

Kansas Department of Agriculture
 Division of Water Resources
CHANGE: PD WORKSHEET

1. File Number: 13858	2. Status Change Date: 8/20/2020	3. Change Num: C5	4. Field Office: 04	5. GMD: 03
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: 3/12/2020
8a. Applicant(s) New to system <input type="checkbox"/> SOUTHWESTERN HEIGHTS CONSOLIDATED SCHOOL Attn: MAINTENANCE DIRECTOR 17222 MUSTANG RD KISMET, KS 67859-5995		Person ID 16893 Add Seq# _____		8c. Landowner(s) New to system <input type="checkbox"/> SOUTHWESTERN HEIGHTS CONSOLIDATED SCHOOL Attn: MAINTENANCE DIRECTOR 17222 MUSTANG RD KISMET, KS 67859-5995
8b. Landowner(s) New to system <input type="checkbox"/> EVANS FRANCIS FARMS LLC Attn: SHANNON FRANCIS MANAGER 1501 TUCKER CT LIBERAL, KS 67901		Person ID 61363 Add Seq# _____		8d. WUC New to system <input type="checkbox"/> No Change Sec 25 well 16893 Sec 36 well 27875
9. Documents and Enclosure(s): <input checked="" type="checkbox"/> DWR Meter(s) Date to Comply: 12/31/20 <input type="checkbox"/> N & P Date to Comply: 12/31/20				
<input type="checkbox"/> Anti-Reverse Meter <input type="checkbox"/> Meter Seal <input checked="" type="checkbox"/> Check Valve <input checked="" type="checkbox"/> N & P Form <input checked="" type="checkbox"/> Water Tube <input checked="" type="checkbox"/> Driller Copy <input type="checkbox"/> H & E Letter <input type="checkbox"/> Conservation Plan Date Required: _____ Date Approved: _____ Date to Comply: _____				
10. Use Made of Water From: _____ To: _____				
Date Prepared: 8/17/2020 By: li Date Entered: 8/25/2020 By: LMoody				

File No. **13858** 11. County: **SW** Basin: **Crooked Creek** Stream: Formation Code: **211** Special Use: **NA**

12. Points of Diversion											Rate and Quantity						
CHK	MOD	DEL	ENT	PDIV	Qualifier	S	T	R	ID	'N	'W	Comment (AKA Line)	Rate gpm	Quantity af/mgy	Rate gpm	Quantity af/mgy	Overlap PD Files
	MOD			74835	NW NW NW	36	32	31W	4	4907	5060		943	604 AF	943	604 AF	NONE
	MOD			537	SW SE SW	25	32	31W	2	120	3390	PRIMARY IRR USE ADDITIONAL WELL	120	10 AF	0	10 AF	30054
	MOD			537	SW SE SW	25	32	31W	2	120	3390	PRIMARY MUN USE ADDITIONAL WELL	120	1.629 mgy	120	1.629 mgy	30054
	ENT			88365	SE SE SW	25	32	31 W		148	3094	STANDBY IRR USE					30054
	ENT			88365	SE SE SW	25	32	31 W		148	3094	STANDBY MUN USE					30054

PDIV 74835 GPS UPDATE FEET DISTANCES

PDIV 537 MOD IS ADDING PRIMARY WELL COMMENT

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) **120GPM ANY USE WELL SEC 25**

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 _____

16. Place of Use																			Total	Owner	Chg?	Overlap Files						
CHK	MOD	DEL	ENT	PUSE	S	T	R	ID	NE¼				NW¼				SW¼				SE¼							
									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				
No Change																												

Base Acres: Year: Minimum Reasonable Quantity:

Comments: **KEEP 26-OCT-10 SPECIAL CONDITION: 10 YR REVIEW - ADDITIONAL WELL (PRIMARY WELL IN SEC 25)**

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: August 18, 2020

FROM: Leslie Ireland

RE: Water Right, File Nos. 13,858 & 30,054

Elton Argo, (retired May 2020) Superintendent of Schools, USD #483, owner of File No. 30054, and Shannon Francis Manager, for Evans Francis Farms LLC, owner of File No. 13,858, have filed applications to change the point of diversion located on the school property. The applications for change received on March 11, 2020 are requesting a standby well for the irrigation and municipal uses at the school. The wells are located in the Crooked Creek Basin, Seward County.

It would appear that the referenced files are not abandoned as per K.S.A. 82a -718 and appears to meet the requirements of K.S.A. 82a -732.

The requested change is due to the casing decline of the schools well and concern for problems. The applications propose to add a standby well to the east of the school well.

