

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

STATE OF KANSAS



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

GOVERNOR JEFF COLYER, M.D.  
JACKIE McCLASKEY, SECRETARY OF AGRICULTURE

April 11, 2018

Southwest Kansas Groundwater  
Management District No 3  
409 Campus Drive, Suite 106  
Garden City KS 67846

Re: Water Right file number 25417

Dear Mr. Norquest;

Graham Farms inc has applied to relocate the well authorized by the above water right number. There are four neighboring wells within ½ mile of the requested.

We are delaying action for 15 days on the change application to allow you time to review and provide a recommendation if you feel one is warranted.

Thank you and as always feel free to call or write us at any time.

Sincerely;

A handwritten signature in black ink, appearing to read "Thomas P Makens".

Thomas P Makens

TPM:tpm



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GOVERNOR JEFF COLYER, M.D.  
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March 26, 2018

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

RE: Water Right 25417

Dear Mr. Miller

This is to advise you that Graham Farms 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](http://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



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

Call for address:

Topeka -- (785) 862-6300  
 Stafford -- (620) 234-5311  
 Stockton -- (785) 425-6787  
 Garden City -- (620) 276-2901  
[www.ksda.gov/dwr](http://www.ksda.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.

RECEIVED

8:45 AM  
 MAR 26 2018

File No. 25417

1. Application is hereby made for approval of the Chief Engineer to change the (check one or both): Garden City Field Office  
Division of Water Resources

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: GRAHAM FARMS INC  
2150 ROAD 220 DEERFIELD KS 67838-9513

Phone Number: (     )    Email address: \_\_\_\_\_

Name and address of Water Use Correspondent: GRAHAM FARMS INC  
2150 ROAD 220 DEERFIELD KS 67838-9513

Phone Number: (     )    Email address: \_\_\_\_\_

3. The presently authorized place of use is:  
 Owner of Land ---- NAME: GRAHAM FARMS INC  
 ADDRESS: 2150 ROAD 220 DEERFIELD KS 67838-9513  
 (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  
 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>3/26/18</u> Check # <u>2986</u> |
|--|

5. **Presently authorized point of diversion:**  
 One in the     nw     Quarter of the     sw     Quarter of the     nw     Quarter  
 of Section     21    , Township     23     South, Range     35     W,  
 in Kearny County, Kansas,     3910     feet North     4950     feet West of Southeast corner of section.  
 Authorized Rate \_\_\_\_\_ Authorized Quantity \_\_\_\_\_ Depth of well \_\_\_\_\_ (feet)  
 (DWR use only: Computer ID No.     1     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     nw     Quarter of the     sw     Quarter of the     nw     Quarter  
 of Section     21    , Township     25     South, Range     35     W,  
 in Kearny County, Kansas,     3420     feet North     5198     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 \_\_\_\_\_  
 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.     6     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

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

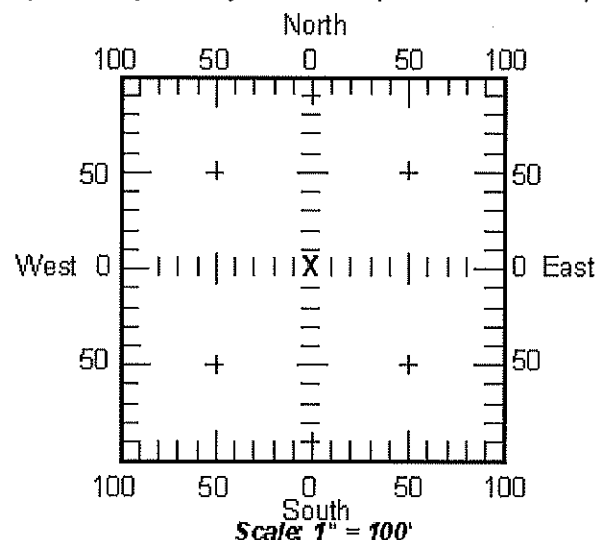
9. When do you propose to complete the new point of diversion?  
April 5 2018

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 tpm

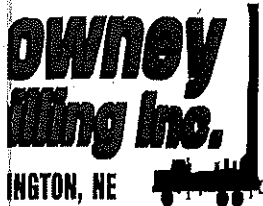
13a. If the proposed point of diversion will be relocated within 100 feet of the existing point of diversion, indicate its location on the diagram below in relation to the existing point of diversion. (PLEASE NOTE: The "X" in center of diagram below represents presently authorized point of diversion.)



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.

