

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.

File No. 459

RECEIVED
 3:00pm
DEC 04 2019

Garden City Field Office
 DIVISION OF WATER RESOURCES

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

2. Name and address of Applicant: Stapleton Family Farms TH#6 113 Diamond Hill Dr. Garden City KS 67846

Phone Number: () Email address: _____

Name and address of Water Use Correspondent: Joyce Stapleton 113 Diamond Hill Dr. Garden City KS 67846

Phone Number: () Email address: _____

3. The presently authorized place of use is:

Owner of Land --- NAME: _____

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		

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: _____

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 \$ <u>200.00</u> TR # _____ Receipt Date <u>12-6-19</u> Check # <u>1144</u>
--

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 Sublette, Kansas, this 3rd day of December, 2019.

<u>Donna White</u>	
(Owner)	(Spouse)
<u>Donna White</u>	
(Please Print)	(Please Print)
(Owner)	(Spouse)
(Please Print)	(Please Print)
(Owner)	(Spouse)
(Please Print)	(Please Print)

State of Kansas }
County of Haskell } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 3rd day of December, 2019.

SUZAN KIMBALL
Notary Public - State of Kansas
My Appt. Expires 3/3/20

Suzan Kimball
Notary Public

My Commission Expires _____

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

FEE SCHEDULE

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

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

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. _____.

1. A change application was received on _____ 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 _____ 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, 20____, 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, 20____, or within any 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
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

FOR OFFICE USE ONLY
APPLICATION APPROVED AND SUMMARY ORDER ISSUED

By: _____
Duty Authorized Designee of the Chief Engineer

(Print Name): _____
Division of Water Resources - Kansas Department of Agriculture