Water Right, File No. 13,858 is authorized two(2) points of diversion. An irrigation well located in the (NW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$) approximately 4,864 feet North and 5,088 feet West of the Southeast corner of Section 36, Township 32 South, Range 31 West, Seward County, is authorized 604 acre-feet (AF) at 943 gallons per minute (GPM) for the irrigation of 316 acres. It has no overlaps or additional limitations. A 2016 Compliance Investigation determined by GPS this well to have the actual feet distances of 4,907 feet North and 5,060 feet West. The location of the irrigation well will be updated to the determined actual feet distances. The second well under this right is an additional well authorized municipal and irrigation uses and is located in the (SW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$) approximately 120 feet North and 3,390 feet West of the Southeast corner of Section 25, Township 32 South, Range 31 West, Seward County. It is authorized 10 AF at 120 GPM for the irrigation of 27 acres of playing fields and 5 AF at a limited 120 GPM for municipal use at the school. The point of diversion in Section 25 has been authorized as an additional well since 2010, without any known issues. This point of diversion overlaps with File No. 30,054.

Water Right File No. 30,054 is authorized 13 AF for irrigation use and 1.17 million gallons (3.6 AF) per year for municipal use at a limited 120 GPM when combined with File No. 13,858. Both uses are authorized from the Section 25 well overlapping File No. 13,858.

Under the referenced files the well in Section 25, owned by the school, USD #483, is authorized 23 acre-feet for irrigation use and 2.8 million gallons (8.6 acre-feet) for municipal use

The proposed change is to add a standby well under File Nos. 13,858 & 30,054, for irrigation and municipal uses to be located less than 300 feet from the primary well. It will be completed in the (SE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$) approximately 148 feet North and 3,094 feet West of the Southeast corner of Section 25, Township 32 South, Range 31 West, Seward County. A well log completed by Hydro Resources March 2020, indicated a proposed well depth of 492 feet and had a static water level of 315 feet. The lithology and depth of the well is similar to the 1977 well log of File No 30,054. It appears to be in the same local source of supply. Both logs list blue clay strata. They are located North of the Ogallala Chloride Limitation Area, so no chloride condition will be added.

As the requested change in point of diversion is less than 300 feet, no notification per K.S.A. 82a-1906 is needed. Additionally, the new Superintendent, Dan Frisby, stated with his review and signature of the map for the requested change, there are no other wells except the primary well within one-half ($\frac{1}{2}$) mile of the proposed standby well.

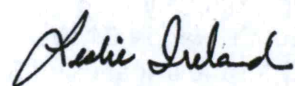
A condition will be placed on the approval documents limiting the standby well for use exclusively at such time the well identified as the primary well located in Section 25, is inoperable due to mechanical, maintenance or power failure. It does allow the use for fire or other similar emergency. Use of the standby well under these limiting conditions does not allow the authorized quantity of water or rate of diversion to be exceeded.

The application was submitted to the Southwest Kansas Groundwater Management District No. 3 for a recommendation. The letter of Jason Norquest, Assistant Manager, dated August 14, 2020, recommended approval of the changes.

After reviewing the summary memo Mike Meyer, Water Commissioner of the Garden City Field Office, sent an email on August 17, 2020, recommending the proposed changes be approved.

Water flowmeters and check vales will be required will be required if any chemical or foreign substance is injected through the diversion works. A water level measurement tube will be required as the primary well is authorized to operate at a rate greater than 100 gallons per minute.

Based on the above discussion, that no change in the local source of supply will occur, no increase in the consumptive use, that impairment to existing water rights is unlikely, and that the changes are reasonable, it is recommended that the referenced applications for change be approved



Leslie Ireland
Environmental Scientist
Water Appropriation Program

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
 Water Resources
 Received

Filing Fee Must Accompany the Application, K.S.A. 82a-708b(b), as amended. **MAR 16 2020**
 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. 13858

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: SOUTHWESTERN HEIGHTS CONSOLIDATED SCHOOL, Attn: MAINTENANCE DIRECTOR
17222 MUSTANG RD, KISMET, KS 67859-5995

Phone Number: () Email address: _____

Name and address of Water Use Correspondent: Same

Phone Number: () Email address: _____

3. The presently authorized place of use is:

Owner of Land ---- NAME: Same

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	

Converted FO Chg to HQ Chg 3/12/2020 LLM

For Office Use Only: Code CGC Fee \$ 100 TR # _____ Receipt Date 3-12-20 Check # 5575

FO: 4 GMD: 3 Use: IRR/MUN Source: G County: SW By: KJN Date: 3/16/20

RECEIVED
 MAR 12 2020
 9:46 AM
 Garden City Field Office
 Division of Water Resources

Water Resources
 Received

APR 13 2020

KS Dept Of Agriculture

RECEIVED

MAR 24 2020

Garden City Field Office
 DIVISION OF WATER RESOURCES

5. **Presently authorized point of diversion:** *Primary* **MUN USE & IRR USE ***

One in the SW Quarter of the SE Quarter of the SW Quarter of Section 25, Township 32 South, Range 31 (W), in SW County, Kansas, 120 feet North 3390 feet West of Southeast corner of section. Authorized Rate No change Authorized Quantity no change Depth of well _____ (feet)

(DWR use only: Computer ID No. 2 GPS _____ feet North _____ feet West)

This point will not be changed This point will be changed as follows: No change, point better described with GPS as follows:

Proposed point of diversion: (Complete only if change is requested or if existing point is better described by GPS)

One in the SE*SW Quarter of the SE Quarter of the SW Quarter of Section 25, Township 32 South, Range 31 (W), in SW County, Kansas, 148 feet North 3094 feet West of Southeast corner of section. Proposed Rate Stand by Proposed Quantity Stand by Proposed well depth (feet) 492.

