

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

1. File Number: 34554	2. Status Change Date: <u>7/18/18</u>	3. Change Num: C4	4. Field Office: 04	5. GMD: 03
6. Status: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied by DWR/GMD <input type="checkbox"/> Dismiss by Request/Failure to Return				7. Filing Date of Change: 7/3/18
8a. Applicant(s) New to system <input type="checkbox"/> CATTLE EMPIRE LLC ROY N BROWN 1174 EMPIRE CIR SATANTA KS 67870-9600		Person ID <u>2662</u> Add Seq# _____		
8b. Landowner(s) New to system <input type="checkbox"/> CATTLE EMPIRE LLC ROY N BROWN 1174 EMPIRE CIR SATANTA KS 67870-9600		Person ID <u>2662</u> Add Seq# _____		
8c. Landowner(s) New to system <input type="checkbox"/>		Person ID _____ Add Seq# _____		
8d. WUC New to system <input type="checkbox"/> CATTLE EMPIRE LLC ROY N BROWN 1174 EMPIRE CIR SATANTA KS 67870-9600		Person ID <u>2662</u> Add Seq# _____		
9. Documents and Enclosure(s): <input checked="" type="checkbox"/> DWR Meter(s) Date to Comply: <u>12/31/18</u> <input checked="" type="checkbox"/> N & P Date to Comply: <u>12/31/18</u>				
<input type="checkbox"/> Anti-Reverse Meter <input type="checkbox"/> Meter Seal <input type="checkbox"/> Check Valve <input type="checkbox"/> N & P Form <input type="checkbox"/> Water Tube <input type="checkbox"/> Driller Copy <input type="checkbox"/> H & E Letter <input type="checkbox"/> Conservation Plan Date Required: _____ Date Approved: _____ Date to Comply: _____				
10. Use Made of Water From: _____ To: _____				
Date Prepared: 7/12/18				By: TPM
Date Entered: _____				By: _____

File No. **34554** 11. County: **HS** Basin: **cimarron** Stream: _____ Formation Code: **211/331** Special Use: _____

12. Points of Diversion

CHK MOD DEL ENT	Qualifier	S	T	R	ID	'N	'W	Comment (AKA Line)	Rate and Quantity				
									Authorized Rate gpm	Quantity af	Additional Rate gpm	Quantity af	Overlap PD Files
ent	nw nw sw	9	28	33w	2496		5262						

del 45663

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

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

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

CHK MOD DEL ENT	Place of Use PUSE	S	T	R	ID	NE 1/4			NW 1/4			SW 1/4			SE 1/4			Total	Owner	Chg?	Overlap Files				
						NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4								
NC																									

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

STATE OF KANSAS

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



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

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

July 18, 2018

CATTLE EMPIRE LLC
ROY N BROWN
1174 EMPIRE CIR
SATANTA KS 67870-9600

RE: Change in Point of Diversion Water Right, File No 34554

Dear Mr. Brown:

Enclosed you will find a *Summary Order Approving Application for Change in Points of Diversion* for the above referenced file. This order modifies the authorized well location under the referenced file. This order modifies the original document; it should be recorded at the County Register of Deeds.

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in this order. The diversion works should be completed and reported to the Division of Water Resources **by December 31, 2018**. Enclosed is a form for this purpose, along with other information for reference.

A condition of this order is that an acceptable flow meter must be properly installed on the diversion works authorized under the referenced file number in accordance with the Kansas Administrative Regulations 5-1-4 through 5-1-12. This water flow meter shall be used to provide information required on the annual water use report.

This order shall become final if a request for a hearing is not filed with the Chief Engineer within 15 days of the date of service of this order. The date of service is the date listed on the enclosed *Certificate of Service*.

Should you have any questions, please feel free to call this office. If you would prefer, you could arrange an appointment for additional assistance.

Sincerely,

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

Thomas P. Makens
Assistant Water Commissioner

TPM:tpm
Enclosures

GMD#3

CERTIFICATE OF SERVICE

On this 19th day of July 2018, I hereby certify that the attached original Approval of Application to Change the Point of Diversion under Water Right, File No. 34554 dated July 18, 2018 was mailed postage prepaid, first class, US mail to the following:

CATTLE EMPIRE LLC
ROY N BROWN
1174 EMPIRE CIR
SATANTA KS 67870-9600

Copy provided to GMD#3



Division of Water Resources

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

Call for address:

Topeka -- (785) 296-5733
 Stafford -- (620) 234-5311
 Stockton -- (785) 425-6787
 Garden City -- (620) 276-2901
<http://agriculture.ks.gov/dwr>

DWR FIELD OFFICE APPLICATION FOR APPROVAL TO CHANGE THE PLACE OF USE AND/OR THE POINT OF DIVERSION



STATE OF KANSAS

Filing Fee Must Accompany the Application, K.S.A. 82a-708b(b), as amended.
 Fee Schedule is on the third page of this application form.

