

CHECK SHEET Short Change

(To be completed and attached to each application)

File No. 7511

Field Office No. 4

GMD No. 3

1. **Plugging agreement obtained for GMD?** Yes No Non Applicable

2. **Is Landowner correct as currently shown in WRIS?** Yes No **Address Change?** NO
If applicable, list Place of Use Overlap File Nos. _____

3. **Is Water Use Correspondent correct as currently shown in WRIS?** Yes No **Address Change?** NO
Name of Former WUC _____ Name of New WUC _____

4. a. **Point of diversion computer ID No(s).** _____ **for point(s) being changed.**
b. **Show feet distances from the** _____ **corner of the section for the new point(s) of diversion:**

Action	PDIV ID	Geo Ctr?	Sec	Twp	Rng	'N	'W	County	Qualifiers

c. **If multiple points of diversion exist and rates and quantities are individually assigned, show:**

Old PDIV ID	Authorized Rate	Additional Rate	Authorized Quantity	Additional Quantity
_____	_____ gpm	_____ gpm	_____ af	_____ af
_____	_____ gpm/cfs	_____ gpm/cfs	_____ af/mgy	_____ af/mgy
_____	_____ gpm/cfs	_____ gpm/cfs	_____ af/mgy	_____ af/mgy

d. **Name of Drainage Basin** _____ **Is this correctly shown in WRIS?** Yes No

e. **Formation Name & No.** _____ **Special Use Area** _____

5. **Distances from the original p/d:** _____ ' N _____ ' W

6. WATER RIGHT ACTION TRAIL COMMENTS

<p><u>12/8/17</u></p> <p><u>1/17/17</u></p> <p><u> / / </u></p>	<p>Change Application Received (date accepted for priority)</p> <p>Change Approved</p> <p>Notice and Proof by <u> / / </u></p> <p>Completion Requirement Removed (Change No. C<u> </u>)</p>
--	---

7. METER ACTION TRAIL COMMENTS

1/17/17 DWR Meter Required by 12/31/18

8. Base Acres comp overlap Year _____ Minimum Reasonable Quantity _____

Date Created 12/20/17 by tpm
Date Entered _____ by _____

CHECK SHEET ATTACHMENT

File Number 7511

9. Changes to the place of use will be:

Action	Owner Person ID	Place Use ID #	Sec.	Twp.	Range	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL ACRES	
						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	NE 1/4	NW 1/4	SW 1/4	SE 1/4		
MOD	10522	23621	3	26	32W	93	76	40	40	95	82.4	25.4	40	40	40	40	26	40	40	40	40	40	797.8
						93	76	40	40	95	82.4	25.4	40	40	40	40	26	40	40	40	40	40	797.8
DEL	59392	58393	3	26	32W	lot1	lot2			lot3	lot4												
DEL		30755	2	26	32W																		

Names and Address:

1. Person ID # 10522	2. Person ID # 59392	3. Person ID #
D LIGHTNER FARMS INC	KYLE J & KIMBERLY K LIGHTNER	
12505 S HUTTON RD	3075 E PLYMELL RD	
PIERCEVILLE KS 67868	GARDEN CITY KS 67846-8913	

GENERAL INSTRUCTIONS

- Give to Applicant:
 - Original application/approval
 - Original receipt (one for each application)
 - Information packet containing:
 - Notice and Proof form
 - Water Meter Specifications
 - Acceptable Meter list
 - Water level measurement tube specifications
 - Check Valve specifications
 - Pink Sheet - K.S.A. 82a-728 letter
 - Form stating to record in Register of Deeds Office (OPTIONAL AS NEEDED)
 - Send to headquarters:
 - Good, microfilmable copy of application and/or approval and this check sheet
 - Original check and copy of receipt
 - Test hole log
 - GMD recommendation, if any
 - Map or aerial photograph, if any
 - Send to KDHE: Letter (KDHE.LT) advising of location of abandoned well.

