STATE OF KANSAS

DEPARTMENT OF AGRICULTURE DIVISION OF WATER RESOURCES GARDEN CITY FIELD OFFICE 2508 JOHNS STREET GARDEN CITY, KS 67846-2804



PHONE: (620) 276-2901 Fax: (620) 276-9315 www.agriculture.ks.gov

GOVERNOR JEFF COLYER, M.D.

JACKIE McClaskey, Secretary of Agriculture

May 18, 2018

VFR INC PO BOX 487 PLAINS KS 67869

RE: Water Right 10398 D3

Dear Mr. & Mrs. Eakes:

This is to advise you that Duane Lambert has filed an application for approval of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, to change the point of diversion under the above referenced application.

You can find the complete application posted by water right file number as referenced above at www.agriculture.ks.gov/divisions-programs/dwr/water-appropriation/notices

You are notified on this proposed change in point of diversion so that you may furnish this office with any comments or other information you may want to submit. Such comments or other information must be received in this office within 15 days from the date of this letter.

Should you have any questions, please feel free to call this office. If you would prefer, an appointment could be arranged 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

Environmental Scientist III

pc: GMD#3

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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



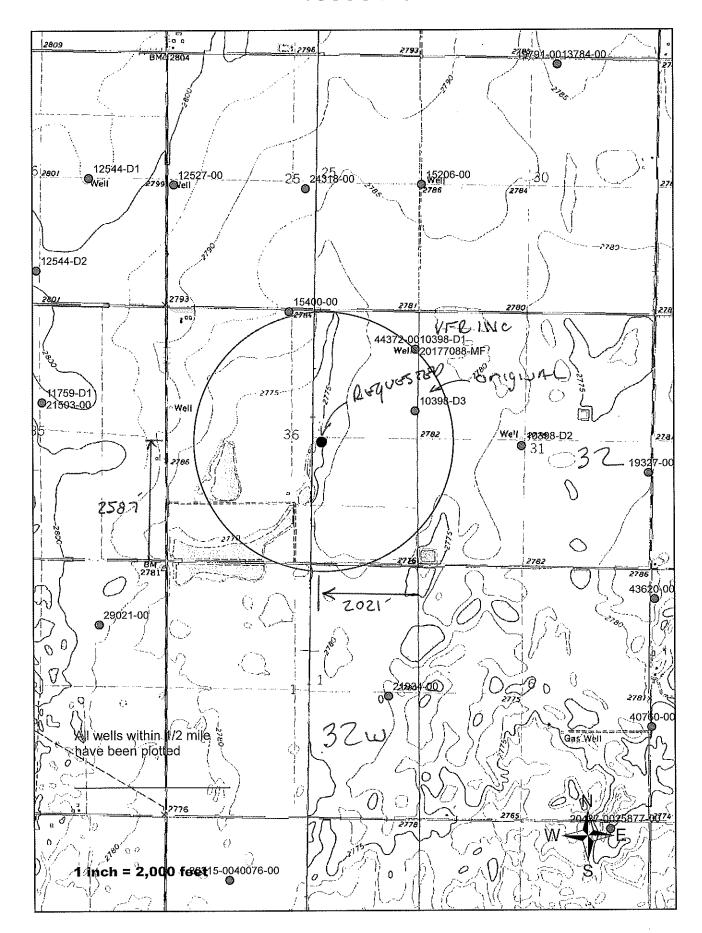
STATE OF KANSAS

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.

