### **NOTICE**

This scan only represents the application as filed. The information contained herein meets the requirements of K.A.R. 5-3-1 or K.A.R. 5-5-1, and has been found acceptable for filing in the office of the Chief Engineer. The application should not be considered to be a complete application as per K.A.R. 5-3-1b or K.A.R. 5-5-2a.

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  3:49 pm  FEB 1 1 2019																			
	File No. <u>38997</u>										EB 1	1 20	119						
1.	Garden City Field Office  Application is hereby made for approval of the Chief Engineer to change the (check one or both) 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.	Phone Number: () Email address:  Name and address of Applicant: DEERFIELD FEEDERS INC Kinsas Dai, Development LLC  PO BOX 237, DEERFIELD, KS 67838  Phone Number: () Email address:  Name and address of Water Use Correspondent: SAME AS ABOVE																		
3.	Phone Number: ()																		
				NE	Ξ1/4			N	N¼			SV	N¼			SI	Ξ1/4		TOTAL
Se	c. Twp.	Range	NE¼		SW1/4	SE1⁄4	NE1⁄4		SW1/4	SE1/4	NE1⁄4		SW1/4	SE1⁄4	NE1⁄4	NW1/4	SW1/4	SE1/4	ACRES
1	24	35W									FEED	LOT	W/IN	S/2					
1	2 24	35W	FEED	LOT	W/IN	N/2					 		-						
4.	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: SAME AS ABOVE  ADDRESS:  (If there is more than one landowner, attach supplemental sheets as necessary.)																		
NE¼ NW¼ SW¼ SE½ TO								TOTAL											
Se	ec. Twp.	Range	NE¼	NW¼	SW1/4	SE¼	NE1/4	NW1⁄4	SW1/4	SE¼	NE¼	NW¼	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE¼	ACRES
1	24	35W									FEED	LOT	W/IN	S/2					
1:	2 24	35W	FEED	LOT	W/IN	N/2													
6	5 24	34W									FEED	LOT	W/IN	SW/4		<u> </u>	<u> </u>		
	For Office Use Only: Code Fee \$ 200 ° TR # Receipt Date 2-11-19 Check # 2157																		

File No. \_\_\_

5.	Presently authorized point of diversion:				
	One in the Quarter of the		Quarter of the		Quarter
	of Section, Township		South, Range		(E/W),
İ	in County, Kansas, fe	et North _	feet West o	of Southeast co	orner of section.
	Authorized Rate Authorized Quantity		Depth of well		(feet)
	(DWR use only: Computer ID No GPS _				
	☐This point will not be changed ☐This point will be changed as				
	Proposed point of diversion: (Complete only if change is				
	One in the Quarter of the		Quarter of the		Quarter
	of Section , Township		South, Range	•	(E/W),
	in County, Kansas, fe	et North _		f Southeast co	orner of section.
	Proposed Rate Proposed Quantity		Prøposed well dept	th (feet)	
	This point is: Additional Well Geo Center List other				
L		<u>-</u>			
6.	Presently authorized point of diversion:		/		
٥.	One in the Quarter of the		Quarter of the		Quarter
	of Section, Township		South, Range		
	in, rownship				
	Authorized Rate Authorized Quantity	// (	Denth of well	i ocali icaci ce	(feet)
	Authorized Rate Authorized Quantity (DWR use only: Computer ID No GPS		feet North	feet	West)
	☐This point will not be changed ☐This point will be changed as	s follows:	No change, point better	described with	GPS as follows:
	Proposed point of diversion: (Complete only if change is				
	One in the Quarter of the				
	of Section, Township		South Range		(E/W),
	in County, Kansas, fe	et North	feet West o	f Southeast co	orner of section
	Proposed Rate Proposed Quantity				
	This point is: Additional Well Geo Center List other				
L	This point is: Sylvaditional Profit Sec Schiol Electrical	water ngi	no triat triii doo triio pon	<u> </u>	·
7.	The changes herein are desired for the following reasons?				
	(please be specific)		Nor		
		300 E		100 2 	200 300 TTTTTTTT
	· /-		_ '	_	<u> </u>
8.	If a well, is the test hole log attached?  Yes No	- E	=		1 = = = = = = = = = = = = = = = = = = =
	7	200	-   +   +   =	-   -   -	+   = 200
9.	The change(s) (was)(will be) completed by?		<u> </u>	<del>-</del> . —	
		100	-   +   +   =	-   +   -	+   = 100
		E			
10.	If the point of diversion is a well:	E			_ =
	(a) What are you going to do with the old well?	West 0	<b>*</b> ***********************************	)1111/1111/1111/1111	
		100	·	-     -	+   = 100
	(b) When will this be done?	- E	· ' ' ' <u>=</u>	, , ,	· =
		E		-	
11.	Groundwater Management District recommendation attached?	200	-1 + 1 + 1 =	-   +   -	┼ │ ─
	☐ Yes ☐ No	E			_ =
12	Assisted by BSC		<u></u> j		duulii. 🔻
14.	Assisted by BSC	300		100 2	200 300 ashmark=10 ft
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	13b.If the	proposed point of diversi e existing point of diver	ion will be reloc	ated <u>within 300 feet</u> its location on the
	sources, show all wells (including domestic) within one-half mile	diagra	am shown above in r	elation to the	existing point of
	of the proposed point of diversion and the names and mailing	divers	am shown above in r sion. (PLEASE NOTE:	The "X" in o	center of diagram
	addresses of the owners. For surface water sources, show the names and addresses of the landowner(s) one-half mile	diver	e represents the pr sion.)	resently auth	iorizea point of
	downstream and one-half mile upstream from your property		,		
	lines				

