

Kansas Department of Agriculture
 Division of Water Resources
CHANGE: PU/UMW WORKSHEET

Document Signature _____

1. File Number: 28492	2. Status Change Date: 3/26/2018	3. Change Num: C1	4. Field Office: 4	5. GMD: 1
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: 11/13/2017
8a. Applicant(s) New to system <input type="checkbox"/> DAIRY VENTURES LLC 1187 ROAD B TRIBUNE KS 67879		Person ID 62092 Add Seq# _____		
8b. Landowner(s) New to system <input type="checkbox"/> RAY P SMITH 695 KANSAS 27 SHARON SPRINGS KS 67758-6029		Person ID 57201 Add Seq# _____		
8c. Landowner(s) New to system <input type="checkbox"/> DAIRY VENTURES LLC 1187 ROAD B TRIBUNE KS 67879		Person ID 62092 Add Seq# _____		
8d. WUC New to system <input type="checkbox"/> 8C		Person ID 62092 Add Seq# _____		
9. Documents and Enclosure(s): <input checked="" type="checkbox"/> DWR Meter(s) Date to Comply: 12/31/2018 <input type="checkbox"/> N & P Date to Comply: _____				
<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: _____				
DUAL USE				
10. Use Made of Water From: IRRIGATION To: IRRIGATION & STOCKWATERING				
Date Prepared: 3/21/18 By: LI Date Entered: 3/28/2018 By: UM				

File No. **28492** 11. County: GL Basin: CIMMARON RIVER Stream: NA Formation Code: 211 Special Use: NO

12. Points of Diversion										Rate and Quantity						
MOD	DEL	ENT	PDIV	Qualifier	S	T	R	ID	'N	'W	Comment	Rate gpm	Quantity af/mgy	Rate gpm	Quantity af/mgy	Overlap PD Files
MOD			3810	NW SW SW	11	16	41W	1	869	5240	IRR & STK USE	1100	171.0 AF	1100	171.0 AF	NONE

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

14. Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) **148.8 AF AS DUAL USE IRR & STK**
 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										NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg?	Overlap Files
MOD	DEL	ENT	PUSE	S	T	R	ID	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼						
ENT			57746	10	16	41W	3	DAIRY (NE)																	8c		NO 20636-D2		
DEL			48197 15917	14	16	41W	3									40.0	40.0								80.0	8b	NO NONE		
MOD			29829	11	16	41W	1									35	40	40	40						155	8C	YES NONE		

Comments: **Quantity Limited to 148.8 AF (48.49 mgy) as long as right is operated as stockwatering right.**
Need pop-up box for temporary quantity reduction. Main action trail entry: Dual use irr & stk quantity max 148.8 AF
With comment for dual use on both irrigation and stockwatering use.

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

MEMORANDUM

TO: Files

DATE: March 20, 2018

FROM: Leslie Ireland

RE: Water Right
File No. 28,492

Ray P. Smith on behalf of Dairy Ventures I LLC., along with Kevin and Jessica Johnson and Ron Eakes all as owners of the referenced water right, have filed an application for approval to change the place of use and the use made of water under the referenced file. The application proposes to supply more water to the dairy by converting the irrigation use under the referenced file to dual use to permit the right to be utilized for stockwatering and irrigation use. The application was received on November 13, 2017, and modified to the dual use on March 13, 2018.

The referenced right does not appear to be abandoned as per K.S.A. 82a-718, *Abandonment of water rights*. The application appears to comply with K.A.R. 5-5-2a, *Complete change application*, and the right is in compliance with K.A.R. 82-732, *Annual water use report required; penalty for violations*.

The referenced file authorizes 171 acre-feet at the rate of 1,100 gallons per minute from one well located in Section 11, Township 16 South, Range 41 West for the irrigation of 385 acres located in Sections 11 & 14, Township 16, Range 41 West, Greeley County. The right has no overlap in point of diversion or place of use. It is located Western Kansas Groundwater Management District No. 1.

The requested change to dual use will allow **48.49 million gallons a year (mgy) (148.8 AF)** for either stockwatering or irrigation use as allowed by the August 3, 2017, map designated quantity update to K.A.R. 5-5-9, *Criteria for the approval of an application for a change in the use made of water from irrigation to any other type of beneficial use of water*.

The proposed stockwatering use is currently authorized by File No. 20,636-D2. It supplies 41.057 mgy (126 AF) which was permitted in 2006 under Phase I of the dairy for 1,550 head. The requested change appears to be for Phase II, as it is indicated they are currently watering 2,650 head of dairy cattle and proposed to water 6,000 in five (5) years' time.

As detailed in KAR 5-3-22, *Maximum reasonable quantity of water for livestock and poultry*, the 6,000 head of dairy cattle would be afforded a maximum reasonable quantity of 76.65 million gallons (235 AF) per year for drinking at 35 gallons per head per day. The dairy would be afforded an additional 219 mgy (672 AF) for servicing the facility. The application indicated they currently supply 27.8 gallons per head per day for drinking and approximately 4.5 gallons per head per day for servicing. At 6,000 head this equates to 60.88 mgy drinking water and 9.86 mgy for servicing. The budget a total of 70.735 mgy (217 AF) for the operation their dairy, however, K.A.R. 5-3-22, allows a combined total of 295.65 mgy (907 AF) for the operation of a dairy with 6,000 head. When combined with the existing stockwatering use under File No. 20,636-D2, a total of 89.54 mgy (274.8 AF) will be authorized for stockwatering use. While this is slightly more than their water budget, it is less than that required by regulation. No additional limitation on the quantity will be needed.

The change in place of use is to add the currently authorized dairy facility located in the Northeast Quarter (NE ¼) of Section 10, Township 16, Range 41 West, Greeley County. It does not appear this dairy has expanded outside it currently authorized place of use. The application also requests to reduce the irrigated acres from 385 to 155 acres resulting in only the Southwest Quarter (SW¼) of 11-16 41W authorized for irrigation.

The **148.8 acre-feet (48.49 million gallons)** per calendar year will be the maximum quantity authorized per referenced file in any calendar year when operated under the dual use of both stockwatering use and irrigation use. The quantity authorized under the referenced file will have no additional limitations for either use.

As afforded with other applications for dual use the quantity of water be only limited to 148.8 acre-feet rather than be reduced. Should the right return to solely irrigation use the 171 AF certified will provide 1.10 acre-foot per acre for the currently authorized 155 acres. This complies with K.A.R. 5-3-24, *Reasonable quantity for irrigation use*, for Greeley County, that allows 1.8 acre-foot per acre for irrigation use.

No return flow credit was requested in the original November 13, 2017 application or by the March 13, 2018 modification. A review of the historic changes to File No. 20,636-D2 did not find that any return flow credit was requested, but historically dairy facilities have effluent available. A designation of return flow credit is not required for the proposed application.

The wells located within one-half ($\frac{1}{2}$) mile of the point of diversion authorized by the referenced file were identified and informed by letter dated January 16, 2018, of the change as initially proposed. No comments were received with this notification. No additional notification was made for the modified application.

In a letter dated February 14, 2018, Kyle Spencer, District Manager of GMD 1, indicated the Board recommended the application be approved with a **waiver of K.A.R. 5-21-3**. The waiver had no additional stipulations. The updated application was coordinated with the GMD by the area water commissioner who indicated in his March 20, 2018 email the GMD did not choose to modify their recommendation.

In an e-mail dated March xxx, 2018, Michael Meyer, Water Commissioner, Garden City Field Office, indicated that he recommended approval of the applications with the additional limitations.

The point of diversion is remaining at its authorized location, so there will be no change in the local source of supply. Water flowmeters will be required for each use by the change approval. Check valves should be installed to protect the water should anything be added to the pumped water per the standard wording about the injection or any chemical or foreign substance into the water through the diversion works.

Based on the above discussion, that impairment to existing water rights is unlikely, and that no change in the local source of supply will occur, complies with K.A.R. 5-5-9, the change should not increase the historical consumptive use per KAR 5-5-3, *Change in consumptive use*. The referenced application has been recommended to be approved.

Leslie Ireland
Environmental Scientist
Water Appropriation Program

STATE OF KANSAS

DEPARTMENT OF AGRICULTURE
1320 RESEARCH PARK DRIVE
MANHATTAN, KS 66502
PHONE: (785) 564-6700
FAX: (785) 564-6777



900 SW JACKSON, ROOM 456
TOPEKA, KS 66612
PHONE: (785) 296-3556
www.agriculture.ks.gov

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

DAIRY VENTURES LLC
RON EAKES
1187 ROAD B
TRIBUNE KS 67879

March 29, 2018

FILE COPY

RE: Water Right, File No. 28,492

Dear Mr. Eakes:

Enclosed is the order executed by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the application for change under the referenced file.

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in the approvals for change. A condition of each approval is the requirement that acceptable water flowmeters be installed so both irrigation and stockwatering uses can be metered independent of each other, from the diversion works prior to the diversion of water.

Since this order modifies the original document referred to above, it should be recorded with the Register of Deeds as other instruments affecting real estate.

If you have any questions regarding the enclosed documents, please contact Leslie Ireland, Environmental Scientist, at (785) 564-6633. Inquiries about the metering please contact our staff at the Garden City Field Office, (620) 276-2901. Information is also available on our web site at <http://agriculture.ks.gov>.

If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

A handwritten signature in black ink, appearing to read "Brent A. Turney".
Brent A. Turney, P.G.
Change Applications Unit Supervisor

BAT:LI:li

Enclosures

pc: Garden City Field Office
Groundwater Management District No. 1

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

**APPROVAL OF APPLICATION
FOR
CHANGE IN USE MADE OF WATER
PLACE OF USE
AND
ORDER IN THE MATTER OF THE AUTHORIZED QUANTITY OF WATER
WATER RIGHT, FILE NO. 28,492**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Ron Eakes on behalf of Dairy Ventures LLC, 1187 Road B, Tribune, Kansas 67879, along with Kevin and Jessica Johnson on behalf of Circle R Farms Inc, PO Box 542016 Omaha, Nebraska 68154, and Ray P. Smith, 695 Kansas 27, Sharon Springs, Kansas 67758-6029, as owners of the referenced water right, received in this office on November 9, 2017, for approval of a change in the location of the place of use and the use made of water, under the certificate of appropriation issued pursuant to the application for permit to appropriate water for beneficial use, finds that the change is reasonable and will not impair existing rights, and that the application should be and are hereby approved.

The authorized quantity of water under this right will remain 171 acre-feet (55.72 million gallons). This order effectively limits the authorized quantity of water to 148.8 acre-feet (48.49 million gallons) per calendar year for both stockwatering and irrigation uses combined. That the limitation on the quantity of water shall exist until such a time that the quantity of water for stockwatering use authorized by this approval is no longer required.

The effective date of the change shall be the date this order is executed by the Chief Engineer, after which the portion retained for irrigation use shall be authorized a maximum quantity not to exceed 148.8 acre-feet (48.49 million gallons) of groundwater per calendar year, for irrigation use on the following described property:

Sec. Twp. Range	NE¼				NW¼				SW¼				SE¼				TOTAL
	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
11 16S 41W									35.00	40.00	40.00	40.00					155.0

a total of 155 acres in Section 11, Township 16 South, Range 41 West, Greeley County, Kansas.

The portion changed to stockwatering use shall be authorized a quantity not to exceed:

48.49 million gallons (148.8 acre-feet) of groundwater per calendar year.

for use at the location described as being:

a dairy located in the Northeast Quarter (NE¼) of Section 10, in Township 16 South, Range 41 West, Greeley County, Kansas,

all located substantially as shown on the topographic map accompanying the application to change the use made of water and place of use.

The water right owner shall properly install a separate acceptable water meter for each use made of water for the diversion works authorized under this water right, prior to the use of water, in strict accordance with the Kansas Administrative Regulations 5-1-4 through 5-1-12 adopted by the Chief Engineer. The water right owner shall notify the Chief Engineer when installation of the water meter has been completed. The water right owner shall maintain the water meter in an operating condition satisfactory to the Chief Engineer, at all times during diversion of water and shall maintain records from which the total quantity of water diverted for irrigation and stockwatering use may be determined. The water right owner shall also report the reading of said water meter and the total quantity of water diverted annually to the Chief Engineer. Such records shall be furnished to the Chief Engineer by March 1 following the end of each calendar year.

