Commission Expires 5-28-17

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

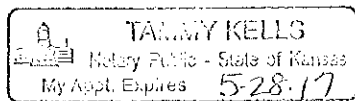
This Summary Order is issued under authority of K.S.A. 82a-708b, as amended, and K.A.R. 5-14-3 and other applicable provisions of the *Kansas Water Appropriation Law, K.S.A. 82a-701 et. seq.*, and rules and regulations promulgated thereunder, K.A.R. 5-1-1 *et. seq.* With the exception of those conditions expressly contained herein, this Summary Order does not change the terms, conditions and limitations of File No. 4844.

1. A change application was received on FEBRUARY 22, 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 300 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: [Signature]
Duly Authorized Designee of the Chief Engineer

(Print Name): THOMAS P. MARSHALL
Division of Water Resources - Kansas Department of Agriculture

Date of Issuance: MARCH 17, 2017

State of Kansas _____)
County of Finney) SS

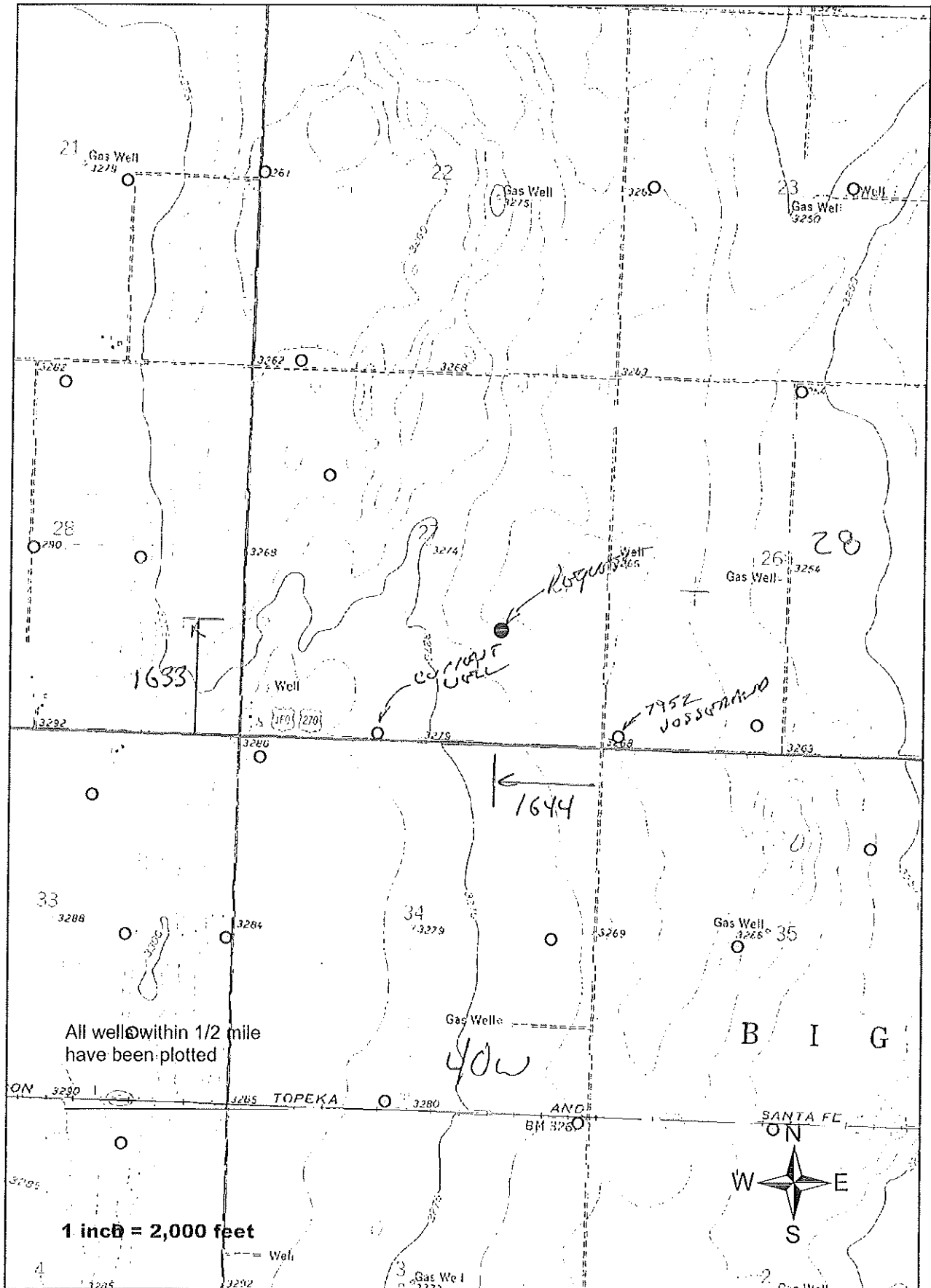
Acknowledged before me on 3-17-17

by _____

Signature: [Signature]
Notary Public

My commission expires: 5-28-17
(Notary Seal)