14. If the proposed groundwater point of diversion is 3	sud of lewer leet inc	iii tile ex	asting point of	diversion, complete	e tile following.
(a) Does the undersigned represent all owners o ☐ Yes ☐ No (If no, all owners r	f the currently authornust sign this applic		ace(s) of use i	dentified in this app	lication?
<ul> <li>(b) Will the ownership interest of any owner of t affected if this application is approved as requ</li> <li>☐ Yes</li> <li>☐ No</li> <li>(If yes, all owners)</li> </ul>	the currently author uested? must sign this appl		ce(s) of use id	dentified in this app	lication be adversely
(c) If this application is not approved expeditious ☐ Yes ☐ No (If no, all owners not approved expeditious)	ly, will there be sub nust sign this applic	stantial o	lamage to pro	perty, public health	or safety?
If the application proposes a surface water change in por a change in place of use, the application must be si agent (attach notarized statement authorizing represer	igned by all owners	groundv of the cu	vater change urrently autho	in point of diversion rized place of use, o	greater than 300 feet or their duly authorized
I hereby verify, being first duly sworn upon mage and the owner, the spouse of the owner, their behalf, in regards to the water right(s) to contained in this application are true, correct	or a duly author o which this app and complete.	zed ago	ent of the or n pertains.	wner(s) to make I further verify t	this application or
Dated at Doorload	, Kansas, this	5	day of	Leb	_, 20_ 19
0	, , , , , , , , , , , , , , , , ,				
(Owner)  Javon Shapphere (Please Print)				(Spouse)	
Javon Shambers					
(Please Print)				(Please Print)	
(Owner)	·			(Spouse)	
(Please Print)	·			(Please Print)	
(Owner)	<del></del>			(Spouse)	
(Please Print)				(Please Print)	
State of Kansas SS	My A	Notary Pul		$\cap$	<b>5</b>
I hereby certify that the foregoing application of	was signed in i	ny pres	ence and s	worn to before m	this $5$ day
	_			De W	lupoli
My Commission Expires $8/15/20$			0	Notary Public	11
ONLY COMPLETE APPLICATIONS WILL BE PROCESSED accurate information; maps, if necessary, must be included; sthe appropriate fee must be paid.	. To be complete, all signatures of all the a	of the app opropriate	olicable portions owners' must b	of the application for oe affixed to the applic	m must be completed wi ation and notarized; and
	FEE SCHEDL	<u>ILE</u>			
Each application to change the place of use or the poi forth in the schedule below: Make checks payable to: (1) Application to change a point of diversion (2) Application to change a point of diversion (3) Application to change the place of use	Kansas Departme 300 feet or less more than 300 feet	ent of A	griculture  		

