

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

1. File Number: <b>22860</b>	2. Status Change Date:	3. Change Num: <b>C1</b>	4. Field Office: <b>4</b>	5. GMD: <b>3</b>
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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: <b>4/26/2019</b>
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8a. Applicant(s) New to system <input type="checkbox"/>  <b>NOBLE DAIRY LLC</b> <b>3705 F ROAD</b> <b>GARDEN CITY KS 67846</b>	8c. Landowner(s) New to system <input type="checkbox"/>  Person ID <u><b>64581</b></u> Add Seq# _____
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8b. Landowner(s) New to system <input type="checkbox"/>  <b>8a</b>	8d. WUC New to system <input type="checkbox"/>  <b>8a</b>
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9. Documents and Enclosure(s):  DWR Meter(s) Date to Comply: **12/31/2019**     N & P Date to Comply: **12/31/2020**

Anti-Reverse Meter     Meter Seal     Check Valve     N & P Form     Water Tube     Driller Copy     H & E Letter

Conservation Plan    Date Required: \_\_\_\_\_    Date Approved: \_\_\_\_\_    Date to Comply: \_\_\_\_\_

10. Use Made of Water    From: \_\_\_\_\_    To: \_\_\_\_\_

Date Prepared: **5/30/2019**    By: **AM**  
 Date Entered: \_\_\_\_\_    By: \_\_\_\_\_



Garden City Field Office  
4532 W. Jones, Suite B  
Garden City, KS 67846



Phone: 620-276-2901  
Fax: 620-276-9315  
www.agriculture.ks.gov

Mike Beam, Secretary

Laura Kelly, Governor

May 30, 2019

NOBLE DAIRY LLC  
3705 F ROAD  
GARDEN CITY KS 67846

RE: Water Right, File No. 22860

Dear Sir or Madam:

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

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in this approval for change. A condition of this approval is that an acceptable water flow meter must be installed on the diversion works authorized under the referenced file number and meet current specifications. Please return the required notification of completion of the diversion works and installation of the required meter as soon as these actions are completed.

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

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

Sincerely,

A handwritten signature in blue ink, appearing to read "Austin J. McColloch".

Austin J. McColloch  
Assistant Water Commissioner

AM:  
enclosures

pc:  
GROUNDWATER MANAGEMENT DISTRICT NO. 3



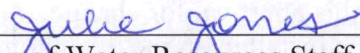
**CERTIFICATE OF SERVICE**

On this 30<sup>th</sup> day of May, 2019, I hereby certify that the foregoing Approval of Application for Change in Point of Diversion, Water Right, File No. 22,860 dated 30<sup>th</sup> day of May, 2019 was mailed postage prepaid, first class, US mail to the following:

NOBLE DAIRY LLC  
3705 F ROAD  
GARDEN CITY KS 67846

Pc:

GROUNDWATER MANAGEMENT DISTRICT NO. 3

  
\_\_\_\_\_  
Division of Water Resources Staff



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.

File No. 22860

**RECEIVED**  
 11:00 AM  
 APR 26 2019

1. Application is hereby made for approval of the Chief Engineer to change the (check one or both):

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

Garden City Field Office  
 Division of Water Resources

2. Name and address of Applicant: NOBLE DAIRY LLC

3705 F ROAD GARDEN CITY, KS. 67846

Phone Number: (620)335 5454

Email address: \_\_\_\_\_

Name and address of Water Use Correspondent: JEFF GIGOT

5250 E TV ROAD GARDEN CITY, KS 67846

Phone Number: (620)276 6347

Email address: \_\_\_\_\_

3. The presently authorized place of use is:

Owner of Land ---- NAME: ~~RAYMOND WHITHERS~~

ADDRESS: ~~RT 1 BOX 365 B BAGWELL TX 75412~~

(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		
9	26	32W	34	34	40	40	34	34	34	40	40	34	34	34	40	40	40	34	34	580

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~~ Noble Dairy LLC

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 \$ 200.00 TR # \_\_\_\_\_ Receipt Date 4-26-19 Check # 008006



5. **Presently authorized point of diversion:**  
 One in the SW Quarter of the SE Quarter of the NE Quarter of Section 9, Township 26 South, Range 32 (W), in FINNEY County, Kansas, 2780 feet North 1070 feet West of Southeast corner of section. Authorized Rate 1045GPM Authorized Quantity 260AF Depth of well \_\_\_\_\_ (feet)  
**(DWR use only: Computer ID No. 2 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 SW Quarter of the SW Quarter of the NE Quarter of Section 9, Township 26 South, Range 32 (W), in FINNEY County, Kansas, 2897 feet North 2184 feet West of Southeast corner of section. Proposed Rate 1045 gpm Proposed Quantity 260 AF 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 SW Quarter of the SE Quarter of the NW Quarter of Section 9, Township 26 South, Range 32 (W), in FINNEY County, Kansas, 2700 feet North 3860 feet West of Southeast corner of section. Authorized Rate 830GPM Authorized Quantity 260AF Depth of well \_\_\_\_\_ (feet)  
**(DWR use only: Computer ID No. 1 GPS \_\_\_\_\_ feet North \_\_\_\_\_ feet West)**  
 This point will not be changed  This point will be changed as follows:  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