Date of Issuance: _____

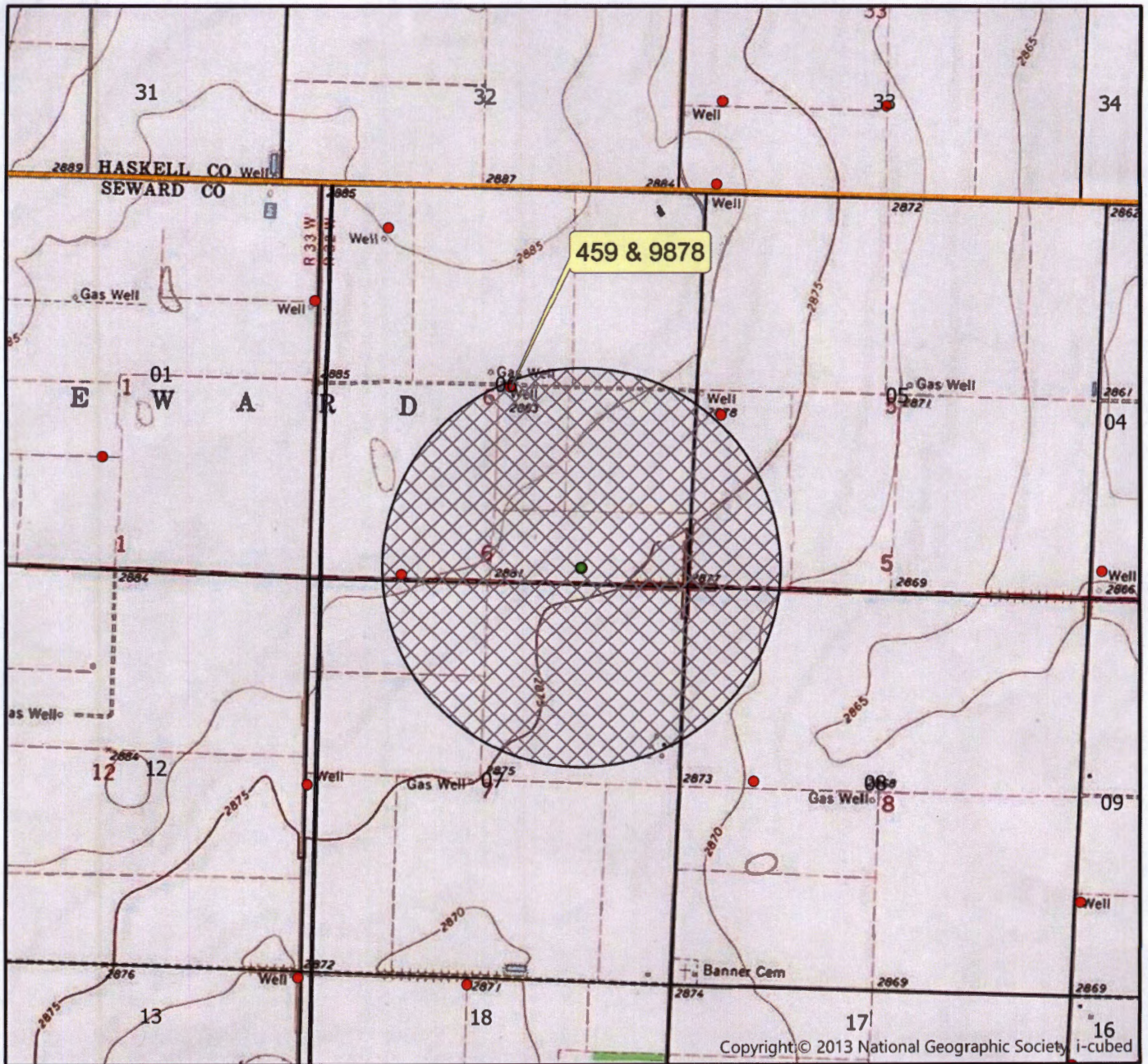
State of Kansas)
County of _____) SS

Acknowledged before me on _____
by _____

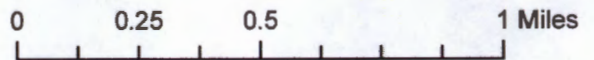
Signature: _____
Notary Public

My commission expires: _____
(Notary Seal)

CHANGE IN PLACE OF DIVERSION WATER RIGHT, FILE NO. 459 & 9878



Township 31 South Range 32 West
Seward County



- Authorized Point of Diversion
- Proposed Point of Diversion
- 1/2 mile buffer

All wells of any kind within 1/2 mile of the requested place of use have been plotted.