This point is: Additional Well Geo Center List other water rights that will use this point 30054 Standby.

6. **Presently authorized point of diversion:** **IRR USE ***

One in the NW Quarter of the NW Quarter of the NW Quarter of Section 36, Township 32 South, Range 31 (W), in SW County, Kansas, 4864 feet North 5088 feet West of Southeast corner of section. Authorized Rate No change Authorized Quantity No change Depth of well _____ (feet)

(DWR use only: Computer ID No. 4 GPS 4907* feet North 5060* 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 NONE*.

7. The changes herein are desired for the following reasons? (please be specific) To add new point of diversion as a standby well

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

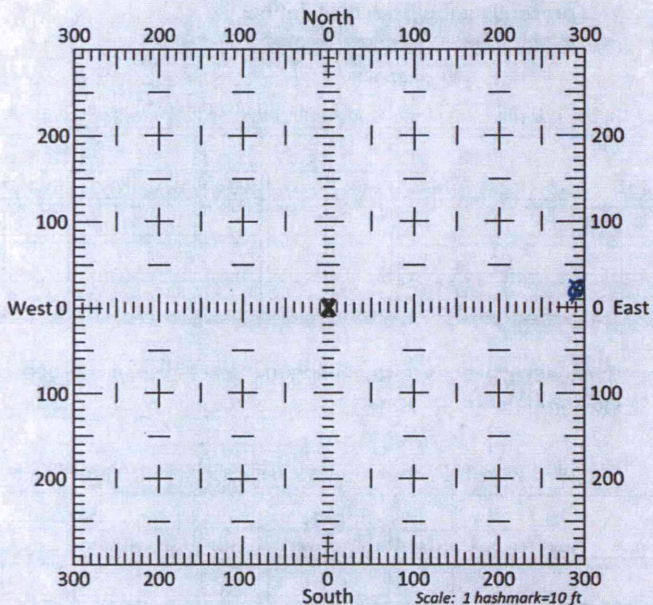
9. The change(s) (was)(will be) completed by? ASAP

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 mf/GCFO



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.)

Water Resources Review
 MAR 16 2020
 KS Dept Of Agriculture

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 11th day of MARCH, 2020.

<p><u>4</u> <u>[Signature]</u> (USD 483) _____ (Owner)</p> <p>_____ (Spouse)</p> <p>_____ (Please Print)</p> <p>_____ (Please Print)</p> <p>_____ (Owner)</p> <p>_____ (Spouse)</p> <p>_____ (Please Print)</p> <p>_____ (Please Print)</p> <p>_____ (Owner)</p> <p>_____ (Spouse)</p> <p>_____ (Please Print)</p> <p>_____ (Please Print)</p>	<p><u>Water Resources</u> <u>Received</u></p> <p>APR 13 2020</p> <p><u>KS Dept Of Agriculture</u></p>
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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 11th day of MARCH, 2020.



[Signature]
 Notary Public

My Commission Expires 9-14-22

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

FEE SCHEDULE

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

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

RECEIVED

MAR 16 2020

MAR 24 2020

KS Dept Of Agriculture

File No. 13858

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. 13858.

- 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. 7-527. 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

Water Resources
Received
MAR 16 2020
KS Dept Of Agriculture

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

By: _____
Duly 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)

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



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

ELSON ARGO OFFICE 620-563-7102 CELL 620-629-3166

Customer Name: Southwestern Heights High School WO#: 19743 Date: 3-6-2020
 Street Address: USD 483 P.O. Box 760 Test #: 1 E LOG: _____
 City, State: Plains, KS 67869 Driller: Kevin Frazier
 County: SW Quarter: SW Section: 25 Township: 32 Range: 31
 Location: 159' EAST 10' NORTH of EXISTING WELL GPS: 37.20838 N 100.64619 W
 Rig #: 10002 Elevation: _____ Static WL: 315 Estimated? _____
 Proposed Well Depth: 492
 SPARE WELL LOCATION 5' Sump