All diversion works into which any type of chemical or other foreign substance will be injected into the water pumped from the diversion works shall be equipped with an in-line, automatic, quick-closing check valve capable of preventing pollution of the source of the water supply. The type of valve installed shall meet specifications adopted by the Chief Engineer and shall be maintained in an operating condition satisfactory to the Chief Engineer.

In all other respects, the Certificate of Appropriation issued pursuant to Approval of Application, File No. 28,492, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated June 22, 2000.

RIGHT TO A HEARING AND TO ADMINISTRATIVE REVIEW

If you are aggrieved by this Order, then pursuant to K.S.A. 82a-1901, you may:

- 1) request an evidentiary hearing before the Chief Engineer, or
- 2) request administrative review by the Secretary of Agriculture.

Failure to request an evidentiary hearing before the Chief Engineer does not preclude your right to administrative review by the Secretary.

To obtain an evidentiary hearing before the Chief Engineer, a written request for hearing must be filed within 15 days after service of this Order as provided in K.S.A. 77-531 (**i.e., within a total of 18 days after this Order was mailed to you**), with: Kansas Department of Agriculture, Attn: Legal Section, 1320 Research Park Drive, Manhattan, KS 66502, FAX (785) 564-6777.

If you do not file a request for an evidentiary hearing before the Chief Engineer, you may petition for administrative review of the Order by the Secretary of Agriculture. A petition for review shall be in writing and state the basis for requesting administrative review. The request for hearing may be denied if the request fails to clearly establish factual or legal issues for review. See K.S.A. 77-527. The petition must be filed within 30 days after service of this Order as provided in K.S.A. 77-531 (**i.e., within a total of 33 days after this Order was mailed to you**), and be filed with: Secretary of Agriculture, Attn: Legal Division, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, KS 66502, FAX (785) 564-6777.

If neither a request for an evidentiary hearing nor a petition for administrative review is filed as set forth above, then this Order shall be effective and become a final agency action as defined in K.S.A. 77-607(b). Failure to timely request either an evidentiary hearing or administrative review may preclude further judicial review under the Kansas Judicial Review Act.

Any request for hearing or petition for administrative review shall be in writing and shall be submitted to the attention of: Chief Legal Counsel, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, Fax: (785) 564 – 6777.

Ordered this 26th day of March, 2018, at Topeka, Shawnee County, Kansas.

Lane P. Letourneau
Lane P. Letourneau, P.G.
Water Appropriation Program Manager
Division of Water Resources
Kansas Department of Agriculture

State of Kansas)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this 26th day of March, 2018, by Lane P. Letourneau, P.G., Water Appropriation Program Manager, Division of Water Resources, Kansas Department of Agriculture.



Danielle Wilson
Notary Public

CERTIFICATE OF SERVICE

On this 29th day of March, 2018, I hereby certify that the attached Approval of Application for Change in Use Made of Water Place of Use and Order in the Matter of the Authorized Quantity of Water under Water Right, File No. 28,492; dated March 26, 2018 was mailed postage prepaid, first class, US mail to the following:

Dairy Ventures LLC
Ron Eakes
1187 Road B
Tribune, KS 67879

With a True and Correct Copy to:

Ray P. Smith
695 Kansas 27
Sharon Springs, KS 67758-6029

Circle R Farms Inc
Kevin and Jessica Johnson
PO Box 542016
Omaha, NE 68154

With a Photocopy to:

Garden City Field Office
Groundwater Management District No. 1

Danielle Wilson
Division of Water Resources

Water Resources
Received

MAR 13 2018

KS Dept Of Agriculture



State of Kansas

Submit To: CHIEF ENGINEER
Division of Water Resources
Kansas Department of Agriculture
1320 Research Park Drive
Manhattan, Kansas 66502
http://agriculture.ks.gov/dwr

APPLICATION FOR APPROVAL TO
CHANGE THE PLACE OF USE, THE
POINT OF DIVERSION OR THE USE
MADE OF THE WATER UNDER AN
EXISTING WATER RIGHT

Filing Fee Must Accompany the Application
(Please refer to Fee Schedule on signature page of application form.)

Paragraph Nos. 1, 2, 3, 4 & 8 must be completed. Complete all other applicable portions. A topographic map or detailed plat showing the authorized and proposed points(s) of diversion and/or place of use must accompany this application.

1. Application is hereby made for approval of the Chief Engineer to change the
- * Place of Use
 - (Check one or more) * Point of Diversion
 - Use Made of Water
- * BAT/DWR
1-2-18

WATER RESOURCES
RECEIVED

NOV 13 2017

12:12

KS DEPT OF AGRICULTURE

File No. 28492

2. Name of applicant: DAIRY VENTURES

Address: 1187 ROAD B,

City, State and Zip: TRIBUNE KS 67879

Phone Number: (620) 629 5911 E-mail address: ron@kicon.net

What is your relationship to the water right; owner tenant agent other? If other, please explain.

Name of water use correspondent: SAME

Address: _____

City, State and Zip: _____

Phone Number: (_____) _____ E-mail address: _____

3. The change(s) proposed herein are desired for the following reasons (please be specific): _____

TO CHANGE THE PLACE OF USE AND USE MADE OF WATER TO STOCKWATER AND TO DAIRY FACILITY

REQUESTING DUAL USE FOR 6,000 HEAD. RETAIN IRRIGATION
USE AS PERMITTED BY KANS-5-9.

RE

INITIAL

The change(s) (was) (will be) completed by 2017 (Date)

3-12-18

DATE

For Office Use Only:		F.O. <u>1</u> <u>GMD</u> Meets K.A.R. 5-5-1 (YES/NO) Use <u>IFF</u> Source <u>GIS</u> County <u>GL</u> By <u>ADW</u> Date <u>11/13/17</u>	
Code <u>G-2</u>	Fee \$ <u>500</u>	TR # _____	Receipt Date <u>11/13/17</u> Check # <u>18063</u>

APPLICATION COMPLETE
3/20/18
Reviewer LE

DWR 1-120 (Revised 06/16/2014)

Assisted by: _____

SCANNED
11/15/17 ADW

20010207 10144
10110015

File No. 28492

4. The presently authorized place of use is:

Owner of Land — NAME: Ray Smith

ADDRESS:

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	
11	16	41W							34	10	35	40	40	40	5	27	40	34	305
14	16	41W									40	40							80

List any other water rights that cover this place of use.

Owner of Land — NAME:

ADDRESS:

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		

List any other water rights that cover this place of use.

(If there are more than two landowners, attach additional sheets as necessary.)

WATER RESOURCES RECEIVED

5. It is proposed that the place of use be changed to:

NOV 13 2017

Owner of Land — NAME: DAIRY VENTURES

KS DEPT OF AGRICULTURE

ADDRESS:

STK USE

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		
10	16	41W	STK	STK	STK	STK														

List any other water rights that cover this place of use. 20636-D2-*

Owner of Land — NAME: DAIRY VENTURES

IRRL USE ADDRESS: 1187 ROAD B TRIBUNE KS 67879

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		
11	16	41W									35	40	40	40						155

List any other water rights that cover this place of use.

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

3-12-18
DATE

RE
INITIAL

LE Tava 3/15/18
SCANNED

6. The presently authorized point(s) of diversion (is) (are) ONE WELL
(Provide description and number of points)

7. The proposed point(s) of diversion (is) (are) NO CHANGE
(Provide description and number of points)

List all presently authorized point(s) of diversion:

8. **Presently authorized point of diversion:**
 One in the NW Quarter of the SW Quarter of the SW Quarter of Section 11, Township 16 South, Range 41 W, in GL County, Kansas, 869 feet North 5240 feet West of Southeast corner of section. Authorized Rate 1100 GPM Authorized Quantity 171 AF 148.8 AF DUAL USE
 (DWR use only: Computer ID No. 01 GPS _____ feet North _____ feet West)
 This point will not be changed This point will be changed as follows: METERED PER USE.
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 _____ in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section. Proposed Rate _____ Proposed Quantity _____
 This point is: Additional Well Geo Center List other water rights that will use this point _____

9. **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 _____
 (DWR use only: Computer ID No. _____ 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 _____ (EW), in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section. Proposed Rate _____ Proposed Quantity _____
 This point is: Additional Well Geo Center List other water rights that will use this point _____

10. **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 _____
 (DWR use only: Computer ID No. _____ 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 _____ (EW), in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section. Proposed Rate _____ Proposed Quantity _____
 This point is: Additional Well Geo Center List other water rights that will use this point _____

11. Describe the current condition of and future plans for any point(s) of diversion which will no longer be used.

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

WATER RESOURCES RECEIVED

Water Resources Received

NOV 13 2017

3-12-18
DATE

RE
INITIAL

MAR 13 2018

KS DEPT OF AGRICULTURE
SCANNED

KS Dept Of Agriculture

SCANNED

12. The presently authorized use of water is for IRR + Stock purposes.
It is proposed that the use be changed to 40 Acres for Stock Water STK 182 purposes.

13. If changing the place of use and/or use made of water, describe how the consumptive use will not be increased.

KAR 5-5-9 AS APPROVED AND REVISED ON SEPTEMBER 22 2017

AUTORIZED QUANTITY WILL BE MODIFIED TO 171 AF X 87.0% GL = 148.8 AF
FOR STOCK WATERING - PU REDUCED TO 155 ACRES IN SW 1/4 11-16-41W

⊗ REQUEST 148.8 AF BE LIMITED WITH THIS APPROVAL FOR

STOCK WATERING AUTHORIZATION. AFTER STOCK WATERING IS NO LONGER NEEDED
(Please show any calculations here.)

14. It is requested that the maximum annual quantity of water be reduced to 125 (40,781,375) (acre-feet or million gallon) ⊗ ABOVE
QUANTITY RETURNS TO 171 AF - IRR USE ⊗ * 165 AF * 125 AF IR = 40 AF STK

15. It is requested that the maximum rate of diversion of water be reduced to 40 Acre for Livestock 18,084,040
= N/A gallons per minute (= c.f.s.).

16. The application must include either a topographic map or detailed plat. A U.S. Geological Survey Topographic Map, scale 1:24,000, is available through the Kansas Geological Survey, 1930 Constant Avenue, University of Kansas, Lawrence, Kansas 66047-3726 (www.usgs.gov). The map should show the location of the presently authorized point(s) of diversion. Distances North and West of the Southeast corner of the section must be shown. The presently authorized place of use should also be shown. Identify the center of the section, the section lines and the section corners and show the appropriate section, township, and range numbers on the map. In addition the following information must also be shown on the map.

a. If a change in the location of the point(s) of diversion is proposed, show:

- 1) The location of the proposed point(s) of diversion. Distances North and West of the Southeast corner of the section must be shown. Please be certain that the information shown on the map agrees with the information shown in Paragraph Nos. 9, 10 and 11 of the application.
- 2) If the source of supply is groundwater, please show the location of existing water wells of any kind, including domestic wells, within 1/2 mile of the proposed well or wells. Identify each well as to its use and furnish name and mailing address of the property owner or owners. If there are no wells within 1/2 mile, please indicate so on the map.
- 3) If the source of supply is surface water, the names and mailing addresses of all landowner(s) 1/2 mile downstream and 1/2 mile upstream from your property lines must be shown.

b. If a change in the place of use is desired, show the proposed place of use by crosshatching on the map. Please be certain that the information shown on the map agrees with the information shown in Paragraph No. 5 of the application.

17. Attach documentation to show the change(s) proposed herein will not impair existing water rights and relates to the same local source of supply as to which the water right relates. This information may include statements, plats, geology reports, well logs, test hole logs, and other information as necessary information to show the above. Additional comments may be made below.

no change is local source of supply

WATER RESOURCES
RECEIVED

NOV 13 2017

KS DEPT OF AGRICULTURE

18. If the proposed change(s) does not meet all applicable rules and regulations of the Kansas Water Appropriation Act, please identify the rules and regulations for which you request a waiver. State the reason why a waiver is needed and why the request should be granted. Attach documentation showing that granting the request will not impair existing water rights and will not prejudicially and unreasonably affect the public interest.

