

Kansas Department of Agriculture  
 Division of Water Resources  
**CHANGE: pu WORKSHEET**

1. File Number: <b>6809</b>	2. Status Change Date: <b>1-30-19</b>	3. Change Num: <b>C1</b>	4. Field Office: <b>04</b>	5. GMD: <b>03</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>1/17/19</b>
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8a. Applicant(s) / Landowner                      Person ID **60090**  
 New to system                               Add Seq# **1**

**HOWARD - NICKAL FARMS LLC**  
**1312 E MICHIGAN AVE**  
**ULYSSES KS 67880-3013**

8c. Landowner(s)                                      Person ID **?**  
 New to system                               Add Seq# \_\_\_\_\_

**BAR H QUARTER CIRCLE RANCH**  
**8722 N RD F**  
**ULYSSES KS 67880**

8b. Landowner(s)                                      Person ID \_\_\_\_\_  
 New to system                               Add Seq# \_\_\_\_\_

8d. WUC    Person ID **60090**  
 New to system                               Add Seq# \_\_\_\_\_

**HOWARD - NICKAL FARMS LLC**  
**1312 E MICHIGAN AVE**  
**ULYSSES KS 67880-3013**

9. Documents and Enclosure(s):  DWR Meter(s) Date to Comply: **12/31/19**     N & P Date to Comply: \_\_\_\_\_

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: **1/30/19**                      By: **MAM**  
 Date Entered: \_\_\_\_\_                      By: \_\_\_\_\_

File No. **6809**      11. County: GT      Basin: BEAR CREEK      Stream:      Formation Code:      Special Use:

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

13. Storage: Rate \_\_\_\_\_ NF      Quantity \_\_\_\_\_ ac/ft      Additional Rate \_\_\_\_\_ NF      Additional Quantity \_\_\_\_\_ ac/ft

14. Limitation: \_\_\_\_\_ af/yr at \_\_\_\_\_ gpm ( \_\_\_\_\_ cfs) when combined with file number(s) \_\_\_\_\_  
 Limitation: \_\_\_\_\_ af/yr at \_\_\_\_\_ gpm ( \_\_\_\_\_ cfs) when combined with file number(s) \_\_\_\_\_

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

CHK MOD DEL ENT	PUSE	S	T	R	ID	NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg?	Overlap Files	
						NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼					
MOD	61212	13	27	38W	6	40	40	40	40	40	15.5	30	40	40	40	40	40	40	40	40	605.5	8a	no	7245, 7433		
DEL	61213	18	27	37W	2					40	30.36	30.1	40								140.46	8a	no	7433		
ENT	?	24	27	38W		40	40	40	40												160	8a		7245, 7433		
ENT	?	13	27	38W							18.5										18.5	8c		7245, 7433		

Base Acres: **320**      Year:      Minimum Reasonable Quantity:      Comments:



Garden City Field Office  
2508 Johns Street  
Garden City, KS 67846-2804



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

Mike Beam, Interim Secretary

Laura Kelly, Governor

January 30, 2019

HOWARD - NICKAL FARMS LLC  
1312 E MICHIGAN AVE  
ULYSSES KS 67880-3013

RE: Water Right, File Nos. 6809, 7245, 7433

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:

BAR H QUARTER CIRCLE RANCH  
8722 N RD F  
UYLYSSES KS 67880

GROUNDWATER MANAGEMENT DISTRICT NO. 3

**CERTIFICATE OF SERVICE**

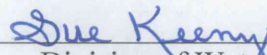
On this 30<sup>th</sup> day of January, 2019, I hereby certify that the foregoing Approval of Application for Change in Place of Use, Water Right, File Nos. 6,809, 7,245, 7433, dated 30<sup>th</sup> day of January, 2019 was mailed postage prepaid, first class, US mail to the following:

HOWARD - NICKAL FARMS LLC  
1312 E MICHIGAN AVE  
ULYSSES KS 67880-3013

With photocopies to:

BAR H QUARTER CIRCLE RANCH  
8722 N RD F  
UYLYSSES KS 67880

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.