# WELL LOG

DATE: 1/18/2016



CUSTOMER NAME: GRAHAM FARMS

LEGAL: SW/NW 21-23S-35W

COUNTY: KEARNY

GPS: 38.04138

-101.17569

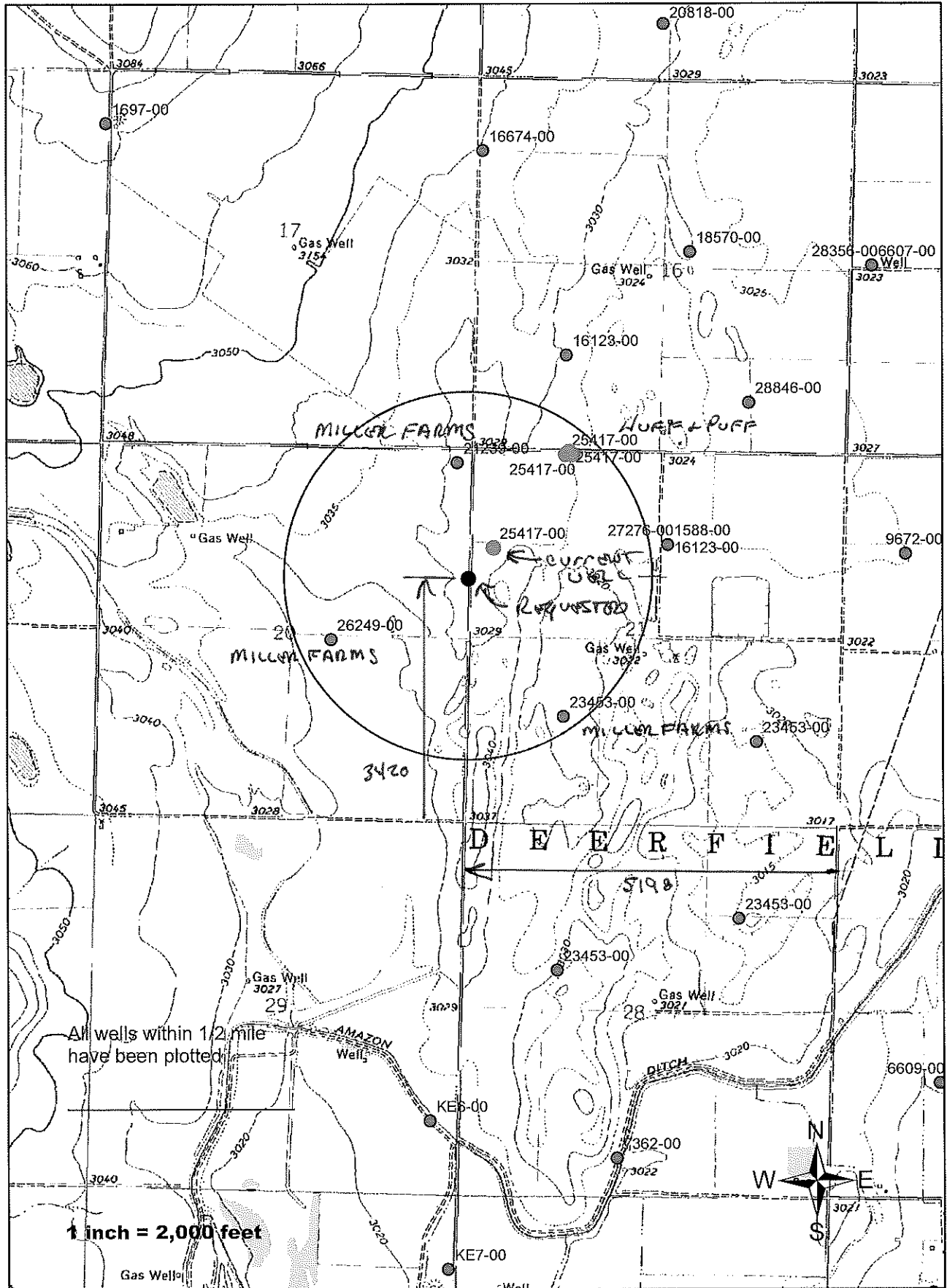
OTHER: 500' SOUTH-SOUTHWEST OF EXISTING IRRIGATION WELL