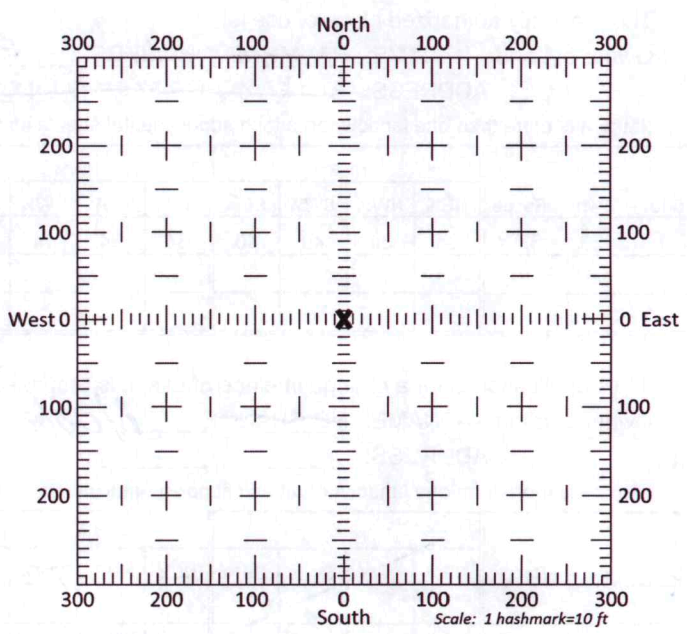
9. The change(s) (was)(will be) completed by?  
MAY 24 2019

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? MAY 24 2019

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.)

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APR 26 2019

File No. \_\_\_\_\_

Garden City Field Office  
 Division of Water Resources



APPLICATION FOR APPROVAL TO CHANGE  
THE PLACE OF USE AND/OR POINT OF DIVERSION  
SUPPLEMENTAL SHEET  
FILE NO. 22860

**Presently authorized point of diversion:**

One in the \_\_\_\_\_ Quarter of the NC Quarter of the SE Quarter  
of Section 9, Township 26 South, Range 32 (W),  
in FINNEY County, Kansas, 1300 feet North 1330 feet West of Southeast corner of section.  
Authorized Rate 825GPM Authorized Quantity 260AF Depth of well \_\_\_\_\_ (feet)  
(DWR use only: Computer ID No. 4 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 \_\_\_\_\_

**Presently authorized point of diversion:**

One in the \_\_\_\_\_ Quarter of the NC Quarter of the SW Quarter  
of Section 9, Township 26 South, Range 32 (W),  
in FINNEY County, Kansas, 1300 feet North 3950 feet West of Southeast corner of section.  
Authorized Rate 840GPM Authorized Quantity 260AF Depth of well \_\_\_\_\_ (feet)  
(DWR use only: Computer ID No. 3 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 \_\_\_\_\_

**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 \_\_\_\_\_

**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 \_\_\_\_\_

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Garden City Field Office  
Division of Water Resources



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 GARDEN CITY, Kansas, this 26<sup>th</sup> day of APRIL, 20 19.

<p><u>[Signature]</u>          (Owner)  <u>Kyle S Averhoff</u>          (Please Print)</p>	<p>_____          (Spouse)          _____          (Please Print)</p>
<p>_____          (Owner)          _____          (Please Print)</p>	<p>_____          (Spouse)          _____          (Please Print)</p>
<p>_____          (Owner)          _____          (Please Print)</p>	<p>_____          (Spouse)          _____          (Please Print)</p>

State of Kansas }  
 County of FINNEY } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 26<sup>th</sup> day of APRIL, 20 19.



[Signature]  
 Notary Public

My Commission Expires 7/14/22

**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.

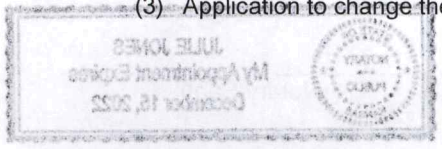
**FEE SCHEDULE**

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**

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**APR 26 2019**





**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. 22860.

1. A change application was received on APRIL 26, 2019 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, 2019**, 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, 2019**, or within any authorized extension of time. By March 1, 2020 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*

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APR 26 2019

Garden City Field Office  
Division of Water Resources

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

By: Austin J. McCulloch  
Duly Authorized Designee of the Chief Engineer  
(Print Name): Austin J. McCulloch  
Division of Water Resources - Kansas Department of Agriculture  
Date of Issuance: May 30, 2019  
State of Kansas )  
County of Finney ) SS  
Acknowledged before me on May 30, 2019  
by Austin J. McCulloch  
Signature: Julie Jones  
Notary Public  
My commission expires: \_\_\_\_\_









3795 W. Jones Ave.  
 Garden City, KS 67846  
 PH: 620-277-2389



2897'N/2184 SWSWNE

PO Box 639  
 Garden City, KS 67846  
 Fax: 620-277-0224

KYLE AUERHOF 620-335-5454 CELL 620-271-1192

Customer Name: Noble Dairy, LLC WO#: 15389 Date: 4-19-19  
 Street Address: 3705 F ROAD Test #: 2 E LOG: Yes  
 City, State: GARDEN CITY, KS 67846 Driller: Dale Guinn  
 County: Finney Quarter: NE Section: 9 Township: 26 Range: 32  
 Location: \_\_\_\_\_ GPS: N 37.80309 W 100.82328  
 Rig #: 10002 Elevation: 2847' Static WL: 223' Estimated? \_\_\_\_\_  
 Proposed Well Depth 504