Paragraph Nos. 1, 2, 3 & 5 must be completed. Complete all other applicable portions. If change in point of diversion is greater than 100 feet, or if place of use will be changed, include a topographic map or detailed plat showing the authorized and proposed point(s) of diversion and/or place of use.

RECEIVED
 2:17pm
 JUL 03 2018

File No. 34554

1. Application is hereby made for approval of the Chief Engineer to change the (check one or both): Garden City Field Office
Division of Water Resources
- Place of Use Point of Diversion
- under the water right which is the subject of this application in accordance with the conditions described below.
- The source of supply is: Groundwater Surface water

2. Name and address of Applicant: CATTLE EMPIRE LLC
1174 EMPIRE CIR SATANTA, KS. 67870
 Phone Number: (620)649 2235 Email address: _____
 Name and address of Water Use Correspondent: CATTLE EMPIRE LLC
1174 EMPIRE CIR SATANTA, KS. 67870
 Phone Number: (620)649 2235 Email address: _____

3. The presently authorized place of use is:
 Owner of Land ---- NAME: CATTLE EMPIRE LLC
 ADDRESS: 1174 EMPIRE CIR SATANTA, KS. 67870
 (If there is more than one landowner, attach supplemental sheets as necessary.)

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
<i>(This table is crossed out with a large diagonal line)</i>																			

4. If this application is for a change in place of use, it is proposed that the place of use be changed to:
 Owner of Land ---- NAME: _____
 ADDRESS: _____
 (If there is more than one landowner, attach supplemental sheets as necessary.)

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
<i>(This table is crossed out with a large diagonal line)</i>																			

For Office Use Only: Code _____ Fee \$ 100 TR # _____ Receipt Date 7/3/18 Check # 1977

5. **Presently authorized point of diversion:**
 One in the SW Quarter of the SW Quarter of the NW Quarter of Section 9, Township 28 South, Range 33 (E/W), in HS County, Kansas, 2685 feet North 5248 feet West of Southeast corner of section. Authorized Rate 98 Authorized Quantity 33.24 mgy Depth of well _____ (feet)
 (DWR use only: Computer ID No. 8 GPS _____ feet North _____ feet West)
 This point will not be changed This point will be changed as follows: No change, point better described with GPS as follows:
Proposed point of diversion: (Complete only if change is requested or if existing point is better described by GPS)
 One in the NW Quarter of the NW Quarter of the SW Quarter of Section 9, Township 28 South, Range 33 (E/W), in HS County, Kansas, 2496 feet North 5262 feet West of Southeast corner of section. Proposed Rate _____ Proposed Quantity _____ Proposed well depth (feet) _____
 This point is: Additional Well Geo Center List other water rights that will use this point _____

JUL 03 2018

6. **Presently authorized point of diversion:**
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter of Section _____, Township _____ South, Range _____ (E/W), in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section. Authorized Rate _____ Authorized Quantity _____ Depth of well _____ (feet)
 (DWR use only: Computer ID No. _____ GPS _____ feet North _____ feet West)
 This point will not be changed This point will be changed as follows: No change, point better described with GPS as follows:
Proposed point of diversion: (Complete only if change is requested or if existing point is better described by GPS)
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter of Section _____, Township _____ South, Range _____ (E/W), in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section. Proposed Rate _____ Proposed Quantity _____ Proposed well depth (feet) _____
 This point is: Additional Well Geo Center List other water rights that will use this point _____

