NOTICE

This scan only represents the application as filed. The information contained herein meets the requirements of K.A.R. 5-3-1 or K.A.R. 5-5-1, and has been found acceptable for filing in the office of the Chief Engineer. The application should not be considered to be a complete application as per K.A.R. 5-3-1b or K.A.R. 5-5-2a.

Submit completed application to: Kansas Department of Agriculture Division of Water Resources Field Office for your area. Call for address:

DWR 1-121 (Revised 07/10/2017)

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 WATER RESOURCES APPLICATION FOR APPROVAL TO CHANGE THE PLACE OF B 0 2 2018 USE AND/OR THE POINT OF DIVERSION DEPT OF AGRICULTURE

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. <u>18576</u>																			
1. <i>A</i>	. Application is hereby made for approval of the Chief Engineer to change the (check one or both):																		
						⊠ P	lace o	f Use			Point	of Dive	ersion						
ι	under the water right which is the subject of this application in accordance with the conditions described below.																		
T	he sour	ce of s	upply is	s:		⊠ G	round	water			Surfac	e wate	er						
2. Name and address of Applicant: SOUTHWEST PLAINS DAIRY LLC																			
RICHARD GEVEN, 12701 SW CR 32, SYRACUSE KS 67878-7816 Phone Number: ()							-												
Name and address of Water Use Correspondent: SAME AS ABOVE																			
– F	hone N	umber:	(.)	-				Email	addre	ss:								
•	he pres				ce of u	se is:													
(Owner of	f Land -	NA	ME:	R C G	EVEN	FARM	IS LLC	;										
		,	ADDRI	ESS:	<u>12701</u>	SW C	R 32,	SYRA	CUSE	KS 6	7878-7	7816							
(If there is	more th	an one	landov	vner, at	tach su	ppleme	ental sh	eets as	neces	sary.)								
	NE¼						NW¼			SW¼			SE¼			TOTAL ACRES			
Sec.	Twp.	Range	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	ACRES
2	26	43	Dairy	(SE	SW)	&	(SW	SE)		ļ						_			
11	26	43	Dairy	(N2	NE)					ļ									
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	ouns app Dwner of				-					su iliai	uie pi	ace or	use be	Cilaii	ged to	•			
	JWIIGI O		ADDRI							KS 6	7878-7	7816							
(If there is																		
NE¼						NW¼			SW¼			SE1/4			TOTAL				
Sec.	Twp.	Range	NE¼	NW¼		SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW1/4	SE¼	ACRES
2	26	43	Dairy	(SE	SW)	&	(SW	SE)											•
11	26	43	Dairy	(NE)															
12	26	43	Dairy	(NW)	&	(N2	SW)												
For Office Use Only: Code CPO Fee \$ 200 TR # Receipt Date 2/2/16 Check # 9776																			
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Page 1

