Kansas Department of Agriculture Division of Water Resources

CHANGE: pu WORKSHEET

1. File Number: 33603	2. Status Change Date:	3. Change Num:	4. Field Office: 04	5. GMD:
6. Status: ⊠ Approved ☐ Der	nied by DWR/GMD	Dismiss by Reques	st/Failure to Return	7. Filing Date of Change: 5/8/19
8a. Landowner, applicant, WUC New to system □ J & L SMITH FARMS INC	Person ID 55420 Add Seq# 1	8c. applicant New to sy		Person IDAdd Seq#
BRYAN SMITH 9170 E ROAD 2 ULYSSES KS 67880-81	51			
8b. Landowner(s) New to system □	Person ID Add Seq#	8d. WUC New to sy	vstem □	Person ID Add Seq#
9. Documents and Enclosure(s): ☑ D ☐ Anti-Reverse Meter ☐ Meter ☐ Conservation Plan Date Requi		□ N & P Form	☐ Water Tube ☐	o Comply: Driller Copy
10. Use Made of Water From:		To: _		
			Date Prepared: 6/10 Date Entered:	/19 By: MAM By:

File No. 33603	1. County:	GT	Bas	sin: AF	RK RI	/ER				S	tream			n n		,T		Fo	ormation Code:	Special Use:
12. Points of Diversion CHK	T		18		4	4	1	1	4 4				41	Rate	and Qı	antity				
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Comments:																				

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

June 10, 2019

J & L SMITH FARMS INC BRYAN SMITH 9170 E ROAD 2 ULYSSES KS 67880-8151

RE: Water Right, File Nos. 17680, 21508, 24108, 24122-D2, 31268, 33603

Dear Sir:

Enclosed are orders executed by the designee of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the applications for change under the above referenced file numbers.

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

Since these orders modify the original documents referred to above, they should be recorded with the Register of Deeds as other instruments affecting real estate.

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,

Michael A. Meyer

Water Commissioner

MAM: enclosures

pc:

GROUNDWATER MANAGEMENT DISTRICT NO. 3

CERTIFICATE OF SERVICE

On this 12 day of June, 2019, I hereby certify that the foregoing Approval of Applications for Change in Place of Use, Water Right, File Nos. 17680, 21508, 24108, 24122-D2, 31268, 33603 dated 10 day of June, 2019 was mailed postage prepaid, first class, US mail to the following:

J & L SMITH FARMS INC BRYAN SMITH 9170 E ROAD 2 ULYSSES KS 67880-8151

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

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							File No	. 3360	3				A PROPERTY OF					MAY	08 2019
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						⊠ P	lace o	f Use			Point	of Dive	ersion				DIVI	SION OF	WATER RESOU
u	nder th	e water	right w	hich is	s the s	ubject	of this	applic	ation i	n acco	rdance	e with	the cor	ndition	s desc	ribed b	pelow.		
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(DWR use only:	Computer ID	No. 3 G	PS	feet	North	fee	t West)	
⊠This point will no	t be changed	☐This point will be chan	ged as follows: [☐ No char	nge, point better o	described wit	h GPS as f	ollows:
Proposed point of	of diversion:	(Complete only if char	nge is requeste	ed or if ex	xisting point is	better des	cribed by	GPS)
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		d for the following reason ETO WELL	_ 300	200	100 North	100	200 3	00
If a well, is the test	hole log attac	hed? Yes No			- -			
The change(s) (wa	s)(will be) con	npleted by?	E		i - <u></u> in sp <u>E</u> t			
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(b) When will this	be done?		100					100
						e to mile a		
Groundwater Mana	gement Distri	ct recommendation attach	ned? 200	-1 +	1 + 1 =	1 + 1	$+1-\frac{1}{2}$	200
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Assisted by AM			– 300		100 0	100		00
feet but within 2,64 a topographic ma sources, show all v of the proposed po	<u>0 feet</u> of the exp p or aerial p vells (including pint of diversion	will be relocated <u>more than</u> existing point of diversion, and thotograph. For ground g domestic) within one-hand and the names and murface water sources, sho	attach 13b.lf the water of th lf mile diagnailing diver	e existing ram show sion. (PL	South I point of diversion I point of divers I point of diversion of di	n will be relo ion, indicate lation to th The "X" in	its locati e existing center o	in 300 f on on point f diagr

