

Kansas Department of Agriculture
 Division of Water Resources
CHANGE: P/D WORKSHEET

1. File Number: 21239	2. Status Change Date: 5/3/18	3. Change Num: C1	4. Field Office: 04	5. GMD: 03
6. Status: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied by DWR/GMD <input type="checkbox"/> Dismiss by Request/Failure to Return				7. Filing Date of Change: 4/2/18
8a. Applicant(s) Person ID <u>29267</u> Add Seq# <u>1</u> MILLER FARMS OF DEERFIELD INC MONTE R MILLER 2413 ROAD Y DEERFIELD KS 67838		8c. Landowner(s) Person ID _____ Add Seq# _____ _____ _____ _____		
8b. Landowner(s) Person ID <u>29267</u> Add Seq# <u>1</u> MILLER FARMS OF DEERFIELD INC MONTE R MILLER 2413 ROAD Y DEERFIELD KS 67838		8d. WUC Person ID <u>29267</u> Add Seq# <u>1</u> MILLER FARMS OF DEERFIELD INC MONTE R MILLER 2413 ROAD Y DEERFIELD KS 67838		
9. Documents and Enclosure(s): <input checked="" type="checkbox"/> DWR Meter(s) Date to Comply: <u>12/31/18</u> <input checked="" type="checkbox"/> N & P Date to Comply: <u>12/31/18</u>				
<input type="checkbox"/> Anti-Reverse Meter <input type="checkbox"/> Meter Seal <input type="checkbox"/> Check Valve <input type="checkbox"/> N & P Form <input type="checkbox"/> Water Tube <input type="checkbox"/> Driller Copy <input type="checkbox"/> H & E Letter <input type="checkbox"/> Conservation Plan Date Required: _____ Date Approved: _____ Date to Comply: _____				
10. Use Made of Water From: _____ To: _____				
Date Prepared: 5/1/18 By: TPM Date Entered: _____ By: _____				

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 3, 2018

MILLER FARMS OF DEERFIELD INC
MONTE R. MILLER
2413 ROAD Y
DEERFIELD KS 67838

RE: Change in Point of Diversion Water Right, File No 21239

Dear Mr. Miller:

Enclosed you will find a *Summary Order Approving Application for Change in Points 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, 2018**. 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 5th day of May 2018, I hereby certify that the attached original Approval of Application to Change the Point of Diversion under Water Right, File No. 21239 dated May 3, 2018 was mailed postage prepaid, first class, US mail to the following:

MILLER FARMS OF DEERFIELD INC
MONTE R MILLER
2413 ROAD Y
DEERFIELD KS 67838

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. 21239

RECEIVED

APR 02 2018
 4:34 pm
 Garden City Field Office
 Division of Water Resources

1. Application is hereby made for approval of the Chief Engineer to change the (check one or both):

Place of Use Point of Diversion

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: MILLER FARMS OF DEERFIELD INC MONTE R MILLER
2413 ROAD Y DEERFIELD KS 67838

Phone Number: () Email address: _____

Name and address of Water Use Correspondent: MILLER FARMS OF DEERFIELD INC MONTE R MILLER
2413 ROAD Y DEERFIELD KS 67838

Phone Number: () Email address: _____

3. The presently authorized place of use is:

Owner of Land --- NAME: MILLER FARMS OF DEERFIELD INC MONTE R MILLER
 ADDRESS: 2413 ROAD Y DEERFIELD KS 67838

(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.)

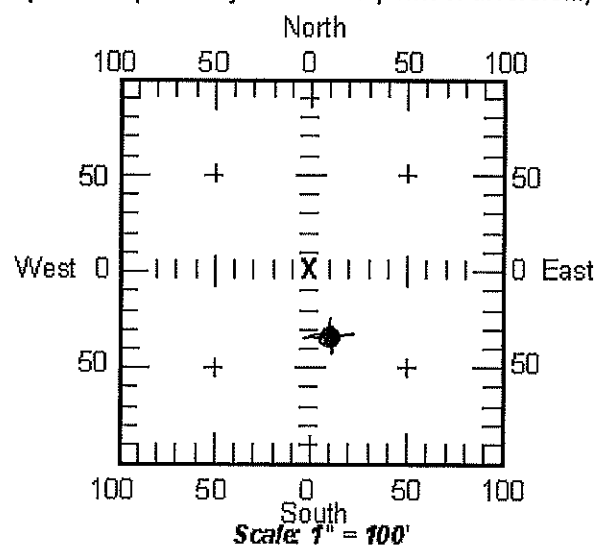
Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

For Office Use Only: Code _____ Fee \$ 100 TR # _____ Receipt Date 4/2/18 Check # 1572