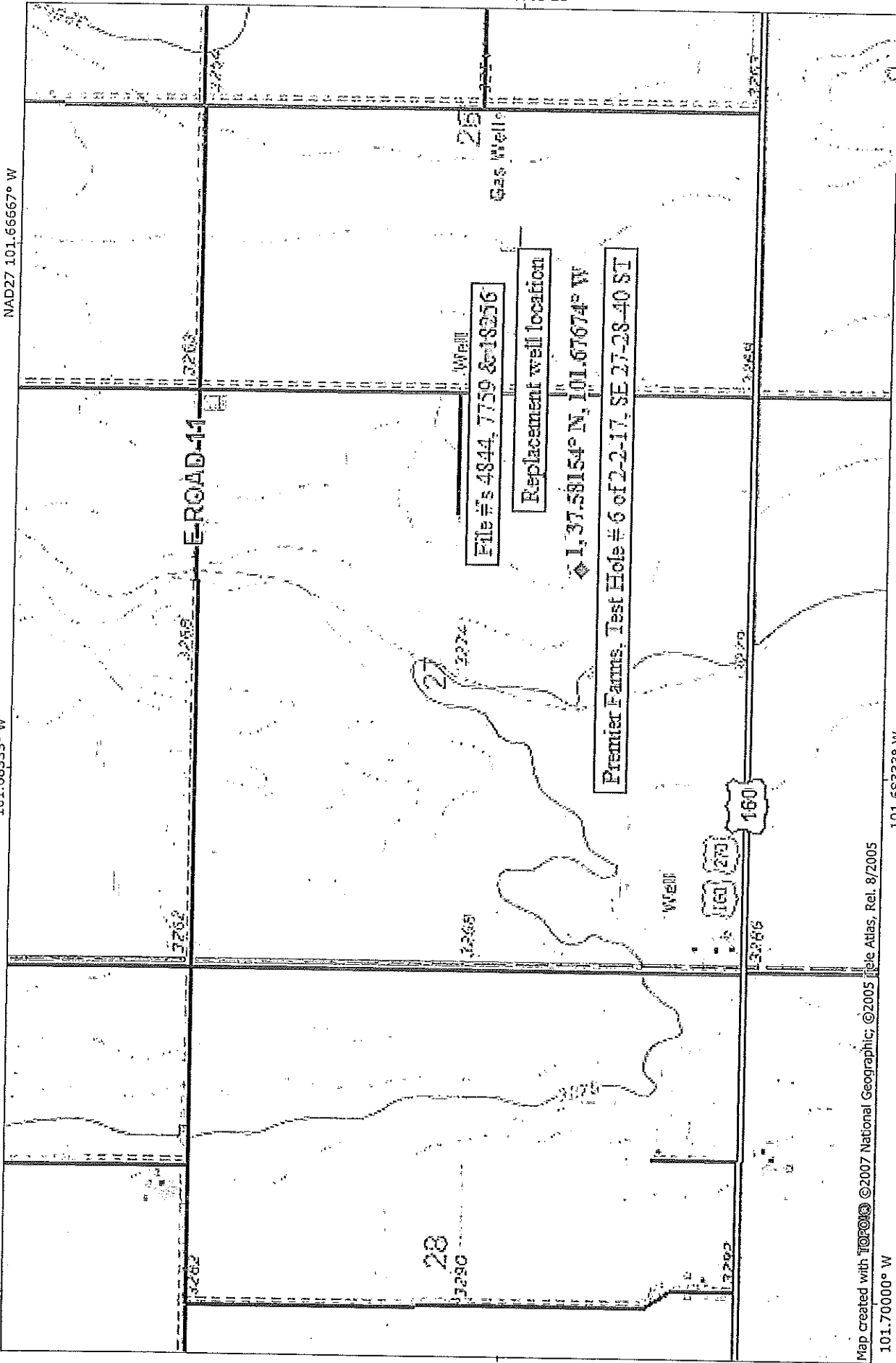
4844, 7759



TOPO! map printed on 02/08/17 from "Untitled.tpo"

101.68333° W

NAD27 101.66667° W

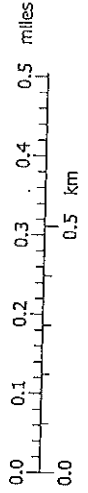


Map created with TOPO! ©2007 National Geographic, ©2005 (see Atlas, Rel. 8/2005)

101.70000° W

101.68333° W

**NATIONAL
GEOGRAPHIC**



02/08/17

3795 W. Jones Ave.
 Garden City, KS 67846
 PH: 620-277-2389

Brod Petersen 620-492-3446



Hydro
 resources

PO Box 639
 Garden City, KS 67846
 Fax: 620-277-0224

Customer Name: Premier Farms
 Street Address: P.O. Box 974
 City, State: Johson, KS 67855
 County: ST Quarter: SE Section: 27
 Location: _____
 Rig #: 10004 Elevation: 3282

WO#: 11436 Date: 2/2/17
 Test #: 6 E LOG: 1/10
 Driller: Daniel Frizzell
 Township: 28 Range: 46
 GPS: 37.58154°N 101.67674°W
 Static WL: 404 Estimated? old well
 Proposed Well Depth 632'
 WELL LOCATION 1015' SUMP

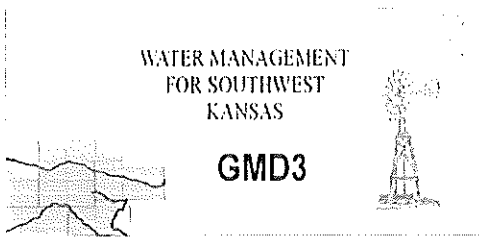
%	Footage		To	Description of Strata
	From	Pay		
	0		2	Surface
	2		20	Brown Clay, Caliche
	20		26	Sand, fine to med
	26		58	Brown Clay (firm), some white clay, few gray clay
	58		77	Sand, fine to med, coarse, few small gravel (lenses) fine clay
	77		90	Brown, white clay
	90		112	Sand, fine to med, few clay
	112		121	Brown Clay (firm) limonite
	121		155	Sand, fine to med, fine coarse, few clay (tight in places)