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						□Р	lace of	Use		\boxtimes	Point o	of Dive	rsion			Divis	ion of	Water	Resources
	under t	ne water	right w	hich is	the s	ubject	of this	applic	ation i	n acco	rdance	with the	he con	ditions	desc	ribed b	elow.		
	The so	urce of su	ipply is	3:		⊠G	round	water			Surfac	e wate	er						
2.	Name a	and addre	ess of A	Applica	nt: <u>D</u>	UANE	LAMB	ERT											
	<u>19115</u>	ROAD P	KISN	ΛΕΤ K	678	59-603	33												
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	Name a	and addre	ess of \	Water	Use C	orresp	onden	t: <u>JEF</u>	RE MA	X & CE	LIA BI	EYME	R						
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5.	Presently authorized point of diversion:				
	One in the Quarter of the	ne	Quarter of the	se	Quarter
	of Section36, Township	32	South, Range	32	W.
	in <u>Seward</u> County, Kansas, <u>2548</u>	feet North	36 feet West of	Southeast come	er of section.
	Authorized Rate Authorized Quantit	ty -	Depth of well	(fe	et)
	(DWR use only: Computer ID No. 6	GPS	feet North	feet W	est)
	☐This point will not be changed ☐This point will be char				
	Proposed point of diversion: (Complete only if cha				
	One in the Quarter of the	nw	Quarter of the	se	Quarter
	of Section 36 , Township	32	South Range	32	Quarter
	in <u>Seward</u> County, Kansas, <u>2587</u>				
	Proposed Rate Proposed Quantity		Proposed well depth	(feet)	J 01 3000011.
	This point is: Additional Well Geo Center Lis	t other water rig	hts that will use this point	(1001)	
ı	The production of the control of the	t other water ng	The triat will use this point	•	· · · · · · · · · · · · · · · · · · ·
6.	Presently authorized point of diversion:				
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	of Section, Township	~···	South Bangs		Quarter
	in County, Kansas,	foot North	Sould, Range	Couldbaset come	(E/VV),
	Authorized Rate Authorized Quantit		Death of well	Southeast come	er of section.
	Authorized Rate Authorized Quantit	y	Depth of well	(166	et)
	(DWR use only: Computer ID No.				
Ì	This point will not be changed This point will be chan				
	Proposed point of diversion: (Complete only if cha				
	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 corne	r of section.
	Proposed Rate Proposed Quantity		Proposed well depth	(feet)	
L	This point is: Additional Well Geo Center List	other water rigl	nts that will use this point		·
7.	The changes havein are desired for the fellowing	0			
1.	The changes herein are desired for the following reason (please be specific)	ons?			
	old well needs to be replaced		North 200 100 0	100 200	300
			$\frac{200}{100}$		
0	If a wall to the test belong to the Day of the Day			<u> </u>	=
٥.	If a well, is the test hole log attached? X Yes No	200	-1 + 1 + 1 =	1 + 1 +	1 = 200
9.	The change(s) (was)(will be) completed by?		===		
	•				
	May 30, 2018	_ 100 =	- + + =	+ +	100
10.	If the point of diversion is a well:			 + + 	_
	(a) What are you going to do with the old well?	West 0	#4[D11[D111[D111[D111]#14] 0		1 1 +++ 0 East
	, , , , , , , , , , , , , , , , , , , ,	=	true true		
	plug	- L			100
	(b) When will this be done? 2018	_ 100 🗏	- + + =	1 + 1 +	100
					=
11.	Groundwater Management District recommendation attach	ied? 200 🗄	-1 + 1 + 1 =	1 + 1 +	200
	☐ Yes	E			
		=	- — <u> </u>		, =
12.	Assisted by tpm	- 300	200 100 0	100 200	300 TTTTT
13a	. If the proposed point of diversion will be relocated more tha	n 300	South	Scale: 1 hashma	
	feet but within 2,640 feet of the existing point of diversion, a	attach 13b.lf the	proposed point of diversion	า will be relocated	within 300 feet
	a topographic map or aerial photograph. For ground sources, show all wells (including domestic) within one-hal	water of the	existing point of diversi	on, indicate its l	ocation on the
	of the proposed point of diversion and the names and m	rinne diagr ailina divers	am shown above in rela sion. (PLEASE NOTE:	ation to the exi The "X" in cent	sting point of
	addresses of the owners. For surface water sources, sho	w the abov	e represents the pre	sently authoriz	ed point of
	names and addresses of the landowner(s) one-half downstream and one-half mile upstream from your pro-	mile diver poerty	sion.)		
	lines	houry			