REQUEST WAIVER OF KAR 5-21-7 AS PER GMD1 BOARD RESOLUTION ON SEPTEMBER 14, 2017

RE IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

INITIAL

3-12-18
DATE

X BAYDWR 1-2-18
AS PER M. MEYER
SCANNED

File No. _____

Any use of water that is not as authorized by the water right or permit to authorize water before the chief engineer approves this application is a violation of the Kansas Water Appropriation Act for which criminal or civil penalties may be assessed. Such violation is a class C misdemeanor, punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. K.S.A. 82a-728(b). Civil penalties shall be not less than \$100 nor more than \$1,000 per violation. In the case of a continuing violation, each day such violation continues may be deemed a separate violation. In addition to these penalties the water right may be modified or suspended. K.S.A. 82a-737, as amended.

The application must be signed by all owners of the place of use authorized under the water right and his or her spouse, if married. Please indicate if there is no spouse. If land is being purchased under contract, the seller must sign as landowner until such time as the contract is completed.

In the event that all applicants cannot appear before one notary public, they may as necessary sign separate copies of the application before any notary public conveniently available to them. All copies signed in this manner shall be considered to be valid parts of the application.

If the request is signed on behalf of any Owner by someone with legal authority to do so (for example, an agent, one who has power of attorney, or an executor, executrix, conservator), it will be necessary to attach proper documents showing such authority.

I declare that I am an owner of the currently authorized place of use as identified herein, or that I represent all such owners and am authorized to make this application on their behalf, and declare further that the statements contained herein are true, correct, and complete. By filing this application I authorize the chief engineer to permanently reduce the quantity of water and/or rate of diversion as specified in sections 14 and 15 of this application.

Dated at Flying V - Shuren Springs, Kansas, this 9th day of Nov, 2017.

Ray Smith
(Owner)
Ray Smith
(Please Print)

(Spouse)

(Please Print)

Kevin Johnson
(Owner)
Kevin Johnson
(Please Print)

Jessica Johnson
(Spouse)
Jessica Johnson
(Please Print)

(Owner)

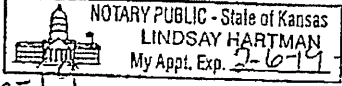
(Please Print)

(Spouse)

(Please Print)

State of Kansas }
County of Wallace } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 9th day of November, 2017.



Lindsay Hartman
Notary Public

My Commission Expires 2-6-19

FFF SCHEDULE

Each application to change the place of use, the point of diversion or the use made of the water under this section shall be accompanied by the application fee set forth in the schedule below;

- (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
- (4) Application to change the use made of the water \$300

Make check payable to Kansas Department of Agriculture.

WATER RESOURCES RECEIVED

NOV 13 2017

Water Resources Received

KS DEPT OF AGRICULTURE

MAR 13 2018

SCANNED

KS Dept Of Agriculture

SCANNED

File No. _____

Any use of water that is not as authorized by the water right or permit to authorize water before the chief engineer approves this application is a violation of the Kansas Water Appropriation Act for which criminal or civil penalties may be assessed. Such violation is a class C misdemeanor, punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. K.S.A. 82a-728(b). Civil penalties shall be not less than \$100 nor more than \$1,000 per violation. In the case of a continuing violation, each day such violation continues may be deemed a separate violation. In addition to these penalties the water right may be modified or suspended. K.S.A. 82a-737, as amended.

The application must be signed by all owners of the place of use authorized under the water right and his or her spouse, if married. Please indicate if there is no spouse. If land is being purchased under contract, the seller must sign as landowner until such time as the contract is completed.

In the event that all applicants cannot appear before one notary public, they may as necessary sign separate copies of the application before any notary public conveniently available to them. All copies signed in this manner shall be considered to be valid parts of the application.

If the request is signed on behalf of any Owner by someone with legal authority to do so (for example, an agent, one who has power of attorney, or an executor, executrix, conservator), it will be necessary to attach proper documents showing such authority.

I declare that I am an owner of the currently authorized place of use as identified herein, or that I represent all such owners and am authorized to make this application on their behalf, and declare further that the statements contained herein are true, correct, and complete. By filing this application I authorize the chief engineer to permanently reduce the quantity of water and/or rate of diversion as specified in sections 14 and 15 of this application.

Dated at Plains, Kansas, this 27 day of October, 2017.

Ron Eakes
(Owner)
Ron Eakes
(Please Print)

(Owner)

(Please Print)

(Owner)

(Please Print)

Widowed
(Spouse)

(Please Print)

(Spouse)

(Please Print)

(Spouse)

(Please Print)

State of Kansas }
County of MEADE } SS

A. TRESSA DE LA TORRE
Notary Public - State of Kansas
My Comm. Expires 7/7/20

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 27 day of October, 2017.

Tressa De La Torre
Notary Public.

My Commission Expires 7/7/20

FFF SCHEDULE

Each application to change the place of use, the point of diversion or the use made of the water under this section shall be accompanied by the application fee set forth in the schedule below:

- (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
- (4) Application to change the use made of the water \$300

Make check payable to Kansas Department of Agriculture.

WATER RESOURCES
RECEIVED

NOV 13 2017

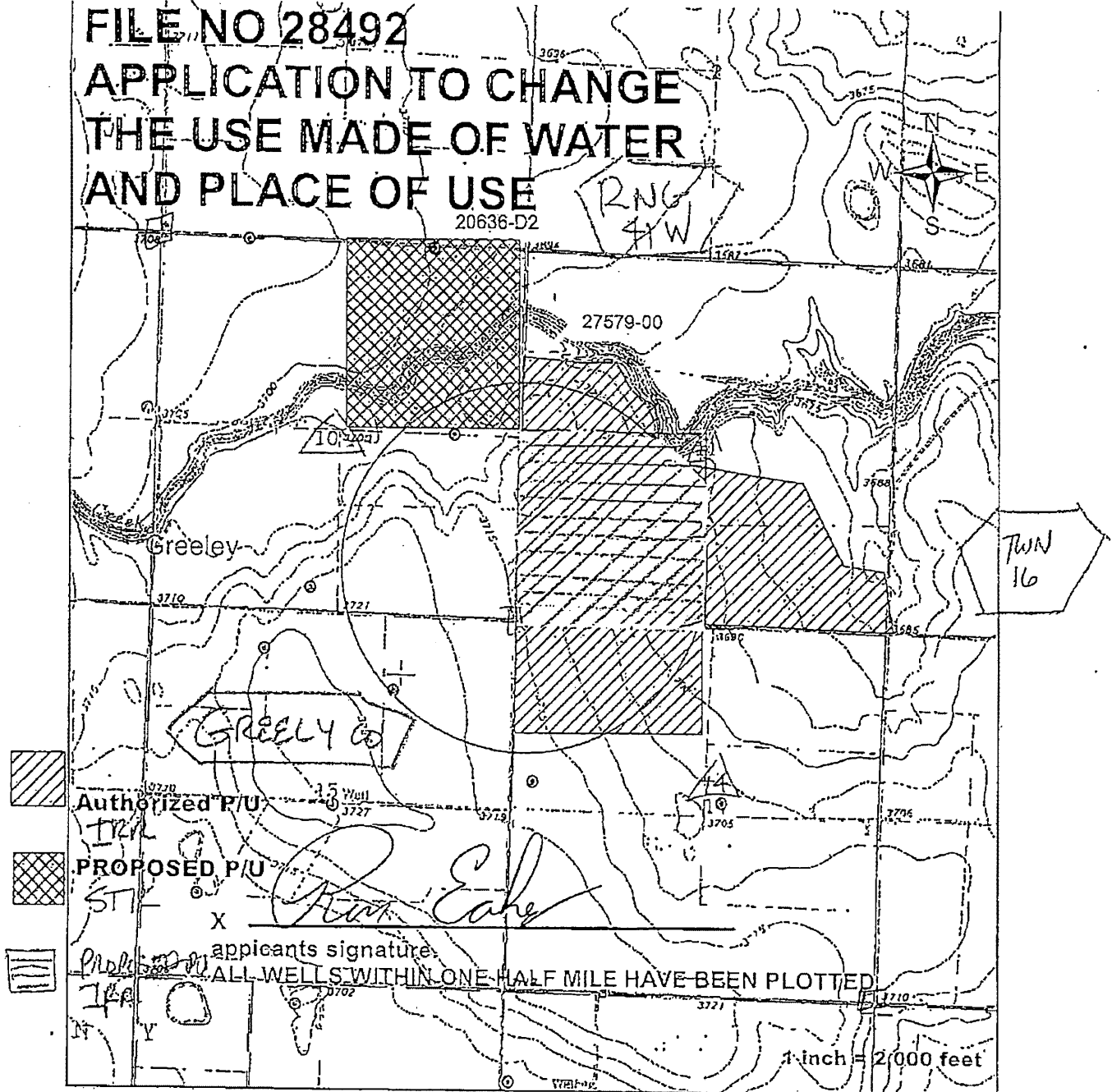
KS DEPT OF AGRICULTURE

SCANNED

FILE NO 28492
APPLICATION TO CHANGE
THE USE MADE OF WATER
AND PLACE OF USE

20636-D2

RNG
41W



RE
INITIAL

3-12-18
DATE

Water Resources
Received
MAR 13 2018

WATER RESOURCES
RECEIVED
NOV 13 2017
KS DEPT OF AGRICULTURE

KS Dept Of Agriculture

SCANNED
SCANNED

File No. 28492

Any use of water that is not as authorized by the water right or permit to authorize water before the chief engineer approves this application is a violation of the Kansas Water Appropriation Act for which criminal or civil penalties may be assessed. Such violation is a class C misdemeanor, punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. K.S.A. 82a-728(b). Civil penalties shall be not less than \$100 nor more than \$1,000 per violation. In the case of a continuing violation, each day such violation continues may be deemed a separate violation. In addition to these penalties the water right may be modified or suspended. K.S.A. 82a-737, as amended.

The application must be signed by all owners of the place of use authorized under the water right and his or her spouse, if married. Please indicate if there is no spouse. If land is being purchased under contract, the seller must sign as landowner until such time as the contract is completed.

In the event that all applicants cannot appear before one notary public, they may as necessary sign separate copies of the application before any notary public conveniently available to them. All copies signed in this manner shall be considered to be valid parts of the application.

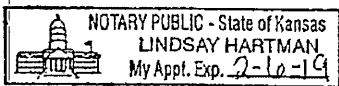
If the request is signed on behalf of any Owner by someone with legal authority to do so (for example, an agent, one who has power of attorney, or an executor, executrix, conservator), it will be necessary to attach proper documents showing such authority.

I declare that I am an owner of the currently authorized place of use as identified herein, or that I represent all such owners and am authorized to make this application on their behalf, and declare further that the statements contained herein are true, correct, and complete. By filing this application I authorize the chief engineer to permanently reduce the quantity of water and/or rate of diversion as specified in sections 14 and 15 of this application.

Dated at _____, Kansas, this _____ day of _____, 20_____.

<u>Ray P Smith</u> (Owner)	_____	(Spouse)
<u>Ray P Smith</u> (Please Print)	_____	(Please Print)
(Owner)	_____	(Spouse)
(Please Print)	_____	(Please Print)
(Owner)	_____	(Spouse)
(Please Print)	_____	(Please Print)

State of Kansas }
County of Wallace } SS



I hereby certify that the foregoing application was signed in my presence and sworn to before me this 19 day of October, 2017.

Lindsay Hartman
Notary Public

My Commission Expires 2-6-19

FEE SCHEDULE

Each application to change the place of use, the point of diversion or the use made of the water under this section shall be accompanied by the application fee set forth in the schedule below:

- (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
- (4) Application to change the use made of the water \$300

Make check payable to Kansas Department of Agriculture.

WATER RESOURCES RECEIVED RECEIVED
OCT 26 2017 OCT 24 2017

KS DEPT OF AGRICULTURE Division of Water Resources

SCANNED

KANSAS WARRANTY DEED

On this 15th day of November, 2017, Ray P. Smith, a single person, CONVEYS AND WARRANTS to Dairy Ventures I, LLC, a Kansas Limited Liability Company, all their right, title, interest and claim to the following real estate in Greeley County, Kansas:

A parcel of land located in the Southwest Quarter (SW/4) of Section Eleven (11), Township Sixteen (16) South, Range Forty-One (41) West of the 6th P.M., Greeley County, Kansas, more particularly described as follows:

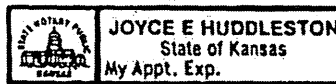
Beginning at the Southwest corner of Section Eleven (11), Township Sixteen (16) South, Range Forty-One (41) West, thence N01°12'03"W on the West line of the Southwest quarter for a distance of 2,640.57 feet to the West one-quarter corner of Section 11; thence N89°07'05"E on the North line of the Southwest quarter for a distance of 1,329.60 feet; thence S00°23'04"E for a distance of 28.26 feet to the beginning of a curve; thence Southeasterly and Southwesterly on a curve having a radius of 1,320.00 feet, a delta angle of 167°33'32", a chord bearing of S06°36'18"E, a chord distance of 2,624.46 feet, for an arc distance of 3,860.28 feet to a point on the South line of the Southwest quarter of Section 11; thence S89°05'07"W on said South line for a distance of 1,576.36 feet to the Point of Beginning, containing 142.151 acres of land, more or less.