%	Footage			Description of Strata
	From	Pay	To	
	0		2	Top Soil
	2		21	Brown Sandy Clay, Few Fine Sand
	21		34	Brown Sandy Clay, Few Fine sand, white rock strips
	34		44	Brown Sandy Clay, white rock, Few Brown Clay
	44		65	Fine Sand, Few Sandy Clay strips
	65		76	Sandy Clay, Fine Sand, Few Cemented sand
	76		90	Fine Sand
	90		95	Fine Sand, Few Cemented Sand, Sandy clay strips
	95		119	Fine to med coarse, Few small gravel
	119		124	Reddish-brown Sandy Clay
	124		163	Fine to coarse sand, Few small gravel
	163		180	Fine to small gravel, Few small rock
	180		213	Fine to med coarse sand
	213		220	Blue Clay
	220		233	Sandy clay
	233		240	Fine Sand, Sandy Clay strips
	240		250	Fine sand, Few coarse
	250		268	Fine sand, Clay strips
	268		283	Brown Sandy clay, Blue Clay strips
	283		300	Blue Clay, Sandy clay, Few Fine Sand
	300	-	356	Blue Clay
10	356	24	380	Fine to med, Few coarse, Blue Clay strips
5	380	16	396	Fine Sand, Few med, Blue Clay mix
10	396	25	421	Fine to med, Few coarse sand, Blue Clay mix
10	421	34	455	Fine to med, Blue clay mix, Few coarse
15	455	32	487	Fine Sand, Few med Clay stuff
	487	-	500	Red Bed
		131		Perma - 1 4 3/4 Block - 1 Soda Ash - 1 Super Gel - 2 Grout - 5 3/4" Hole Plug - 5

RECEIVED

MAR 24 2020

Garden City Field Office
DIVISION OF WATER RESOURCES

Water Resources
Received

RECEIVED

APR 13 2020

MAR 09 2020

KS Dept Of Agriculture

Garden City Field Office
Division of Water Resources

Water Resources
Received

MAR 16 2020

KS Dept Of Agriculture

SCANNED

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

Water Resources

Received

MAR 16 2020

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

MAR 12 2020

9:46 AM

Garden City Field Office
 Division of Water Resources

File No. 13858

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: SOUTHWESTERN HEIGHTS CONSOLIDATED SCHOOL, Attn: MAINTENANCE DIRECTOR
17222 MUSTANG RD, KISMET, KS 67859-5995

Phone Number: () Email address: _____

Name and address of Water Use Correspondent: Same

Phone Number: () Email address: _____

3. The presently authorized place of use is:

Owner of Land ---- NAME: Same

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			

RECEIVED

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				

MAR 24 2020

Garden City Field Office
 DIVISION OF WATER RESOURCES

For Office Use Only: Code CGC Fee \$ 100 TR # _____ Receipt Date 3-12-20 Check # 5575

FO: 4 GMD: 3 Use: IRR/MUN Source: G County: SW By: KJN Date: 3/16/20

5. **Presently authorized point of diversion:**

One in the SW Quarter of the SE Quarter of the SW Quarter of Section 25, Township 32 South, Range 31 (W), in SW County, Kansas, 120 feet North 3390 feet West of Southeast corner of section. *Primary*

Authorized Rate No change Authorized Quantity no change Depth of well _____ (feet)

(DWR use only: Computer ID No. 2 GPS _____ feet North _____ feet West)

This point will not be changed This point will be changed as follows: No change, point better described with GPS as follows:

Proposed point of diversion: (Complete only if change is requested or if existing point is better described by GPS)

One in the SW Quarter of the SE Quarter of the SW Quarter of Section 25, Township 32 South, Range 31 (W), in SW County, Kansas, 148 feet North 3094 feet West of Southeast corner of section.

Proposed Rate Stand by Proposed Quantity Stand by Proposed well depth (feet) 492

This point is: Additional Well Geo Center List other water rights that will use this point 30054 *STndb,*

6. **Presently authorized point of diversion:**

One in the NW Quarter of the NW Quarter of the NW Quarter of Section 36, Township 32 South, Range 31 (W), in SW County, Kansas, 4864 feet North 5088 feet West of Southeast corner of section.

Authorized Rate No change Authorized Quantity No change Depth of well _____ (feet)

(DWR use only: Computer ID No. 4 GPS _____ feet North _____ feet West)

This point will not be changed This point will be changed as follows: 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) To add new point of diversion as a standby well

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

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

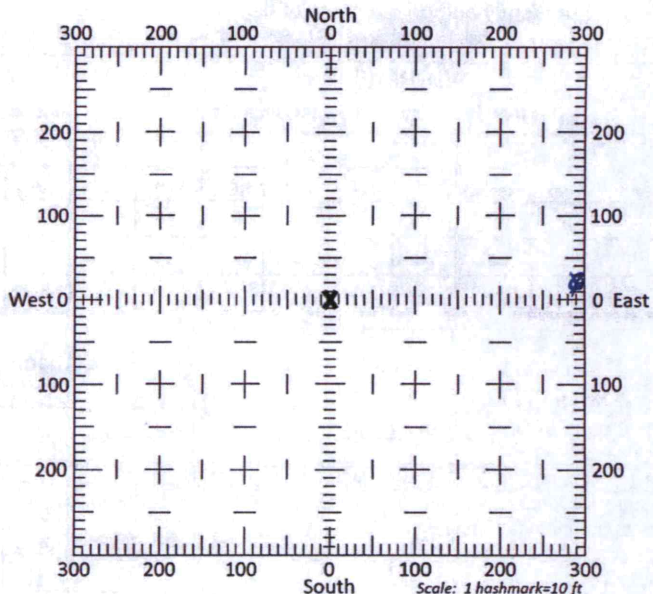
10. If the point of diversion is a well:
 (a) What are you going to do with the old well?