RECEIVED  
 9:17 AM  
 JAN 17 2019

File No. 7433

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: BRUCE K. HOWARD

1312 E. MICHIGAN AVE., ULYSSES, KS 67880

Phone Number: (    )                      Email address: \_\_\_\_\_

Name and address of Water Use Correspondent: \_\_\_\_\_

Phone Number: (    )                      Email address: \_\_\_\_\_

3. The presently authorized place of use is:

Owner of Land ---- NAME: HOWARD-NICKAL FARMS LLC

ADDRESS: 1312 E. MICHIGAN AVE., ULYSSES, KS 67880

(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	
13	27	38	40	40	40	40					40	40	40	40					320
18	27	37					40	30.36	30.1	40									140.46

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: HOWARD-NICKAL FARMS LLC

ADDRESS: 1312 E. MICHIGAN AVE., ULYSSES, KS 67880

(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	
13	27	38	40	40	40	40	40	18.5	30	40	40	40	40	40	40	40	40	40	608.5
24	27	38	40	40	40	40													160

For Office Use Only: Code \_\_\_\_\_ Fee \$ 200.00 TR # \_\_\_\_\_ Receipt Date 1-17-19 Check # 101673



5. **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:  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 \_\_\_\_\_

6. **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:  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) Overlap farm.

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

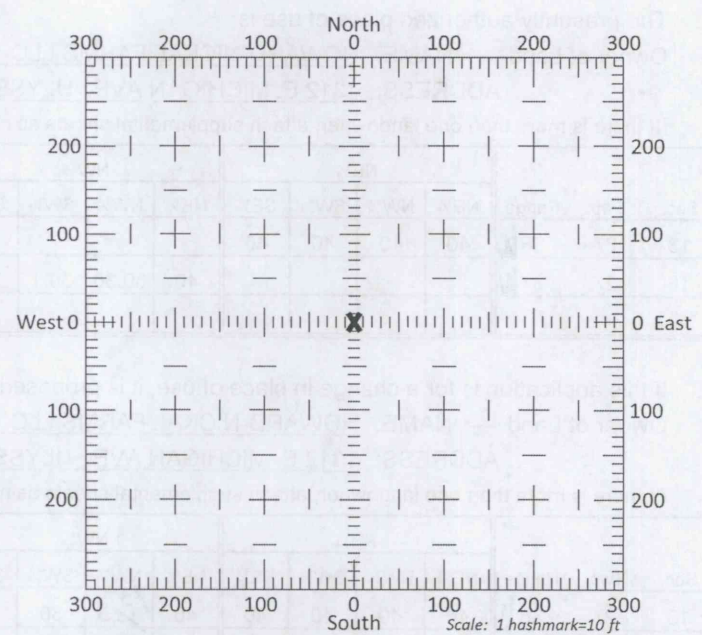
9. The change(s) (was)(will be) completed by?  
Upon approval

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

11. Groundwater Management District recommendation attached?  
 Yes  No

12. Assisted by bsc

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.)



APPLICATION FOR APPROVAL TO CHANGE  
THE PLACE OF USE AND/OR POINT OF DIVERSION  
SUPPLEMENTAL SHEET  
**FILE NO. 7433**  
MAKE ADDITIONAL COPIES AS NECESSARY

3. *Continued:* The presently authorized place of use is:

Owner of Land ---- NAME: BAR H QUARTER CIRCLE RANCH  
ADDRESS: 8722 N RD F, ULYSSES, KS 67880

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	

Owner of Land ---- NAME: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_

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	

Owner of Land ---- NAME: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_

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. *Continued:* 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: BAR H QUARTER CIRCLE RANCH  
ADDRESS: 8722 N RD F, ULYSSES, KS 67880

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	
13	27	38W																	18.5

Owner of Land ---- NAME: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_

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	

Owner of Land ---- NAME: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_

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	



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 1-16-19, Kansas, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

Bar H. Quarter Circle Ranch, Inc.  
(Owner)

(Spouse)

(Please Print)

(Please Print)

David Higgs Pres  
(Owner)

(Spouse)

David Higgs  
(Please Print)

(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

State of Kansas

County of Grant

SS



I hereby certify that the foregoing application was signed in my presence and sworn to before me this 16 day of January, 2019.