### SUMMARY ORDER APPROVING APPLICATION FOR CHANGE AND IMPOSING CONDITIONS

pro Wit	visions of the Kansas Water Appropriation Law, K.S.A. 82a	08b, as amended, and K.A.R. 5-5-1, <i>et seq.</i> and other applicable 1-701 et. seq., and rules and regulations promulgated thereunder, in, this Summary Order does not change the terms, conditions and
1.	A change application was received on diversion authorized under the above-referenced file num	requesting that the place of use and / or point of other be changed as described in the application.
2.	On and after the effective date of this summary order, the authe topographic map accompanying the application to ch	uthorized place(s) of use shall be located substantially as shown on ange the place of use.   Applicable  Not Applicable
3.	The change in point of diversion shall not impair existing rig previously authorized. The point of diversion authorized radius of the authorized point(s) of diversion.   Applica	hts and shall be limited to the same source or sources of water as by this summary order shall be located within a foot ble Not Applicable
4.	The point(s) of diversion described herein is administrative Positioning System (GPS), as described in the application	vely corrected to be more accurately described using the Global n. ☐ Applicable ☐ Not Applicable
5.	The point(s) of diversion authorized herein shall not actually authorized point(s) of diversion.   Applicable	be located more than feet from the previously Not Applicable
6.	As required by K.A.R. 5-3-5d, if the works for diversion is a or other device suitable for making water level measurem K.A.R. 5-6-13.   Applicable   Not Applicable	well with a diversion rate of 100 gallons per minute or more, a tube ents shall be installed, operated and maintained in accordance with
7.	<b>December 31, 20</b> , or before the first use of water operated and maintained in accordance with K.A.R. 5-1-4	roperly install an acceptable water flow meter on or before r, whichever occurs first. The water flow meter shall be installed, through 5-1-12. As required by K.S.A. 82a-732, as amended, and rt the reading of the water flow meter and the total quantity of water ving the end of each calendar year.
8.	authorized extension of time. By March 1, 20 the	e completed on or before December 31, 20, or within any e applicant shall notify the Chief Engineer that construction of the vided by the Chief Engineer, as required by K.A.R. 5-8-4e.
9.	The completed well log shall be submitted with the requ	uired notice.   Applicable   Not Applicable
10.	with an in-line, automatic, quick-closing check valve capa	foreign substance will be injected into the water shall be equipped able of preventing pollution of the source of the water supply. The in accordance with K.A.R. 5-3-5c.  Applicable  Not Applicable
11.	Additional Conditions are attached.	
12.	water appropriated under the above-referenced file num limitations, as amended and/or supplemented by this Su Appropriation Law and the Rules and Regulations prom	A.R. 5-5-14, all of the owners of the authorized place(s) of use of ober are responsible for compliance with its terms, conditions and mmary Order, and with applicable provisions of the <i>Kansas Water</i> ulgated thereunder. Failure to comply with these provisions may mended, and/or the suspension or revocation and dismissal of the ions authorized by law.
4	Administrative Appeal and Effective Date of Order	FOR OFFICE USE ONLY
lf vo	ou are aggrieved by this order, pursuant to K.S.A. 82a-1901,	APPLICATION APPROVED AND
you	may request an evidentiary hearing before the Chief	SUMMARY ORDER ISSUED
Agr	lineer or request administrative review by the Secretary of iculture. A request for hearing by the Chief Engineer must be	Ву:
filec adn	I within 15 days of service of this Order and a request for ninistrative review by the Secretary must be filed within 30	Duly Authorized Designee of the Chief Engineer
day	s pursuant to K.S.Á. 77-531. Any request for administrative ew must state a basis for review pursuant to K.S.A. 77-527.	(Print Name): Division of Water Resources - Kansas Department of Agriculture
File	any request with Kansas Department of Agriculture,	Date of Issuance:
665	al Division, 1320 Research Park Drive, Manhattan, KS 02. Failure to timely request a hearing or review may	State of Kansas )
pred	clude review under the Kansas Judicial Review Act.  For Use by Register of Deeds	) SS County of )
		Acknowledged before me on
		by
		Signature: Notary Public
		My commission expires:(Notary Seal)
		(inotary Seal)