5. [Presently authorized point of diversion:						
	One in the Quarter of	the		Quarter of the _	4		_ Quarter
	of Section Townshi	h		South Range			(E/W),]
	in, County, Kansas,		feet Nor	th feet West	of Southeast co	orner of	section.
	Authorized Rate Authorized	Quantity	•	Depth of well		(feet)	
	(DWR use only: Computer ID No.	GPS		feet North	fee	t-West)	
	☐This point will not be changed ☐This point will						
	Proposed point of diversion: (Complete only						
	One in the Quarter of	the		Quarter of the _			_ Quarter
	of Section, Townshi	p		South, Range _			(E/W),
	in County, Kansas, _		feet Nor	th feet West	of Southeast c	orner of	section.
	Proposed Rate Proposed Q						
	This point is: Additional Well Geo Cent	er List oth	er water	rights that will use this po	oint		·
_							
	Presently authorized point of diversion:						
	One in the Quarter of	the		Quarter of the _			_ Quarter
	of Section, Townshi	b		South, Range _			(E/W),
	in County, Kansas, _						section.
1	Authorized RateAuthorized	Quantity		Depth of well		(feet)	
	(DWR use only: Computer ID No.						
- 1	☐This point will not be changed ☐This point will						
	Proposed point of diversion: (Complete only						
	One in the Quarter of	the		Quarter of the _			_ Quarter
	of Section, Townshi	P		South, Range _			(E/W),
	in County, Kansas, _						
	Proposed Rate Proposed Q						
L	This point is: 🗌 Additional Well 🔃 Geo Cent	er List oth	er water	rights that will use this po	oint		<u>.</u>
	The changes herein are desired for the following (please be specific) EXPANSION OF DAIRY FAC			the diagram below in relation (PLEASE NOTE: The "represents presently auti	of diversion, ind on to the existin 'X" in cente r	icate its ig point o of diag	location on of diversion.
				100 50	0 50	100	
8.	If a well, is the test hole log attached? Yes	□No		100 50 	+1111		
0.	in a well, is the test here log attached.			<u> </u>	_	ゴ	
9.	The change(s) (was)(will be) completed by?			50 🗁 🕂	_ +	<u> </u>)
				-	_	\exists	
				West 0 = 111 111	_ . V	\Box	⊏aat
10.	If the point of diversion is a well:			AAGSI O — I I I I I I I	' <u>^</u> '''''	' '	⊏ası
	(a) What are you going to do with the old well?			-		コ	
				50 ⊨ 🛨	- +	<u> </u>)
		<u> </u>		<u> </u>		\exists	
				F ,		\dashv	
,	When will this be done?				<u> </u>		
				100 50	_O50	100	
	_ ~_	mmendatior	ו	Scal	South 'e: 1 " = 100 "		
	attached? Yes No		13b.	If the proposed point of div	version will be r	elocated	d more than
12.	Assisted by BC			100 feet but within 1320	D feet from the	e existii	ng point of
				diversion, attach a topog For groundwater sources,	show all wells ((includin	g domestic)
				within one-half mile of the	proposed point	of divers	sion and the
			. :.	names and mailing addrewater sources, show the landowner(s) one-half mill upstream from your proper	e names and le downstream	*addres	ses of the
		I					

If the proposed groundwater point of divers	sion is 300 or fewer feet fro	om existing point of div	ersion, complete the fo	ollowing:
(a) Does the undersigned represent all ov ☐ Yes ☐ No (If no, all o	wners of the currently auth wners must sign this appli		identified in this applica	ation?
(b) Will the ownership interest of any ow affected if this application is approved ☐ Yes ☐ No (If yes, all of the content of			dentified in this applica	ition be adversely
(c) If this application is not approved expe ☐ Yes ☐ No (If no, all o	editiously, will there be sub wners must sign this appli		operty, public health or	safety?
If the application proposes a surface water cha or a change in place of use, the application mu agent (attach notarized statement authorizing r	ist be signed by all owners	a groundwater change of the currently autho	in point of diversion grundersion grundersized place of use, or the	eater than 300 feet neir duly authorized
I hereby verify, being first duly sworn uage and the owner, the spouse of the other behalf, in regards to the water rig	wner, or a duly author ht(s) to which this apported and complete.	ized agent of the o plication pertains.	wner(s) to make thi I further verify that	s application on t the statements
Dated at <u>January 24 S</u>	Mrawse, Kansas, this	day of	January	, 20
Mila			J	
(Owner) Manag	ging Member		(Spouse)	
(Please Print)			(Please Print)	
(Owner)	<u> </u>		(Spouse)	
(Please Print)		and the second s	(Please Print)	<u> </u>
(Owner)	-		(Spouse)	
(Please Print) State of Kansas County of Hamilton	DENI Notary Pub My Appo	SE A. FINLAY lic, State of Kansas pintment Expires	(Please Print)	+2
ו hereby certify that the foregoing applic	cation was signed in m	y presence and swo	orn to before me this	$\frac{24}{\text{day of}}$
,		Opin	of at India	
My Commission Expires12-\7-\8	·	, por ty	Notary Public	
ONLY COMPLETE APPLICATIONS WILL BE PROC accurate information; maps, if necessary, must be inc the appropriate fee must be paid.	ESSED. To be complete, all cluded; signatures of all the a	of the applicable portions ppropriate owners' must	s of the application form m be affixed to the application	ust be completed with and notarized; and
	FEE SCHEDU			P. C 6
Each application to change the place of use or forth in the schedule below: Make checks paya (1) Application to change a point of diversity (2) Application to change a point of diversity (3) Application to change the place of	able to: Kansas Departm version 300 feet or less version more than 300 fee	ent of Agriculture 		\$100 \$200
			FEB 0 2 20	
DWR 1-121 (Revised 07/10/2017)	Page 3		KS DEPT OF AGRIC	CULTURE le No