Bobbi Jo Higgs  
Notary Public

My Commission Expires 10-15-19

**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



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 17<sup>th</sup> day of January, 2019.

Howard Nickal Farms LLC  
(Owner)

Bruce K Howard Member  
(Spouse)

Howard Nickal Farms LLC  
(Please Print)

Bruce K Howard Member  
(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

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 17<sup>th</sup> day of January, 2019



Julie Jones  
Notary Public

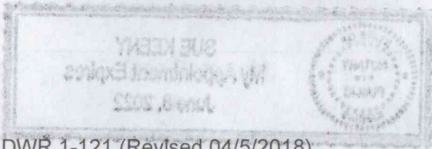
My Commission Expires

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. 7933.

1. A change application was received on January 17, 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 \_\_\_\_\_ 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, 2019 the applicant shall notify the Chief Engineer that construction of the works for diversion has been completed, on the form provided by the Chief Engineer, as required by K.A.R. 5-8-4e.  
 Applicable  Not Applicable
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**

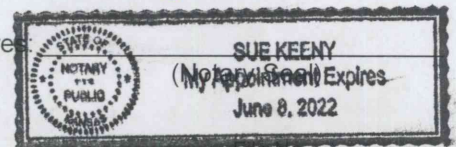
If you are aggrieved by this order, pursuant to K.S.A. 82a-1901, you may request an evidentiary hearing before the Chief Engineer or request administrative review by the Secretary of Agriculture. A request for hearing by the Chief Engineer must be filed within **15 days** of service of this Order and 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: Michael A. Meyer  
Duly Authorized Designee of the Chief Engineer  
(Print Name): MICHAEL A. MEYER  
Division of Water Resources - Kansas Department of Agriculture  
Date of Issuance: January 30, 2019  
State of Kansas )  
County of Finney ) SS  
Acknowledged before me on January 30, 2019  
by Michael A. Meyer  
Signature: Sue Keeny  
Notary Public