WELL LOCATION 20' SUMP

%	Footage			Description of Strata
	From	Pay	To	
	0		2	Top Soil
	2		4	Brown Sandy Clay
	4		8	Fine Sand w/some clay mixed
	8		22	Brown Sandy Clay
	22		35	Sand fine to med course small gravel
	35		41	Gray: Sandy Clay
	41		59	Brown Clay
	59		68	Fine Sand w/some clay stringers
	68		96	Sand fine to med course few small gravel
	96		120	Brown Clay w/some fine sand mixed
	120		135	Brown Clay
	135		140	Sand fine to med course
	140		151	Brown + some light Blue Clay
	151		178	Sand fine to med few course
	178			Blue Clay - Drilled Hard Ledge @ 199' Broke Thru + Lost Circ. mixed
			234	Gel + Bran -
5	234	29	252	Sand fine to med - Blue in color + Hard in places - w/few clay
15	252	8	260	Sand fine to med few course - Blue in color -
25	260	8	268	Sand fine to med course
	268		284	Brown Sandy clay
25	284	15	299	Sand fine to med some course
20	299	29	328	Sand fine to med few course
	328		340	Brown Sandy clay
10	340	12	352	Fine Sand w/few clay stringers
25	352	25	377	Sand fine some med w/few small white rock - Drilled Loose -
	377		395	Brown Sandy clay
15	395	34	429	Fine sand w/coupl- clay ledges
	429		438	Brown Sandy clay
5	438	46	484	Sandstone w/few soapstone ledges
	484		500	Shale
				Super Gel X - 7
				Grout - 5
				Bent. Plug 3/4 - 4
				Perma Plug - 1
				Bran - 5
				4 3/4 Drag Blade - 1

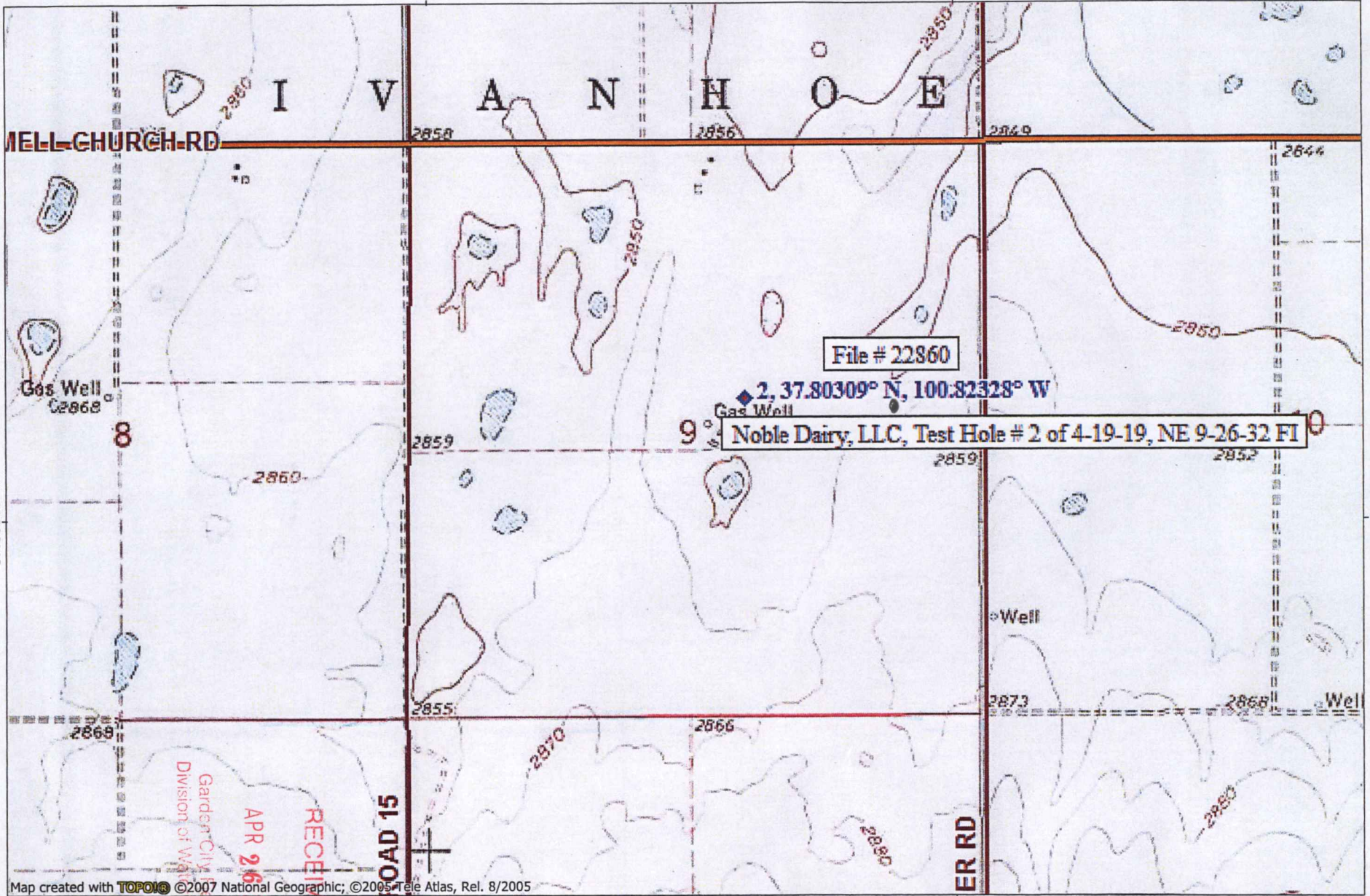
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 Division of Water Resources

20





37.80000° N

37.80000° N

Map created with TOPO! ©2007 National Geographic; ©2005 Tele Atlas, Rel. 8/2005

100.83333° W

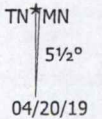
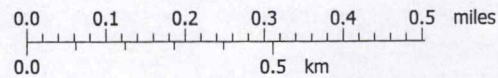
NAD27 100.81667° W