7. The changes herein are desired for the following reasons?
 (please be specific) Lack of production on current PD

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

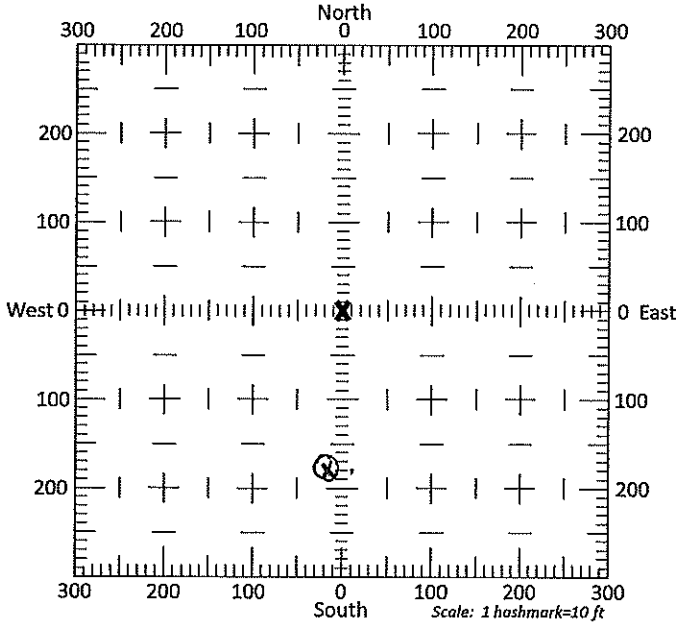
9. The change(s) (was)(will be) completed by?
08/3/18

10. If the point of diversion is a well:
 (a) What are you going to do with the old well?
to be plugged
 (b) When will this be done? 08/3/18

11. Groundwater Management District recommendation attached?
 Yes No

12. Assisted by CAC _____

13a. If the proposed point of diversion will be relocated more than 300 feet but within 2,640 feet of the existing point of diversion, attach a topographic map or aerial photograph. For groundwater sources, show all wells (including domestic) within one-half mile of the proposed point of diversion and the names and mailing addresses of the owners. For surface water sources, show the names and addresses of the landowner(s) one-half mile downstream and one-half mile upstream from your property lines



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

14. If the proposed groundwater point of diversion is 300 or fewer feet from the existing point of diversion, complete the following:

- (a) Does the undersigned represent all owners of the currently authorized place(s) of use identified in this application?
 Yes No (If no, all owners must sign this application.)
- (b) Will the ownership interest of any owner of the currently authorized place(s) of use identified in this application be adversely affected if this application is approved as requested?
 Yes No (If yes, all owners must sign this application.)
- (c) If this application is not approved expeditiously, will there be substantial damage to property, public health or safety?
 Yes No (If no, all owners must sign this application.)

If the application proposes a surface water change in point of diversion, a groundwater change in point of diversion greater than 300 feet, or a change in place of use, the application must be signed by all owners of the currently authorized place of use, or their duly authorized agent (attach notarized statement authorizing representation).

I hereby verify, being first duly sworn upon my oath or affirmation and under penalty of perjury, that I am of lawful age and the owner, the spouse of the owner, or a duly authorized agent of the owner(s) to make this application on their behalf, in regards to the water right(s) to which this application pertains. I further verify that the statements contained in this application are true, correct and complete.

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

X Cattle Empire LLC
Bob A. Brown

 (Owner)

 (Please Print)

 (Owner)

 (Please Print)

 (Owner)

 (Please Print)

RECEIVED
JUL 03 2018

 (Spouse)
 Garden City Field Office
 Division of Water Resources

 (Please Print)

 (Spouse)

 (Please Print)

 (Spouse)

 (Please Print)

State of Kansas }
County of Haskell } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 3 day of July, 2018.

My Commission Expires 12-22-19 12-22-19 12-22-19

 Notary Public - State of Kansas

 Notary Public

ONLY COMPLETE APPLICATIONS WILL BE PROCESSED. To be complete, all of the applicable portions of the application form must be completed with accurate information; maps, if necessary, must be included; signatures of all the appropriate owners' must be affixed to the application and notarized; and the appropriate fee must be paid.

FEE SCHEDULE

Each application to change the place of use or the point of diversion under this section shall be accompanied by the application fee set forth in the schedule below: Make checks payable to: **Kansas Department of Agriculture**

- (1) Application to change a point of diversion 300 feet or less \$100
- (2) Application to change a point of diversion more than 300 feet \$200
- (3) Application to change the place of use \$200

SUMMARY ORDER APPROVING APPLICATION FOR CHANGE AND IMPOSING CONDITIONS

This Summary Order is issued under authority of K.S.A. 82a-708b, as amended, and K.A.R. 5-5-1, *et seq.* and other applicable provisions of the *Kansas Water Appropriation Law, K.S.A. 82a-701 et seq.*, and rules and regulations promulgated thereunder, With the exception of those conditions expressly contained herein, this Summary Order does not change the terms, conditions and limitations of File No. 34554.