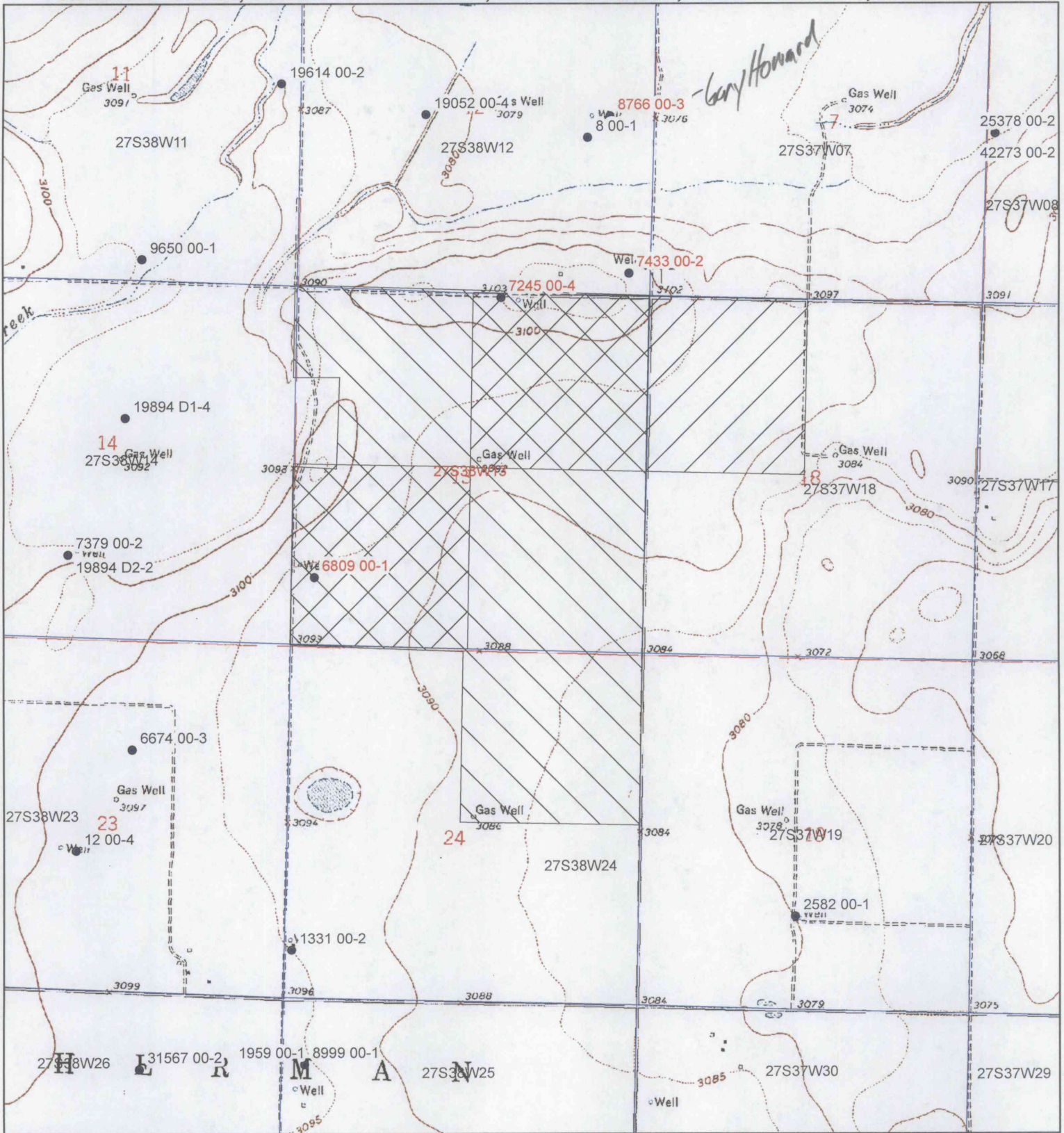
My commission expires





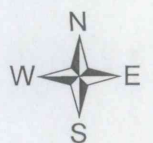
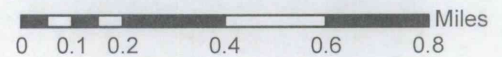


CHANGE IN PLACE OF USE  
WR 7433

SECTION 13 & 24, TOWNSHIP 27 SOUTH, RANGE 38 WEST, GRANT COUNTY, KANSAS



-  Authorized Place of Use
-  Proposed Place of Use





Recording Information:

STATE OF KANSAS, GRANT COUNTY, S.S. THIS INSTRUMENT WAS FILED FOR RECORD ON THE 19th DAY OF APRIL A.D. 20 11 AT 2:56 O'CLOCK P. M. AND DULY RECORDED IN BOOK 79 OF DEEDS AT PAGE 153 FEE \$6.00

Entered in transfer record in my office this 19th day of APRIL 20 11 of Michelle Harman, Deputy Sheila Brown Grant County Clerk

\$2.00 MARY K. SULLIVAN REGISTER OF DEEDS \$8.00 BY Mary K. Sullivan



WARRANTY DEED

This deed is made this 7th day of April, 2011, by and between Howard-Nickal Farms, L.L.C., as "Grantor", a Kansas limited liability company, and, Fowler Family Farms, LC, a Kansas limited liability company, as "Grantee".

Grantor, for valuable consideration, conveys and warrants unto Grantee the following described real estate situated in County of Grant, State of Kansas, to-wit:

The West Half (W 1/2) of Section Eighteen (18), Township Twenty-seven (27) South, Range Thirty-seven (37) West of the 6th P.M., also known as Lots One (1) and Two (2) and the East Half of the Northwest Quarter (E 1/2 NW 1/4) and Lots Three (3) and Four (4) and the East Half of the Southwest Quarter (E 1/2 SW 1/4), together with the growing wheat crop, all rights to wind, the natural flow of wind or wind energy, improvements and fixtures, but EXCEPTING and RESERVING unto Grantor the center-pivot sprinkler located thereon and all irrigation water rights,

SUBJECT TO mineral reservations, oil and gas leases, easements and rights-of-way of record:

IN WITNESS WHEREOF, Grantor has caused this warranty deed to be duly executed on the day and year first above written.