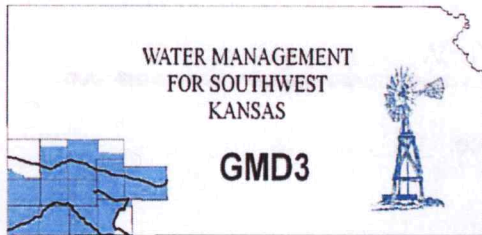
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 Field Office

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**Southwest Kansas**  
**Groundwater Management District No. 3**  
2009 E. Spruce Street  
Garden City, Kansas 67846  
(620) 275-7147 phone (620) 275-1431 fax  
www.gmd3.org

May 29, 2019

Michael A. Meyer  
Division of Water Resources  
2508 N Johns Street  
Garden City, Kansas 67846

RE: Application for Change in Point of Diversion  
Water Right, File Nos. 22860

Dear Mike:

We have completed a review of the application for the above referenced water right. The proposed change in point of diversion is in accordance with current area rules, K.A.R. 5-23-3, as it pertains to distance moved and minimum spacing to neighboring wells.

Well evaluations were conducted to estimate possible effects of the proposal on the supply of other wells with water rights prior to the proposal per K.S.A. 82a-708b, and the draft revised management program. Under K.S.A. 82a-708b, an applicant requesting a change in point of diversion must demonstrate to the chief engineer that any proposed change is reasonable and will not impair. The enclosed report is an analysis performed by the GMD on behalf of our membership. Under this analysis, the proposed change is considered to be reasonable and unlikely to impair if either the net in-season well-to-well effect of the proposed change is less than a strict maximum allowable threshold (4 ft in cases where saturated thickness is greater than 200 ft), or if no well with a net well-to-well effect exceeding the threshold is identified as critical. Critical wells are identified as wells that are expected to either lose or greatly diminish water supply over the next 25 years. The attached review information is based on a Theis analysis using inputs from the GMD3 aquifer model, which is considered to be the best information on well and aquifer data readily and easily available to the public. If either the applicant or the neighbors believe they have better data that might change the result of the analysis, they should contact GMD3. Conclusions of the well analysis may change if better information on well and aquifer data can be made available.

Every neighboring well within 1 mile of the proposed move was evaluated. Evaluations showed that in no case did the net effect on neighboring wells exceed the 4.0 ft maximum allowable threshold. There were discussions with one of the domestic wells and one other irrigation well to discuss the results and possible effects. None of the responses presented any written comments. Therefore, GMD3 sees this move as reasonable and unlikely to impair neighboring wells. It is therefore recommended that the applications be approved.

Thank you for the opportunity to review the applications and to provide a recommendation. If you have any questions, please don't hesitate to contact us.

Sincerely,

Jason L. Norquest  
Assistant Manager



## GMD3 Change Review

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File No(s): 22860. DWR office: GC.

App filed to change: PD.

Is Landowner(s) correct in WRIS: Noble Dairy.

If NO, is documentation included?

Is Water Use Correspondent correct in WRIS? Yes.

If NO, is documentation included?

Regulation(s) Reviewed: KAR 5-23-3

Point of diversion ID No(s) 02 being changed.

	ft. North	ft. West	
Authorized PD	2780	1070	Sect 9-26-32
Proposed PD	2897	2184	
Difference	-117 n	-1114 w	
$a^2 + b^2 = c^2$	13689	1240996	1120.127 foot move NW

GPS for proposed PD: Lat: 37.80309 Long: -100.82328.

Is proposed PD stacking on existing WRs? No.

Is Proposed PU overlapping existing WRs? No change in place of use.

Land Owner(s) notified:    .

Name    . Name    .

Address    . Address    .

Zip    . Zip    .

Neighboring certified well(s) notified: Yes.

Name    . Name    .

Address    . Address    .

Zip    . Zip    .

Domestic well(s) notified: Yes.

Name    . Name    .

Address    . Address    .

Zip    . Zip    .

Base Acres:    .

Perfected Acres:    .

Irr. Return-Flow    %

**Proposed change due to lose of production in current IRR well.**

**Recent new owner. Prior, this PD has not pumped very much in recent history.**

Is a waiver needed: Move is less than half mile and spacing to neighbors meets minimum current area rules. Well analysis shows saturated thickness in the area over 200', so allowable effect would be 4'. All wells in the area showed less than 1.6' effect, within criteria.

Received call from Kyle Lightner (May21), domestic well in SW of 3-26-32, concern for his domestic well. We reviewed the results from analysis, which showed 0.6ft effect.

That would be will within criteria NOT to be critical. He would like some assurance that

## GMD3 Change Review

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he would be protected and what the process would be. We went over a possible impairment process and also discussed that his well might not be drilled to bottom. He doesn't want to stop the redrill, just to wants concerns mentioned.

Steve Parr visited the office 5/28/19 to discuss the change and the letter he got from us. We reviewed the well analysis and results showing minimal effect to his well. I asked if he had better information on his well and replied that it seemed we were up to date. He also wanted to discuss what this would do to his options to redrill his well so we reviewed the change process and he still might have options. We also started a meter repair report for a meter he needs to service.

Recommendation: It appears the current area rules are met. Analysis shows the possible effects are within the limits for the area. The domestic owner that called in, we show less than .6' effect. We see the move as reasonable and recommend approval of the application.