APPLICATION FOR APPROVAL TO CHANGE THE PLACE OF USE AND/OR POINT OF DIVERSION SUPPLEMENTAL SHEET

FILE NO. 33603

MAKE ADDITIONAL COPIES AS NECESSARY

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Owner of I	Range 35 N	NE%	NE: NW1/4 NW1/4	Same Sw/4 SW/4	SE1/4	NE1/4	NW1/4	V¼ SW¼	SE1/4	NE½	SV NW1/4	V¼ SW¼	SE¼	NE1/4 34	SI NW1/4 34	5W1/4 34	SE½ 34	TOTA ACRE 136
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Owner of I c. Twp. 7 26 Owner of I	Range 35 N	NE1/4	NME: ESS: NW1/4 NW1/4	Same 51/4 SW1/4 5W1/4 SW1/4	SE1/4	NE1/4	NW1/4	V¼ SW¼	SE1/4	NE½	SV NW1/4	V¼ SW¼	SE¼	NE1/4 34	SI NW1/4 34	5W1/4 34	SE½ 34	TOTA ACRE 136
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Page ___

DWR 1-121-2 (Rev. 01/23/2008)

File No. ___

APPLICATION FOR APPROVAL TO CHANGE THE PLACE OF USE AND/OR POINT OF DIVERSION SUPPLEMENTAL SHEET

FILE NO.

Presently authorized	d point of diversion:			
One in the	Quarter of the		Quarter of the	Quarte
of Section	Township		South, Range	(F/W)
n	, Township, Township County, Kansas, Authorized Quantiimputer ID No	feet North	feet West of Sc	outheast corner of section
Authorized Rate	Authorized Quantit	tv	Depth of well	(feet)
(DWR use only: Co	mputer ID No.	GPS	feet North	feet West)
This point will no	t be changed	vill be changed a	s follows:	1001 W031)
	iversion: (Complete only if cha			
	Quarter of the			Quarte
of Section	Quarter of the		South Range	(EAA)
in	County Kansas	feet North	feet West of Sc	utheast corner of section
Proposed Rate	Proposed Quantity	icct ivoitii	Proposed well depth (feet)
This point is: Addi	, Township County, Kansas, Proposed Quantity tional Well	t other water right	s that will use this point	
The pentre	tional von	t out of water right	o that will doo the point _	
Presently authorized	d point of diversion:			
One in the	Quarter of the		Quarter of the	Quarte
of Section	, Township		South, Range	(E/W)
n	, Township County, Kansas,	feet North	feet West of So	outheast corner of section.
Authorized Rate	Authorized Quantit	ty	Depth of well	(feet)
(DWR use only: Cor	Authorized Quantit	GPS	feet North	feet West)
☐ This point will no	t be changed	vill be changed a	s follows:	
	iversion: (Complete only if cha			
One in the	Quarter of the	23 15 27 15 31 3	Quarter of the	Quarte
of Section	, Township		South, Range	(E/W)
in	, Township County, Kansas,	feet North	feet West of Sc	outheast corner of section.
Proposed Rate	Proposed Quantity		Proposed well depth (feet)
This point is: Addi	tional Well Geo Center Lis	t other water right	s that will use this point	
One in the of Section in	Quarter of the, Township County, Kansas,	feet North	Quarter of the South, Range feet West of So	Quarte (E/W) outheast corner of section.
Authorized Rate	Authorized Quantit	ty	Depth of well	(feet)
(DWR use only: Cor	Authorized Quantit	GPS	feet North	feet West)
☐ This point will no	t be changed	vill be changed a	s follows:	
	iversion: (Complete only if cha			
One in the	Quarter of the		Quarter of the	Quarte
of Section	, Township		South, Range	(E/W)
in	County, Kansas,	feet North	feet West of So	outheast corner of section.
Proposed Rate	Proposed Quantity		Proposed well depth (feet)
This point is: Addi	, Township County, Kansas, Proposed Quantity tional Well	t other water right	s that will use this point _	
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One in the	d point of diversion:		Quarter of the	0
of Costion	Quarter of the		Quarter of the	Quarte
of Section	, Township County, Kansas,	foot NI - II-	South, Range	(E/VV)
in	County, Kansas,	reet North	reet vvest of Sc	outneast corner of section.
Authorized Rate	Authorized Quantit	ry	Depth of well	(teet)
(DWR use only: Co	mputer ID No.	SPS	feet North	feet West)
	t be changed			
	iversion: (Complete only if cha			
One in the	Quarter of the		Quarter of the	Quarte
of Section	, Township County, Kansas, Proposed Quantity		South, Range	(E/W)
in	County, Kansas,	feet North	feet West of Sc	outheast corner of section.
Proposed Rate	Proposed Quantity		Proposed well depth (feet)
This point in Add	tional Well Geo Center Lis	t other water right	s that will use this point	