1. A change application was received on July 3, 2018 requesting that the place of use and / or point of diversion authorized under the above-referenced file number be changed as described in the application.
2. On and after the effective date of this summary order, the authorized place(s) of use shall be located substantially as shown on the topographic map accompanying the application to change the place of use. Applicable Not Applicable
3. The change in point of diversion shall not impair existing rights and shall be limited to the same source or sources of water as previously authorized. The point of diversion authorized by this summary order shall be located within a 50 foot radius of the authorized point(s) of diversion. Applicable Not Applicable
4. The point(s) of diversion described herein is administratively corrected to be more accurately described using the Global Positioning System (GPS), as described in the application. Applicable Not Applicable
5. The point(s) of diversion authorized herein shall not actually be located more than _____ feet from the previously authorized point(s) of diversion. Applicable Not Applicable
6. As required by K.A.R. 5-3-5d, if the works for diversion is a well with a diversion rate of 100 gallons per minute or more, a tube or other device suitable for making water level measurements shall be installed, operated and maintained in accordance with K.A.R. 5-6-13. Applicable Not Applicable
7. The owner of the authorized place(s) of use shall properly install an acceptable water flow meter on or before December 31, 2018, or before the first use of water, whichever occurs first. The water flow meter shall be installed, operated and maintained in accordance with K.A.R. 5-1-4 through 5-1-12. As required by K.S.A. 82a-732, as amended, and K.A.R. 5-3-5e, the owner shall maintain records and report the reading of the water flow meter and the total quantity of water diverted annually to the Chief Engineer by March 1 following the end of each calendar year. Applicable Not Applicable
8. Installation of the works for diversion of water shall be completed on or before December 31, 2018, or within any authorized extension of time. By March 1, 2019 the applicant shall notify the Chief Engineer that construction of the works for diversion has been completed, on the form provided by the Chief Engineer, as required by K.A.R. 5-8-4e. Applicable Not Applicable
9. The completed well log shall be submitted with the required notice. Applicable Not Applicable
10. All diversion works into which any type of chemical or other foreign substance will be injected into the water shall be equipped with an in-line, automatic, quick-closing check valve capable of preventing pollution of the source of the water supply. The check valve(s) shall be installed, operated and maintained in accordance with K.A.R. 5-3-5c. Applicable Not Applicable
11. Additional Conditions are attached. Yes No
12. In accordance with K.S.A. 82a-708a, as amended, and K.A.R. 5-5-14, all of the owners of the authorized place(s) of use of water appropriated under the above-referenced file number are responsible for compliance with its terms, conditions and limitations, as amended and/or supplemented by this Summary Order, and with applicable provisions of the *Kansas Water Appropriation Law* and the *Rules and Regulations* promulgated thereunder. Failure to comply with these provisions may result in civil penalties pursuant to K.S.A. 82a-737, as amended, and/or the suspension or revocation and dismissal of the water or appropriation right or any other enforcement actions authorized by law.

Administrative Appeal and Effective Date of Order

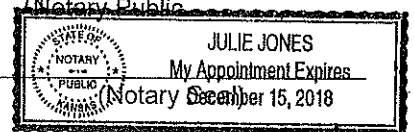
If you are aggrieved by this order, pursuant to K.S.A. 82a-1901, you may request an evidentiary hearing before the Chief Engineer or request administrative review by the Secretary of Agriculture. A request for hearing by the Chief Engineer must be filed within **15 days** of service of this Order and a request for administrative review by the Secretary must be filed within **30 days** pursuant to K.S.A. 77-531. Any request for administrative review must state a basis for review pursuant to K.S.A. 77-527. File any request with **Kansas Department of Agriculture, Legal Division, 1320 Research Park Drive, Manhattan, KS 66502**. Failure to timely request a hearing or review may preclude review under the Kansas Judicial Review Act.

