

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

1. File Number: 24690	2. Status Change Date: 7/20/19	3. Change Num: C2	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: 7/10/18
8a. Applicant(s) New to system <input type="checkbox"/> JOHN BORTH 10211 L ROAD PLAINS KS 67869		8c. Landowner(s) New to system <input type="checkbox"/> NC		
8b. Landowner(s) New to system <input type="checkbox"/> NC		8d. WUC New to system <input type="checkbox"/> NC		
9. Documents and Enclosure(s): <input checked="" type="checkbox"/> DWR Meter(s) Date to Comply: 12/31/18 <input checked="" type="checkbox"/> N & P Date to Comply: 12/31/18				
<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: 7/17/18 By: tpm Date Entered: _____ By: _____				

File No. **24690** 11. County: **ME** Basin: **crooked** Stream: _____ Formation Code: **211** Special Use: _____

12. Points of Diversion
 CHK _____ Rate and Quantity
 MOD _____ Authorized _____ Additional _____
 DEL PDIV _____ Rate _____ Quantity _____
 ENT _____ Comment (AKA Line) _____ Rate _____ Quantity _____
 'W 'N 'W 5244
 S T R ID 'N 'W 2642 5244
 23 31 30w

ent sw sw nw 23 31 30w 2642 5244

del 64995

13. Storage: Rate _____ NF _____ Quantity _____ ac/ft Additional Rate _____ NF _____ Additional Quantity _____ ac/ft

14. Limitation: **na** _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) _____
 Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) _____

15. 5YR Allocation: Allocation Type _____ Start Year _____ 5 YR Amount _____ Amount Unit _____ Base Acres _____ Comment _____

16. Place of Use CHK MOD DEL ENT	P U S E	S T R I D	NE 1/4			NW 1/4			SW 1/4			SE 1/4			Total	Owner	Chg?	Overlap Files
			NE 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4					
			NE 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4					
NC																		

Base Acres: _____ Year: _____ Minimum Reasonable Quantity: _____
 Comments: _____

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

July 20, 2018

JOHN D BORTH
PO BOX 754
MEADE KS 67864

RE: Change in Point of Diversion Water Right, File No 24690

Dear Mr. Borth:

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 21st day of July 2018, I hereby certify that the attached original Approval of Application to Change the Point of Diversion under Water Right, File No. 24690 dated July 20, 2018 was mailed postage prepaid, first class, US mail to the following:

JOHN D BORTH
PO BOX 754
MEADE KS 67864

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. 24690

RECEIVED
 4:07pm
 JUL 10 2018

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: JOHN BORTH
10211 ROAD L, PLAINS, KS 67869

Phone Number: (913) 449-0081 Email address: _____

Name and address of Water Use Correspondent: L & R BORTH FARMS LLC- RAY L BORTH
12738 OVERBROOK RD, LEAWOOD KS 66209-1622

Phone Number: (913) 449-0081 Email address: _____

3. The presently authorized place of use is:

Owner of Land --- NAME: L & R BORTH FARMS LLC- RAY L BORTH

ADDRESS: 12738 OVERBROOK RD, LEAWOOD KS 66209-1622

(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	
14	31S	30W									31.5	31.5	31.5	31.5	31.5	31.5	31.5	31.5	252.0
22	31S	30W													31.5	31.5	31.5	31.5	126.0
23	31S	30W	31.5	31.5	31.5	31.5	40	40	31.5	31.5	31.5	40	40	31.5					412.0

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

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 7/10/18 Check # 7137

5. **Presently authorized point of diversion:**
 One in the SW Quarter of the SW Quarter of the NW Quarter of Section 23, Township 31 South, Range 30W (E/W), in Meade County, Kansas, 2660 feet North 5220 feet West of Southeast corner of section. Authorized Rate 1935 gpm Authorized Quantity 800 AF Depth of well _____ (feet)
 (DWR use only: Computer ID No. 1 GPS 37.336613 feet North -100.561487 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 SW Quarter of the SW Quarter of the NW Quarter of Section 23, Township 31 South, Range 30W (E/W), in Meade County, Kansas, 2642 feet North 5244 feet West of Southeast corner of section. Proposed Rate 1935 gpm Proposed Quantity 800 AF 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: 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 _____ (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. The changes herein are desired for the following reasons?
 (please be specific)