Howard-Nickal Farms, L.L.C.

Reception [checked] Numerical [checked] Direct [checked] Indirect [checked] Stamped [checked] Computer [checked] Orig. Comp. [checked]

Bruce K. Howard, Member-Manager

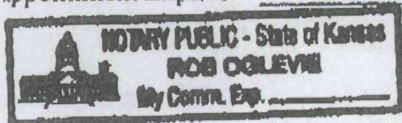
Calvin A. Nickal, Member-Manager

STATE OF KANSAS, COUNTY OF GRANT, SS:

This Warranty Deed was acknowledged before me on this 11 day of April, 2011, by Bruce K. Howard as member-manager of Howard-Nickal Farms, L.L.C.

Notary Public signature and name

My Appointment Expires: 4-16-2014



STATE OF KANSAS, Wyoming COUNTY OF GRANT, SS: Laramie

This Warranty Deed was acknowledged before me on this 7 day of April, 2011, by Calvin A. Nickal as member-manager of Howard-Nickal Farms, L.L.C.

Notary Public signature and name

My Appointment Expires: May 1 2014



RECEIVED

JAN 10 2019



## Property Details for PID: 0340461300000001010

QuickRef ID : R562

Owner Name : BAR H QUARTER CIRCLE RANCH

Location: 8722 N RD F, ULYSSES, KS 67880

Abbreviated Boundary Description: S13, T27, R38W, ACRES 38.6, W 660' NW LESS ROW

**Owner Information:**

Owner BAR H QUARTER CIRCLE RANCH

Mailing Address 8722 N RD F ULYSSES, KS 67880

**Property Information:**

Type Farm Homesite

Status Active

Taxing Unit 010-USD 214

Neighborhood Code 300.0

**Secondary Address Details**

Address 00000 NW 13-27-38, Ulysses, KS 67880

Address 00000 NW-13-27-38, Ulysses, KS 67880

**Market Land Details:**

Actual Width: 0

Eff. Width	0
Eff. Depth	0
Acres	2
Square Feet	65,340

**No Permit Details found****No Orion Deed Book Page Details found****Additional Deed Book Page Details**

Deed Book/Page 0032/0209 0056/0466 79/155-156

**Value Details**

	Year	2018
<b>Current Final Value (Agricultural)</b>	Land	\$11,360.00
	Building	\$1,320.00
	Total	\$12,680.00

	Year	2018
<b>Current Final Value (Farm Homesite)</b>	Land	\$2,550.00
	Building	\$67,810.00
	Total	\$70,360.00

<b>Current Final Value (Agricultural)</b>	Year	2017
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Land	\$15,410.00
Building	\$1,300.00
Total	\$16,710.00
Year	2017

**Current Final Value (Farm Homesite)**

Land	\$2,550.00
Building	\$68,270.00
Total	\$70,820.00

**Dwelling Details**

Story Height	One Story	Style	Modular	Year Built	1980
Total Sq Ft Living Area	1890	Main Floor Living SqFt :	1890	Upper Floor Living Pct :	
Total Rooms:	8	Bedrooms:	3	Remodel Year:	
Full Baths:	2	Half Baths:	0	Basement:	Crawl
Depreciation Rating:	PR	Physical Condition:	AV	Quality:	Average-

**No Manufactured Home Details found**

**Additional Dwelling Details**

Residential Component	Units	Quality	Year Built
Frame, Siding, Wood	100%		
Composition Shingle	100%		

Warmed & Cooled Air 100%  
 Plumbing Fixtures (#) 8

**Other Improvements**

Type :	Quantity :	Area :	Year Built :	Quality :	Condition :
Paving, Concrete with Base	1	10	1980	Average	Normal/AV
Residential Garage - Detached	1	720	1998	Fair	Normal/AV

**No Commercial Building Details found**

**No Commercial Building Section Details found**

**Ag Land Details**

Acre Type :	No Acres :	Map Unit :	Irrig :	Well Depth :
Dry Land	8.60	1857		
Dry Land	1.30	1856		
Dry Land	5.90	1349		
Irrigated Land	4.40	1857	F	500
Irrigated Land	12.00	1867	F	500
Dry Land	0.10	1867		
Irrigated Land	2.40	1349	F	500
Irrigated Land	2.40	1856	F	500