	155		213	Brown Clay (Sticky), fine sand
	213		260	Brown Clay, fine sand
	260		316	Brown Clay (firm + sticky)
	316		401	Sand, fine to med, coarse, few clay
30%	401	44	448	Sand, fine to med, coarse, small-med gravel, brown + white rock
	448		456	Hellcow Sandstone
	456		510	Shale, limestone
	510		519	Sandstone, limestone
10%	519	20	539	Sandstone, some sandstone
10%	539	22	561	Sandstone, some sandstone (fine/coarse)
10%	561	37	598	Sandstone, sandstone (slightly cemented)
10%	598	29	627	Sandstone, sandstone (fine/coarse)
	627		657	Sandstone, limestone
	657		670	Red Bed

081093

- Test Rig -
- Set up West -
- Put to North -
- 2 - Screen Gel X
- 5 - Grout
- 5 - Router's Plug
- 1 - Perme Plug
- 1 - 4 3/4" alloy block

11044, 7759, 13251
 1044, 7759, 13250

at 07



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

March 15, 2017

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

RECEIVED

MAR 16 2017

Garden City Field Office
Division of Water Resources


RE: Applications for Change in Point of Diversion
Water Right, File Nos. 4844 & 7759

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 distance moved and spacing to neighboring wells is met in accordance with K.A.R. 5-23-3. It is therefore recommended that the application 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.