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File No. \_\_\_\_

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

### MAR 1 8 2019

## Kansas Department of Agriculture / Division of Water Resources Garden City Field Office KS DEPT OF AGRICULTURE

TO: <u>HEADQUARTERS</u>	RENT TURNE!
RE	Appropriation of Water; Application
Enclosed are the following checked items:	<i>38993,38994,38995,38996,38997,3899</i> ☐ Partial Inspection ☐ Return to Field Office ertificate Unit
☐ A Compliance Check Inspection on Meter Install ☐ New App ☐ Choose In Compliance ☐ Not in Complian Modify Point of Diversion ☐ No ☐ Indicate all overlapping p/d files	
☐ An application and judgment sheet with re☐ A memorandum dated	ecommendation.
<ul><li>☐ A request for an extension of time to perf</li><li>☐ A verified report.</li><li>☐ A closure request.</li><li>☐ A field investigation report.</li></ul>	ect or complete.
<ul><li>  Notice of Non-Compliance</li><li>  An ownership change (name(s) and addr</li><li>  A water use report for</li><li>  A letter dated</li></ul>	
☐ A copy of an <u>Approval</u> to Change the ☐ ☐ Filing Fee attached.	place of use and/or  point of diversion,
An Advanced <b>copy</b> of a change applica office.	tion and the filing fee, to be processed at the field
An original field office change application review and further processing.	ion and the filing fee needing headquarters office
Other hold for future of work as a page	changes in UMW + PU
Mulul M.	3-11-19
Water Commissioner	Date

### KANSAS DEPARTMENT OF AGRICULTURE **Division of Water Resources Garden City Field Office**

#### MEMORANDUM

TO: **Brent Turney**  **DATE**: March 11, 2019

FROM: Michael A. Mever

RE: File No. 16536

Water Commissioner

38570, 38990, 38991, 38992, 38993,

38994, 38995, 38996, 38997, 38998

Applications to change the place of use for the above referenced water rights was filed on February 11, 2019. The application meets all of the rules for changes in place of use. The applicants requested that these applications be held, as within the next coming weeks, as they are closing on land that they will purchase nearby. With that purchase of land and water rights, File No. 7195 D1, there would be a change in place of use and use made of water to overlap with these pending change applications. Please hold until appropriate paper work is filed to complete this package.

1320 Research Park Drive Manhattan, KS 66502 785-564-6700 www. agriculture.ks.gov



900 SW Jackson, Room 456 Topeka, KS 66612 785-296-3556

Mike Beam, Interim Secretary

Laura Kelly, Governor

KANSAS DAIRY DEVELOPMENT, LLC	
PO BOX 237	
DEERFIELD, KS 67838	
	RE: File No 38997

March 19, 2019

Dear Sir or Madam:

An application for approval of the Chief Engineer to change the following condition or conditions of the file number referred to above has been received:

☐ place of use PU☐ point of diversion ☐ use made of water

As a matter of record, the Division of Water Resources has on hand a large number of applications awaiting processing. Therefore, to be fair to all concerned, and so that we can process those applications on hand in the order they were received, we intend to concentrate on the backlog of applications until the issue is resolved. You will be contacted regarding this application as soon as it has been examined.

In accordance with the provisions of the Kansas Water Appropriation Act, a portion of which is included below, the use of water prior to approval of the application is unlawful. You should not proceed and divert water as indicated by your plans in your application for a change for this file until you receive approval for this change from the Chief Engineer. Once approved, compliance with the terms, conditions and limitations of the permit is necessary. Conservation of the water resources of Kansas is required.

Section 82a-728 of the Kansas Water Appropriation Act, provides (a) except for the appropriation of water for the purpose of domestic use, . . . it shall be unlawful for any person to appropriate or threaten to appropriate water from any source without first applying for and obtaining a permit to appropriate water in accordance with the provisions of the Water Appropriation Act or for any person to violate any condition of a vested right, appropriation right or an approved application for a permit to appropriate water for beneficial use.

(b) (1) The violation of any provision of this section by any person is a class C misdemeanor...

A class C misdemeanor is punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. Each day that the violation occurs constitutes a separate offense.

If you have any questions, please contact me at (785) 564-6645. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

Brent Tourney, L.G.