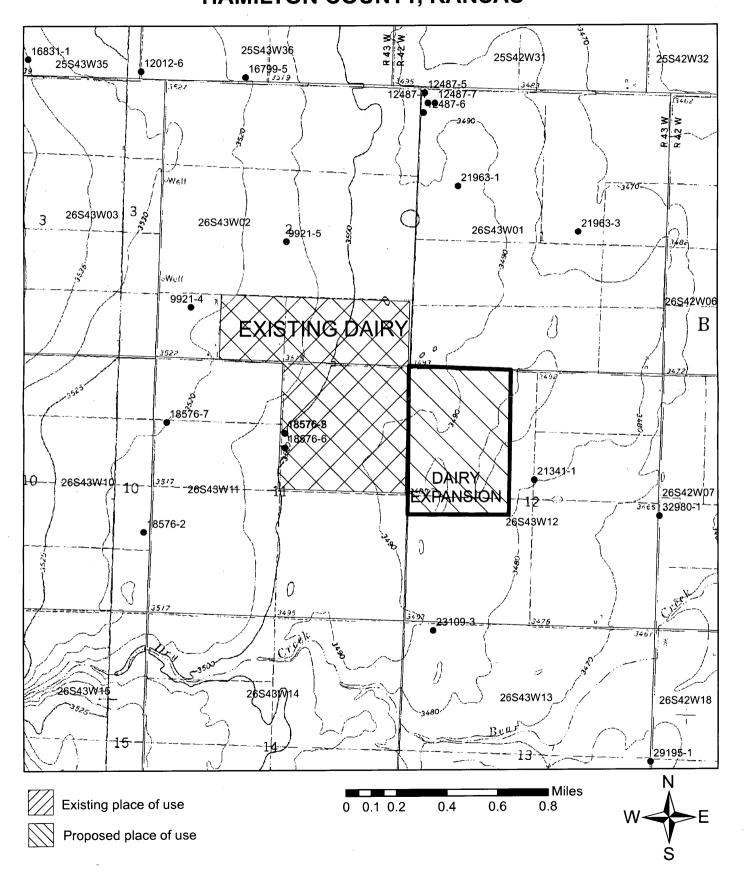
SUMMARY ORDER APPROVING APPLICATION FOR CHANGE AND IMPOSING CONDITIONS

prov With	s Summary Order is issued under authority of hisions of the Kansas Water Appropriation Law the exception of those conditions expressly conditions of File No.	K.S.A. 82a-70	01 et. seg., and rules a	nd regulations r	promulgated thereunder,
1.	A change application was received on	ced file numbe	requestin r be changed as descri	g that the place bed in the applic	e of use and / or point of cation.
2.	On and after the effective date of this summary on the topographic map accompanying the a	y order, the aut pplication to ch	horized place(s) of use ange the place of use.	shall be located ☐ Applicable	d substantially as shown ☐ Not Applicable
3.	The change in point of diversion shall not impain previously authorized. The point of diversion radius of the authorized point(s) of diversion.	authorized by	this summary order sha	the same source all be located wit	e or sources of water as thin afoot
4.	The point(s) of diversion authorized herein shall authorized point(s) of diversion. ☐ Applicable	I not actually be le ☐ Not /	e located more than Applicable		feet from the previously
5.	As required by K.A.R. 5-3-5d, if the works for tube or other device suitable for making accordance with K.A.R. 5-6-13.	water level m	easurements shall be	te of 100 gallon installed, opera	s per minute or more, a ated and maintained in
6.	The owner of the authorized place(s) of under the place of the first operated and maintained in accordance with and K.A.R. 5-3-5e, the owner shall maintain water diverted annually to the Chief Enginee of Applicable of Not Applicable	use of water, v K.A.R. 5-1-4 records and re	hichever occurs first. through 5-1-12. As recort the reading of the v	The water flow quired by K.S.A vater flow meter	meter shall be installed, 82a-732, as amended,
7.	Installation of the works for diversion of wa authorized extension of time. By March 1, works for diversion has been completed, on ☐ Applicable ☐ Not Applicable	ter shall be c 20 the a the form provid	ompleted on or before pplicant shall notify the ed by the Chief Engined	December 31 Chief Engineer er, as required b	, 20, or within any that construction of the y K.A.R. 5-8-4e.
8.	The completed well log shall be submitted w	ith the require	ed notice.	cable 🔲 No	ot Applicable
9.	All diversion works into which any type of chem with an in-line, automatic, quick-closing chec check valve(s) shall be installed, operated Applicable	k valve capabl	e of preventing pollutior	n of the source of	of the water supply. The
10.	Additional Conditions are attached.	☐ No	e t		
11.	In accordance with K.S.A. 82a-708a, as amen water appropriated under the above-referen limitations, as amended and/or supplemente <i>Appropriation Law</i> and the <i>Rules and Regularies</i> in civil penalties pursuant to K.S.A. 82 water or appropriation right or any other enfo	ced file numbe d by this Sumr lations promulç a-737, as ame	r are responsible for conary Order, and with appared thereunder. Failunded, and/or the suspe	ompliance with in policable provision re to comply wi	ts terms, conditions and one of the <i>Kansas Water</i> th these provisions may
	Administrative Appeal and Effective Date of C	<u> Drder</u>		OR OFFICE USE	
If vo	ou are aggrieved by this order, pursuant to K.S.A. 8	 2a-1901.		ATION APPR	
vou	may request an evidentiary hearing before the Ch	ief	SUMIN	MARY ORDER	RISSUED
Aari	ineer or request administrative review by the Secre culture. A request for hearing by the Chief Engine	er must be			