Except that Grantor reserves all mineral interests in and to the above described property.

For the sum of Ten Dollars (\$10.00) and other valuable consideration, EXCEPT AND SUBJECT TO easements, reservations and restrictions of record, if any.

Ray P. Smith
RAY P. SMITH

STATE OF KANSAS)
COUNTY OF GREELEY) ss:



The forgoing instrument was acknowledged before me this 15th day of November, 2017, by Ray P. Smith, a single person.

Joyce E. Huddleston
Notary Public

Term Expires: 9-17-2018

Prepared by:
Bret F. Mangan, Atty at Law
Moser Law Office, P.A.
P.O. Box 429
Tribune, KS 67879

Entered in transfer record in my office this
15th day of November A.D. 2017
Donna R. Stebbins, Deputy
County Clerk

Reserved for Register of Deeds

Filed for record in the office of the Register of Deeds of Greeley County, State of Kansas on the 15 day of November, 2017 at 2:15 o'clock P.M., and duly recorded in Book 184 Page 151c.

Margan R. Myers, Deputy
Register of Deeds, Greeley County, Kansas

Water Resources
Received

MAR 13 2018

Submit To: CHIEF ENGINEER
 Division of Water Resources
 Kansas Department of Agriculture
 1320 Research Park Drive
 Manhattan, Kansas 66502
 http://agriculture.ks.gov/dwr

**APPLICATION FOR APPROVAL TO
 CHANGE THE PLACE OF USE, THE
 POINT OF DIVERSION OR THE USE
 MADE OF THE WATER UNDER AN
 EXISTING WATER RIGHT**



State of Kansas

*Filing Fee Must Accompany the Application
 (Please refer to Fee Schedule on signature page of application form.)*

Paragraph Nos. 1, 2, 3, 4 & 8 must be completed. Complete all other applicable portions. A topographic map or detailed plat showing the authorized and proposed points(s) of diversion and /or place of use must accompany this application.

1. Application is hereby made for approval of the Chief Engineer to change the
- * Place of Use
 - (Check one or more) * Point of Diversion
 - Use Made of Water
- * BAT/DWR
1-2-18

WATER RESOURCES
RECEIVED

NOV 13 2017

12:12
KS DEPT OF AGRICULTURE

File No. 28492

2. Name of applicant: DAIRY VENTURES

Address: 1187 ROAD B,

City, State and Zip: TRIBUNE KS 67879

Phone Number: (620) 629 5911 E-mail address: ron@jklcon.net

What is your relationship to the water right; owner tenant agent other? If other, please explain.

Name of water use correspondent: SAME

Address: _____

City, State and Zip: _____

Phone Number: () _____ E-mail address: _____

3. The change(s) proposed herein are desired for the following reasons (please be specific): _____

TO CHANGE THE PLACE OF USE AND USE MADE OF WATER TO STOCKWATER AND TO DAIRY FACILITY
REQUESTING DWEL USE FOR 6,000 HEAD. - RETAIN IRRIGATION
USE AS PERMITTED BY KAN S-5-9.

INITIAL The change(s) (was) (will be) completed by 2017 (Date)

DATE

For Office Use Only:							
F.O.	<u>Y</u>	GMD	<u>1</u>	Meets K.A.R. 5-5-1	(YES/NO)	Use	<u>IPP</u>
Code	<u>C-2</u>	Fee \$	<u>500</u>	TR.#		Source	<u>G/S</u>
		County	<u>GL</u>	By	<u>ADW</u>	Date	<u>11/13/17</u>
		Receipt Date	<u>11/13/17</u>	Check #	<u>18063</u>		

APPLICATION COMPLETE

_____/_____/_____
Reviewer _____

Assisted by: _____

SCANNED
11/15/17 ADW

4. The presently authorized place of use is:

Owner of Land — NAME: Ray Smith

ADDRESS: _____

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	
11	16	41W							34	10	35	40	40	40	5	27	40	34	305
14	16	41W									40	40							80

List any other water rights that cover this place of use. _____

Owner of Land — NAME: _____

ADDRESS: _____

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	

List any other water rights that cover this place of use. _____

(If there are more than two landowners, attach additional sheets as necessary.)

WATER RESOURCES RECEIVED

NOV 13 2017

5. It is proposed that the place of use be changed to:

Owner of Land — NAME: DAIRY VENTURES

KS DEPT OF AGRICULTURE

STK USE

ADDRESS: _____

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	
10	16	41W	STK	STK	STK	STK													

List any other water rights that cover this place of use. _____

Owner of Land — NAME: DAIRY VENTURES

IRR USE

ADDRESS: 1187 ROAD B TRIBUNE KS 67879

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	
10	16	41W									40	40							
11	16	41W							34	10	35	40	40	40					155

List any other water rights that cover this place of use. _____

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

DATE

INITIAL

SCANNED

4. The presently authorized place of use is:

Owner of Land — NAME: Ray Smith

ADDRESS: _____

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	
11	16	41W							34	10	35	40	40	40	5	27	40	34	305
14	16	41W									40	40							80

List any other water rights that cover this place of use. _____

Owner of Land — NAME: _____

ADDRESS: _____

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	

List any other water rights that cover this place of use. _____

(If there are more than two landowners, attach additional sheets as necessary.)

WATER RESOURCES RECEIVED

5. It is proposed that the place of use be changed to:

NOV 13 2017

Owner of Land — NAME: DAIRY VENTURES

ADDRESS: _____

KS DEPT OF AGRICULTURE

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	
10	16	41W	STK	STK	STK	STK													

List any other water rights that cover this place of use. _____

Owner of Land — NAME: RAY P SMITH

ADDRESS: 695 KANSAS 27 SHARON SPRINGS KS 67158-6029.

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	
11	16	41W									35	40	40	40					155

List any other water rights that cover this place of use. _____

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

OK Ron

SCANNED

- 6. The presently authorized point(s) of diversion (is) (are) ONE WELL
(Provide description and number of points)
- 7. The proposed point(s) of diversion (is) (are) NO CHANGE
(Provide description and number of points)

List all presently authorized point(s) of diversion:

8. **Presently authorized point of diversion:**
 One in the NW Quarter of the SW Quarter of the SW Quarter of Section 11, Township 1.6 South, Range 41 W, in GL County, Kansas, 869 feet North 5240 feet West of Southeast corner of section.
 Authorized Rate 1100 GPM Authorized Quantity 171 AF 148.8 AF DUAL USE
 (DWR use only: Computer ID No. 01 GPS _____ feet North _____ feet West)
 This point will not be changed This point will be changed as follows: METERED PER USE
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 _____, in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section.
 Proposed Rate _____ Proposed Quantity _____
 This point is: Additional Well Geo Center List other water rights that will use this point _____

9. **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 _____
 (DWR use only: Computer ID No. _____ 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 _____
 This point is: Additional Well Geo Center List other water rights that will use this point _____

10. **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 _____
 (DWR use only: Computer ID No. _____ 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 _____
 This point is: Additional Well Geo Center List other water rights that will use this point _____

11. Describe the current condition of and future plans for any point(s) of diversion which will no longer be used.

WATER RESOURCES RECEIVED

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

NOV 13 2017

DATE INITIAL

KS DEPT OF AGRICULTURE SCANNED

12. The presently authorized use of water is for IRR ~~+ Stock~~ purposes.

It is proposed that the use be changed to ~~40 Acres for Stock Water~~ STOCK IRR purposes.

148.897

13. If changing the place of use and/or use made of water, describe how the consumptive use will not be increased.

KAR 5-5-9 AS APPROVED AND REVISED ON SEPTEMBER 22 2017

AUTHORIZED QUANTITY WILL BE MODIFIED TO 171AF X 87.0% GL = 148.8AF
FOR STOCK WATERING - PU REDUCED TO 155 ACRES IN SW 1/4 11-16-41W

⊗ REQUEST 148.8 AF BE LIMITED WITH THIS APPROVAL FOR STOCK WATERING AUTHORIZATION. AFTER STOCK WATERING IS NO LONGER NEEDED

(Please show any calculations here.)

QUANTITY RETURNS TO 171AF - IRR USE ⊗ * 165AF * 125AF IRR - 40AF SK

14. It is requested that the maximum annual quantity of water be reduced to ~~125 (40,731,375)~~ (acre-feet or million gallons) ⊗ ABOVE

15. It is requested that the maximum rate of diversion of water be reduced to ~~40 Acre for Livestock 13,034,040~~ 55.72 mgd - N/A gallons per minute (= c.f.s.).

16. The application must include either a topographic map or detailed plat. A U.S. Geological Survey Topographic Map, scale 1:24,000, is available through the Kansas Geological Survey, 1930 Constant Avenue, University of Kansas, Lawrence, Kansas 66047-3726 (www.usgs.gov). The map should show the location of the presently authorized point(s) of diversion. Distances North and West of the Southeast corner of the section must be shown. The presently authorized place of use should also be shown. Identify the center of the section, the section lines and the section corners and show the appropriate section, township, and range numbers on the map. In addition the following information must also be shown on the map.

- a. If a change in the location of the point(s) of diversion is proposed, show:
 - 1) The location of the proposed point(s) of diversion. Distances North and West of the Southeast corner of the section must be shown. Please be certain that the information shown on the map agrees with the information shown in Paragraph Nos. 9, 10 and 11 of the application.
 - 2) If the source of supply is groundwater, please show the location of existing water wells of any kind, including domestic wells, within 1/2 mile of the proposed well or wells. Identify each well as to its use and furnish name and mailing address of the property owner or owners. If there are no wells within 1/2 mile, please indicate so on the map.
 - 3) If the source of supply is surface water, the names and mailing addresses of all landowner(s) 1/2 mile downstream and 1/2 mile upstream from your property lines must be shown.
- b. If a change in the place of use is desired, show the proposed place of use by crosshatching on the map. Please be certain that the information shown on the map agrees with the information shown in Paragraph No. 5 of the application.

17. Attach documentation to show the change(s) proposed herein will not impair existing water rights and relates to the same local source of supply as to which the water right relates. This information may include statements, plats, geology reports, well logs, test hole logs, and other information as necessary information to show the above. Additional comments may be made below.

no change is local source of supply

WATER RESOURCES RECEIVED

NOV 13 2017

KS DEPT OF AGRICULTURE

18. If the proposed change(s) does not meet all applicable rules and regulations of the Kansas Water Appropriation Act, please identify the rules and regulations for which you request a waiver. State the reason why a waiver is needed and why the request should be granted. Attach documentation showing that granting the request will not impair existing water rights and will not prejudicially and unreasonably affect the public interest.

REQUEST WAIVER OF KAR 5-21-7 AS PER GMD1 BOARD RESOLUTION ON SEPTEMBER 14, 2017

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

INITIAL DATE

XBAT/DWR 1-2-18
AS PER M. MEYER
SCANNED

Any use of water that is not as authorized by the water right or permit to authorize water before the chief engineer approves this application is a violation of the Kansas Water Appropriation Act for which criminal or civil penalties may be assessed. Such violation is a class C misdemeanor, punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. K.S.A. 82a-728(b). Civil penalties shall be not less than \$100 nor more than \$1,000 per violation. In the case of a continuing violation, each day such violation continues may be deemed a separate violation. In addition to these penalties the water right may be modified or suspended. K.S.A. 82a-737, as amended.

The application must be signed by all owners of the place of use authorized under the water right and his or her spouse, if married. Please indicate if there is no spouse. If land is being purchased under contract, the seller must sign as landowner until such time as the contract is completed.

In the event that all applicants cannot appear before one notary public, they may as necessary sign separate copies of the application before any notary public conveniently available to them. All copies signed in this manner shall be considered to be valid parts of the application.

If the request is signed on behalf of any Owner by someone with legal authority to do so (for example, an agent, one who has power of attorney, or an executor, executrix, conservator), it will be necessary to attach proper documents showing such authority.