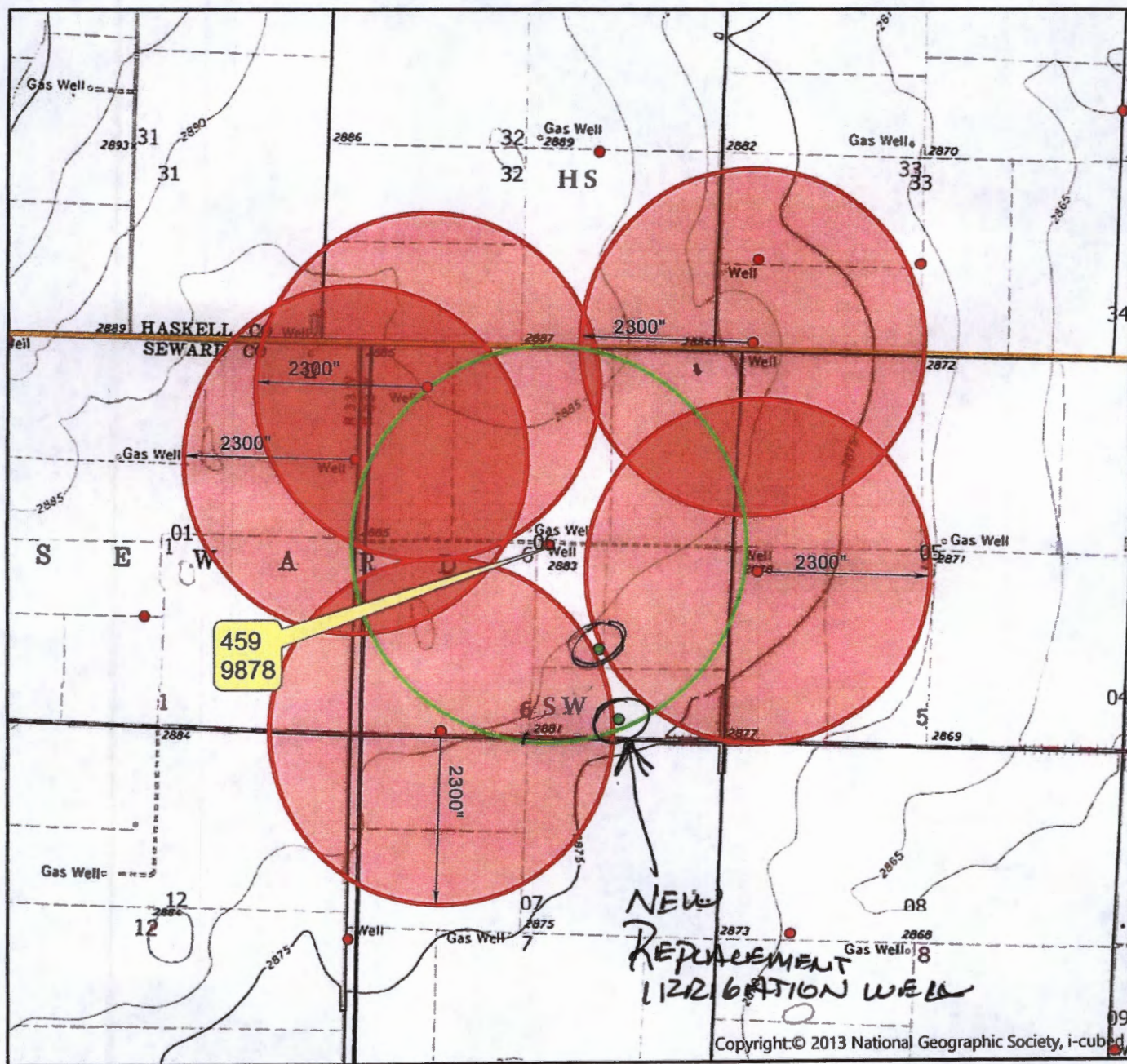


(Signature)

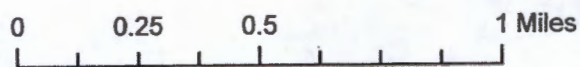
Created by: SZ/GCFO




WR 459 & 9878

Preliminary Map as of 10/04/2019. Using data given to the DWR by the customer.
Based on the best information that was received and in the DWR files as of the above date.



Township 31 South Range 32 West
Seward County



-  1/2 mile radius, maximum distance
-  Minimum well spacing of neighboring wells
-  Proposed new location



Created by: SZ/GCFO

STAPLETON FAMILY FARMS

SE 6-31S-32W SEWARD CO.

Legend

IRR WELL ELEV=2887'

TH.#4. ELEV=2887'

TH #1 ELEV=2887'

TH #2 ELEV=2885'

TH #3 ELEV=2882'

TH #5 ELEV=2878'

TH #6 ELEV=2878'

NEW WELL REPLACEMENT

Go Rd N

WELL LOG

DATE: 11/20/2019

**Downey
Drilling Inc.**



#10

ELEV = 2878

CUSTOMER NAME: STAPLETON FAMILY FARMS TH#6

LEGAL: SE 6-315-32W

COUNTY: SEWARD

GPS: N 37.373940

W 100.838600

LOGGER:

DRILLER: DALE GUINN

WO: 19-1067

TW	FROM	TO	TYPE	HARDNESS	COLOR	SPEED	PULL DOWN	OTHER / DRILLING ACTION
	0	14	SANDY CLAY		BROWN			SMOOTH
	14	21	SANDY CLAY W/ SOME CALICHE		BROWN			SMOOTH SMOOTH & LITTLE CHOPPY
	21	29	SANDY CLAY & CALICHE		TAN			SMOOTH SMOOTH & LITTLE CHOPPY
	29	34	SANDY CLAY		BROWN			SMOOTH SMOOTH & LITTLE CHOPPY
	34	40	CLAY & CALICHE		BROWN			SMOOTH SMOOTH & LITTLE CHOPPY
	40	58	SANDY CLAY W/ FINE SAND MIXED		BROWN			SMOOTH
	58	89	FINE-MED-COARSE SAND, SMALL-MED-LARGE GRAVEL					CHATTER SMOOTH & LITTLE CHOPPY
	89	102	CLAY W/ LITTLE CALICHE LAYER		BROWN			SMOOTH
	102	111	FINE-MED-COARSE W/ FEW CLAY STRINGERS					CHATTER
	111	155	FINE-MED-COARSE SAND, SMALL-MED GRAVEL					SMOOTH
	155	160	SANDY CLAY		TAN			CHATTER
	160	210	FINE-MED-COARSE SAND, SMALL GRAVEL					SMOOTH CHATTER & SMOOTH IN PLACES
	210	212	SANDY CLAY					SMOOTH
	212	269	FINE-MED-COARSE SAND, SMALL GRAVEL W/ FEW CLAY LAYERS					SMOOTH
	269	272	SANDY CLAY					CHATTER SMOOTH & LITTLE CHATTER
	272	291	FINE-MED-COARSE SAND, SMALL GRAVEL					CHATTER SMOOTH & LITTLE CHATTER
	291	300	SANDY CLAY W/ SOME SAND STRIPS		LIGHT BLUE &			CHATTER
	300	376	FINE-MED-COARSE SAND, SMALL GRAVEL					CHATTER
	376	389	SANDY CLAY & FINE-MED-COARSE SAND					CHATTER
	389	400	SANDY CLAY		TAN TAN & WHITE			SMOOTH CHOPPY LITTLE CHATTER & SMOOTH IN PLACES
	400	411	SANDY CLAY W/ LIME ROCK & FINE SAND		BROWN			SMOOTH
	411	431	SANDY CLAY W/ FEW THIN FINE SAND STRIPS		BROWN			VIBRATION
	431	449	SANDY CLAY		BROWN			VIBRATION
	449	460	FINE-MED SAND					VIBRATION
	460	482	FINE SAND					VIBRATION
	482	490	SANDY CLAY		BROWN LIGHT BLUE &			SMOOTH
	490	509	SHALE					SMOOTH
	509	519	SANDSTONE USED WATER MIXED WITH BRAN & MUD					VIBRATION
	519	534	SANDSTONE & SOAPSTONE LEDGES					VIBRATION
	534	549	SANDSTONE, LOST CIRCULATION @ 547' - LOTS OF WATER & HAS SOME DARK BROWN ROCK					VIBRATION
	549	586	SANDSTONE & FEW SOAPSTONE STRIPS					VIBRATION
	586	600	RED BED		RED			CHOPPY

STATIC 300'
68
13

11
22

13
15
15
110

LOOSE
LITTLE
TIGHT
LOOSE
TIGHT

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

December 17, 2019

EDWIN L STAPLETON
P O BOX 548
SUBLETTE, KS 67877

RE: Water Right, File Nos. 459 & 9878

Dear Sir or Madam:

This is to advise you that Stapleton Family Farms has filed an application for approval of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, to change the point of diversion under the above referenced applications. An irrigation well is proposed to be relocated to the SE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 6, Township 31 South, Range 32 West, Seward County.

You can find the complete applications posted by water right file number as referenced above at: <https://agriculture.ks.gov/divisions-programs/dwr/water-appropriation/notices>

You are notified on this proposed point of diversion (well) so that you may furnish this office with any comments or other information you 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 contact this office. If you would prefer, you could arrange an appointment for additional assistance. Please refer to the file number when you contact us if you wish to discuss a specific file.

Sincerely,

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

Austin J. McCulloch
Assistant Water Commissioner

AM:
enclosures

pc:
GROUNDWATER MANAGEMENT DISTRICT NO. 3