 (b) When will this be done? _____

11. Groundwater Management District recommendation attached? Yes No

12. Assisted by mf/GCFO

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.)

KS Dept Of Agriculture

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 11th day of MARCH, 2020.

<p><u>9</u> <u>Edo Ago (USD483)</u> (Owner)</p> <p>_____ (Please Print)</p> <p>_____ (Owner)</p> <p>_____ (Please Print)</p> <p>_____ (Owner)</p> <p>_____ (Please Print)</p>	<p>_____ (Spouse)</p> <p>_____ (Please Print)</p> <p>_____ (Spouse)</p> <p>_____ (Please Print)</p> <p>_____ (Spouse)</p> <p>_____ (Please Print)</p>
---	---

State of Kansas }
 County of FINNEY } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 11th day of MARCH, 2020.

My Commission Expires 9-14-22

NOTARY PUBLIC
STATE OF KANSAS

CATHERINE REINERT
NOTARY PUBLIC
STATE OF KANSAS
My App. Exp. Sept. 14, 2022

Catherine Reinert
 Notary Public

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

RECEIVED

MAR 24 2020

MAR 16 2020

KS Dept Of Agriculture

File No. 13858

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. 13858.

- 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

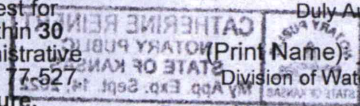
Water Resources
Received

MAR 16 2020

KS Dept Of Agriculture

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

By: _____
Duly 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)

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



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

ELSON ARGO OFFICE 620-563-7102 CELL 620-629-3166

Customer Name: Southwestern Heights High School WO#: 19743 Date: 3-6-2020
 Street Address: USD 483 PO. Box 760 Test #: 1 E LOG: _____
 City, State: Plains, KS 67869 Driller: Kevin Frizzell
 County: SW Quarter: SW Section: 25 Township: 32 Range: 31
 Location: 159' EAST 10' NORTH of EXISTING WELL GPS: 37.22838 N 100.64619 W
 Rig #: 10002 Elevation: _____ Static WL: 315 Estimated? _____
 Proposed Well Depth: 492
 SPARE WELL LOCATION 5' Sump

%	Footage			Description of Strata
	From	Pay	To	
	0		2	Top Soil
	2		21	Brown Sandy Clay, Few Fine Sand
	21		34	Brown Sandy Clay, Few Fine Sand, white rock STRIPS
	34		44	Brown Sandy Clay, white rock, Few Brown Clay
	44		65	Fine Sand, Few Sandy Clay STRIPS
	65		76	Sandy Clay, Fine Sand, Few Cemented sand
	76		90	Fine Sand
	90		95	Fine Sand, Few Cemented Sand, Sandy Clay STRIPS
	95		119	Fine to med coarse, Few Small gravel
	119		124	Reddish-Brown Sandy Clay
	124		163	Fine to coarse sand, Few Small gravel
	163		180	Fine to Small gravel, Few Small rock
	180		213	Fine to med coarse sand
	213		220	Blue Clay
	220		233	Sandy Clay
	233		240	Fine Sand, Sandy Clay STRIPS
	240		250	Fine Sand, Few coarse
	250		268	Fine Sand, Clay STRIPS
	268		283	Brown Sandy clay, Blue Clay STRIPS
	283		300	Blue Clay, Sandy clay, Few Fine Sand
	300		356	Blue Clay
10	356	24	380	Fine to med, Few coarse, Blue Clay STRIPS
5	380	16	396	Fine sand, Few med, Blue Clay mix
10	396	25	421	Fine to med, Few coarse sand, Blue Clay mix
10	421	34	455	Fine to med, Blue clay mix, Few coarse
15	455	32	487	Fine Sand, Few med Clay stuff
	487		500	Red Bed
		131		Perma - 1 4 3/4 Bleed - 1 Soda Ash - 1 Super Gel - 2 Grout - 5 3/4 Hole Plug - 5

RECEIVED

MAR 24 2020

Garden City Field Office
DIVISION OF WATER RESOURCES

RECEIVED

MAR 09 2020

Garden City Field Office
Division of Water Resources

Water Resources
Received

MAR 16 2020

KS Dept Of Agriculture

Kansas Department of Agriculture / Division of Water Resources
Garden City Field Office

TO: HEADQUARTERS

Richelle Koueger

RE Vested Right; Water Right; Appropriation of Water; Application

File No(s). 13858, 30054 County ME

Enclosed are the following checked items:

A _____ FIR Full Partial Inspection Return to Field Office
 Proposed Certificate to deliver to Certificate Unit

A Compliance Check Inspection on _____
 Meter Install New App Chg App Other _____
 In Compliance Not in Compliance, why _____
Modify Point of Diversion No Yes, document attached
Indicate all overlapping p/d files _____

- An application and judgment sheet with recommendation.
- A memorandum dated _____
- A request for an extension of time to perfect or complete.
- A verified report.
- A closure request.
- A field investigation report.
- Notice of Non-Compliance
- An ownership change (name(s) and address(es) below).
- A water use report for _____
- A letter dated _____

A copy of an **Approval** to Change the place of use and/or point of diversion,
 Filing Fee attached.