I declare that I am an owner of the currently authorized place of use as identified herein, or that I represent all such owners and am authorized to make this application on their behalf, and declare further that the statements contained herein are true, correct, and complete. By filing this application I authorize the chief engineer to permanently reduce the quantity of water and/or rate of diversion as specified in sections 14 and 15 of this application.

Dated at _____, Kansas, this _____ day of _____, 20_____.

<u>Ray P Smith</u> (Owner)	_____	(Spouse)
<u>Ray P Smith</u> (Please Print)	_____	(Please Print)
_____	_____	(Spouse)
_____	_____	(Please Print)
_____	_____	(Spouse)
_____	_____	(Please Print)

State of Kansas }
County of Wallace } SS



I hereby certify that the foregoing application was signed in my presence and sworn to before me this 19 day of October, 2017.

Lindsay Hartman
Notary Public

My Commission Expires 2-6-19

FEE SCHEDULE

Each application to change the place of use, the point of diversion or the use made of the water under this section shall be accompanied by the application fee set forth in the schedule below:

- (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
- (4) Application to change the use made of the water \$300

Make check payable to Kansas Department of Agriculture.

WATER RESOURCES RECEIVED
 RECEIVED
 OCT 26 2017
 OCT 24 2017
 Garden City Field Office
 KS DEPT OF AGRICULTURE Division of Water Resources

SCANNED

Any use of water that is not as authorized by the water right or permit to authorize water before the chief engineer approves this application is a violation of the Kansas Water Appropriation Act for which criminal or civil penalties may be assessed. Such violation is a class C misdemeanor, punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. K.S.A. 82a-728(b). Civil penalties shall be not less than \$100 nor more than \$1,000 per violation. In the case of a continuing violation, each day such violation continues may be deemed a separate violation. In addition to these penalties the water right may be modified or suspended. K.S.A. 82a-737, as amended.

The application must be signed by all owners of the place of use authorized under the water right and his or her spouse, if married. Please indicate if there is no spouse. If land is being purchased under contract, the seller must sign as landowner until such time as the contract is completed.

In the event that all applicants cannot appear before one notary public, they may as necessary sign separate copies of the application before any notary public conveniently available to them. All copies signed in this manner shall be considered to be valid parts of the application.

If the request is signed on behalf of any Owner by someone with legal authority to do so (for example, an agent, one who has power of attorney, or an executor, executrix, conservator), it will be necessary to attach proper documents showing such authority.

I declare that I am an owner of the currently authorized place of use as identified herein, or that I represent all such owners and am authorized to make this application on their behalf, and declare further that the statements contained herein are true, correct, and complete. By filing this application I authorize the chief engineer to permanently reduce the quantity of water and/or rate of diversion as specified in sections 14 and 15 of this application.

Dated at Flying V - Sharon Springs, Kansas, this 9th day of Nov, 2017.

Ray P. Smith
(Owner)
Ray Smith
(Please Print)

(Spouse)
(Please Print)

Kevin Johnson
(Owner)
Kevin Johnson
(Please Print)

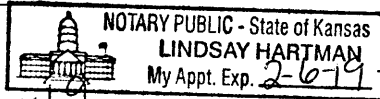
Jessica Johnson
(Spouse)
Jessica Johnson
(Please Print)

(Owner)
(Please Print)

(Spouse)
(Please Print)

State of Kansas }
County of Wallace } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 9th day of November, 2017.



Lindsay Hartman
Notary Public

My Commission Expires 2-6-19

FEE SCHEDULE

Each application to change the place of use, the point of diversion or the use made of the water under this section shall be accompanied by the application fee set forth in the schedule below:

- (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
- (4) Application to change the use made of the water \$300

Make check payable to Kansas Department of Agriculture.

**WATER RESOURCES
RECEIVED**

NOV 13 2017

KS DEPT OF AGRICULTURE

SCANNED

Any use of water that is not as authorized by the water right or permit to authorize water **before** the chief engineer approves this application is a violation of the Kansas Water Appropriation Act for which criminal or civil penalties may be assessed. Such violation is a class C misdemeanor, punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. K.S.A. 82a-728(b). Civil penalties shall be not less than \$100 nor more than \$1,000 per violation. In the case of a continuing violation, each day such violation continues may be deemed a separate violation. In addition to these penalties the water right may be modified or suspended. K.S.A. 82a-737, as amended.

The application must be signed by all owners of the place of use authorized under the water right and his or her spouse, if married. Please indicate if there is no spouse. If land is being purchased under contract, the seller must sign as landowner until such time as the contract is completed.

In the event that all applicants cannot appear before one notary public, they may as necessary sign separate copies of the application before any notary public conveniently available to them. All copies signed in this manner shall be considered to be valid parts of the application.

If the request is signed on behalf of any Owner by someone with legal authority to do so (for example, an agent, one who has power of attorney, or an executor, executrix, conservator), it will be necessary to attach proper documents showing such authority.

I declare that I am an owner of the currently authorized place of use as identified herein, or that I represent all such owners and am authorized to make this application on their behalf, and declare further that the statements contained herein are true, correct, and complete. By filing this application I authorize the chief engineer to permanently reduce the quantity of water and/or rate of diversion as specified in sections 14 and 15 of this application.

Dated at Plains, Kansas, this 27 day of October, 20 17.

Ron Eakes
(Owner)

Widowed
(Spouse)

Ron Eakes
(Please Print)

(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

State of Kansas }
County of MEADE } SS

TRESSA DE LA TORRE
Notary Public - State of Kansas
My Comm. Expires 7/7/20

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 27 day of October, 20 17.

Tressa De La Torre
Notary Public

My Commission Expires 7/7/20

FEE SCHEDULE

Each application to change the place of use, the point of diversion or the use made of the water under this section shall be accompanied by the application fee set forth in the schedule below:

- (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
- (4) Application to change the use made of the water \$300

Make check payable to Kansas Department of Agriculture.

**WATER RESOURCES
RECEIVED**

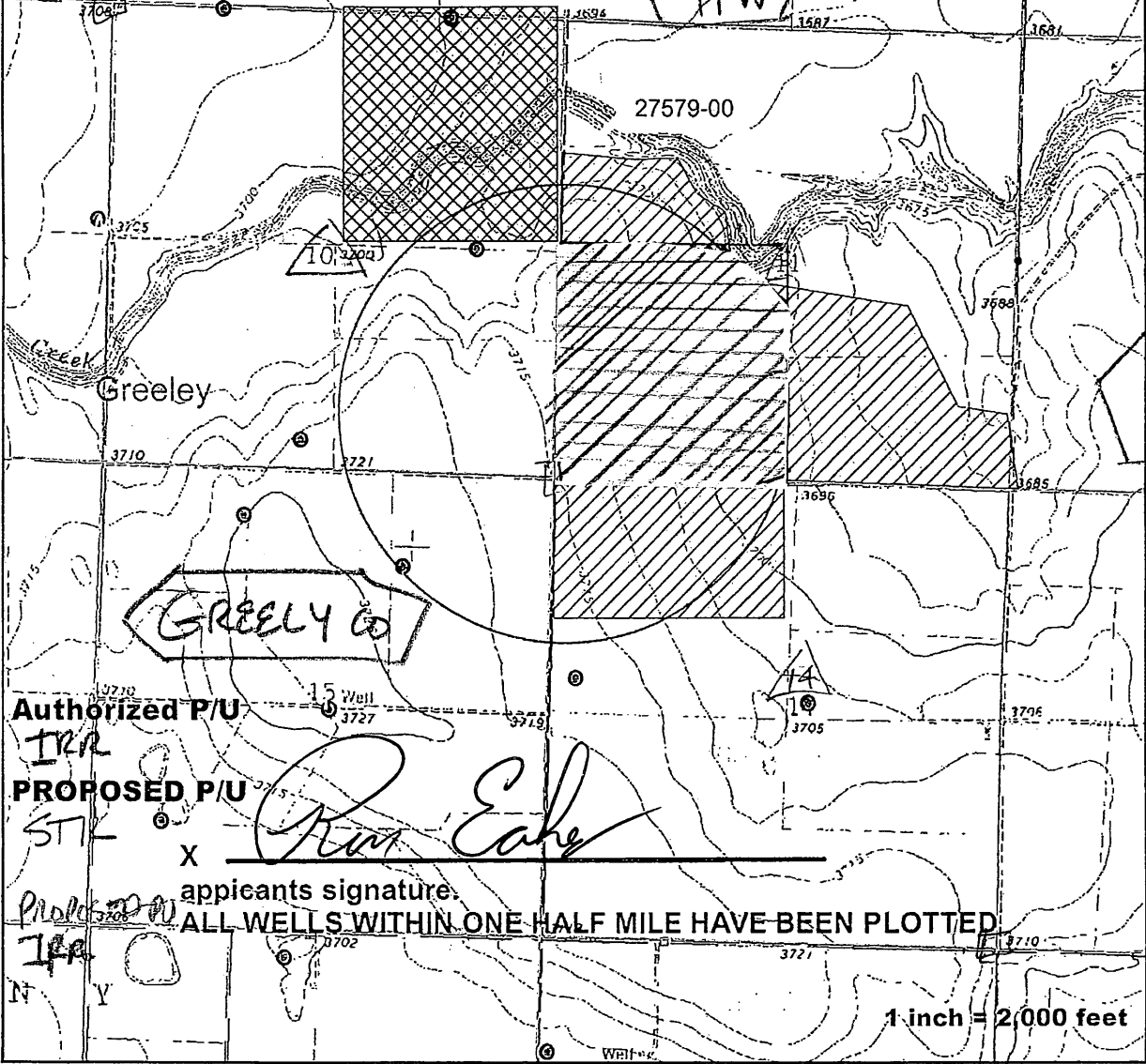
NOV 13 2017

KS DEPT OF AGRICULTURE

FILE NO 28492 APPLICATION TO CHANGE THE USE MADE OF WATER AND PLACE OF USE

20636-D2

RNG
41W



TWN
16

Greeley Co



Authorized P/U

IRA



PROPOSED P/U

STP

X

applicants signature.

ALL WELLS WITHIN ONE HALF MILE HAVE BEEN PLOTTED



Proposed P/U

IRA

N

Y

1-inch = 2,000 feet

INITIAL

DATE

WATER RESOURCES
RECEIVED

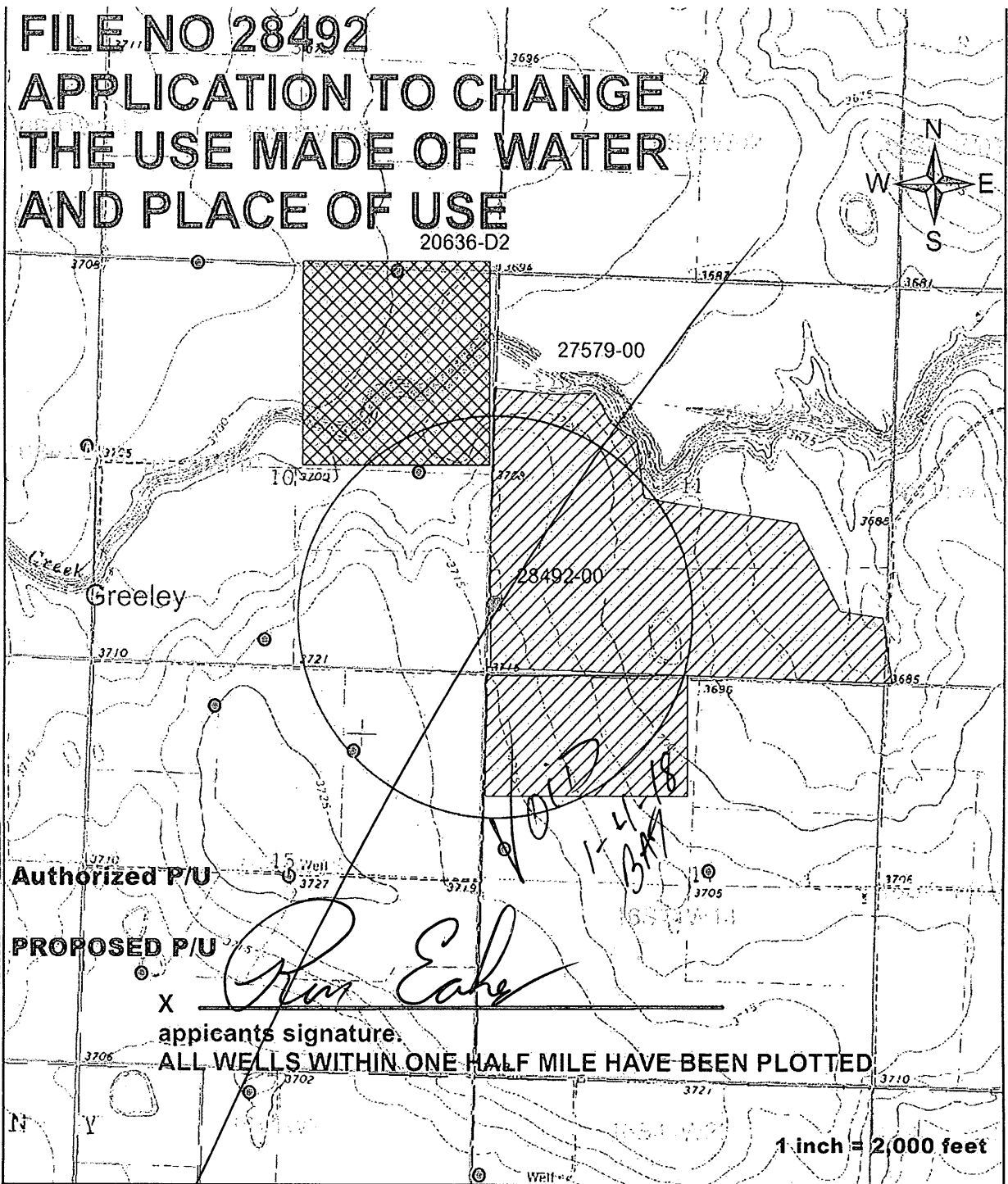
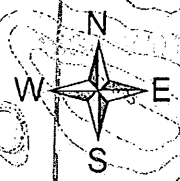
NOV 13 2017