22860 ID 3: Drawdown from current location = 0.54 ft  
Drawdown from proposed location = 1.64 ft  
Net drawdown = **1.1 ft**

22860 ID 4: Drawdown from current location = 0.88 ft  
Drawdown from proposed location = 2.21 ft  
Net drawdown = **1.3 ft**

1582 & 14357: Drawdown from current location = 0.69 ft  
Drawdown from proposed location = 1.44 ft  
Net drawdown = **0.8 ft**

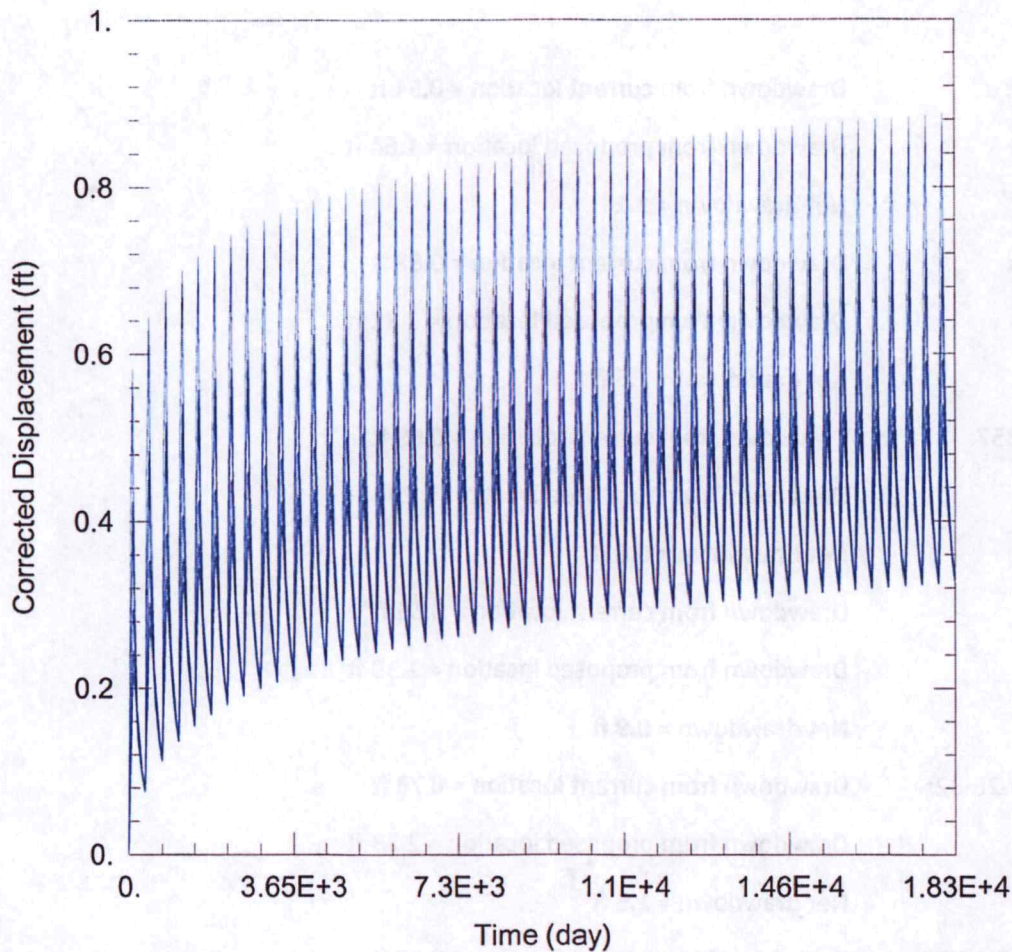
22969: Drawdown from current location = 0.51 ft  
Drawdown from proposed location = 1.39 ft  
Net drawdown = **0.9 ft**

Domestic 9-26-32: Drawdown from current location = 0.73 ft  
Drawdown from proposed location = 2.23 ft  
Net drawdown = **1.5 ft**

Domestic 10-26-32: Drawdown from current location = 0.89 ft  
Drawdown from proposed location = 1.65 ft  
Net drawdown = **0.8 ft**

Domestic 3-26-32: Drawdown from current location = 0.54 ft  
Drawdown from proposed location = 1.17 ft  
Net drawdown = **0.6 ft**

Net drawdown does not exceed the drawdown allowance for any of the neighboring wells. Therefore, critical well analysis is not necessary because even if neighboring wells are critical, the proposed change is not likely to create an unreasonable effect on them.