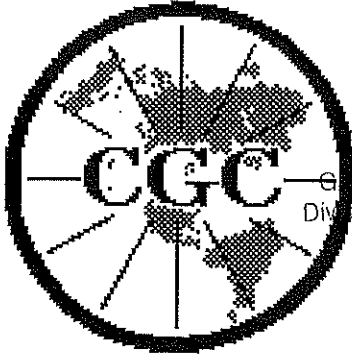
For Use by Register of Deeds

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

By: [Signature]
Duly Authorized Designee of the Chief Engineer
(Print Name): THOMAS P. MAKENS
Division of Water Resources - Kansas Department of Agriculture
Date of Issuance: JULY 18, 2018
State of Kansas)
County of Finney) SS
Acknowledged before me on July 18, 2018
by Thomas P. Makens
Signature: [Signature]
Notary Public

My commission expires: _____





RECEIVED

JUL 03 2018

Golden City Field Office
Division of Water Resources

Century GEOPHYSICAL CORP.

CATTLE EMPIRE YARD 1

COMPANY : DOWNEY DRILLING INC.
WELL : CATTLE EMPIRE YARD 1
LOCATION/FIELD :
COUNTY : HASKELL
LOCATION : NW/NE/SE
SECTION : 9

OTHER SERVICES:



**TEST HOLE
#3**

TOWNSHIP : 28S RANGE : 33W

DATE : 05/24/18
DEPTH DRILLER : 820
LOG BOTTOM : 819.60
LOG TOP : 0.50

PERMANENT DATUM : GL
LOG MEASURED FROM: GL
DRL MEASURED FROM: GL

KB :
DF :
GL :

CASING DIAMETER : 10.
CASING TYPE :
CASING THICKNESS:

LOGGING UNIT : 1319
FIELD OFFICE : DDI
RECORDED BY : DAVE

BIT SIZE : 6.25
MAGNETIC DECL. : 0
MATRIX DENSITY : 2.71
NEUTRON MATRIX : LIMESTONE

BOREHOLE FLUID : MUD
RM :
RM TEMPERATURE :
MATRIX DELTA T : 49

FILE : ORIGINAL
TYPE : 8144A
LGDATE: 05/24/18
LGTIME : 17:11:
THRESH: 99999

N 37°37' 38.14"
W 100° 56'35.91"

