

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

1. File Number: 9281	2. Status Change Date: <i>4/24/18</i>	3. Change Num: C2	4. Field Office: 04	5. GMD: 03	
6. Status: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied by DWR/GMD <input type="checkbox"/> Dismiss by Request/Failure to Return				7. Filing Date of Change: 3/8/18	
8a. Applicant(s) New to system <input type="checkbox"/> J & L SMITH FARMS INC BRYAN SMITH 9170 E ROAD 2 ULYSSES KS 67880-8151		Person ID <u>55420</u> Add Seq# <u>1</u>	8c. Landowner(s) New to system <input type="checkbox"/> 		Person ID _____ Add Seq# _____
8b. Landowner(s) New to system <input type="checkbox"/> J & L SMITH FARMS INC BRYAN SMITH 9170 E ROAD 2 ULYSSES KS 67880-8151		Person ID <u>55420</u> Add Seq# <u>1</u>	8d. WUC New to system <input type="checkbox"/> J & L SMITH FARMS INC BRYAN SMITH 9170 E ROAD 2 ULYSSES KS 67880-8151		Person ID <u>55420</u> Add Seq# <u>1</u>
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: 3/16/18	By: tpm	
			Date Entered:	By:	

File No. **9281** 11. County: **GT** Basin: **bear creek** Stream: _____ Formation Code: **211/331** Special Use: _____

12. Points of Diversion
 CHK
 MOD PDIV
 DEL
 ENT
 Qualifier S T R ID 'N 'W Comment (AKA Line) Rate gpm/cfs Quantity af/mgy Rate gpm/cfs Quantity af/mgy Overlap PD Files

ent nw sw se 18 27 36w 1152 2403

del 76265

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

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

16. Place of Use CHK MOD DEL ENT	NE 1/4			NW 1/4			SW 1/4			SE 1/4			Total	Owner	Chg?	Overlap Files
	NE 1/4	NW 1/4	SE 1/4	NW 1/4	NE 1/4	SW 1/4	SE 1/4	NW 1/4	NE 1/4	SW 1/4	SE 1/4					
OWN 7804 18 27 36W 1														8b	yes	5784
OWN 5426 19 27 36W 1														8b	yes	na

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

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

Call for address:

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

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
 3:24 pm
 MAR 08 2018

File No. 9281

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: J & L SMITH FARMS INC BRYAN SMITH

9170 E ROAD 2 ULYSSES KS 67880-8151

Phone Number: () _____ Email address: _____

Name and address of Water Use Correspondent: J & L SMITH FARMS INC BRYAN SMITH

9170 E ROAD 2 ULYSSES KS 67880-8151

Phone Number: () _____ Email address: _____

3. The presently authorized place of use is:

Owner of Land --- NAME: ~~CALEN MEYER ETAL GRANT COUNTY BANK~~ ✓ J & L SMITH FARMS INC.

ADDRESS: ~~PO BOX 389 ULYSSES KS 67880-0389~~

(If there is more than one landowner, attach supplemental sheets as necessary.)

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

4. If this application is for a change in place of use, it is proposed that the place of use be changed to:

Owner of Land --- NAME: no change to acres irrigated.

ADDRESS: _____

(If there is more than one landowner, attach supplemental sheets as necessary.)

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

For Office Use Only: Code _____ Fee \$ 100 TR # _____ Receipt Date 3/8/18 Check # 010036

5. **Presently authorized point of diversion:**
 One in the nw Quarter of the sw Quarter of the se Quarter of Section 18 , Township 27 South, Range 36 W, in Grant County, Kansas, 1100 feet North 2215 feet West of Southeast corner of section. Authorized Rate _____ Authorized Quantity _____ Depth of well _____ (feet)
 (DWR use only: Computer ID No. 3 GPS 886 feet North 2551 feet West)
 This point will not be changed This point will be changed as follows:
Proposed point of diversion: (Complete only if change is requested)
 One in the nw Quarter of the sw Quarter of the se Quarter of Section 18 , Township 27 South, Range 36 W, in Grant County, Kansas, 1152 feet North 2403 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 _____ 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? _____
old well needs to be replaced

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

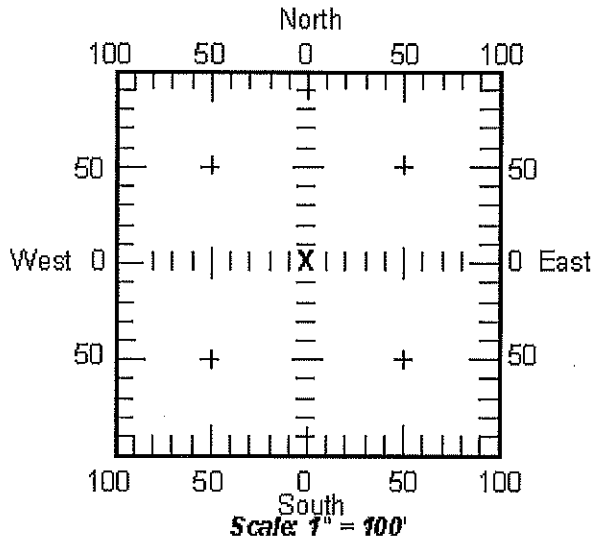
9. When do you propose to complete the new point of diversion?
march 30, 2018

10. If the point of diversion is a well:
 (a) What are you going to do with the old well?
plug
 (b) When will this be done? 2018

11. Groundwater Management District recommendation attached? Yes No

12. Assisted by tpm

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



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

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 Ulysses, Kansas, this 8th day of March, 20 18.

x [Signature]

(Owner)

(Spouse)

(Please Print)

(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

State of Kansas }
County of Grant } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 8 day of March, 20 18.