| TO | TYPE   | HARDNESS | COLOR      | OTHER / DRILLING ACTION |
|----|--|----------|------------|-------------------------|
| 0  | 4 TOP SOIL AND SILT  | SOFT     | DARK       |                         |
| 4  | 14 SANDY CLAY  | ↓        | BROWN      |                         |
| 4  | 21 FINE-MEDIUM-COARSE GRAVEL   | ↓        | BROWN      |                         |
| 1  | 78 SANDY CLAY  |          | BROWN      |                         |
| 8  | 81 MEDIUM-COARSE-VERY COARSE SAND AND A TRACE OF FINE GRAVEL   |          | RED        |                         |
| 1  | 104 SANDY CLAY AND A TRACE OF VERY THIN MEDIUM SAND LENSES (FEW)   |          |            |                         |
| 4  | 108 FINE-MEDIUM SAND AND A TRACE OF SANDY CLAY   |          |            | VERY FAST               |
| 8  | 116 COARSE-VERY COARSE SAND AND FINE GRAVEL  |          |            | CHATTER                 |
| 6  | 126 SANDY CLAY   |          |            |                         |
| 6  | 132 VERY COARSE SAND AND FINE-MEDIUM GRAVEL  |          |            | CHATTER                 |
| 2  | 133 SILT LAYER   |          |            |                         |
| 3  | 145 VERY COARSE SAND AND FINE-MEDIUM GRAVEL  |          |            |                         |
| 5  | 151 SANDY CLAY   |          |            |                         |
| 1  | 152 VERY COARSE SAND AND FINE GRAVEL   |          |            |                         |
| 2  | 154 SANDY CLAY   |          |            |                         |
| 4  | 160 VERY COARSE SAND AND FINE-TRACE OF MEDIUM GRAVEL   |          |            | 6                       |
| 0  | 169 SILTY SANDY CLAY ABND SILT WITH MEDIUM-COARSE SAND LENSES  |          |            |                         |
| 9  | 176 FINE-TRACE OF MEDIUM GRAVEL  |          |            | 7 / CHATTER             |
| 6  | 185 SILT AND SANDY SILT  |          |            | SMOOTHER                |
| 5  | 200 FINE-TRACE OF MEDIUM GRAVEL  |          |            | 15 / CHATTER            |
| 0  | 235 VERY COARSE-VERY VERY COARSE SAND AND FINE GRAVEL  |          |            | 35 / CHATTER            |
| 5  | 236 SILT   |          |            | SMOOTHER                |
| 6  | 240 MEDIUM-COARSE-VERY COARSE SAND AND A TRACE OF FINE GRAVEL  |          |            | 4                       |
| 0  | 245 SILT AND SANDY CLAY (TOOK A DRINK)   |          |            | SMOOTH                  |
| 5  | 260 COARSE-VERY COARSE-VERY VERY COARSE SAND AND FINE GRAVEL   |          |            | 14 / CHATTER            |
| 0  | 275 VERY COARSE-VERY VERY COARSE SAND, FINE-TRACE OF MEDIUM GRAVEL, AND THIN WHITE SILT LAYERS AFTER 269 |          |            | 15                      |
| 5  | 280 CEMENTED (AT TIMES) LAYERS AND A TRACE OF OCHRE  |          | WHITE      | PD                      |
| 0  | 290 SHALE WITH THIN HARD LAYERS  |          | BLACK / TR | PD                      |
| 0  | 300 SHALE (TURNING GRAY) WITH THIN HARD LAYERS   |          | BROWN /    | PD                      |
| 0  | 320 SHALE WITH A FEW HARD LAYERS   |          | GRAY /     | PD                      |
|    |  |          | GRAY /     |                         |
|    |  |          | BLACK      | PD                      |





# 25417





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 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 Warden City, Kansas, this 26<sup>th</sup> day of March, 2018.

Roy Graham  
(Owner)

\_\_\_\_\_  
(Spouse)

Roy Graham  
(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 26<sup>th</sup> day of March, 2018.



My Commission Expires \_\_\_\_\_

Julie Jones  
Notary Public

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. 25417.

1. A change application was received on March 26, 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 \_\_\_\_\_ 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**

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, 109 SW 9<sup>th</sup> Street, Topeka, Kansas 66612**, 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 15<sup>th</sup> 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: \_\_\_\_\_  
 Duly Authorized Designee of the Chief Engineer

(Print Name): \_\_\_\_\_  
 Division of Water Resources - Kansas Department of Agriculture

Date of Issuance: \_\_\_\_\_

State of Kansas )  
 ) SS  
 County of \_\_\_\_\_ )

Acknowledged before me on \_\_\_\_\_

by \_\_\_\_\_.

Signature: \_\_\_\_\_  
 Notary Public

My commission expires: \_\_\_\_\_  
 (Notary Seal)