WELL TEST ANALYSIS

Data Set: C:\Users\trevora\Documents\2019\_moves\22860\22860 Current.aqt

Date: 05/16/19

Time: 16:14:14

PROJECT INFORMATION

Company: GMD 3

Project: 22860

Location: Finney County

Test Well: 22860

WELL DATA

Pumping Wells

Well Name	X (ft)	Y (ft)
22860 ID2	-5899	337819

Observation Wells

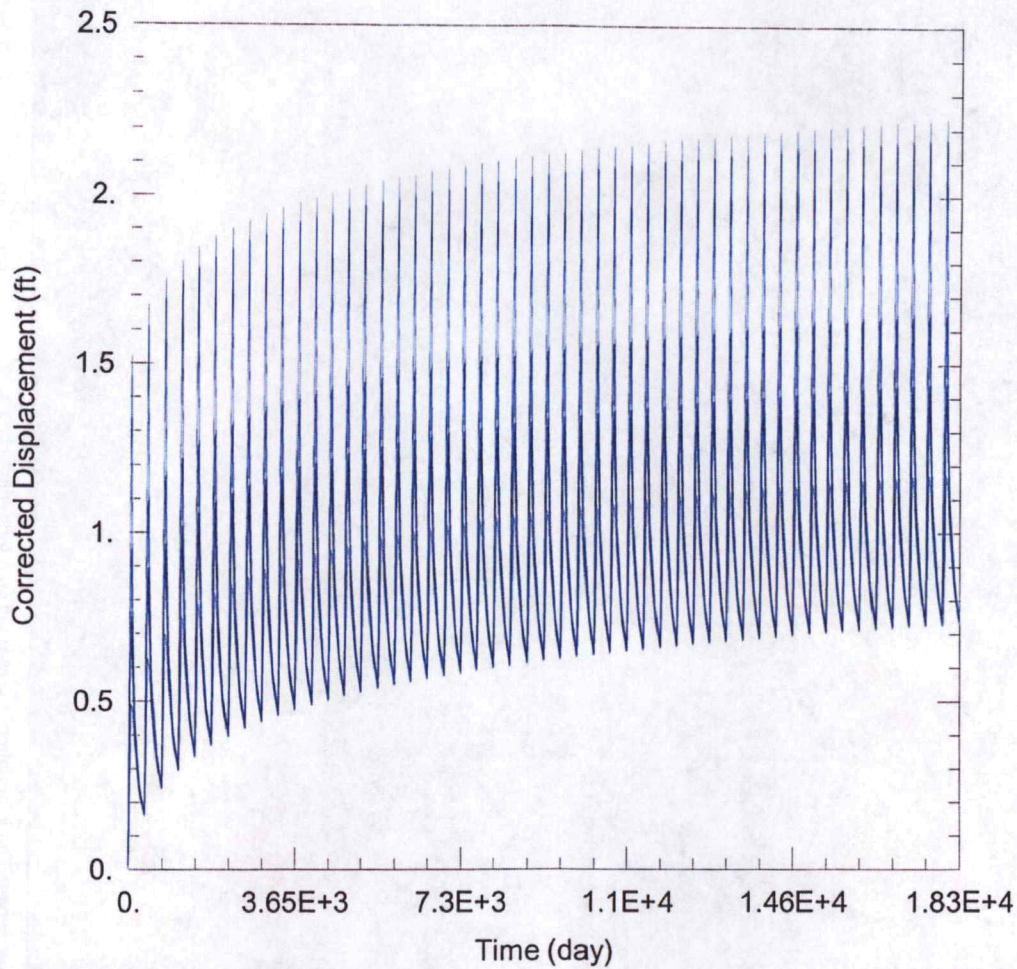
Well Name	X (ft)	Y (ft)
□	-5899	337819
□ 22860 ID1	-8689	337752
□ 22860 ID3	-8784	336350
□ 22860 ID4	-6161	336343
□ 1582 & 14357	-4741	335932
□ 22969	-7459	340964
□ Domestic 9-26-32	-6816	339657
□ Domestic 10-26-32	-4503	337351
□ Domestic 3-26-32	-4502	340765

SOLUTION

Aquifer Model: Unconfined

Solution Method: Theis





WELL TEST ANALYSIS

Data Set: C:\Users\trevora\Documents\2019 moves\22860\22860 Proposed.aqt  
 Date: 05/16/19 Time: 16:14:08

PROJECT INFORMATION

Company: GMD 3  
 Project: 22860  
 Location: Finney County  
 Test Well: 22860

WELL DATA

Pumping Wells

Well Name	X (ft)	Y (ft)
22860 ID2	-6887	337934

Observation Wells

Well Name	X (ft)	Y (ft)
□	-6887	337934
□ 22860 ID1	-8689	337752
□ 22860 ID3	-8784	336350
□ 22860 ID4	-6161	336343
□ 1582 & 14357	-4741	335932
□ 22969	-7459	340964
□ Domestic 9-26-32	-6816	339657
□ Domestic 10-26-32	-4503	337351
□ Domestic 3-26-32	-4502	340765

SOLUTION

Aquifer Model: Unconfined

Solution Method: Theis





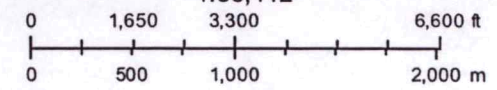
May 16, 2019  
13:46 PM

DISCLAIMER: This map is not intended for conveyances, nor is it a legal survey. The information is presented on a best-efforts basis, and should not be relied upon for making financial, survey, legal or other commitments.

1:36,112

GPS Position

<b>Wells</b>	CON	FPR	MUN	THX
Other	DEW	HYD	REC	Empty
IRR	DOM	IND	STK	WWC5 WELLS GMD3





INPUTS	
Target Section Definition	
Section	9
Township	26
Range	32
Range Direction	w
Target Point Coordinates (NAD27 or NAD83)	
Target Longitude	-100.823280
Target Latitude	37.803090

Load Data and Compute

**Instructions**

1. Enter values for section, township, range and range direction.
2. Enter **NAD27** or **NAD83** longitude and latitude of target point.
3. Click "Load Data and Compute" button.
4. Use feet distances corresponding to datum of target point.