An Advanced **copy** of a change application and the filing fee, to be processed at the field office.

An original field office change **application** and the filing fee needing headquarters office review and further processing.

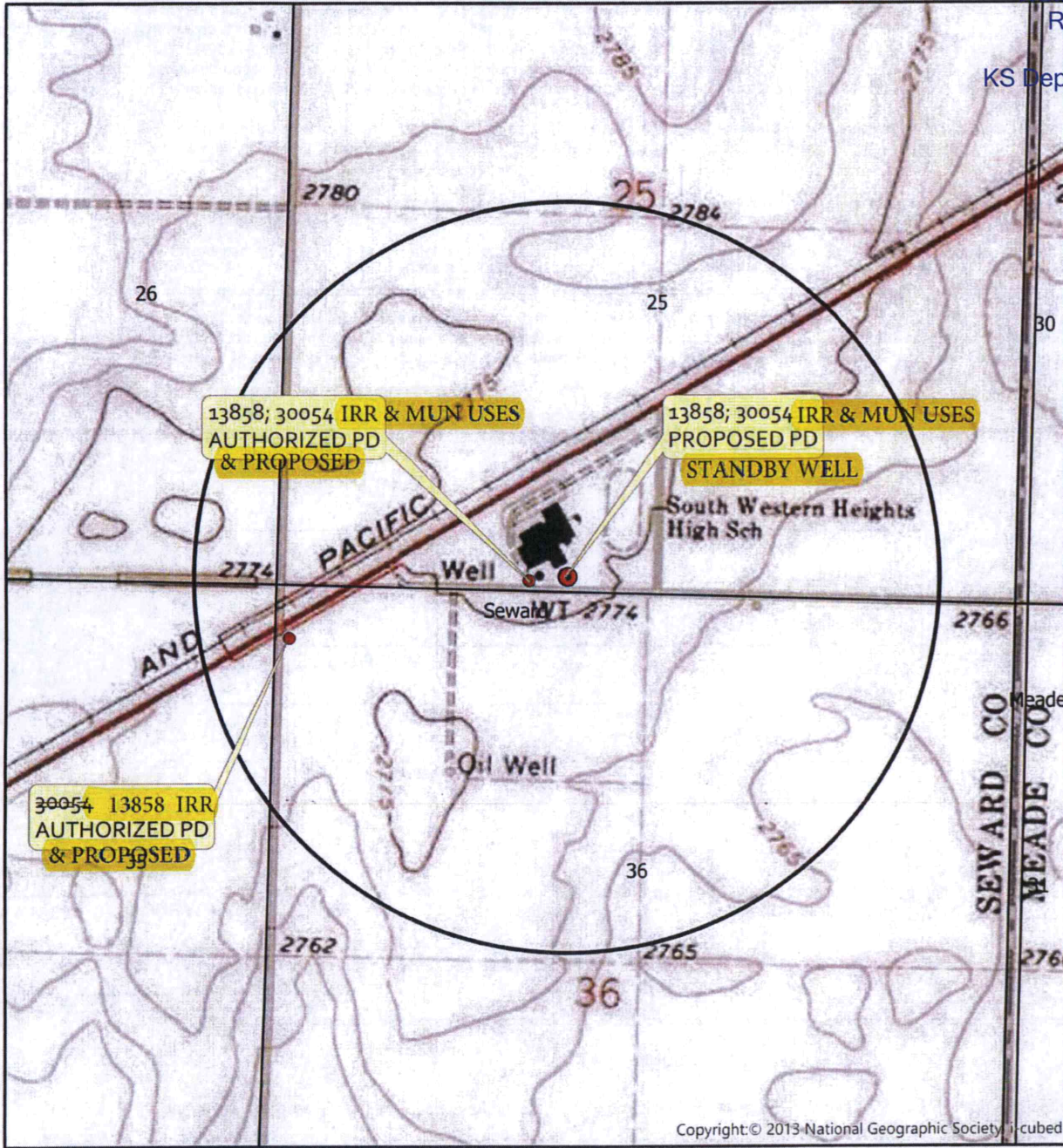
Other: Please process - standby well

Michael A. D...
Water Commissioner

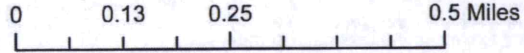
4-8-2020
Date

CHANGE IN POINT OF DIVERSION FILE NOS. 13858 & 30054

Water Resources
Received
KS Dept Of Agriculture



Township 32 South Range 31 West
Seward County



- POINT OF DIVERSION
- PROPOSED PD

All wells of any kind within a half mile of
the proposed point of diversion are shown:

Don Frisby



Created By: AM/GCFO
& LI/DWR

Any use of water that is not as authorized by the water right or permit to authorize water before the chief engineer approves this application is a violation of the Kansas Water Appropriation Act for which criminal or civil penalties may be assessed. Such violation is a class C misdemeanor punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. K.S.A. 82a-728(b). Civil penalties shall be not less than \$100 nor more than \$1,000 per violation. In the case of a continuing violation, each day such violation continues may be deemed a separate violation. In addition to these penalties the water right may be modified or suspended. K.S.A. 82a-737, as amended.