14. If the proposed groundwater point of diversion is 300 or fewer feet from	n the existing point of diversion, complete the following:
(a) Does the undersigned represent all owners of the currently author ☐ Yes ☐ No (If no, all owners must sign this applica	
 (b) Will the ownership interest of any owner of the currently authorize 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 substituted as the substitute of	
If the application proposes a surface water change in point of diversion, a gor a change in place of use, the application must be signed by all owners of agent (attach notarized statement authorizing representation).	
I hereby verify, being first duly sworn upon my oath or affirma age and the owner, the spouse of the owner, or a duly authoriz their behalf, in regards to the water right(s) to which this application are true, correct and complete.	ed agent of the owner(s) to make this application on
Dated at , Kansas, this	8 day of <u>May</u> , 20 19.
They God Trale for Yet	า เมื่อ ซีกดูเมือง เกราะ (การการ การการการการการการการการการการการการการก
Alsmith Farms Inc by Bryandry	(Spouse)
It Smith Parms Inc by Bryan Smith	
(Please Print)	(Please Print)
	off releasing the off first a part love begroom and the
(Owner)	(Spouse)
	The property of the property o
(Please Print)	(Please Print)
(Ourney)	(Spouse)
(Owner)	(Opouse)
(Please Print)	(Please Print)
State of Kansas	
County of Figure SS	A A A
I hereby certify that the foregoing application was signed in my of way 20 19 .	y presence and sworn to before me this day
	AND INSTITUTE TO THE PARTY OF T
JULIE JONES —	Notary Public
My Commission Expires My Appointment Expires December 15, 2022	Attable to a supplied to the supplied of the s
ONLY COMPLETE APPLICATIONS WILL BE PROCEEDED. 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 app the appropriate fee must be paid.	ropriate owners must be aπixed to the application and notarized; and
FEE SCHEDUL	F
Each application to change the place of use or the point of diversion under	
forth in the schedule below: Make checks payable to: Kansas Departmer (1) Application to change a point of diversion 300 feet or less	nt of Agriculture
(2) Application to change a point of diversion more than 300 feet .	\$200
(3) Application to change the place of use	\$200
JULIE JONES My Appointment Expires	
December 15, 2022	
DWR 1-121 (Revised 04/5/2018) Page 3	File No. 33603

DWR 1-121 (Revised 04/5/2018)

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. 33603 A change application was received on requesting that the place of use and / or point of 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 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 radius of the authorized point(s) of diversion.

Applicable Not Applicable 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 The point(s) of diversion authorized herein shall not actually be located more than authorized point(s) of diversion.

Applicable Mot Applicable feet from the previously 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.