filed	within 15 days of service of this Order and a requininstrative review by the Secretary must be filed w	est for	By:Duly Authori		
day	s pursuant to K.S.A. 77-531. Any request for admi	nistrative	Duly Authori	zed Designee of th	ie Chief Engineer
revi File	ew must state a basis for review pursuant to K.S.A any request with Kansas Department of Agricul (. 77-527. hure	(Print Name):	Paguraga Kanaga	Department of Agriculture
Leg	al Division, 1320 Research Park Drive, Manhatt	an, KS			· -
pred	02 . Failure to timely request a hearing or review meloude review under the Kansas Judicial Review Act	ay	Date of Issuance:		\ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \
•	For Use by Register of Deeds		State of Kansas	:)
			County of)
			Acknowledged before i	me on	
			by		
			Signature:		
			Orginature.	Notary	Public
	· .		My commission expire	es:	
					Notary Seal)
DWF	R 1-121 (Revised 07/10/2017)	Page	4		File No

9921-4
CHANGE IN PLACE OF USE
HAMILTON COUNTY, KANSAS

FEB 0 2 2018

KS DEPT OF AGRICULTURE



1320 Research Park Drive Manhattan, Kansas 66502 (785) 564-6700



900 SW Jackson, Room 456 Topeka, Kansas 66612 (785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

SOUTHWEST PLAINS DAIRY, LLC 12701 SW CR 32 SYRACUSE, KS 67878 February 14, 2018

Dear Sir or Madam:

An application for approval of the Chief Engineer to change the following condition or conditions of the file number referred to above has been received:

RE: File No 18576

☐ place of use PU ☐ point of diversion ☐ use made of water

As a matter of record, the Division of Water Resources has on hand a large number of applications awaiting processing. Therefore, to be fair to all concerned, and so that we can process those applications on hand in the order they were received, we intend to concentrate on the backlog of applications until the issue is resolved. You will be contacted regarding this application as soon as it has been examined.

In accordance with the provisions of the Kansas Water Appropriation Act, a portion of which is included below, the use of water prior to approval of the application is unlawful. You should not proceed and divert water as indicated by your plans in your application for a change for this file until you receive approval for this change from the Chief Engineer. Once approved, compliance with the terms, conditions and limitations of the permit is necessary. Conservation of the water resources of Kansas is required.

Section 82a-728 of the Kansas Water Appropriation Act, provides (a) except for the appropriation of water for the purpose of domestic use, . . . it shall be unlawful for any person to appropriate or threaten to appropriate water from any source without first applying for and obtaining a permit to appropriate water in accordance with the provisions of the Water Appropriation Act or for any person to violate any condition of a vested right, appropriation right or an approved application for a permit to appropriate water for beneficial use.

(b) (1) The violation of any provision of this section by any person is a class C misdemeanor...

A class C misdemeanor is punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. Each day that the violation occurs constitutes a separate offense

If you have any questions, please contact me at (785) 564-6645. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

Brent Tourney, L.G.

Change Applications Unit Supervisor

Water Appropriation Program

BAT: DLW

pc: GARDEN CITY Field Office GMD3