Change Applications Unit Supervisor

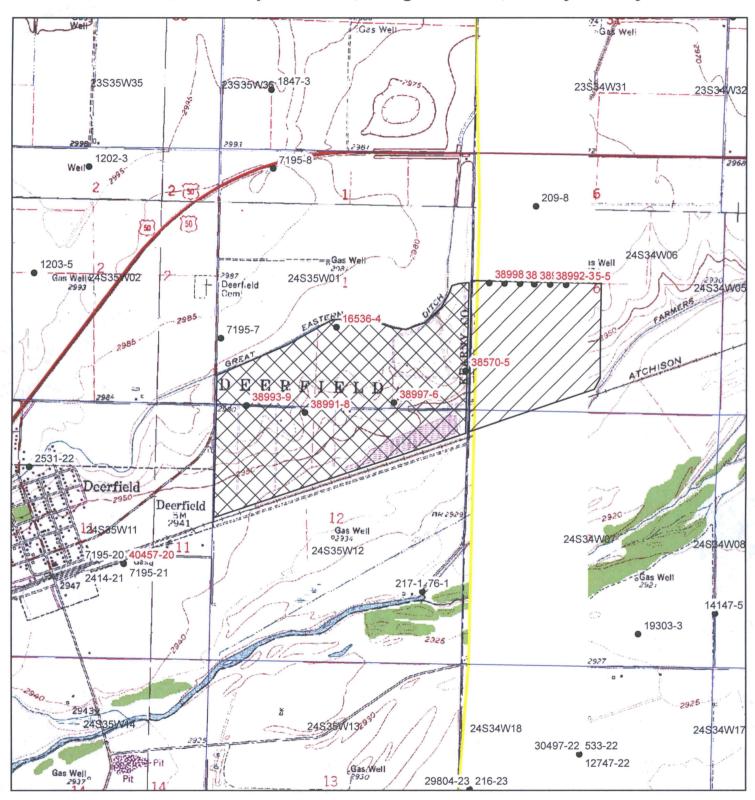
Water Appropriation Program

BAT: DLW3

### **CHANGE IN PLACE OF USE**

WRs: 16536, 38570, 38991, 38993, & 38997

Section 1 & 12, Township 24 South, Range 35 West, Kearny County AND Section 6, Township 24 South, Range 34 West, Finney County

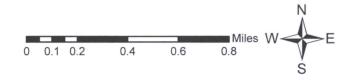




**AUTHORIZED PLACE OF USE** 



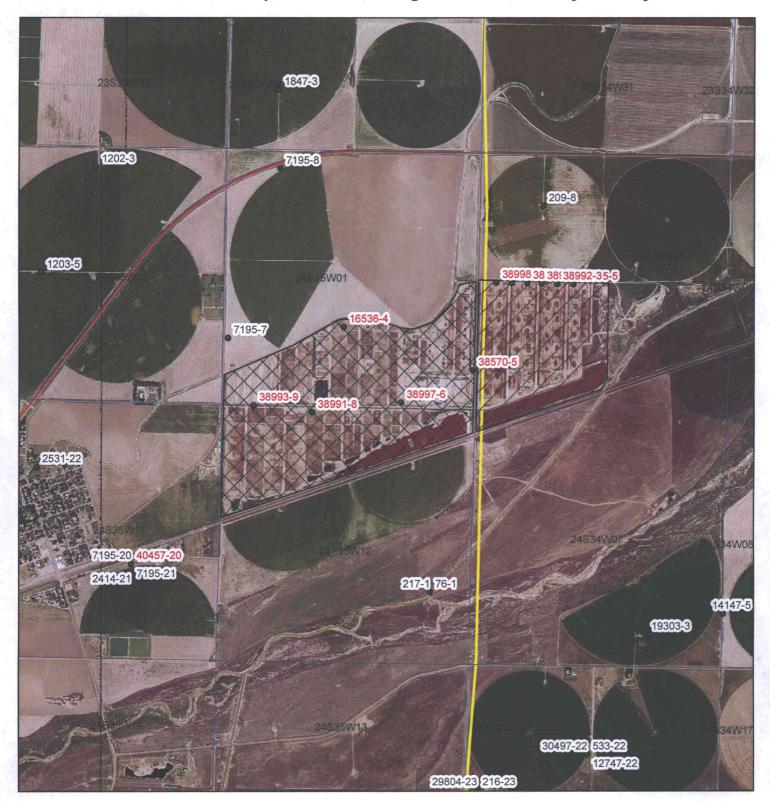
PROPOSED PLACE OF USE



### **CHANGE IN PLACE OF USE**

WRs: 16536, 38570, 38991, 38993, & 38997

Section 1 & 12, Township 24 South, Range 35 West, Kearny County AND Section 6, Township 24 South, Range 34 West, Finney County





**AUTHORIZED PLACE OF USE** 



PROPOSED PLACE OF USE