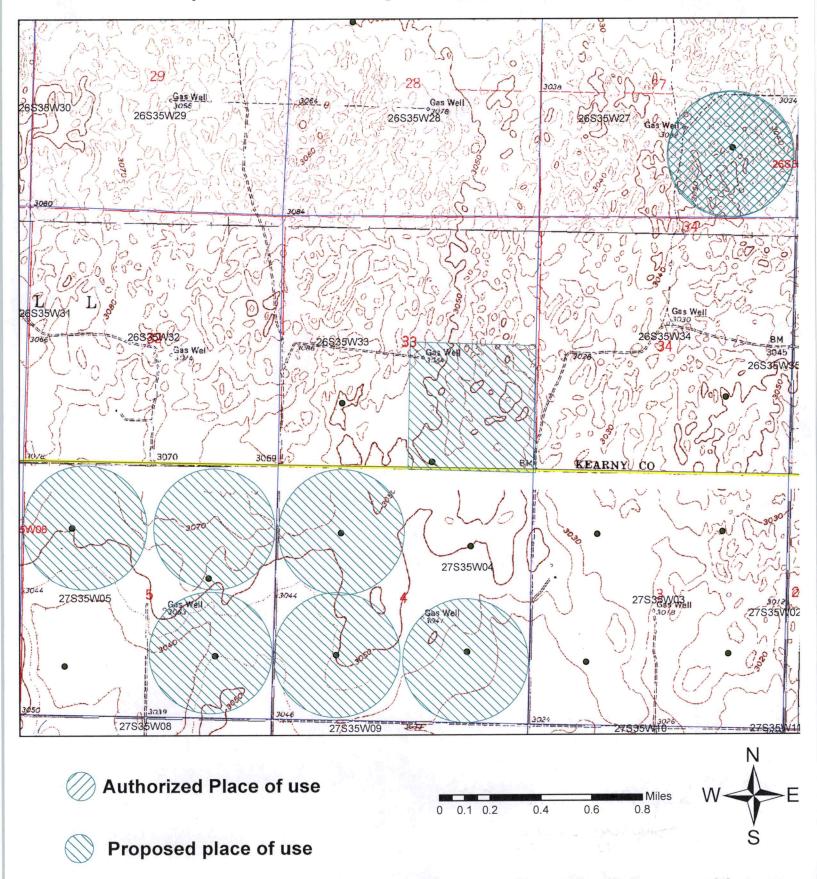
Applicable Not Applicable The owner of the authorized place(s) of use shall properly install an acceptable water flow meter on or before December 31, 20_17, or before the first use of water, whichever occurs first. The water flow meter shall be installed, operated and maintained in accordance with K.A.R. 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 Installation of the works for diversion of water shall be completed on or before December 31, 20 authorized extension of time. By March 1, 20 ____ 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 Not Applicable The completed well log shall be submitted with the required notice. ☐ 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. FOR OFFICE USE ONLY Administrative Appeal and Effective Date of Order APPLICATION APPROVED AND If you are aggrieved by this order, pursuant to K.S.A. 82a-1901, SUMMARY ORDER ISSUED 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 Duly Authorized Designee of the Onief Engineer administrative review by the Secretary must be filed within 30 days pursuant to K.S.A. 77-531. Any request for administrative (Print Name): review must state a basis for review pursuant to K.S.A. 77-527. - Kansas Department of Agriculture File any request with Kansas Department of Agriculture, Date of Issuance: Legal Division, 1320 Research Park Drive, Manhattan, KS 66502. Failure to timely request a hearing or review may State of Kansas preclude review under the Kansas Judicial Review Act. SS For Use by Register of Deeds County of Acknowledged before me on Signature: ones Notary Public My commission expire (My Appointment Expires December 15, 2022

Page 4

DWR 1-121 (Revised 04/5/2018)

File No. 53603

Change in Place of Use for Water Right 33603 Township 26 & 27 South, Range 42 West, Grant & Kearny County



All wells within 1/2 miles are on this map.