Aimee Dickey

Notary Public
NOTARY PUBLIC - State of Kansas
Aimee Dickey
My Appt. Expires 10/13/18

My Commission Expires 10/13/18.

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

FEE SCHEDULE

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

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

SUMMARY ORDER APPROVING APPLICATION FOR CHANGE AND IMPOSING CONDITIONS

This Summary Order is issued under authority of K.S.A. 82a-708b, as amended, and K.A.R. 5-14-3 and other applicable provisions of the *Kansas Water Appropriation Law, K.S.A. 82a-701 et. seq.*, and rules and regulations promulgated thereunder, K.A.R. 5-1-1 *et. seq.* With the exception of those conditions expressly contained herein, this Summary Order does not change the terms, conditions and limitations of File No. 9281.

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

Administrative Appeal and Effective Date of Order

You have the right to a hearing in accordance with K.A.R. 5-14-3 before this Summary Order becomes final action of the Kansas Department of Agriculture. Any request for a hearing must be filed with the **Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, 109 SW 9th Street, Topeka, Kansas 66612**, within 15 days after the date shown on the Certificate of Service attached hereto. If a hearing is not requested in accordance with K.A.R. 5-14-3, this Summary Order will become effective on the 15th day after the date shown on the Certificate of Service.

For Use by Register of Deeds

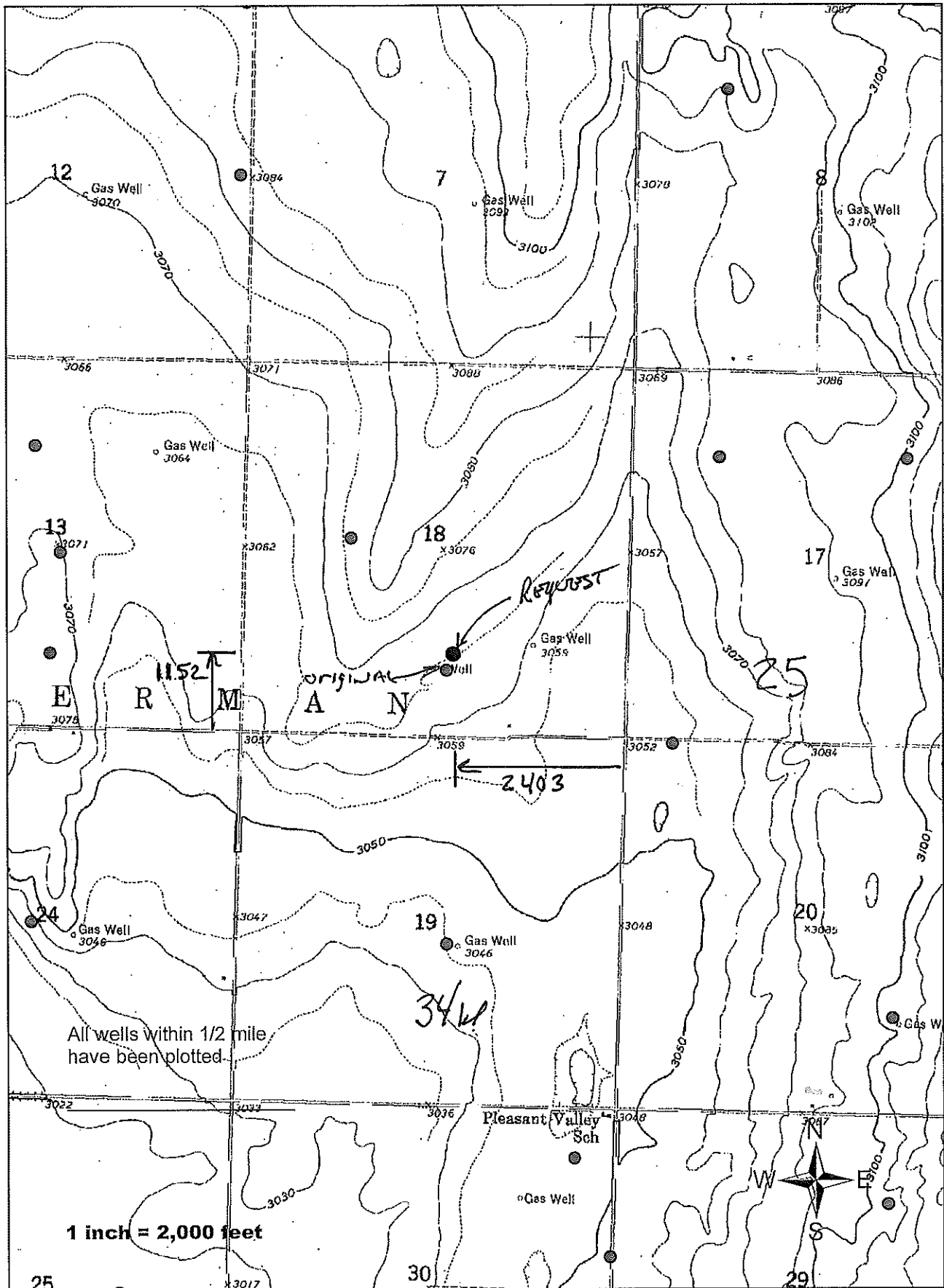
FOR OFFICE USE ONLY
**APPLICATION APPROVED AND
SUMMARY ORDER ISSUED**

By: *[Signature]*
Duly Authorized Designee of the Chief Engineer
(Print Name): THOMAS P. MAKENS
Division of Water Resources - Kansas Department of Agriculture
Date of Issuance: April 24, 2018
State of Kansas)
County of Ginney) SS
Acknowledged before me on April 24, 2018
by Thomas P. Makens
Signature: *[Signature]*
Notary Public



My commission expires: _____
(Notary Seal)

5784, 9281



(complete if applicable).

EXECUTOR'S DEED

This indenture made this 12th day of January, 2018, by and between **THE GRANT COUNTY BANK, BY ITS TRUST OFFICER, THOMAS R. OGLEVIE, JR., AS SUCCESSOR EXECUTOR OF THE ESTATE OF GALEN H. MEYER**, deceased, as GRANTOR, and **J & L SMITH FARMS, INC.**, Grantee.

Grantor, by virtue of an Order of Sale issued out of the District Court of Grant County, Kansas, and dated January 8th, 2018, having sold the real estate hereinafter described in conformity with the Order and the sale having been confirmed as provided by law, in consideration of the sum of [REDACTED] which is not less than three-fourths of the appraised value of the real estate described below, the receipt of which is acknowledged, does grant, bargain, sell and convey unto J & L Smith Farms, Inc., Grantee and its assigns, all right, title and interest of Galen H. Smith, deceased, discharged from liability for decedent's debts, in and to all of the following described real estate situated in Grant County, Kansas:

The Northeast Quarter (NE/4) of Section Nineteen (19), Township Twenty-seven (27), Range Thirty-six (36) West of the Sixth P.M. , including the Grantor's interest in any and all water and water rights appurtenant to the real property.

EXCEPT AND SUBJECT TO a reservation of all of the oil, gas and other minerals, in and under, that may be produced therefrom, including without limitation, all present, future, reversionary interest therein, including all bonuses, all rents, royalties and any income of every nature therefrom, and including the rights incident to the enjoyment thereof, together with the rights of ingress and egress at all times for the purpose of mining, drilling, exploring, operating and developing said land for oil and gas and other minerals, and in storing, handling, transporting and marketing the same therefrom with the right to remove from said land all of the mineral owners property and improvements. Said grant is made subject to any rights now existing to any lessee or their assigns under any valid oil and gas lease executed by the parties hereto; and

EXCEPT AND SUBJECT to mineral reservations, restrictions, easements and rights of way, of record, if any.

This Deed is given by an Executor and without consideration.

TO HAVE AND TO HOLD the above granted premises, together with the appurtenances and hereditaments and every part thereof, unto J & L Smith Farms, Inc., Grantee, and its assigns.

THE GRANT COUNTY BANK
Successor Executor of the Estate
of Galen H. Meyer, deceased

By Thomas R. Oglevie, Jr.
Thomas R. Oglevie, Jr.
Trust Officer

ACKNOWLEDGMENT

Deed Book 86
Page 561

STATE OF KANSAS)
)
) SS:
COUNTY OF GRANT)

BE IT REMEMBERED, that on this 12th day of January, 2018, before me the undersigned, a notary public, in and for the County and State aforesaid, came **Thomas R. Oglevie, Jr., Trust Officer for The Grant County Bank, Successor Executor of Galen H. Meyer Estate**, who is personally known to me to be the same person who executed the within instrument of writing and such person duly acknowledged the execution of the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year last written.

Tamera J. Oliver
Tamera J. Oliver
Notary Public

My Appointment Expires: 12/18/18



DD

STATE OF KANSAS, GRANT COUNTY

This instrument was filed for record on January 22, 2018 1:21 PM
and duly recorded in DD Book 86 , Page 560-561

Fees: \$38.00 Instrument# 201800068

Dana Y. McDaniel
Dana Y. McDaniel Register of Deeds



Reception *DM*
Numerical *RDB* ✓
Direct *RDB* ✓
Indirect *RDB* ✓
Stamped _____
Computer *RDB* ✓
Orig. Comp. *RDB* ✓

Entered in transfer record in my office on
January 22, 2018

Sheila Brown
Sheila Brown Grant County Clerk