10398 D3



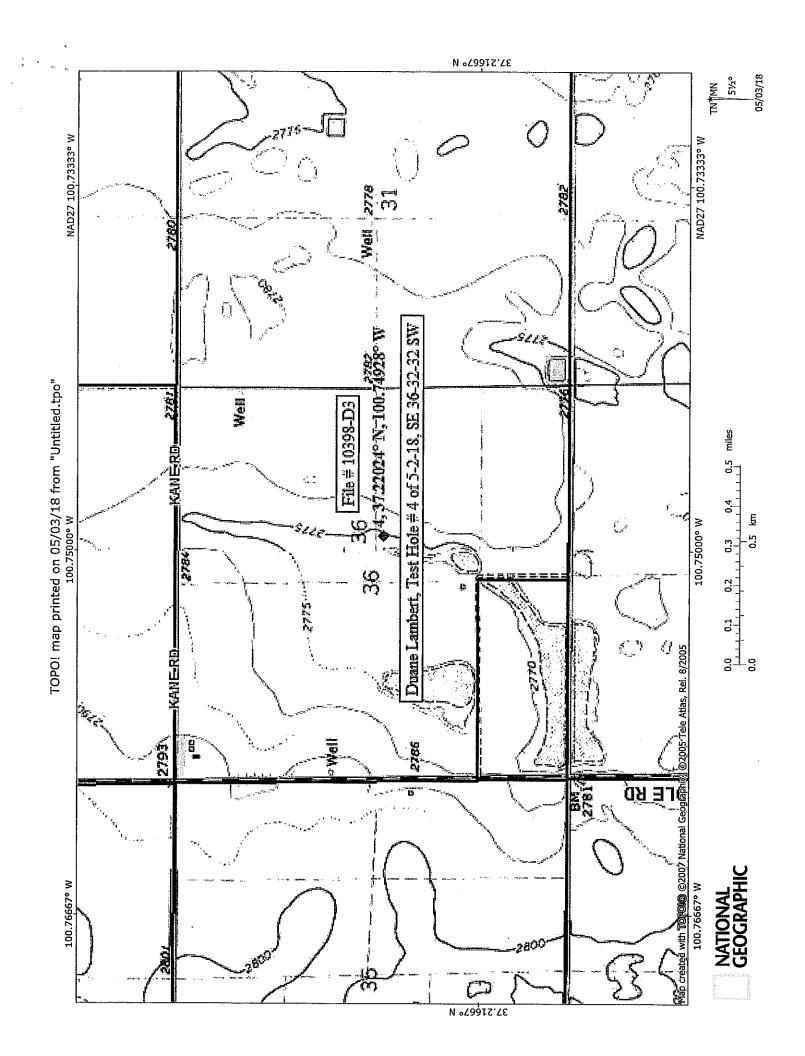
3795 W. Jones Ave. Garden City, KS 67846 PH: 620-277-2389



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

DUANE LAMBERT 620-629-1208

Customer Name:		<u>Juane</u>	Lamb	ert	. WO#: <u> 3674</u>	_ Date: <u>5-</u> ス-/ <i>を</i>
Street Add		19	115 R	UAD P	Test #: 4	E LOG: Yes
City, State):	Kicher K1 67859			Driller: Dale Gains	
County:	Same	Quarter	SF	Section: 36	Township: 32	Range: 2.5
Location:	DEWATOL				Nan again trans	
				Elevations on a "	N37,22024 W 100,7 Static WL: 246'	9928
Rig #:	10002		-	Elevation: 2767	Static WL: 246	_Estimated?
		•			Proposed Well Depth	<u>S&S</u>
		<u> </u>	٠	WELL LOCAT	TON .	go'sann
		Footage				
%	From	Pay	To		Description of Strata	
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	2		35	Brown Soundy Clay		
	35		_	S / PI	// • /	
			160	Sand fine to made	Cours & Small grave w	1/couple clay ledges
	160		234	Sand fine to med w	I few clay Stringe	ν <u>ς</u>
	234		242	Sand fine to mad co	usc	
	242		250	Brown Sandy Clay		
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20	400	10	410	Fine Send		
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10	461	42	503	Fine Sandy Same he	dale et	
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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. 5-5-1, et seq. and other applicable provisions of the Kansas Water Appropriation Law, K.S.A. 82a-701 et. seq., and rules and regulations promulgated thereunder, With the exception of those conditions expressly contained herein, this Summary Order does not change the terms, conditions and limitations of File No. 10398 D3 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 300 foot radius of the authorized point(s) of diversion.