CONDITIONS

 - Insert notice and proof date.
 - Type or print applicant's/owner's name on line.
 - Complete notary statement.
 - Date stamp received and approved.
 - Complete ownership and WUC change information.
- ADDITIONAL PHOTOCOPIES
- _____
- _____
- _____
- _____
- _____
- _____


Kansas
Department of Agriculture
Division of Water Resources

Garden City Field Office
2508 Johns Street
Garden City, Kansas 67846-2804
Jackie McClaskey, Secretary
David W. Barfield, Chief Engineer
Michael A. Meyer, Water Commissioner

Phone: (620) 276-2901
Fax: (620) 276-9315
www.agriculture.ks.gov
Sam Brownback, Governor

January 17, 2018

D LIGHTNER FARMS INC
John Lindner
Lindner, Marquez & Koksall
505 N 6th Street
Garden City KS 67846

RE: Change the Place of Use, File Nos File
7511, 29194, 31934

Dear Mr. Lindner;

Enclosed you will find a *Summary Order Approving Application for Change in Place of Use* for the above referenced files. Since these orders modify the original documents, it should be recorded at the County Register of Deeds.

These orders modify the authorized acres that can be irrigated by these files. The authorized place of use is as shown on the plats within the change approvals.

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 (including the meter reading at the beginning and end of the report year).

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 or arrange an appointment for additional assistance. Please refer to the file number when you contact us if you wish to discuss a specific file.

Sincerely,



Thomas P. Makens
Assistant Water Commissioner

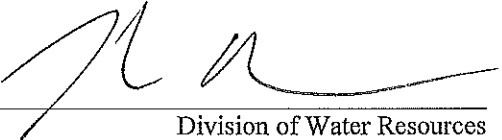
TPM:tpm
Enclosures
GMD#3

CERTIFICATE OF SERVICE

On this day of January 2018, I hereby certify that the attached original Approval of Application to Change the Place of Use under Water Right File 7511, 29194, 31934 dated January 17, 2018, was mailed postage prepaid, first class, US mail to the following:

D LIGHTNER FARMS INC
John Lindner
Lindner, Marquez & Koksal
505 N 6th Street
Garden City KS 67846

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
 4:00pm
 DEC 08 2017

File No. 7511

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: D LIGHTNER FARMS INC
12505 S HUTTON RD PIERCEVILLE KS 67868
 Phone Number: (620)290-3527 Email address: _____
 Name and address of Water Use Correspondent: D LIGHTNER FARMS INC
12505 S HUTTON RD PIERCEVILLE KS 67868
 Phone Number: (_____) _____ Email address: _____

3. The presently authorized place of use is:
 Owner of Land ---- NAME: D LIGHTNER FARMS INC
ADDRESS: 12505 S HUTTON RD PIERCEVILLE KS 67868
 (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	
3	26	32w	93	66	40	40				20	20		26	40	40	40	40	40	505
			lot 1	lot 2															

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: D LIGHTNER FARMS INC
ADDRESS: 12505 S HUTTON RD PIERCEVILLE KS 67868
 (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	
3	26	32w	93	76	40	40	95	82.4	25.4	40	40	40	26	40	40	40	40	40	797.8
			lot 1	lot 2			lot 3	lot 4											

For Office Use Only: Code _____ Fee \$ 200 TR # _____ Receipt Date 12/8/17 Check # 9337

APPLICATION FOR APPROVAL TO CHANGE
THE PLACE OF USE AND/OR POINT OF DIVERSION
SUPPLEMENTAL SHEET
FILE NO. 7511
MAKE ADDITIONAL COPIES AS NECESSARY

RECEIVED

DEC 08 2017

Garden City Field Office
Division of Water Resources

3. *Continued:* The presently authorized place of use is:
Owner of Land ---- NAME: KYLE J & KIMBERLY K LIGHTNER
ADDRESS: 3075 E PLYMELL RD GARDEN CITY KS 67846-8913