OLD WELL NEEDS TO BE REPLACED

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

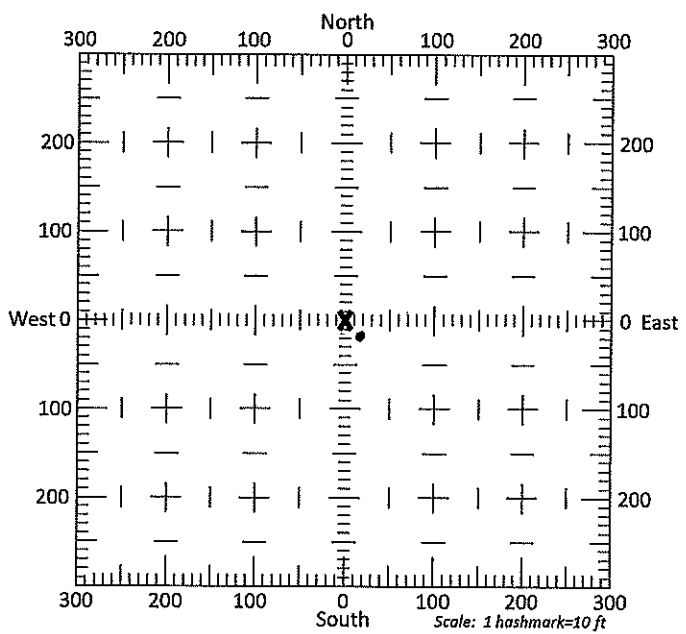
9. The change(s) (was)(will be) completed by?
JULY 23, 2018

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

12. Assisted by AZ

13a. If the proposed point of diversion will be relocated more than 300 feet but within 2,640 feet of 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



13b. If the proposed point of diversion will be relocated within 300 feet of the existing point of diversion, indicate its location on the diagram shown above in relation to the existing point of diversion. (PLEASE NOTE: The "X" in center of diagram above represents the presently authorized point of diversion.)

14. If the proposed groundwater point of diversion is 300 or fewer feet from the 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 10th day of JULY, 2018.

[Signature]
(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 10TH day of JULY, 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. 24,690.

1. A change application was received on JULY 10, 2019 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 described herein is administratively corrected to be more accurately described using the Global Positioning System (GPS), as described in the application. Applicable Not Applicable
5. 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
6. 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
7. 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
8. 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
9. 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 Not Applicable
11. Additional Conditions are attached. Yes No
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.

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**

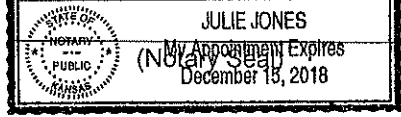
By: Thomas P. Makens
Duly Authorized Designee of the Chief Engineer
(Print Name): THOMAS P. MAKENS
Division of Water Resources - Kansas Department of Agriculture

Date of Issuance: JULY 20, 2018

State of Kansas)
County of Atchison) SS

Acknowledged before me on July 20, 2018
by Thomas P. Makens

Signature: Julie Jones
Notary Public

My commission expires: _____


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



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

JOHN BORTH 620-629-1849

Customer Name: John Borth WO#: 13987 Date: 6-13-18
 Street Address: 10211 ROAD L Test #: 2 E LOG: _____
 City, State: PLAINS, KS 67869 Driller: Dale Guinn
 County: Meade Quarter: SW Section: 23 Township: 31 Range: 30
 Location: 52' East + 19' South of Existing Well GPS: N37.33657 W100.56157
 Rig #: 10002 Elevation: 2759' Static WL: 264' Estimated? _____
 Proposed Well Depth _____