Total Acres : 37.10

**Ag Building Details**

Type	Quantity	Size	Year Built	Grade	Condition
Farm Utility Building		26X40	1980	Fair	Normal/AV

**Aerial image**





**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](http://www.gmd3.org)

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January 25, 2019

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

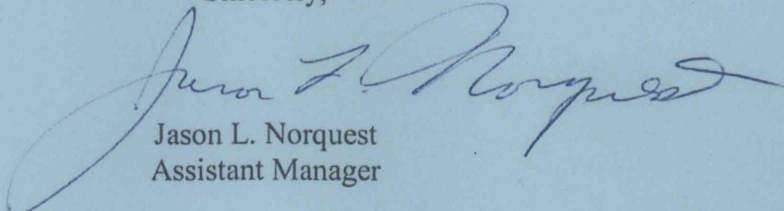
RE: Applications for Change in Place of Use  
Water Right, File Nos. 6809, 7245 & 7433

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 in irrigation acres is within the combined base acres for the water rights, in accordance with K.A.R. 5-5-11. 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



## GMD3 Change Review

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File No(s).: 6809, 7245 & 7433.

DWR office: GC.

App filed to change: PU.

Is Landowner(s) correct in WRIS: Bruce Howard.

If NO, is documentation included?

Is Water Use Correspondent correct in WRIS? Yes.

If NO, is documentation included?

Regulation(s) Reviewed: KAR 5-5-11

Point of diversion ID No(s)    being changed.

	ft. North	ft. West			
Authorized PD					
Proposed PD					
Difference	0	0			
a2 + b2 = c2	0	0	0		

GPS for proposed PD: Lat:    Long:   .

Is proposed PD stacking on existing WRs?   .

Is Proposed PU overlapping existing WRs? Making an overlap with all three water rights.

Land Owner(s) notified:   .

Name   . Name   .

Address   . Address   .

Zip   . Zip   .

Neighboring certified well(s) notified:   .

Name   . Name   .

Address   . Address   .

Zip   . Zip   .

Domestic well(s) notified:   .

Name   . Name   .

Address   . Address   .

Zip   . Zip   .

Base Acres: 944 on based acres prior to reductions.

Perfected Acres:   .