X_____

WARRANTY DEED

This __(5_ day of March, 2019

William Schultz a/k/a William Lawrence Schultz and Nancybeth Schultz a/k/a Nancybeth Hubert Schultz, husband and wife

CONVEY(S) AND WARRANT(S) TO

J & L Smith Farms, Inc., a Kansas corporation

WR\$ 33603

all the following described REAL ESTATE in Kearny County, Kansas, to-wit:

The Southeast Quarter (SE/4) of Section Twenty-seven (27), Township Twenty-six (26) South, Range Thirty-five (35) West of the Sixth Principal Meridian, Kearny County, Kansas.

Except the coal, oil, gas and other minerals underlying the surface of said land and all right and easements in favor of the estate of said coal, oil, gas and other minerals.

FOR THE SUM OF: TEN DOLLARS (\$10.00) and other valuable consideration.

SUBJECT TO: Easements, rights of way, reservations and restrictions of record, if any.

RECEIVED

MAY 0 8 2019

Garden City Field Office Division of Water Resources

Confir	Mante	- Solut
William Schultz	Nancybeth Schi	
STATE OF <u>All forma</u> , COUNTY OF <u>Ke</u> This instrument was acknowledged befor William Schultz and Nancybeth Schultz .		March, 2019, by
ALIXANDRA SILBERBERG COMM. #2139954 for NOTARY PUBLIC CALIFORNIA m Kem County My Comm. Exp. Jan. 11, 2020	Printed Name: Alixana	Notary Public
Appt. Expires: Jan 11,2020		J
STATE OF KANSAS } SS KEARNY COUNTY This instrument was filed for record on the 25 [±] day of March A.D. 2019 at 12:05 o'clock P. M., and duly recorded in Book 290 of Record, at Page 279 Melion Comitzen REGISTER OF DEEDS By Deputy Rec. Fee \$ 38.60	SEAL *	
Entered in Transfer Record in my Office this 25th day of March A.D. 2019	INDEXED RECEPTION COMPUTER COMPUTER CT C INDIRECT C NUMERICAL ORIG. COMP	RECEIVED

MAY 0 8 2019

Garden City Field Office Division of Water Resources



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 20, 2019

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

RE: Applications for Change in Place of Use

Water Right, File Nos. 17680, 21508, 24108, 24122 D2, 31268 & 33603

Dear Mike:

We have completed a review of the applications for the above referenced water rights. The proposals are not in conflict with the Management Program of the Southwest Kansas Groundwater Management District No. 3 (GMD3). The proposed change in place of use for a complete overlap in irrigation acres is in accordance with K.A.R. 5-5-11(b)(1). It is therefore recommended that the applications be approved at this time.