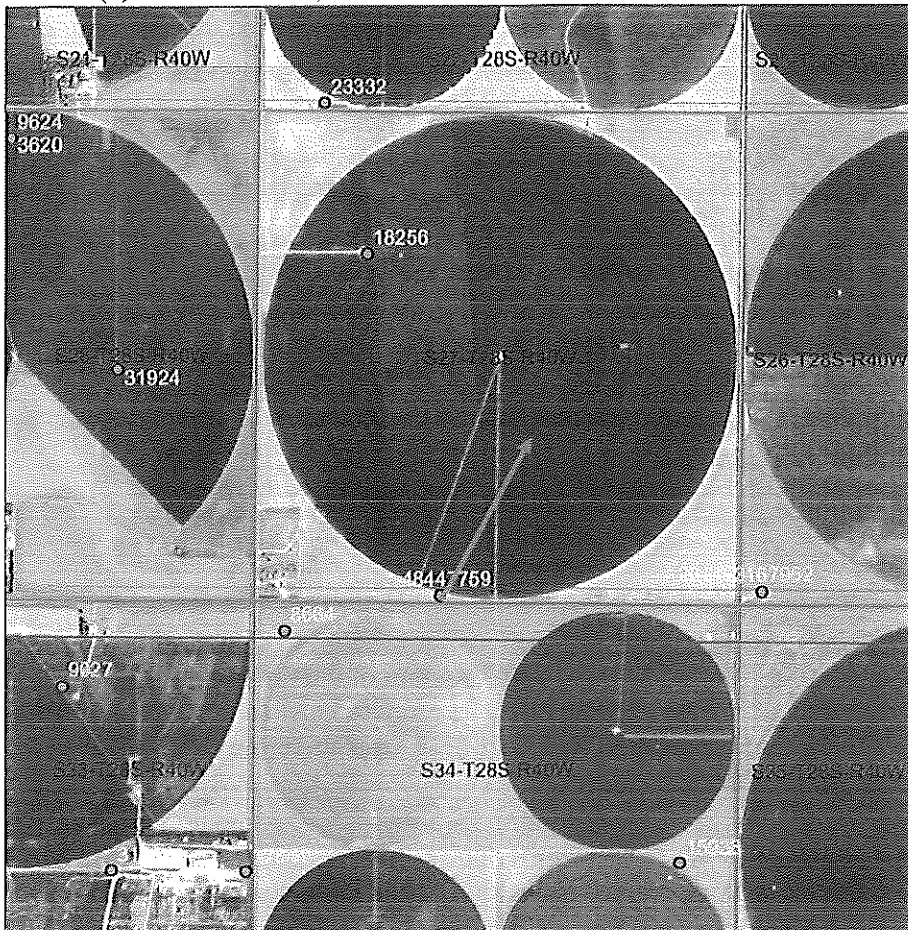
Sincerely,



Jason L. Norquest
Assistant Manager

GMD3 Change Review

Change Application(s); PD
 File No(s). 4844 & 7759; Brant Peterson



	ft. North	ft. West	
Authorized PD	80	3535	Sect. 27-28-40
Proposed PD	1633	1644	
Difference	-1553 N	1891 E	
$a^2 + b^2 = c^2$	2411809	3575881	2446.976 foot move NE

Neighboring wells: Spacing MET, see WRIS report

Domestic wells: None found in area of concern, moving further away from the one in SW corner.

Regulation(s) Reviewed: KAR 5-23-3

Board Review Date: NA

Board Recommendation: NA

Waiver Reason: NA

Final Recommendation: After review of all available information, it appears the area rules are met. Staff therefore recommends approval of the application.