37.627261
100.943308 NAD 83

ALL SERVICES PROVIDED SUBJECT TO STANDARD TERMS AND CONDITIONS

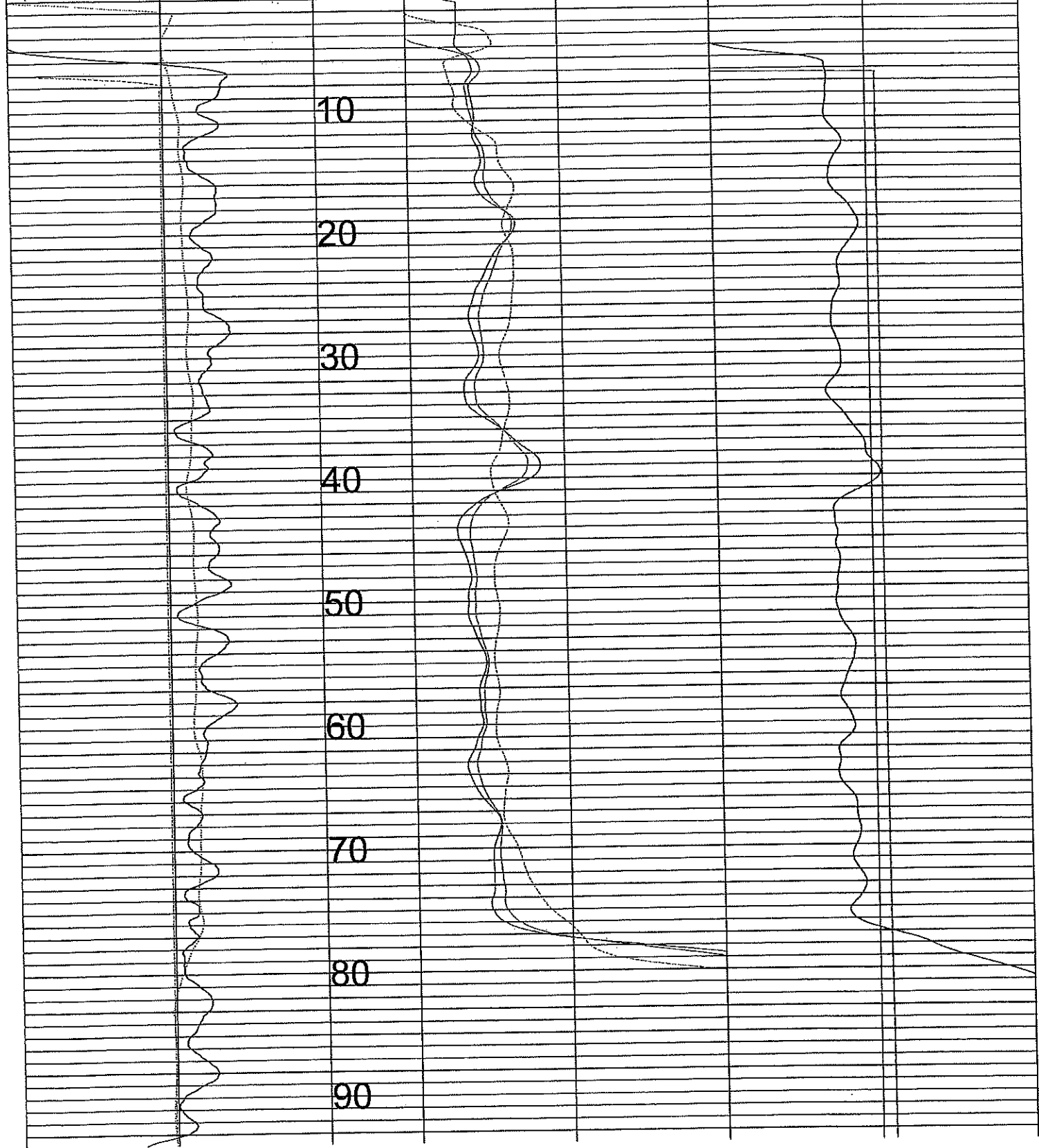
#34554

244' W / 524' W

RECEIVED

JUL 03 2018

RES(F)	FEET	LATERAL	TEMP
5 OHM-M 15	0	OHM-M 100	Garden City Field Office
SP		RES(64N)	Division of Water Resources 75
0 MV 100	0	OHM-M 10065	RES
GAMMA		RES(16N)	OHM 80
0 API-GR 200	0	OHM-M 1000	