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	
3	26	32w											4						4

Owner of Land ---- NAME: OBRATE REALTY LLC
ADDRESS: PO BOX 399 GARDEN CITY KS 67846-0399

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	
2	26	32w								20			20	20					60

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	

4. *Continued:* 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: _____

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	

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	

Owner of Land ---- NAME: _____
ADDRESS: _____

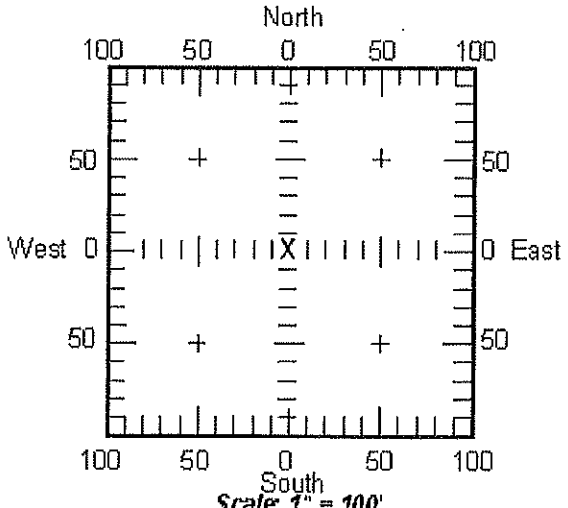
Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

5. **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:
Proposed point of diversion: (Complete only if change is requested)
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter
 of Section _____, Township _____ South, Range _____ (E/W),
 in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section.
 Proposed Rate _____ Proposed Quantity _____ Proposed well depth (feet) _____
 This point is: Additional Well Geo Center List other water rights that will use this point _____

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:
Proposed point of diversion: (Complete only if change is requested)
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter
 of Section _____, Township _____ South, Range _____ (E/W),
 in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section.
 Proposed Rate _____ Proposed Quantity _____ Proposed well depth (feet) _____
 This point is: Additional Well Geo Center List other water rights that will use this point _____

7. Why do you need a new point of diversion? _____
 no changes to well _____

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



8. If a well, is the test hole log attached? Yes No
9. When do you propose to complete the new point of diversion?

10. If the point of diversion is a well:
 (a) What are you going to do with the old well?

 (b) When will this be done? _____
11. Groundwater Management District recommendation attached? Yes No
12. Assisted by tpm

13b. If the proposed point of diversion will be relocated more than 100 feet but within 1320 feet from the existing point of diversion, attach a topographic map or aerial photograph. For groundwater sources, show all wells (including domestic) within one-half mile of the proposed point of diversion and the names and mailing addresses of the owners. For surface water sources, show the names and addresses of the landowner(s) one-half mile downstream and one-half mile upstream from your property lines.

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 DEC 08 2017

DEC 08 2017

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

- (a) Does the undersigned represent all owners of the currently authorized place(s) of use identified in this application?
 Yes No (If no, all owners must sign this application.)
- (b) Will the ownership interest of any owner of the currently authorized place(s) of use identified in this application be 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.)

Garden City Field Office
Division of Water Resources

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

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

Dated at Garden City, KS, Kansas, this 30th day of OCTOBER, 2017.

[Signature]

(Owner) President

(Spouse)

D LIGHTNER FARMS INC

(Please Print)

(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

State of Kansas }
County of Finney } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 30th day of OCTOBER, 2017.

[Signature]

Notary Public

JOHN M. LINDNER
Notary Public - State of Kansas
My Appt. Expires 8-7-19

My Commission Expires _____

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

DEC 08 2017

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

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 Yes No (If yes, all owners must sign this application.)
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 Yes No (If no, all owners must sign this application.)