Water Rights and Points of Diversion Within 1.00 miles of point defined as:

1633 ft N and 1644 ft W of the SE Corner of Section 27, T 28S, R 40W

Located at: 101.676739 West Longitude and 37.581542 North Latitude

GROUNDWATER ONLY

2,500' on a 11

File Number	Use	ST	SR	Dist	(ft)	Q1	Q2	Q3	Q4	FeetN	FeetW	Sec	Top	Rng	ID	Batt	Auth_Quan	Add_Quan	Unit
A__ 4944	00	IRR	NK	G*	2447	--	SW	SE	SW	80	3535	27	28	40W	3		880.00	880.00	AF
A__ 7759	00	IRR	NK	G*	2447	--	SW	SE	SW	80	3535	27	28	40W	3		1220.00	340.00	AF
A__ 7952	00	IRR	NK	G	2402	--	SW	SW	SW	183	5017	26	28	40W	4		844.00	844.00	AF
A__ 8664	00	IRR	NK	G	3857	--	NW	NW	NW	4993	4986	34	28	40W	6		600.00	600.00	AF
A__ 15948	00	IRR	NK	G	4509	--	NE	NE	SE	2520	617	34	28	40W	5		726.00	726.00	AF
A__ 18256	00	IRR	NK	G	3267	--	NE	SW	NW	3764	4120	27	28	40W	2		910.00	318.00	AF
A__ 23241	00	IRR	NK	G	4316	--	SE	SE	SW	533	2750	26	28	40W	5		1263.00	.00	AF
A__ 23342	00	IRR	NK	G	4771	--	SW	SW	SW	96	4603	22	23	40W	2		587.00	587.00	AF
A__ 31924	00	IRR	NK	G	5264	--	NE	NE	SE	2499	1510	28	23	40W	3		595.00	.00	AF

Total Det Quantities Authorized:	Direct	Storage
Total Requested Amount (AF) *	.00	.00
Total Permitted Amount (AF) *	.00	.00
Total Inspected Amount (AF) *	.00	.00
Total Pro Cert Amount (AF) *	.00	.00
Total Certified Amount (AF) *	4295.00	.00
Total Vested Amount (AF) *	.00	.00
TOTAL AMOUNT (AF) *	4295.00	.00

Spaced MIT

An * after the source of supply indicates a pending application for change for the file number.

An * after the ID indicates a 15 AF exemption was granted for the file number.

A "G" in the Batt column indicates the GEO CTR of a battery. A "B" indicates a well in the battery.

The number in the Batt column is the number of wells in the battery.

Water Rights and Points of Diversion Within 1.00 miles of point defined as:

101.676739 West Longitude and 37.581542 North Latitude

GROUNDWATER ONLY

WATER USE CORRESPONDENTS:

- File Number Use ST SR
- A__ 4944 00 IRR NK G
- > PREMIER FARMS LLC
- > MELVIN WINGER
- > PO BOX 914
- > JOHNSON KS 67855
-
- A__ 7759 00 IRR NK G
- > PREMIER FARMS LLC
- > MELVIN WINGER
- > PO BOX 914
- > JOHNSON KS 67855
-
- A__ 7952 00 IRR NK G
- > PATRICK JOSSEPPAND & CYNTHIA JOSSEPPAND
- >
- > PO BOX 390
- > JOHNSON KS 67855

RECEIVED

MAR 16 2017

Garden City Field Office
Division of Water Resources

>-----
A__ 8664 00 IRR NK G
> RONALD K KENDRICK
>
> PO BOX 450
> JOHNSON KS 67855
>-----

A__ 15938 00 IRR NK G
> TRIPLE J PARTNERSHIP
> PAT JOSSERAND
> PO BOX 390
> JOHNSON KS 67855
>-----

A__ 18256 00 IRR NK G
> PREMIER FARMS LLC
> MELVIN WINGER
> PO BOX 914
> JOHNSON KS 67855
>-----

A__ 23241 00 IRR NK G
> PATRICK JOSSERAND & CYNTHIA JOSSERAND
>
> PO BOX 390
> JOHNSON KS 67855
>-----

A__ 23332 00 IRR NK G
> FARMERS NATIONAL COMPANY
> TR REAL ESTATE MONTGOMERY
> PO BOX 1834
> GARDEN CITY KS 67846
>-----

A__ 31924 00 IRR NK G
> VENTURE LAND INC
>
> 6190 N ROAD G
> JOHNSON KS 67855
>-----

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