5. **Presently authorized point of diversion:**
 One in the ne Quarter of the ne Quarter of the ne Quarter
 of Section 20, Township 23 South, Range 35 W,
 in Kearny County, Kansas, 5100 feet North 200 feet West of Southeast corner of section.
 Authorized Rate _____ Authorized Quantity _____ Depth of well _____ (feet)
 (DWR use only: Computer ID No. 1 GPS 5253 feet North 201 feet West) *ARC map*
 This point will not be changed This point will be changed as follows: No change, point better described with GPS as follows:
Proposed point of diversion: (Complete only if change is requested or if existing point is better described by GPS)
 One in the ne Quarter of the ne Quarter of the ne Quarter
 of Section 20, Township 23 South, Range 35 W,
 in Kearny County, Kansas, 5231 feet North 114 feet West of Southeast corner of section.
 Proposed Rate _____ Proposed Quantity _____ Proposed well depth (feet) 339
 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 _____ (EW),
 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: No change, point better described with GPS as follows:
Proposed point of diversion: (Complete only if change is requested or if existing point is better described by GPS)
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter
 of Section _____, Township _____ South, Range _____ (EW),
 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. The changes herein are desired for the following reasons? 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.)
 (please be specific) _____
old well needs to be replaced



8. If a well, is the test hole log attached? Yes No
 9. The change(s) (was)(will be) completed by?
April 15, 2018
 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? 2018
 11. Groundwater Management District recommendation attached? Yes No

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?
 Yes No (If no, all owners must sign 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?
 Yes No (If yes, all owners must sign this application.)
- (c) If this application is not approved expeditiously, will there be substantial damage to property, public health or safety?
 Yes No (If no, all owners must sign this application.)

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 regards 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 2nd day of APRIL, 2018.

Mark R. Miller
(Owner)

(Spouse)

(Please Print)

(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

(Owner)

(Spouse)

(Please Print)

(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 2ND day of APRIL, 2018.

Catherine Reinert
Notary Public

My Commission Expires 9-14-18


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. 5-5-1, *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. 21239

1. A change application was received on April 2, 2018 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 50 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, 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
7. **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
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

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 preclude review under the Kansas Judicial Review Act.

For Use by Register of Deeds

FOR OFFICE USE ONLY
**APPLICATION APPROVED AND
SUMMARY ORDER ISSUED**

By: TPM
Duly Authorized Designee of the Chief Engineer
(Print Name): THOMAS P. MAKENS
Division of Water Resources - Kansas Department of Agriculture
Date of Issuance: MAY 3, 2018
State of Kansas)
County of Finnney) SS
Acknowledged before me on May 3, 2018
by Thomas P. Makens
Signature: Sue Keeny
Notary Public



My commission expires _____

(Notary Seal)

File No. _____

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



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

MONTE MILLER CELL 620-271-2134

21239

Customer Name: Miller Farms WO#: 13474 Date: 3-26-18
Street Address: 2413 ROAD Y Test #: 2 E LOG: _____
City, State: DEERFIELD, KS, 67838 Driller: Dale Guinn
County: Kearny Quarter: NE Section: 20 Township: 23 Range: 35
Location: 33' South + 5' East of Existing Well GPS: N38.04624 W101.17607
Rig #: 10002 Elevation: 3020' Static WL: 156' Estimated? _____
Proposed Well Depth 339

WELL LOCATION 20' SURF

%	Footage			Description of Strata
	From	Pay	To	
	0		2	Top Soil
	2		5	Brown Sandy Clay
	5		15	Fine Sand
	15		20	Sand fine to med course
	20		28	Brown sandy clay w/ some fine sand strips
	28		34	Sand fine to med
	34		40	Brown Sandy clay
	40		59	Brown Clay
	59		67	Sand fine to med low course
	67		80	Brown Clay w/ couple sand ledges
	80		107	Sand fine to med
	107		130	Brown sandy clay
	130		155	Sand fine to med course small gravel
	155		161	Brown sandy clay
30	161	19	180	Sand fine to med course small gravel
	180		190	Light Green Clay
	190		199	Light Green + Brown Clay w/ couple sand strips
25	199	6	205	Sand fine to med course
	205		212	Brown sandy clay w/ couple sand ledges
20	212	8	220	Sand fine to med
10	220	8	228	Fine Sand w/ few clay stringers
	228		235	Brown sandy clay
25	235	7	242	Sand fine to med course
10	242	16	258	Fine sand w/ some clay stringers
35	258	8	266	Sand fine to med course w/ brown + tan rock
5	266	8	274	Brown sandy clay w/ some sand strips
20	274	6	280	Fine Sand
25	280	9	289	Sand fine to med w/ white rock
	289		294	Brown sandy clay
15	294	9	303	Sandstone + little soapstone - used water + mixed 2 Bags of Bran -
5	303	16	319	Black Shale + Sandstone - lost circ. @ 318' - Mixed 2 Bags of Bran -
	319		320	Black Shale
				Super Gel X - 1
				Bran - 3
				Grout - 4
				Bent. Plug 3/4 - 5
				Perma Plug - 1