RECEIVED

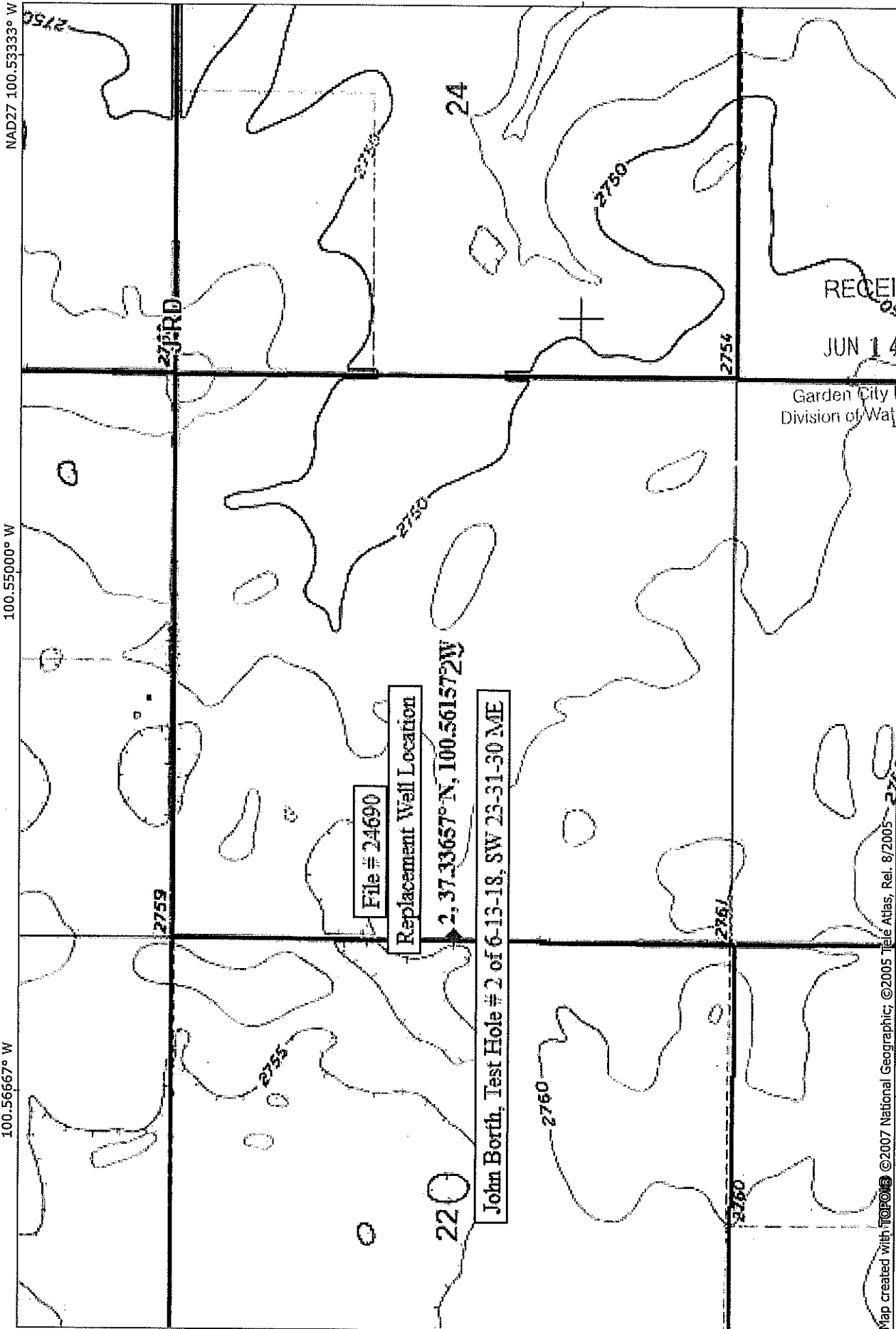
WELL LOCATION

JUN 13 2018

Garden City Field Office
 Division of Water Resources

%	From	Footage Pay	To	Description of Strata
	0		2	Top Soil
	2		6	Black Dirt
	6		24	Brown Clay
	24		36	Brown Sandy Clay w/few caliche ledge + Lime Rock Strips
	36		45	Brown Sands Clay w/fine sand + Rock Ledges
	45		57	Brown Clay
	57		73	Brown + Red Sandy Clay w/some Lime Rock Strips
	73		109	Sand fine to med course few small gravel
	109		115	Gray + Brown Clay
	115		121	Brown Clay
	121		162	Sand fine to med course
	162		170	Brown Clay
	170		179	Sand fine few med
30	179	4	268	Sand fine to med course few small gravel w/couple clay stringers
	268		270	Brown Clay
25	270	20	290	Sand fine to med course - Drilled Loose -
	290		295	Brown Clay
25	295	26	321	Sand fine to med course - Drilled Loose -
	321		329	Brown + Light Blue Clay
25	329	21	350	Sand fine to med course - Drilled loose -
20	350	19	369	Sand fine to med course w/some clay stringers
25	369	26	395	Sand fine to med course - Drilled Loose -
25	395	12	407	Sand fine to med course w/couple clay stringers
15	407	16	423	Sand fine to med w/some clay stringers
10	423	16	439	Fine Sand w/many clay stringers - Drilled Loose in Places -
15	439	21	460	Fine Sand w/some clay stringers - Drilled Loose -
20	460	42	502	Fine Sand w/few clay stringers - Drilled Loose -
	502		512	Brown Sandy Clay w/Lime Rock Strips + few Red Clay Ledges
	512			Red Bed
				Super Gel X -2
				Bent Plug 3/4 -6
				Perm Plug -1
				24690

TOPO! map printed on 06/14/18 from "Untitled.tpo"



100.56667° W

100.55000° W

100.56667° W

100.55000° W

37.33333° N

37.33333° N

100.53333° W

100.55000° W

100.56667° W

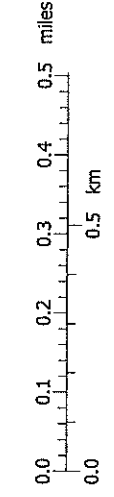
RECEIVED

JUN 14 2018

Garden City Field Office
Division of Water Resources

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

**NATIONAL
GEOGRAPHIC**



TV 5/2°
06/14/18