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



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

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Sincerely,

Jason L. Norquest Assistant Manager

RECEIVED

MAY 2 1 2019

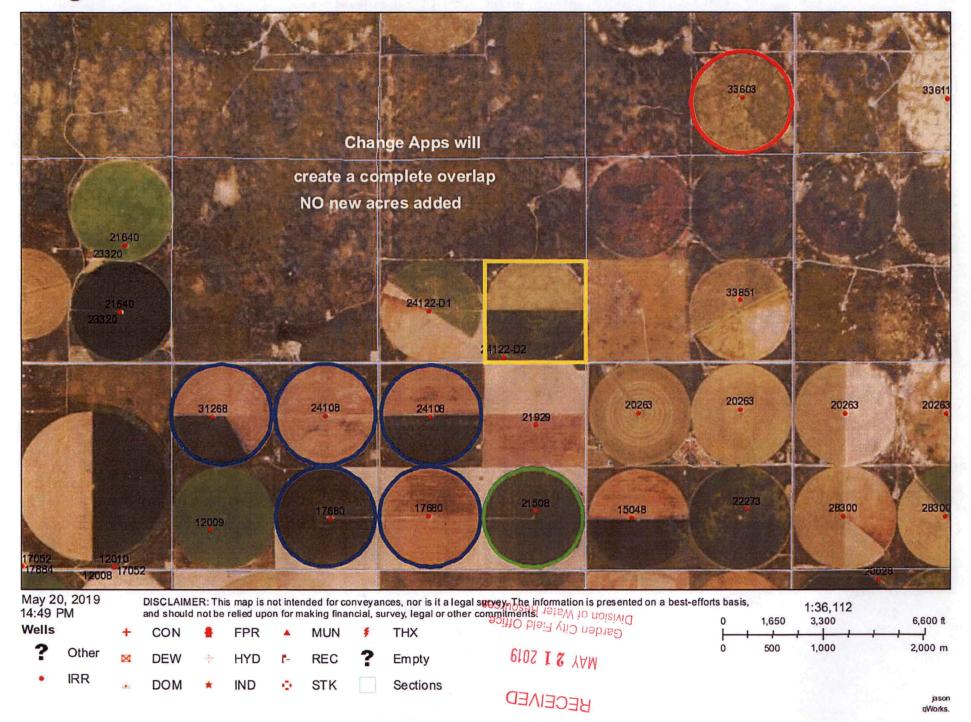
GMD3 Change Review

File No(s).: 17680, 21508, 24108, 24122D2, 31268 & 33603.

DWR office: GC.

App filed to chang	ge: PU.			
Is Landowner(s)	PORTER OF THE PARTY OF THE PART	IS: J&L Smit	h Farms Inc	, Bryan Smith.
If NO, is d	locumentation	included?		
			P Deed wit	th apps for one of the quarters.
	locumentation		10	
Regulation(s) Rev				
Point of diversion			1.	
W. T. Brand Co.	ft. North	ft. West		
Authorized PD			4040	in a man pier again prince
Proposed PD	TESTS CHEST		15.50	300 L 20 20 日日 山里 19 100 月至 -
Difference	0	0		
a2 + b2 = c2	0	0	0	
GPS for proposed	PD: Lat:	Long:		
Is proposed PD st	acking on exi	sting WRs? _	nia Maderi	
Is Proposed PU o	verlapping ex	isting WRs? _l	Proposal to 1	make a complete overlap with
all the WRs listed	GHI-C-1.7			
Land Owner(s) no	otified:			
Name		lame		
Address	A	ddress		
Zip				
Neighboring certi				
Name .		lame .		
Address .	A	ddress		
Zip				
Domestic well(s)		Northern Park	I misor	
Name .		lame .		
Address .	A	ddress		
Zip	Z			
Base Acres:		9		
Perfected Acres:				
Irr. Return-Flow				
		ed by at least o	one of the V	VRs and no new acres being
proposed.				
Is a waiver neede	d: NO.			
		sal meets the c	riteria for al	l current area rules and is not
				Staff therefore recommends
approval of the ap		1,2787		
				0 0

g^{Works} 7680, 21508, 24108, 24122D2, 31268 & 33603 Change Apps PU



Meyer, Mike [KDA]

From:

Meyer, Mike [KDA]

Sent:

Monday, May 20, 2019 11:39 AM

To:

'Norquest, Jason (Norquest@gmd3.org)'

Subject:

request for recommendation, File Nos. 17680, 21508, 24108, 24122-D2, 31268, & 33603

Attachments:

20190520113059166.pdf

Good morning

Attached is a request for a recommendation on applications to change the place of use. these applications are proposing a complete overlap in land with no new acres.

Please provide a recommendation within 15 days

Thanks again

Mike

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 20, 2019

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

Re: Water Right File Nos. 17680, 21508, 24108, 24122-D2, 31268, & 33603

Dear Mr. Norquest:

This is to advise you that J & L Smith Farms Inc, Bryan Smith, has filed applications for approval of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, to change the place of use for the above referenced files. These applications are proposing a complete overlap among all referenced water rights, with no new land.

We are delaying action on the change applications 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,

Michael A. Meyer

Water Commissioner

MAM Enclosures