The application must be signed by all owners of the place of use authorized under the water right and his or her spouse, if married. Please indicate if there is no spouse. If land is being purchased under contract, the seller must sign as landowner until such time as the contract is completed.

In the event that all applicants cannot appear before one notary public, they may as necessary sign separate copies of the application before any notary public conveniently available to them. All copies signed in this manner shall be considered to be valid parts of the application.

If the request is signed on behalf of any Owner by someone with legal authority to do so (for example, an agent, one who has power of attorney, or an executor, executrix, conservator), it will be necessary to attach proper documents showing such authority.

I declare that I am an owner of the currently authorized place of use as identified herein, or that I represent all such owners and am authorized to make this application on their behalf, and declare further that the statements contained herein are true, correct, and complete. By filing this application I authorize the chief engineer to permanently reduce the quantity of water and/or rate of diversion as specified in sections 14 and 15 of this application.

Dated at Liberal, Kansas, this 11th day of August, 2020.

Signatures and names of owners and spouses, including 'EVANS FRANCIS FARMS LLC' and 'Francis manager'.

State of Kansas }
County of Seward } SS

hereby certify that the foregoing application was signed in my presence and sworn to before me this 11th day of August, 2020.

Teresa L. Blake
Notary Public

My Commission Expires 9-17-2020



FEE SCHEDULE

Each application to change the place of use, the point of diversion or the use made of the water under this section shall be accompanied by the application fee set forth in the schedule below:

- (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
(4) Application to change the use made of the water \$300

Make check payable to Kansas Department of Agriculture.

Any use of water that is not as authorized by the water right or permit to authorize water before the chief engineer approves this application is a violation of the Kansas Water Appropriation Act for which criminal or civil penalties may be assessed. Such violation is a class C misdemeanor punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. K.S.A. 82a-728(b). Civil penalties shall be not less than \$100 nor more than \$1,000 per violation. In the case of a continuing violation, each day such violation continues may be deemed a separate violation. In addition to these penalties the water right may be modified or suspended. K.S.A. 82a-737, as amended.

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If the request is signed on behalf of any Owner by someone with legal authority to do so (for example, an agent, one who has power of attorney, or an executor, executrix, conservator), it will be necessary to attach proper documents showing such authority.

I declare that I am an owner of the currently authorized place of use as identified herein, or that I represent all such owners and am authorized to make this application on their behalf, and declare further that the statements contained herein are true, correct, and complete. By filing this application I authorize the chief engineer to permanently reduce the quantity of water and/or rate of diversion as specified in sections 14 and 15 of this application.

Dated at Liberia, Kansas, this 11th day of August, 2020.

(Owner)
Shannon Francis
(Please Print)
Shannon Francis Manager
EVANS FRANCIS FARMS LLC

(Spouse)

(Please Print)

(Spouse)

(Please Print)

(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

State of Kansas }
County of Sevier } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 11th day of August, 2020.

Teresa L. Blake
Notary Public

NOTARY PUBLIC - STATE OF KANSAS

TERESA L. BLAKE
My Commission Expires 9-17-2020

My Commission Expires 9-17-2020.