Applicable The point(s) of diversion described herein is administratively corrected to be more accurately described using the Global Positioning System (GPS), as described in the application.

Applicable
Not Applicable The point(s) of diversion authorized herein shall not actually be located more than 2640 feet from the previously authorized point(s) of diversion. ☐ Applicable ☐ Not 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 suitable for making water level measurements shall be installed, operated and maintained in accordance 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, 2018, 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 Applicable Installation of the works for diversion of water shall be completed on or before December 31, 2018, or within any authorized extension of time. By March 1, 2019 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 The completed well log shall be submitted with the required notice. ☐ Applicable ☐ Not Applicable 10. 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 ☐ Yes ☐ No 11. Additional Conditions are attached. 12. 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 APPLICATION APPROVED AND If you are aggrieved by this order, pursuant to K.S.A. 82a-1901, If you are aggrieved by this order, pursuant to K.S.A. 82a-1901, you may request an evidentiary hearing before the Chief Engineer or request administrative review by the Secretary of Agriculture. A request for hearing by the Chief Engineer must be filed within 15 days of service of this Order and a request for administrative review by the Secretary must be filed within 30 days pursuant to K.S.A. 77-531. Any request for administrative review must state a basis for review pursuant to K.S.A. 77-527. File any request with Kansas Department of Agriculture, Legal Division, 1320 Research Park Drive, Manhattan, KS 66502 Failure to timely request a hearing or review may SUMMARY ORDER ISSUED Duly Authorized Designee of the Chief Engineer (Print Name): Division of Water Resources - Kansas Department of Agriculture Date of Issuance: 66502. Failure to timely request a hearing or review may preclude review under the Kansas Judicial Review Act. State of Kansas) SS For Use by Register of Deeds County of Acknowledged before me on _____ Signature: Notary Public My commission expires: _____ (Notary Seal)

Page 4

DWR 1-121 (Revised 04/5/2018)

File No.

14. If t	he proposed groundwater point of diver	sion is 300 or fewe	r feet from the ex	disting point	of diversion, complet	e the following:
(a)	Does the undersigned represent all or ☐ Yes ☐ No (If no, all or	wners of the currer wners must sign th	ntly authorized planis application.)	ace(s) of us	e identified in this app	olication?
(b)	Will the ownership interest of any ow affected if this application is approved ☐ Yes ☐ No (If yes, all	ner of the currentl as requested? owners must sign t		ce(s) of use	identified in this app	lication be adversely
(c)	If this application is not approved expr ☐ Yes ☐ No (If no, all o	editiously, will there wners must sign th		lamage to p	roperty, public health	or safety?
or a cha	oplication proposes a surface water cha ange in place of use, the application mu attach notarized statement authorizing r	ist be signed by all	ersion, a groundv owners of the cu	vater chang urrently auth	e in point of diversion orized place of use, o	greater than 300 feet or their duly authorized
age ar their b	by verify, being first duly sworn u of the owner, the spouse of the o ehalf, in regards to the water rig ned in this application are true, c	wner, or a duly a ht(s) to which t orrect and comi	authorized age his application olete.	ent of the one pertains.	owner(s) to make I further verify t	this application or
Dated a	t_ GARDEN CITY	, Kans	as, this 7	dav of	MAY	, 20 /8
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County	' '					and
l her	eby certify that the forep o ing appli	cation was signe	ed in my prese	ence and	sworn to before m	e this TH day
			JBLIC - State of Kansa HERINE REINERT	(Car	hermper	net
My Con	imission Expires <u>918-18</u>				Notary Public	
accurate	DMPLETE APPLICATIONS WILL BE PROC information; maps, if necessary, must be incopriate fee must be paid.	ESSED. To be comp luded; signatures of	plete, all of the appl all the appropriate	icable portion owners' must	es of the application form be affixed to the applica	n must be completed with ation and notarized; and
		FEE S	CHEDULE			
forth in t	plication to change the place of use or he schedule below: Make checks paya (1) Application to change a point of div (2) Application to change a point of div	the point of diversion ble to: Kansas De ersion 300 feet or	on under this sec epartment of Ag less	riculture		\$100
	(3) Application to change the place of	use				\$200