100

RECEIVED

110

JUL 03 2018

Garden City Field Office
DIVISION OF Water Resources

120

130

140

150

160

170

180

190

200

210

220

230

240

250

260

270

280

290

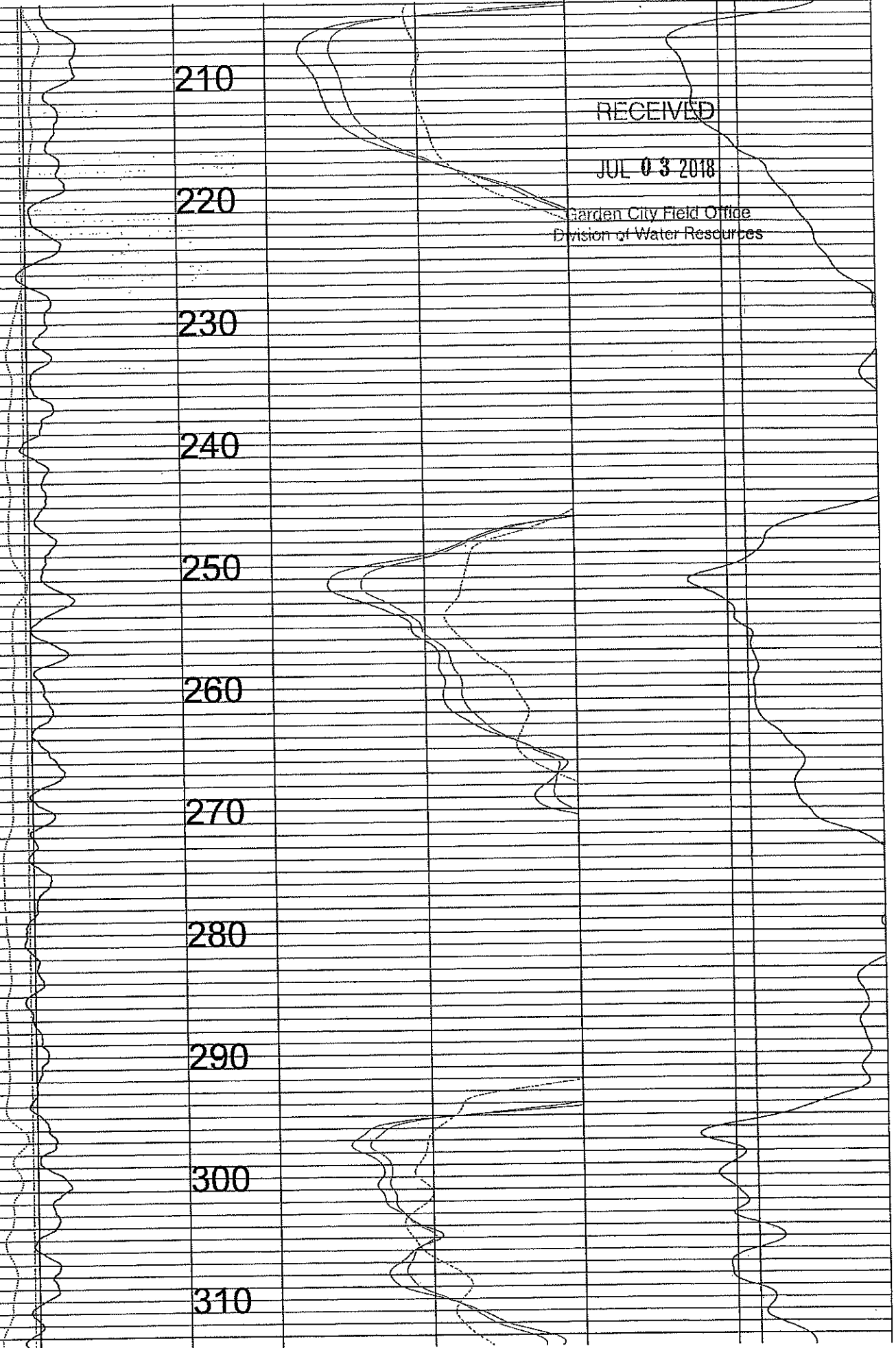
300

310

RECEIVED

JUL 03 2018

Garden City Field Office
Division of Water Resources



320

330

340

350

360

370

380

390

400

410

420

RECEIVED

JUL 03 2018

Garden City Field Office
Division of Water Resources

ESTIMATED

SWL
400'

- (3)
- (2)
- (1)
- (2)



- (11)

430

(5)

(10)

(10)

(5)

(2)
(3)

(2)

(2)

(2)

(7)

(1)

(21)

(9)

440

450

460

470

480

490

500

510

520

530

432

(9)

(3)

(3)

(3)

510

(2)

(3)

RECEIVED

JUL 03 2018

Garden City Field Office
Division of Water Resources

(7)

(10)

(2)

(14)

(7)

540

16

35

13

545

550

5

53

RECEIVED

JUL 03 2018

Garden City Field Office
Division of Water Resources

560

2

500

570

3

2

4

2

4

580

4

41

501

580

590

4

23

7

24

600

13

607

604

8

604

610

3

1

620

2

630

0

640

650

660

670

680

690

700

710

720

730

740

750

RECEIVED

JUL 03 2018

Garden City Field Office
Division of Water Resources

(3)

(2)

(1)

(2)

(6)

(3)

(13)

(12)

(11)