Loaded Section Data From LEOBASE using <b>NAD83</b>		
Corner	Corner Latitudes	Corner Longitudes
SW	37.79506776	-100.83456192
NW	37.80965462	-100.83448481
NE	37.80962461	-100.81615912
SE	37.79515862	-100.81615929
Degrees Longitude per Foot		3.46089044E-06
Degrees Latitude per Foot		2.74618628E-06
Target Point Distances from Corners using NAD83		
Corner	Feet North(+)/South(-)	Feet East(-)/West(+)
SW	2921	-3260
NW	-2390	-3238
NE	-2380	2058
SE	2888	2057

Target point is in Section

Loaded Section Data From LEOBASE using <b>NAD27</b>		
Corner	Corner Latitudes	Corner Longitudes
SW	37.79504400	-100.83412200
NW	37.80963100	-100.83404500
NE	37.80960100	-100.81572000
SE	37.79513500	-100.81572000
Degrees Longitude per Foot		3.46088934E-06
Degrees Latitude per Foot		2.74598553E-06
Target Point Distances from Corners using NAD27		
Corner	Feet North(+)/South(-)	Feet East(-)/West(+)
SW	2930	-3133
NW	-2382	-3110
NE	-2371	2184
SE	2897	2184

Target point is in Section

Difference (NAD83 Minus NAD27)		
Corner	Corner Latitudes	Corner Longitudes
SW	0.00002376	-0.00043992
NW	0.00002362	-0.00043981
NE	0.00002361	-0.00043912
SE	0.00002362	-0.00043929
Difference (NAD83 Minus NAD27)		
Corner	Feet North(+)/South(-)	Feet East(-)/West(+)
SW	-8.86619952	-127.11079719
NW	-8.42688414	-127.07902055



3795 W. Jones Ave.  
Garden City, KS 67846  
PH: 620-277-2389



2897N/2184 SW SW NE

PO Box 639  
Garden City, KS 67846  
Fax: 620-277-0224

KYLE AVERHOFF 620-335-5454 CELL 620-271-1192

Customer Name: Noble Dairy, LLC WO#: 15389 Date: 4-19-19  
 Street Address: 3705 F. ROAD Test #: 2 E LOG: Yes  
 City, State: GARDEN CITY, KS 67846 Driller: Dale Quinn  
 County: Finney Quarter: NE Section: 9 Township: 26 Range: 32  
 Location: GPS: N37.80309 W100.82328  
 Flg #: 10002 Elevation: 2847' Static WL: 223' Estimated?           
 Proposed Well Depth 504

WELL LOCATION 20' SWMP

%	From	Footage Pay	To	Description of Strata
	0		2	Top Soil
	2		4	Brown Sandy Clay
	4		8	Fine Sand w/some clay mixed
	8		22	Brown Sandy Clay
	22		35	Sand fine to med course small gravel
	35		41	Gray Sandy Clay
	41		59	Brown Clay
	59		68	Fine Sand w/some clay stringers
	68		96	Sand fine to med course few small gravel
	96		120	Brown Clay w/some fine sand mixed
	120		135	Brown Clay
	135		140	Sand fine to med course
	140		151	Brown + some light Blue Clay
	151		178	Sand fine to med few course
	178			Blue Clay - Drilled Hard Lodge @ 199'. Brake Thru + Lost Circ. mixed
			234	Gel + Bran -
5	234	29	252	Sand fine to med - Blue in color + Hard in places - v/few clay
15	252	8	260	Sand fine to med few course - Blue in color -
25	260	8	268	Sand fine to med course
	268		284	Brown Sandy clay
25	284	15	299	Sand fine to med some course
20	299	29	328	Sand fine to med few course
	328		340	Brown Sandy clay
10	340	12	352	Fine Sand w/few clay stringers
25	352	25	377	Sand fine some med v/few small white rock - Drilled Loose -
	377		395	Brown Sandy clay
15	395	34	429	Fine Sand w/coupl- clay ledges
	429		438	Brown Sandy clay
5	438	46	484	Sandstone w/few soapstone ledges
	484		500	Shale
				Super Gel X - 7
				Grout - 5
				Bent. Plug 3/4 - 4
				Perma Plug - 1
				Bran - 5
				4 3/4 Drag Blade - 1
				RECEIVED
				APR 26 2019
				Garden City Field Office Division of Water Resources

0.0



Water Rights and Points of Diversion Within 1.00 miles of point defined as:

2897 ft N and 2184 ft W of the SE Corner of Section 9, T 26S, R 32W

Located at: 100.823279 West Longitude and 37.803091 North Latitude

GROUNDWATER ONLY

File Number	Use	ST	SR	Dist (ft)	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Twp	Rng	ID	Batt	Auth_Quan	Add_Quan	Unit
A__ 1582 00	IRR	NK	G	3034	--	NW	SW	SW	890	5140	10	26	32W	1		120.00	120.00	AF
A__ 14357 00	IRR	NK	G	3034	--	NW	SW	SW	890	5140	10	26	32W	1		277.00	277.00	AF
A__ 22860 00	IRR	NK	G*	1687	--	SW	SE	NW	2700	3860	9	26	32W	1		260.00	260.00	AF
Same				1121	--	SW	SE	NE	2780	1070	9	26	32W	2		260.00	260.00	AF
Same				2382	--	--	NC	SW	1300	3950	9	26	32W	3		260.00	260.00	AF
Same				1813	--	--	NC	SE	1300	1330	9	26	32W	4		260.00	260.00	AF
A__ 22969 00	IRR	NK	G	3053	--	CW	SW	SE	650	2630	4	26	32W	3		134.00	134.00	AF

*Spacing would be MET!!*

Total Net Quantities Authorized:	Direct	Storage
Total Requested Amount (AF) =	.00	.00
Total Permitted Amount (AF) =	.00	.00
Total Inspected Amount (AF) =	.00	.00
Total Pro_Cert Amount (AF) =	.00	.00
Total Certified Amount (AF) =	1571.00	.00
Total Vested Amount (AF) =	.00	.00
TOTAL AMOUNT (AF) =	1571.00	.00

An \* after the source of supply indicates a pending application for change for the file number.

An \* after the ID indicates a 15 AF exemption was granted for the file number.

A "G" in the Batt column indicates the GEO CTR of a battery. A "B" indicates a well in the battery.

The number in the Batt column is the number of wells in the battery.