KS DEPT OF AGRICULTURE

SCANNED

FILE NO 28492 APPLICATION TO CHANGE THE USE MADE OF WATER AND PLACE OF USE

20636-D2



Authorized P/U

PROPOSED P/U

X *R. E. Eak*
applicant's signature.

ALL WELLS WITHIN ONE HALF MILE HAVE BEEN PLOTTED

1 inch = 2,000 feet

WATER RESOURCES
RECEIVED

NOV 13 2017

KS DEPT OF AGRICULTURE

SCANNED

12. The presently authorized use of water is for IRR + Stock purposes.
It is proposed that the use be changed to 40 Acre FT for Stock Water purposes.

13. If changing the place of use and/or use made of water, describe how the consumptive use will not be increased.

KAR 5-5-9 AS APPROVED AND REVISED ON SEPTEMBER 22 2017

(Please show any calculations here.)

14. It is requested that the maximum annual quantity of water be reduced to 125 (40,731,375) (acre-feet or million gallons).
40 Acre for Livestock 13,034,040

15. It is requested that the maximum rate of diversion of water be reduced to -- gallons per minute (= c.f.s.).

16. The application must include either a topographic map or detailed plat. A U.S. Geological Survey Topographic Map, scale 1:24,000, is available through the Kansas Geological Survey, 1930 Constant Avenue, University of Kansas, Lawrence, Kansas 66047-3726 (www.usgs.gov). The map should show the location of the presently authorized point(s) of diversion. Distances North and West of the Southeast corner of the section must be shown. The presently authorized place of use should also be shown. Identify the center of the section, the section lines and the section corners and show the appropriate section, township, and range numbers on the map. In addition the following information must also be shown on the map.

- a. If a change in the location of the point(s) of diversion is proposed, show:
 - 1) The location of the proposed point(s) of diversion. Distances North and West of the Southeast corner of the section must be shown. Please be certain that the information shown on the map agrees with the information shown in Paragraph Nos. 9, 10 and 11 of the application.
 - 2) If the source of supply is groundwater, please show the location of existing water wells of any kind, including domestic wells, within 1/2 mile of the proposed well or wells. Identify each well as to its use and furnish name and mailing address of the property owner or owners. If there are no wells within 1/2 mile, please indicate so on the map.
 - 3) If the source of supply is surface water, the names and mailing addresses of all landowner(s) 1/2 mile downstream and 1/2 mile upstream from your property lines must be shown.
- b. If a change in the place of use is desired, show the proposed place of use by crosshatching on the map. Please be certain that the information shown on the map agrees with the information shown in Paragraph No. 5 of the application.

17. Attach documentation to show the change(s) proposed herein will not impair existing water rights and relates to the same local source of supply as to which the water right relates. This information may include statements, plats, geology reports, well logs, test hole logs, and other information as necessary information to show the above. Additional comments may be made below.

no change is local source of supply

WATER RESOURCES
RECEIVED

NOV 13 2017

KS DEPT OF AGRICULTURE

18. If the proposed change(s) does not meet all applicable rules and regulations of the Kansas Water Appropriation Act, please identify the rules and regulations for which you request a waiver. State the reason why a waiver is needed and why the request should be granted. Attach documentation showing that granting the request will not impair existing water rights and will not prejudicially and unreasonably affect the public interest.

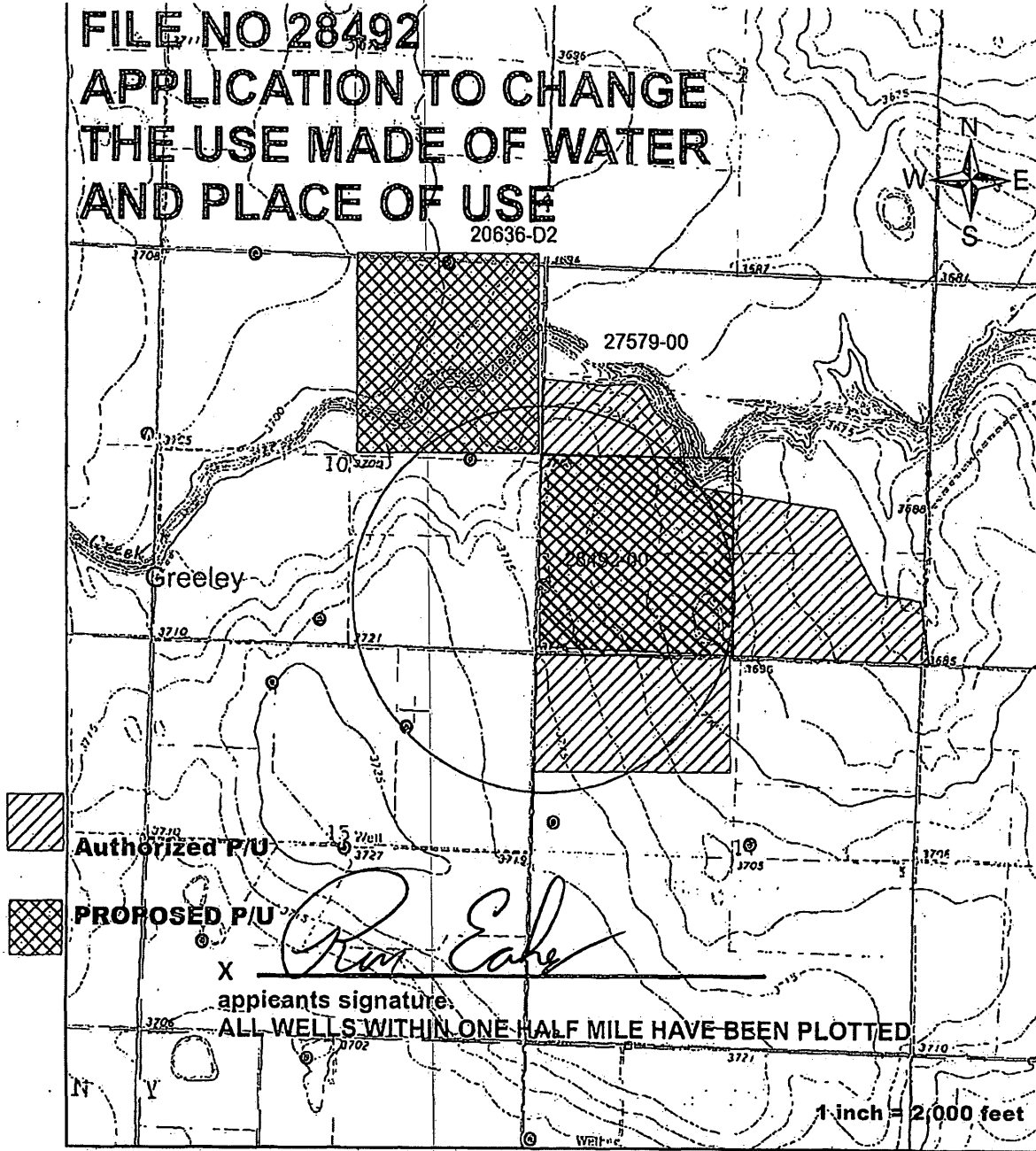
REQUEST WAIVER OF KAR 5-21-7 AS PER GMD1 BOARD RESOLUTION ON SEPTEMBER 14, 2017

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

OK Ron
XBAT/DWR 1-2-18
AS PER M. MEYER
SCANNED

FILE NO 28492
APPLICATION TO CHANGE
THE USE MADE OF WATER
AND PLACE OF USE

20636-D2



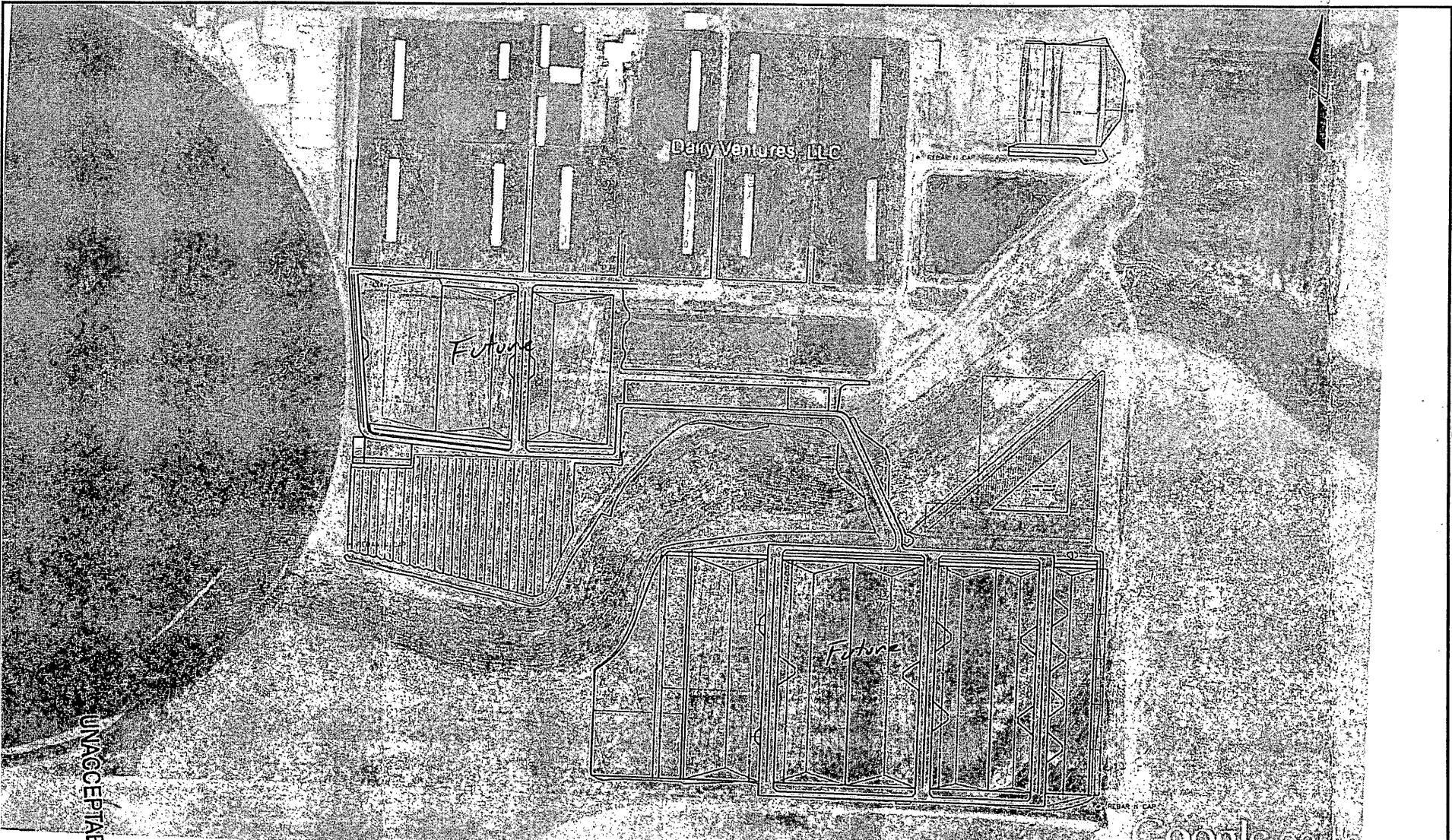
OK Ron

WATER RESOURCES
RECEIVED

NOV 13 2017

KS DEPT OF AGRICULTURE

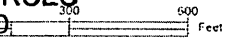
SCANNED



SCANNED

WATER RESOURCES RECEIVED

WATER RESOURCES RECEIVED



REVISIONS		
NO.	DESCRIPTION	DATE
8	Describe, Fixing Point Mark Cow Feed Line	09-29-16
10	Plan sheet revisions	09-29-16
11	Mid Cow Feed Fixed bar, Manure Enclosure, Construction	09-19-16