21239

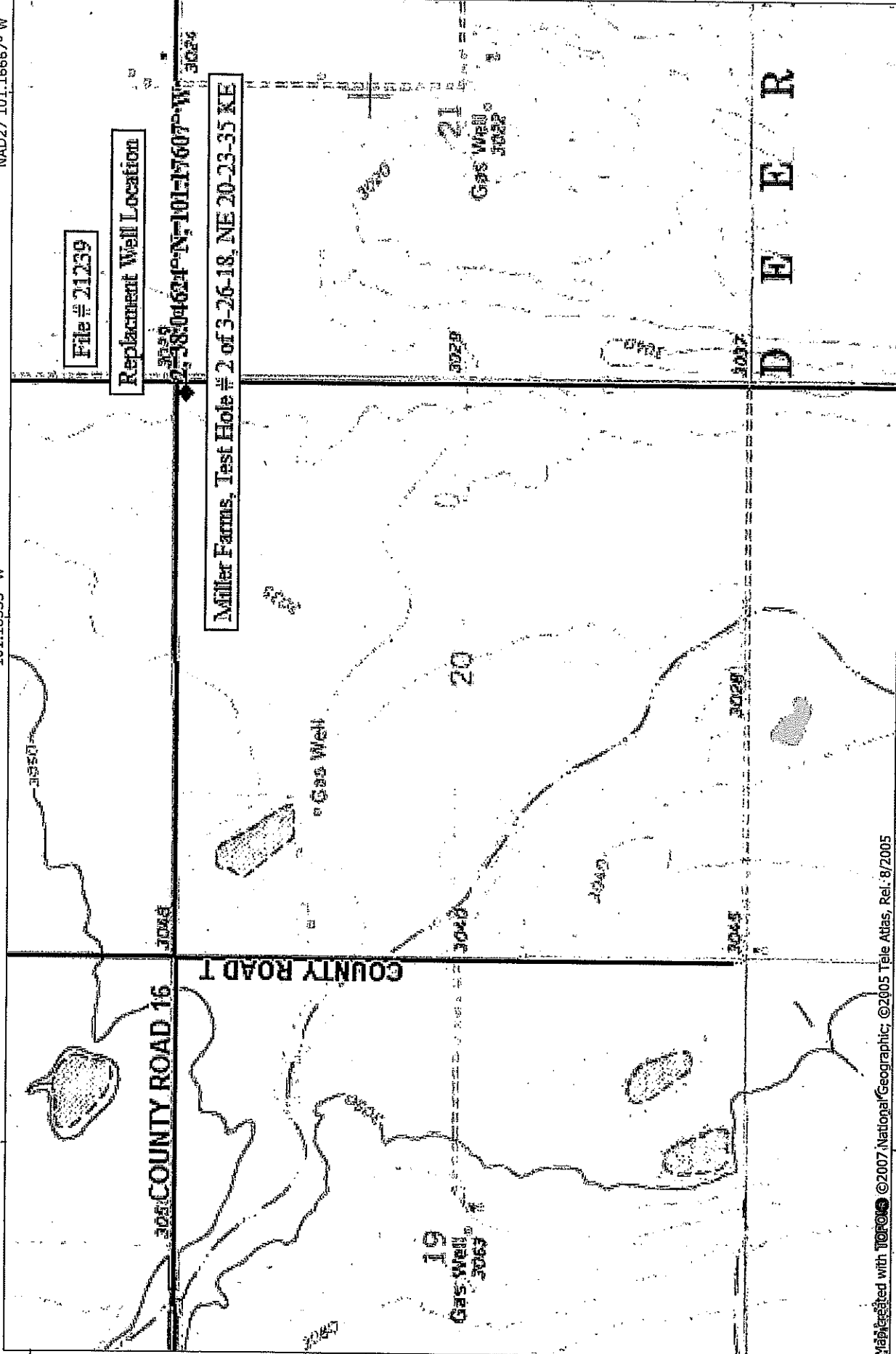
TOPO! map printed on 03/27/18 from "Untitled.tpo"

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101.18333° W

NAD27 101.16667° W

38.05000° N



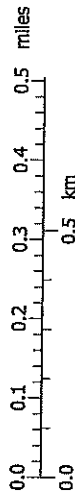
Map generated with TOPO! ©2007 National Geographic; ©2005 Tele Atlas, Rel. 8/2005

101.20000° W

101.18333° W

NAD27 101.16667° W

NATIONAL GEOGRAPHIC



03/27/18

38.03333° N

D H E R