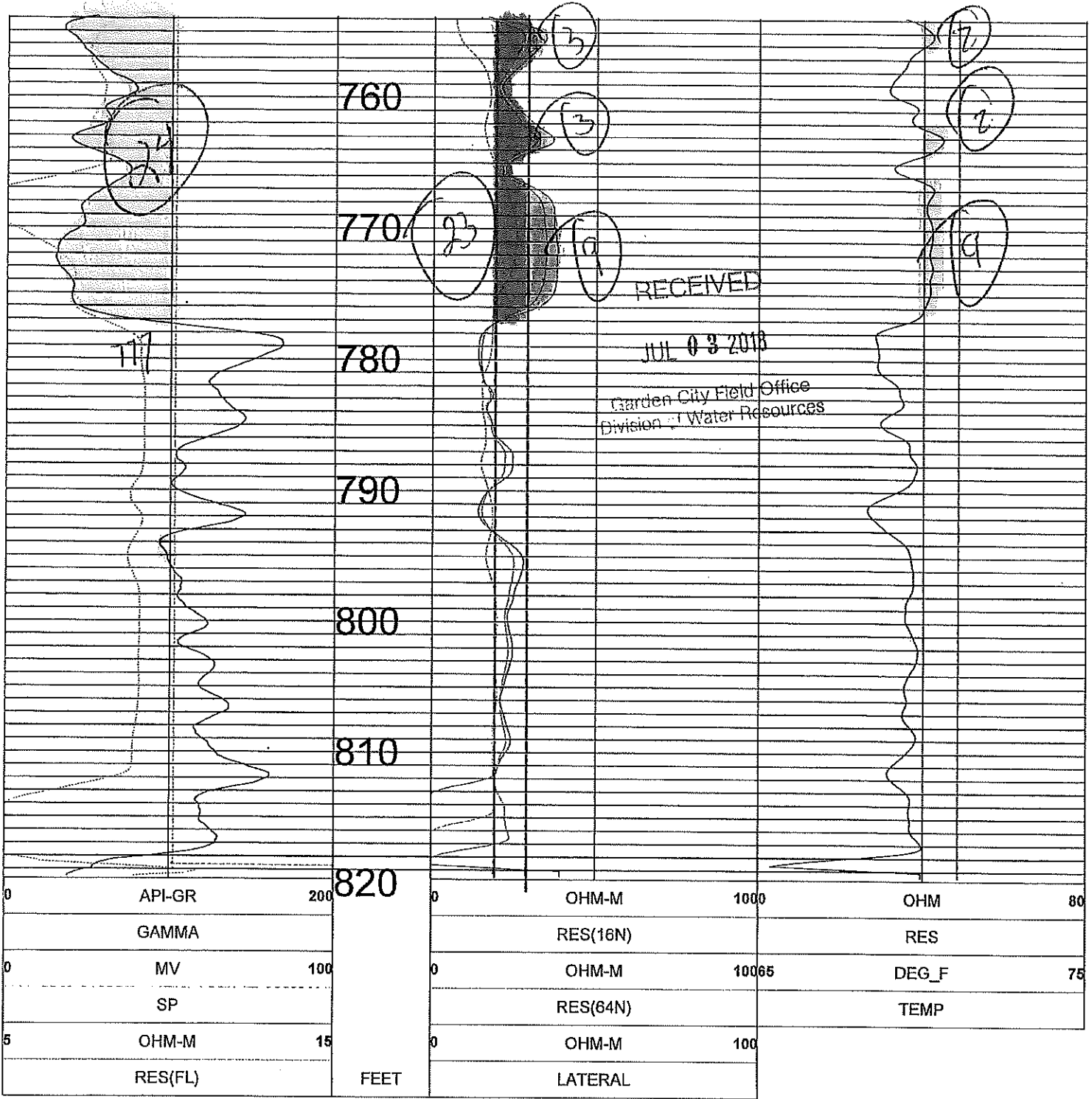
(11)

(5)

(4)

(1)

13
173



= 194

= 157

= 102

= 36

= 90

TOOL CALIBRATION CATTLE EMPIRE YARD 1 05/24/18 17:11
 TOOL 8144A TM VERSION 1
 SERIAL NUMBER 365

	DATE	TIME	SENSOR	STANDARD	RESPONSE	
1	Feb20,18	08:50:39	GAMMA	1.000	[API-GR]	0.000 [CPS]
	Feb20,18	08:50:39	GAMMA	340.000	[API-GR]	290.000 [CPS]
2	Feb20,18	08:50:53	RES(FL)	1.330	[OHM-M]	7595.000 [CPS]
	Feb20,18	08:50:53	RES(FL)	42.720	[OHM-M]	64820.000 [CPS]
3	Feb20,18	08:58:49	SP	0.000	[MV]	327616.000 [CPS]
	Feb20,18	08:58:49	SP	390.000	[MV]	165246.000 [CPS]
4	Feb20,18	08:58:55	RES(16N)	0.000	[OHM-M]	3636.000 [CPS]
	Feb20,18	08:58:55	RES(16N)	1954.000	[OHM-M]	449522.000 [CPS]
5	Feb20,18	08:59:01	RES(64N)	0.000	[OHM-M]	3153.000 [CPS]
	Feb20,18	08:59:01	RES(64N)	1989.000	[OHM-M]	449347.000 [CPS]
6	Feb20,18	08:50:45	TEMP	33.400	[DEG_F]	66910.000 [CPS]
	Feb20,18	08:50:45	TEMP	102.300	[DEG_F]	270930.000 [CPS]
7	Feb20,18	08:59:07	RES	0.000	[OHM]	4432.000 [CPS]
	Feb20,18	08:59:07	RES	943.000	[OHM]	173223.000 [CPS]

RECEIVED

JUL 03 2018

Garden City Field Office
 Division of Water Resources