Division of Water Resources

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

Dated at Gardner City, Kansas, this 30th day of OCTOBER, 2017.

x Kyle J. Lightner
(Owner)

x Kimberly K. Lightner
(Spouse)

KYLE J LIGHTNER
(Please Print)

KIMBERLY K LIGHTNER
(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

State of Kansas

County of Finney } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 30th day of OCTOBER, 2017.

JOHN M. LINDNER
Notary Public - State of Kansas
My Appt. Expires 8-7-19

My Commission Expires _____

Notary Public

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DEC 08 2017

Garden City Field Office
Division of Water Resources

14. If the proposed groundwater point of diversion is 300 or fewer feet from existing point of diversion, complete the following:
- (a) Does the undersigned represent all owners of the currently authorized place(s) of use identified in this application?
 Yes No (If no, all owners must sign this application.)
 - (b) Will the ownership interest of any owner of the currently authorized place(s) of use identified in this application be adversely affected if this application is approved as requested?
 Yes No (If yes, all owners must sign this application.)
 - (c) If this application is not approved expeditiously, will there be substantial damage to property, public health or safety?
 Yes No (If no, all owners must sign this application.)

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

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

Dated at Garden City, Kansas, this 13th day of November, 20 17.

X O'Brate Realty LLC
(Owner)

Cecil O'Brate
(Spouse)

OBRATE REALTY LLC
(Please Print)

(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

State of Kansas }
County of Finney } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 13th day of November, 20 17.

Notary Public - State of Kansas
Karen L. Griffin
My Appl. Exp. 1-6-2020

Karen L. Griffin
Notary Public

My Commission Expires 1-6-2020

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

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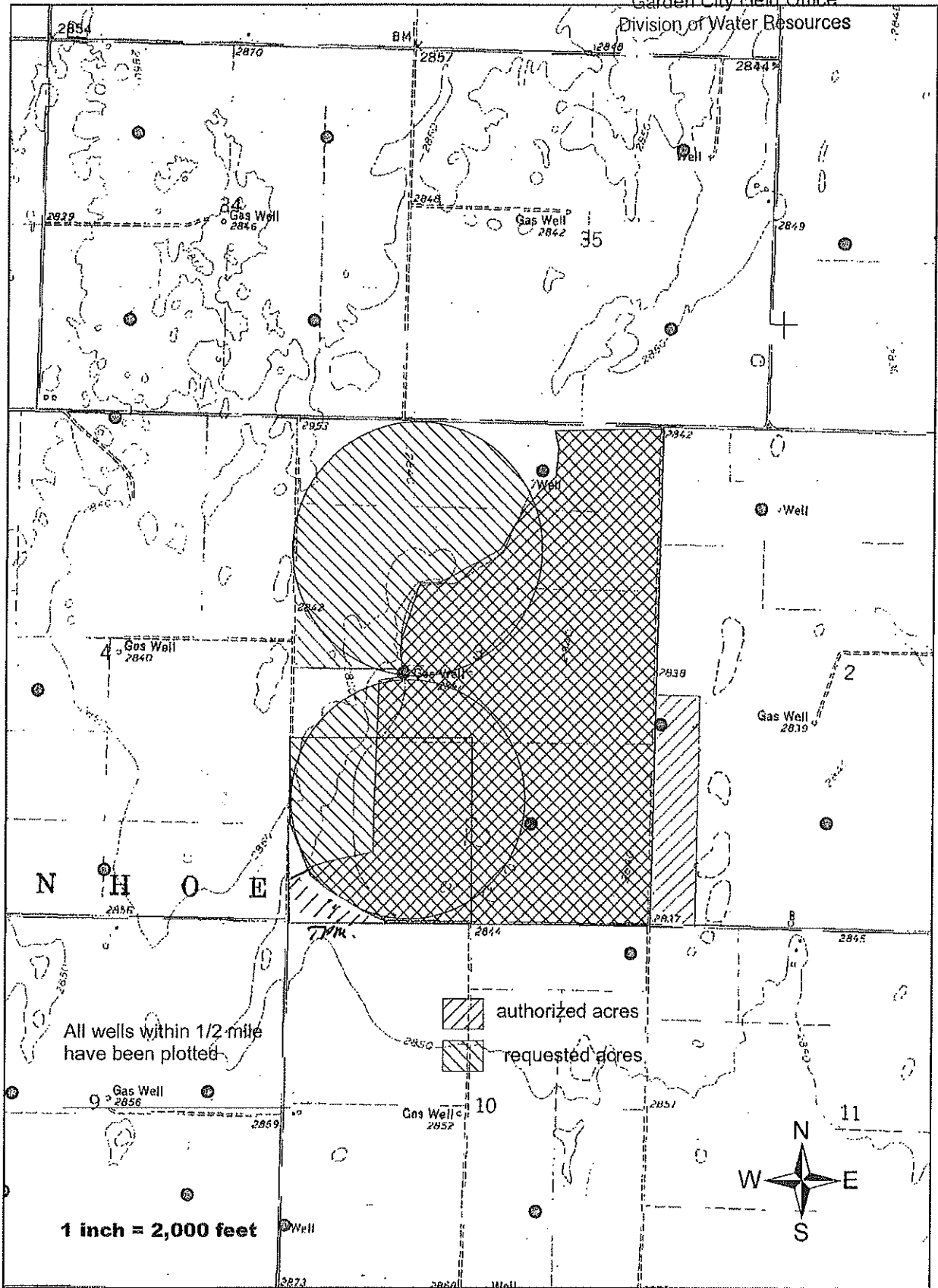
- (1) Application to change a point of diversion 300 feet or less \$100
- (2) Application to change a point of diversion more than 300 feet \$200
- (3) Application to change the place of use \$200