Irr. Return-Flow   %

**6809: 320acres (NE & SW 13) + 140.46 (NW 18) = 460.46 acres**

**7245: 304acres (NW & SE 13)**

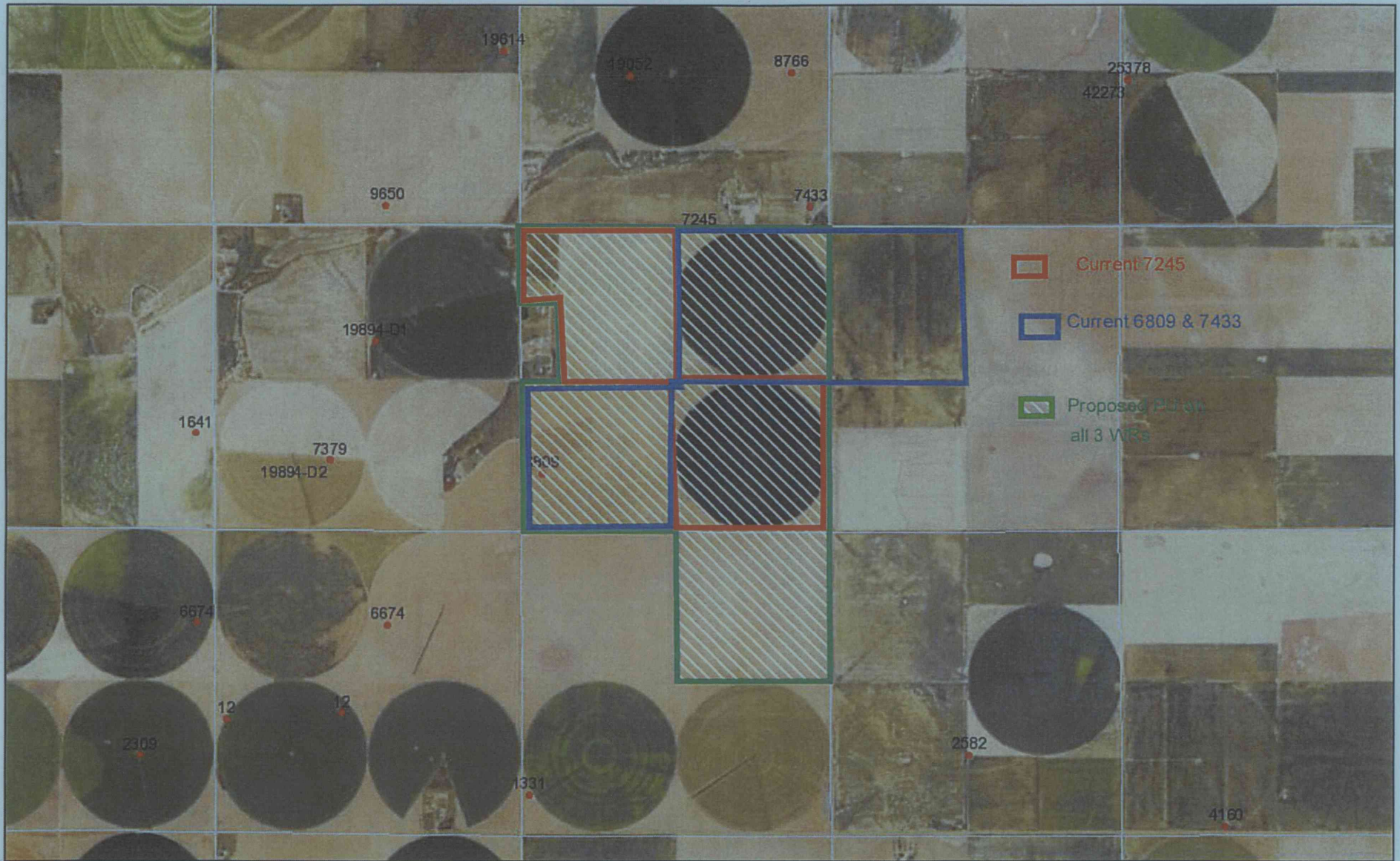
**7433: Currently same acres as 6809**

**TOTAL COMBINED ACRES = 764.46**

**Proposed overlap: 624 (All 13) + 160 (NE 24) = 784 acres**

Is a waiver needed: No.



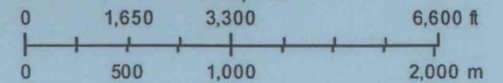


January 25, 2019  
15:30 PM

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

<b>Wells</b>	+	CON	●	FPR	▲	MUN	⚡	THX	
?	Other	⊠	DEW	⊕	HYD	⚑	REC	?	Empty
•	IRR	⚓	DOM	★	IND	⊗	STK	□	Sections

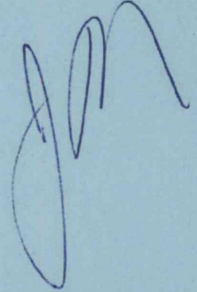




## GMD3 Change Review

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Final Recommendation: The base acres on record for these water rights is more than requested in this case. There is no increase in pumping authority. All other current rules for the area are met. Staff therefore recommends approval of the applications.

A handwritten signature in blue ink, consisting of several loops and a final flourish, located on the right side of the page.

Garden City Field Office  
2508 Johns Street  
Garden City, KS 67846-2804

Mike Beam, Interim Secretary



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

Laura Kelly, Governor

January 24, 2019

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

Re: Water Right File Nos. 6809, 7245, 7433

Dear Mr. Norquest:

This is to advise you that Bruce Howard 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.

We are delaying action on these change applications to allow you time to review and provide a recommendation. A change in place of use is being proposed. Please submit a recommendation within 15 days.

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".

Michael A. Meyer  
Water Commissioner

MAM  
Enclosures