Water Rights and Points of Diversion Within 1.00 miles of point defined as:

100.823279 West Longitude and 37.803091 North Latitude

GROUNDWATER ONLY

WATER USE CORRESPONDENTS:

- File Number Use ST SR
- A\_\_ 1582 00 IRR NK G
- > RICHARD A LIGHTNER
- >
- > 5175 E PLYMELL RD
- > GARDEN CITY KS 67846
- 
- A\_\_ 14357 00 IRR NK G
- > RICHARD A LIGHTNER
- >
- > 5175 E PLYMELL RD
- > GARDEN CITY KS 67846
- 
- A\_\_ 22860 00 IRR NK G
- > JEFF GIGOT
- >
- > 5250 E TV RD
- > GARDEN CITY KS 67846
- 
- A\_\_ 22969 00 IRR NK G



> STEVE K PARR  
>  
> 208 BULLARD DR  
> GARDEN CITY KS 67846

-----  
=====

Domestic

Kyle Lightner

3075 E. Plymell RD

GC 67846



Garden City Field Office  
4532 W. Jones, Suite ~~A~~<sup>B</sup>  
Garden City, KS 67846



Phone: 620-276-2901  
Fax: 620-276-9315  
www.agriculture.ks.gov

Mike Beam, Secretary

Laura Kelly, Governor

May 16, 2019

SOUTHWEST KANSAS GROUNDWATER  
MANAGEMENT DISTRICT NO. 3  
409 CAMPUS DRIVE, SUITE 106  
GARDEN CITY KS 67846

Re: Water Right File No. 22860

Dear Mr. Norquest:

This is to advise you that Noble Dairy LLC has filed an application for approval of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, to change the point of diversion for the above referenced file.

We are delaying action on the change application to allow you time to review and provide a recommendation. Please submit a recommendation within 15 days from the date of this letter.

Thank you and as always feel free to contact this office at any time.

Sincerely,

A handwritten signature in blue ink that reads "Michael A. Meyer". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Michael A. Meyer  
Water Commissioner

MAM  
Enclosures



Garden City Field Office  
4532 W. Jones, Suite A  
Garden City, KS 67846



Phone: 620-276-2901  
Fax: 620-276-9315  
[www.agriculture.ks.gov](http://www.agriculture.ks.gov)

Mike Beam, Secretary

Laura Kelly, Governor

May 1, 2019

RICHARD LIGHTNER  
5175 E PLYMELL RD  
GARDEN CITY KS 67846

RE: Water Right, File No. 22860

Dear Sir:

This is to advise you that Noble Dairy LLC has filed an application for approval of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, to point of diversion under the above referenced application.

You can find the complete application posted by water right file number as referenced above at [www.agriculture.ks.gov/divisions-programs/dwr/water-appropriation/notices](http://www.agriculture.ks.gov/divisions-programs/dwr/water-appropriation/notices)

You are notified on this proposed place of use so that you may furnish this office with any comments or other information you may want to submit. Such comments or other information must be received in this office within 15 days from the date of this letter.

Should you have any questions, please feel free to call this office. If you would prefer, an appointment could be arranged for additional assistance. Please refer to the file number when you contact us if you wish to discuss a specific file.

Sincerely,

A handwritten signature in black ink that reads "Michael A. Meyer".

Michael A. Meyer  
Water Commissioner

MAM

Pc:

Groundwater Management District No. 3

SCANNED



State of Kansas, Finney County SS.  
This instrument was filed for Record  
12/11/2018 at 10:12 AM  
& recorded in Book 0336 on Page 761  
Fees: \$38.00  
2018-04935

DATA ENTRY  
AND INDEX

336 761



*Ulrike Lappin*  
ULRIKE LAPPIN,  
FINNEY COUNTY REGISTER OF DEEDS

*by Cori Lennings*

Entered in Transfer Record in my office this

13<sup>th</sup> day of Dec, A.D., 2018

*Cori Lennings*  
Finney County Clerk

**KANSAS WARRANTY DEED  
(Individual/Tenants in Common)**

THIS DEED, is made this 6<sup>TH</sup> day of DEC., 2018 by and between **Back-Bar Farm, Co. of Kansas, a Kansas corporation** as Grantor(s), and **Noble Dairy LLC**, as Grantee(s), whose mailing address is **3705 F Road, Garden City, KS 67846**.

**WITNESSETH**, that the Grantor(s), for and in consideration of the sum of One Dollar and other good and valuable consideration paid by the Grantee(s), the receipt and sufficiency of which is hereby acknowledged by Grantor(s), do/does by these presents **GRANT, BARGAIN AND SELL, CONVEY AND WARRANT** unto the Grantee(s), the following described Real Estate, situated in the County of **Finney** and State of Kansas, to-wit:

**All of Section Nine (9), Township Twenty-six (26) South, Range Thirty-two (32) West of the 6th P.M., Finney County**

Subject to all easements, restrictions and reservations, if any, now of record.

**TO HAVE TO HOLD** the same, together with all rights and appurtenances to the same belonging, unto the Grantee(s), and to the heirs and assigns of such Grantee(s) forever.

The Grantor(s) hereby covenanting that the Grantor(s), and the heirs, executors, administrators and assigns of the Grantor(s), shall and will **WARRANT AND DEFEND** the title to the premises unto the Grantee(s), and to the heirs and assigns of Grantee(s) forever, against the lawful claims of all persons whomsoever, excepting, however, the general taxes for the current calendar year and thereafter, and special taxes becoming a lien after the date of this deed.

RECEIVED

APR 26 2019

Garden City Field Office  
Division of Water Resources