7511

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DEC 08 2017

Garden City Field Office
Division of Water Resources



SCHULTZ LAW OFFICE, P.A.

Gerald O. Schultz
Zachary D. Schultz

Logan M. Schultz
Margaret M. Schultz

Attorneys at Law
309 E. Walnut
Garden City, KS 67846

(620) 276-3728
Fax: (620) 276-3798

December 8, 2017

HAND DELIVERED

Kansas Department of Agriculture
Division of Water Resources
2508 N John St
Garden City, KS 67846

RE: Water Right Nos. 7511, 29194, 31934, 6565, 11684 D2, 14480, 31139, 18504

Dear Kansas Department of Agriculture:

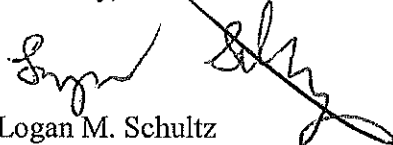
Enclosed please find the original executed DWR Field Office Application for Approval to Change the Place of Use and/or the Point of Diversion for File No. 7511, File No. 29194, File No. 31934, and File No. 6565, File No. 11684 D2, File No. 14480, File No. 31139, and File No. 18504.

Also enclosed is D. Lightner Farms Inc., Check No. 9337 dated October 30, 2017, in the amount of \$400.00, made payable to Kansas Dept. of Agriculture; and O'Brate Realty LLC, Check No. 3522 dated November 15, 2017, in the amount of \$400.00, made payable to Kansas Dept of Ag., and Schultz Law Office, P.A., Check No. 3003 dated December 8, 2017, in the amount of \$800.00, made payable to Kansas Dept. of Agriculture, for the total application fees of the enclosed applications.

Please direct all communication for D. Lightner Farms, Inc. to Mr. John Lindner at Lindner, Marquez & Koksall, 505 N. 6th Street, Garden City, Kansas 67846, and all communication for O'Brate Realty, LLC to the undersigned.

Should you have any questions regarding this matter, please advise.

Sincerely,



Logan M. Schultz

klg

cc: Client

Mr. John Lindner