WYNNE CONTRACTING
 EARTHWORK DESIGN SERVICES
 GARRETT WYNNE
 819 1/2 ST AVENUE
 BAYARD, NE 68334
 WWW.WYNNECONTRACTING.COM

DRAWN BY	GLVY
REVISION	11
SCALE	1" = 150'

SHEET TITLE:	Overall Grading Plan	DATE:	09-15-16
PROJECT & LOCATION:	Dairy Ventures Ltd B Tribune, KS 67879	SHEET:	02
OWNER INFORMATION:	Dairy Ventures, LLC	OF:	11

UNACCEPTABLE FOR PRIORITY

KS DEPT OF AGRICULTURE

KS DEPT OF AGRICULTURE

NOV 13 2017

2:\Photos\Myrnie Co... 09-19-2017 09:11:00

9/15/2016 11:38:21 AM

Ireland, Leslie [KDA]

From: Meyer, Mike [KDA]
Sent: Tuesday, March 20, 2018 3:09 PM
To: Ireland, Leslie [KDA]
Subject: Re: Water Right File No. 28492 Change in UMW & PU

Approve asap with no changes on recommendation from gmd1

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

From: "Ireland, Leslie [KDA]" <Leslie.Ireland@ks.gov>
Date: 3/13/18 10:32 AM (GMT-06:00)
To: "Meyer, Mike [KDA]" <Mike.Meyer@ks.gov>
Subject: FW: Water Right File No. 28492 Change in UMW & PU

Mike,

Updated change submitted. I'll start working on summary memo etc this afternoon. If it turns out I need to resubmit to GMD let me know.. Brent said the notifications that were done are OK for the modification.

Leslie

From: Ron Eakes [mailto:ron@jklcon.net]
Sent: Monday, March 12, 2018 3:00 PM
To: Ireland, Leslie [KDA] <Leslie.Ireland@ks.gov>
Cc: Meyer, Mike [KDA] <Mike.Meyer@ks.gov>
Subject: RE: Water Right File No. 28492 Change in UMW & PU

Leslie
Following is the warranty deed, and the initialed pages.

Thank you
Ron

From: Ireland, Leslie [KDA] [mailto:Leslie.Ireland@ks.gov]
Sent: Friday, March 09, 2018 9:57 AM
To: ron@jklcon.net
Cc: Meyer, Mike [KDA]
Subject: Water Right File No. 28492 Change in UMW & PU

Ron,

The attached revisions to your change application are being set to you at the request of Mike Meyer. We believe the modifications to the application reflect your proposed change. Please review said modifications and initial and date each page (except signature pages).

My review of the file didn't find a deed to show the transfer to you as owner. Please provide us with a copy of the recorded KS warrantee deed.

Your updated application and deed may be emailed to me for processing.

Please don't hesitate to contact me should you have any questions or if the application has something amiss. It looks like I'll be processing the application from here.

Leslie Ireland, Environmental Scientist II
Kansas Department of Agriculture
Division of Water Resources - Change Unit
(785) 564-6633
Leslie.Ireland@ks.gov
www.agriculture.ks.gov

AGRICULTURA PER ASPERA
Kansas
Department of Agriculture
Division of Water Resources

109 SW 9th Street, 2nd Floor
Topeka, Kansas 66612-1283

phone: (785) 296-3717
fax: (785) 296-1176
www.ksda.gov/dwr

Dale A. Rodman, Secretary
David W. Barfield, Chief Engineer

Sam Brownback, Governor

January 16, 2018

WESTERN KANSAS GROUNDWATER
MANAGEMENT DISTRICT NO 1
906 W 5TH
SCOTT CITY KS 67871

FILE COPY

Re: Water Right
File No. 28,492

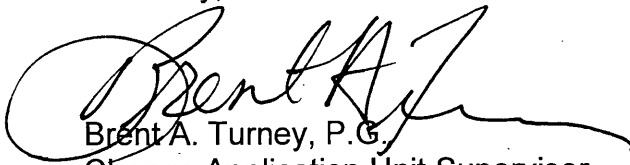
Dear Sir or Madam:

We are enclosing a copy of the application referred to above, received in the office of the Chief Engineer November 13, 2017, which appears to be in proper form.

We are delaying any further action for a period of 15 days from the date of this letter to allow you time to submit your recommendations concerning this application.

Please submit your recommendation within the allotted time, or any authorized extension of time thereof. If you have any questions, please contact me at (785) 296-4617. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,


Brent A. Turney, P.G.
Change Application Unit Supervisor
Water Appropriation Program

BAT
Enclosures

pc: Garden City Field Office

SCANNED

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

January 16, 2018

LHS GOODLAND FARM LLC
BRIAN UKEN
1291 US HWY 258 N
KINSTON NC 28504

COPY

RE: Water Right, File No. 28,492

Dear Mr. Uken:

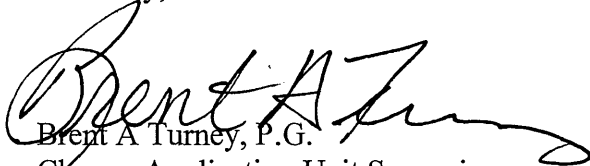
This is to advise you that Ray Smith has filed an application for approval of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, to change the authorized place of use and use made of Water under the above referenced file number.

The change is proposing to decrease the place of use for irrigation and authorize a feedlot in the Northeast Quarter of Section 10, Township 16 South, Range 41 West, Greeley County, Kansas.

Effective July 1, 2016, K.S.A. 82a-1906 enacted by the Legislature of the State of Kansas requires the Division of Water Resources to notify all water right owners with a point of diversion within half a mile of a water right pending a request to change the water right. In order to comply with the statute, you are being notified of the above referenced application for change.

If you have any questions, please contact me at (785) 564-6645. If you call, please reference the file number so we can help you more efficiently.

Sincerely,


Brent A. Turney, P.G.
Change Application Unit Supervisor
Water Appropriation Program

pc: Garden City Field Office
GMD No. 4

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

January 16, 2018

LHS GOODLAND FARM LLC
BRIAN UKEN
1291 US HWY 258 N
KINSTON NC 28504

COPY

RE: Water Right, File No. 28,492

Dear Mr. Uken:

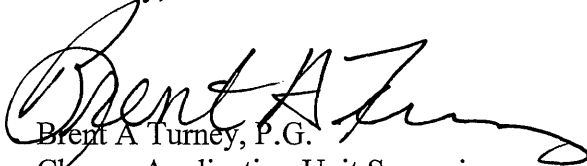
This is to advise you that Ray Smith has filed an application for approval of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, to change the authorized place of use and use made of Water under the above referenced file number.

The change is proposing to decrease the place of use for irrigation and authorize a feedlot in the Northeast Quarter of Section 10, Township 16 South, Range 41 West, Greeley County, Kansas.

Effective July 1, 2016, K.S.A. 82a-1906 enacted by the Legislature of the State of Kansas requires the Division of Water Resources to notify all water right owners with a point of diversion within half a mile of a water right pending a request to change the water right. In order to comply with the statute, you are being notified of the above referenced application for change.

If you have any questions, please contact me at (785) 564-6645. If you call, please reference the file number so we can help you more efficiently.

Sincerely,


Brent A. Turney, P.G.
Change Application Unit Supervisor
Water Appropriation Program

pc: Garden City Field Office
GMD No. 4

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

January 16, 2018

ALBERT L LOBMEYER
1108 W COUNTY ROAD G
LEOTI KS 67861-6147

FILE COPY

RE: Water Right, File No. 28,492

Dear Mr. Lobmeyer:

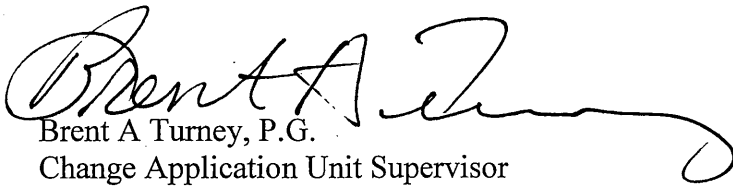
This is to advise you that Ray Smith has filed an application for approval of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, to change the authorized place of use and use made of Water under the above referenced file number.

The change is proposing to decrease the place of use for irrigation and authorize a feedlot in the Northeast Quarter of Section 10, Township 16 South, Range 41 West, Greeley County, Kansas.

Effective July 1, 2016, K.S.A. 82a-1906 enacted by the Legislature of the State of Kansas requires the Division of Water Resources to notify all water right owners with a point of diversion within half a mile of a water right pending a request to change the water right. In order to comply with the statute, you are being notified of the above referenced application for change.

If you have any questions, please contact me at (785) 564-6645. If you call, please reference the file number so we can help you more efficiently.

Sincerely,


Brent A Turney, P.G.
Change Application Unit Supervisor
Water Appropriation Program

pc: Garden City Field Office
GMD No. 4

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

January 16, 2018

FILE COPY

ALBERT L LOBMEYER
1108 W COUNTY ROAD G
LEOTI KS 67861-6147

RE: Water Right, File No. 28,492

Dear Mr. Lobmeyer:

This is to advise you that Ray Smith has filed an application for approval of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, to change the authorized place of use and use made of Water under the above referenced file number.

The change is proposing to decrease the place of use for irrigation and authorize a feedlot in the Northeast Quarter of Section 10, Township 16 South, Range 41 West, Greeley County, Kansas.

Effective July 1, 2016, K.S.A. 82a-1906 enacted by the Legislature of the State of Kansas requires the Division of Water Resources to notify all water right owners with a point of diversion within half a mile of a water right pending a request to change the water right. In order to comply with the statute, you are being notified of the above referenced application for change.

If you have any questions, please contact me at (785) 564-6645. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

A handwritten signature in black ink that reads "Brent A. Turney". The signature is fluid and cursive, with a long horizontal stroke at the end.

Brent A Turney, P.G.
Change Application Unit Supervisor
Water Appropriation Program

pc: Garden City Field Office
GMD No. 4

Ron Eakes

From: Meyer, Mike <Mike.Meyer@ks.gov>
Sent: Friday, September 22, 2017 10:17 AM
To: Ron Eakes
Subject: RE: stock water permit
Attachments: 20170922100755356.pdf

WATER RESOURCES
RECEIVED

NOV 13 2017

Follow Up Flag: Follow up
Flag Status: Flagged

KS DEPT OF AGRICULTURE

Ron attached is the application, map, supplemental sheet. please review
Please complete the supplemental sheet to document current and project use/needs to justify the quantity that is being proposed

A total of \$500 is required to process this application. You can make a check out to Kansas Department of Agriculture
If you agree with the application and all contents please sign the map and indicate also any other water wells within one half mile of the irrigation well.

Then have the current landowner sign the application in the presence of a notary, attach copy of contract/deed. Ray will need to sign if you do not officially own this water right yet.

Send all contents and check to the address located in the top left hand corner of the application.

Let me know if you need anything else

What is your time frame of needing to pipe water?

thanks

Michael A. Meyer, L.G.
Water Commissioner
Kansas Department of Agriculture
Division of Water Resources
Garden City Field Office
(620)-276-2901
My email has changed: mike.meyer@ks.gov
<http://agriculture.ks.gov>

From: Ron Eakes [<mailto:ron@jklcon.net>]
Sent: Wednesday, September 20, 2017 5:25 PM
To: Meyer, Mike <Mike.Meyer@ks.gov>
Subject: stock water permit

Good Morning Mike

I have a signed contract on the property near the dairy, 11- 16-41. Water right # 28492

Can you Email the application to apply for stock water from this diversion point.

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

October 19, 2017

**WATER RESOURCES
RECEIVED**

NOV 13 2017

KS DEPT OF AGRICULTURE

DAIRY VENTURES
1187 ROAD B
TRIBUNE KS 67879

Re: Unacceptable Application

Dear Sir or Madam:

Returned herewith is your Application for Approval to Change the Place of Use, the Point of Diversion or the Use Made of Water Under an Existing Water Right received by the Division of Water Resources on October 19, 2017 with Check No. 539 in the amount of \$300. This application is not acceptable for filing in its present form.

The required fee as stated on the enclosed fee schedule OR as stated on the bottom of the signature page of the application was incorrect. Therefore, we find it necessary to return the application to you. Upon submitting the application to this office with the required fee, it will be further examined and processed. Based on the information received, \$500 is needed for the filing fee.

In order to be acceptable for filing, change applications shall be signed by at least one owner of the water right, or a duly authorized agent of an owner. Prior to approval, change applications shall be signed by all of the water right owners, including their spouses, or a duly authorized agent of the owners of the right. Records in this office indicate that the landowner of the place of use for File No. 28,492 is Ray P Smith. If the property is held by a different party, please provide documentation in the form of a copy of the recorded deed. A blank signature page has been included for your convenience. Please be reminded that all signatures must be notarized, and photocopies or fax signatures are not acceptable.

Upon return of the acceptable application with required original signatures and information, it will be assigned a priority based upon the date and time it is received in the office of the Chief Engineer. If you have any questions, please contact me at (785) 564-6631 or alex.whitesell@ks.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Alex Whitesell".

Alex Whitesell
Environmental Scientist
Water Appropriation Program

enclosure

**STOCKWATER USE
SUPPLEMENTAL SHEET**

File No. 28492-

**WATER RESOURCES
RECEIVED**

NOV 15 2017

KS DEPT OF AGRICULTURE

Name of Applicant (Please Print): Dairy Ventures

1. Please indicate type of livestock (cattle, hogs, etc.): Dairy Cattle

2. Please complete the following table showing past and present water requirements:

PAST NUMBER OF HEAD AND WATER DIVERTED, IF APPLICABLE

LAST 5 YEARS	NUMBER OF HEAD	WATER DIVERTED (GALLONS)	GALLONS PER HEAD PER DAY
5 years ago	1449	25,265,000	47.7
Last year	2415	41,000,000	46.5
Present Year	2650	43,500,000	45.0

3. Please complete the following table showing estimated future water requirements:

ESTIMATED FUTURE NUMBER OF HEAD AND WATER DIVERTED

NEXT 5 YEARS	NUMBER OF HEAD	WATER TO BE DIVERTED (GALLONS)	GALLONS PER HEAD PER DAY
Year 1	3,500	53,000,000	41.5
Year 2	4,500	56,000,000	34
Year 3	6,000	61,000,000	27.8
Year 4	6,000	61,000,000	27.8
Year 5	6,000	61,000,000	27.8

Please attach any additional information, tables, or curves showing past, present and estimated future water requirements to substantiate the amount of water requested.

4. Please designate the legal description of the location where the water is to be used. Show in the space provided below the Section (S), Township (T), and Range (R), and the number of acres in each forty acre tract or fractional portion thereof.

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10	16	41	X	X	X	X													
			40	40	40	40													

5. Show quantities of water used and all associated water uses at the feedlot such as water used in feed mills, cooling of animals, washing, flushing of wastes, etc.:

DRINKING

3000 head of Milk Cows x 35 gallons/head (avg.) x 365 days = 33 Million gallons
3000 head of Heifers x 10 gallons/head (avg.) x 365 days = 11 Million gallons
 _____ head of _____ x _____ gallons/head (avg.) x _____ days = _____ gallons

COOLING

_____ gallons/hour x _____ hour/day x _____ days = _____ gallons

SANITATION

18.5 g.p.m. x 60 min/hr x 154 hr/wk x 52 wks/yr = 9,723,600 gallons

OTHER USE (Explain) _____ = _____ gallons

TOTAL 54,000,000 gallons

6. Show location of present and future location of confinement pens on your attached maps or photographs.

7. Total feed bunk space for cattle or livestock is 11,575 linear feet.

8. Total size of stock pens for confinement area of cattle, hogs, etc. is 2,417,500 square feet.

You may attach any additional information you believe will assist in informing the Division of Water Resources of the need for your request.

**WATER RESOURCES
RECEIVED**

NOV 13 2017

KS DEPT OF AGRICULTURE

Water Resources
Received

MAR 12 2018

KS Dept Of Agriculture

WATER RIGHT
FILE NO.
28492

KANSAS WARRANTY DEED

On this 15th day of November, 2017, Ray P. Smith, a single person, CONVEYS AND WARRANTS to Dairy Ventures I, LLC, a Kansas Limited Liability Company, all their right, title, interest and claim to the following real estate in Greeley County, Kansas:

A parcel of land located in the Southwest Quarter (SW/4) of Section Eleven (11), Township Sixteen (16) South, Range Forty-One (41) West of the 6th P.M., Greeley County, Kansas, more particularly described as follows:

Beginning at the Southwest corner of Section Eleven (11), Township Sixteen (16) South, Range Forty-One (41) West, thence N01°12'03"W on the West line of the Southwest quarter for a distance of 2,640.57 feet to the West one-quarter corner of Section 11; thence N89°07'05"E on the North line of the Southwest quarter for a distance of 1,329.60 feet; thence S00°23'04"E for a distance of 28.26 feet to the beginning of a curve; thence Southeasterly and Southwesterly on a curve having a radius of 1,320.00 feet, a delta angle of 167°33'32", a chord bearing of S06°36'18"E, a chord distance of 2,624.46 feet, for an arc distance of 3,860.28 feet to a point on the South line of the Southwest quarter of Section 11; thence S89°05'07"W on said South line for a distance of 1,576.36 feet to the Point of Beginning, containing 142.151 acres of land, more or less.

Except that Grantor reserves all mineral interests in and to the above described property.

For the sum of Ten Dollars (\$10.00) and other valuable consideration, EXCEPT AND SUBJECT TO easements, reservations and restrictions of record, if any.

Ray P. Smith
RAY P. SMITH

STATE OF KANSAS)
COUNTY OF GREELEY) ss:



The forgoing instrument was acknowledged before me this 15th day of November, 2017, by Ray P. Smith, a single person.

Joyce E. Huddleston
Notary Public

Term Expires: 9-17-2018

Prepared by:
Bret F. Mangan, Atty at Law
Moser Law Office, P.A.
P.O. Box 429
Tribune, KS 67879

Entered in transfer record in my office this
15th day of November, A.D. 2017
Dorothy K. Stroh, Deputy
County Clerk

Reserved for Register of Deeds

Filed for record in the office of the Register of Deeds of Greeley County, State of Kansas on the 15 day of November, 2017 at 2:15 o'clock P.M., and duly recorded in Book 184 Page 157e.

Margan R. Myers, Deputy
Register of Deeds, Greeley County, Kansas

SCANNED

156

General Information %u20E3%u20E/%u20E16%u20E/%u20E2018%u20E
%u20E8%u20E:%u20E22%u20E:%u20E25%u20E %u20EAM

Subject Property: 0360311100000001000

QuickRef ID : R212 [Click here to locate on Map](#)
Owner Name : SMITH, RAY P No property photo available
Location : 00000 COUNTY RD, Tribune, KS 67879.
Legal Desc : S11, T16, R41W, ACRES 497.85, ALL SEC LESS GREATER PT SW4.

The legal description displayed above is not adequate for use in legal documents

Owner Information

Owner :

SMITH, RAY P

Mailing Address :

695 KS HWY 27 SHARON SPRINGS, KS
67758

Property Details

Property Type :	Property Status :	Taxing Unit :	Neighborhood Code :
Agricultural Use	Active	TRIBUNE TWP	031

Market Land Details

Actual Width :	Eff Width :	Eff Depth :	Acres :	Square Feet :
----------------	-------------	-------------	---------	---------------

Permit Details

Number :	Date :	Amount :	Purpose :
A 28492		\$0	T 20127500 MF

Value Details

Current Final Value (Agricultural) :	Year :	2017
	Land :	\$99,080
	Building :	\$0
	Total :	\$99,080

Deed Book/Page

Book / Page List and Misc Legal Description Info :

Book/Page 149 /146 60 /321

Book :	Page :
184xxx	156

No Sale Details found. (Please log in to view this data.)

General Information %u20E3%u20E/%u20E16%u20E/%u20E2018%u20E %u20E8%u20E:%u20E19%u20E:%u20E34%u20E %u20EAM

Subject Property: 0360361400000002000

QuickRef ID : R250

[Click here to locate on Map](#)

Owner Name : CIRCLE R FARMS INC

No property photo available

Location : 00000, Tribune, KS 67879.

Legal Desc : S14 , T16 , R41W , ACRES 158.0 , NW/4 LESS CO RD ROW'S.

The legal description displayed above is not adequate for use in legal documents

Owner Information

Owner :

Mailing Address :

CIRCLE R FARMS INC

BOX 542016 OMAHA, NE 68154

Property Details

Property Type :

Property Status :

Taxing Unit :

Neighborhood Code :

Agricultural Use

Active

TRIBUNE TWP

031

Market Land Details

Actual Width :

Eff Width :

Eff Depth :

Acres :

Square Feet :

No Permit Details found.

Value Details

Current Final Value (Agricultural) :

Year : 2017

Land : \$17,040

Building : \$0

Total : \$17,040

Deed Book/Page

Book / Page List and Misc Legal Description Info :

Book/Page 66 /319

No Sale Details found. (Please log in to view this data.)



WESTERN KANSAS GROUNDWATER MANAGEMENT DISTRICT NO.1

February 14, 2018

Brent A. Turney, P. G.
Change Application Unit Supervisor
Water Appropriation Program
1320 Research Park Drive
Manhattan, KS 66502

Water Resources
Received

FEB 20 2018

Re: Water Right
File No. 28492

KS Dept Of Agriculture

Dear Mr. Turney:

At the February 13, 2018 board meeting the Western Ks Groundwater Management District No 1 Board of Directors reviewed the above application. The Board voted unanimously to waive K.A.R. 5-21-7 and recommends approval.

Sincerely,

Kyle Spencer
District Manager

ks/vr



WESTERN KANSAS GROUNDWATER MANAGEMENT DISTRICT NO.1

January 23, 2018

WATER RESOURCES
RECEIVED

JAN 26 2018

Brent A Turney, P. G.
Change Application Unit Supervisor
Water Appropriation Program
1320 Research Park Drive
Manhattan, KS 66502

KS DEPT OF AGRICULTURE

Re: Water Right
File No. 28492

Dear Mr. Turney:

The next meeting scheduled for the Western Ks Groundwater Management District 1's board is scheduled for February 13th, 2018. We are requesting an extension on the above application until after this date.

Sincerely,

Kyle Spencer
District Manager

Ks/vr



WESTERN KANSAS GROUNDWATER MANAGEMENT DISTRICT NO.1

September 14, 2017

David E. Barfield, Chief Engineer
KS Dept of Agriculture
1320 Research Park Drive
Manhattan, KS 66502

RE: K.A.R. 5-21-7

Dear Sir:

At the September 14th, 2017 Western Ks Groundwater Management District No 1 Board of Directors meeting, the Board voted unanimously to revoke District Regulation K.A.R. 5-21-7 as of this date.

Sincerely,

Kyle Spencer
District Manager

ks/vr



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

DAIRY VENTURES 11/15/17
1187 ROAD B
TRIBUNE, KS 67879

FILE COPY

RE: File No 28492

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:

- place of use PU/UMW
- 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 Tournay, L.G.
Change Applications Unit Supervisor
Water Appropriation Program

BAT: DLW
pc: GARDEN CITY Field Office GMD1