FEE SCHEDULE

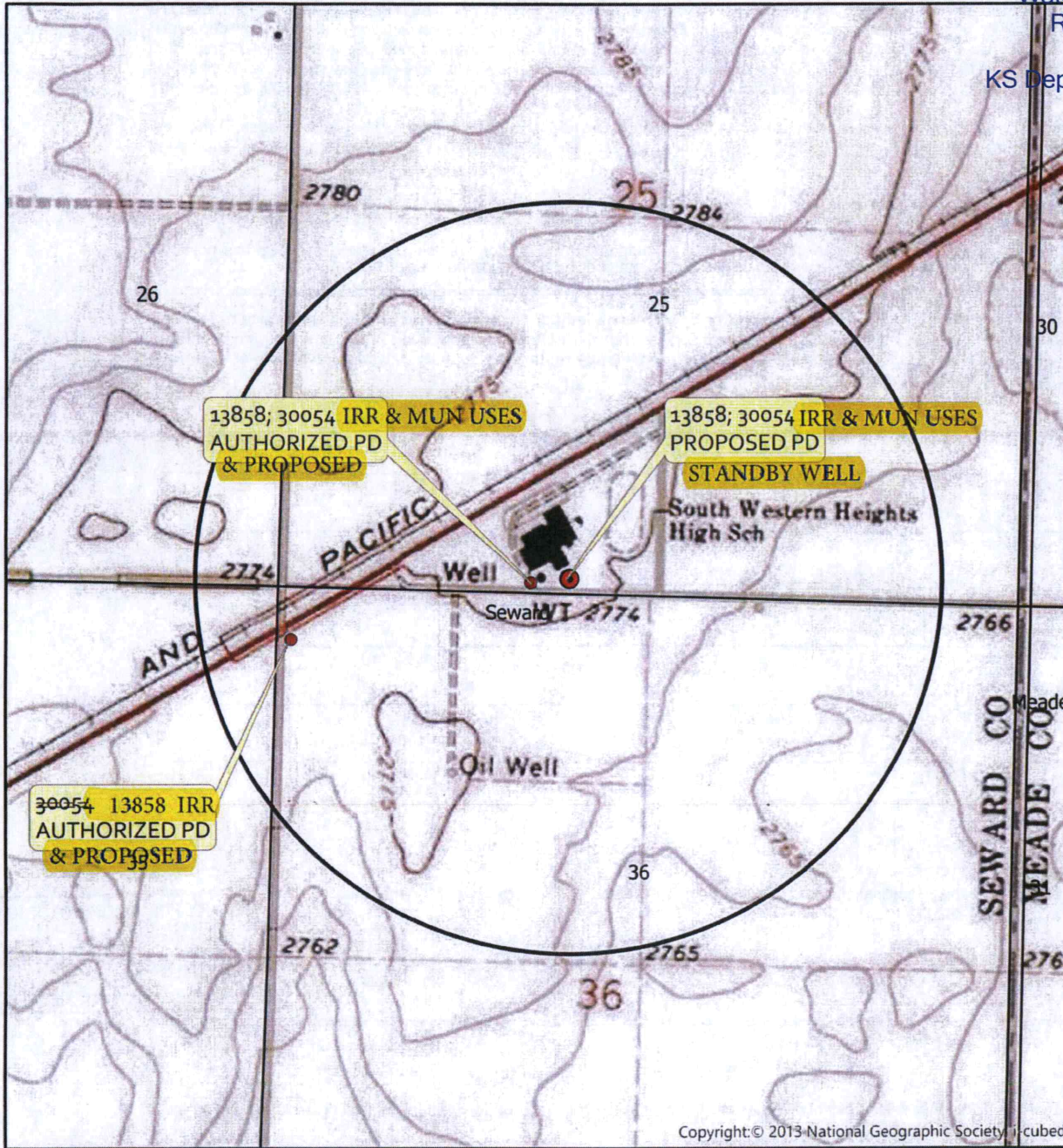
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- (2) Application to change a point of diversion more than 300 feet \$200
- (3) Application to change the place of use \$200
- (4) Application to change the use made of the water \$300

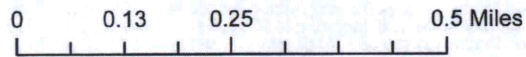
Make check payable to Kansas Department of Agriculture.

CHANGE IN POINT OF DIVERSION FILE NOS. 13858 & 30054

Water Resources
Received
KS Dept Of Agriculture



Township 32 South Range 31 West
Seward County



- POINT OF DIVERSION
- PROPOSED PD

All wells of any kind within a half mile of
the proposed point of diversion are shown:

Don Frisby



Created By: AM/GCFO
& LI/DWR

Any use of water that is not as authorized by the water right or permit to authorize water before the chief engineer approves this application is a violation of the Kansas Water Appropriation Act for which criminal or civil penalties may be assessed. Such violation is a class C misdemeanor, punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. K.S.A. 82a-728(b). Civil penalties shall be not less than \$100 nor more than \$1,000 per violation. In the case of a continuing violation, each day such violation continues may be deemed a separate violation. In addition to these penalties the water right may be modified or suspended. K.S.A. 82a-737, as amended.

The application must be signed by all owners of the place of use authorized under the water right and his or her spouse, if married. Please indicate if there is no spouse. If land is being purchased under contract, the seller must sign as landowner until such time as the contract is completed.

In the event that all applicants cannot appear before one notary public, they may as necessary sign separate copies of the application before any notary public conveniently available to them. All copies signed in this manner shall be considered to be valid parts of the application.

If the request is signed on behalf of any Owner by someone with legal authority to do so (for example, an agent, one who has power of attorney, or an executor, executrix, conservator), it will be necessary to attach proper documents showing such authority.

I declare that I am an owner of the currently authorized place of use as identified herein, or that I represent all such owners and am authorized to make this application on their behalf, and declare further that the statements contained herein are true, correct, and complete. By filing this application I authorize the chief engineer to permanently reduce the quantity of water and/or rate of diversion as specified in sections 14 and 15 of this application.

Dated at Liberal, Kansas, this 11th day of August, 2020.

Signature lines for Owner and Spouse, with printed names and titles. Includes 'EVANS FRANCIS FARMS LLC' and 'Francis manager'.

State of Kansas }
County of Seward } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 11th day of August, 2020.

Teresa L. Blake
Notary Public

NOTARY PUBLIC - STATE OF KANSAS
TERESA L. BLAKE
My Commission Expires 9-17-2020

My Commission Expires 9-17-2020

FEE SCHEDULE

Each application to change the place of use, the point of diversion or the use made of the water under this section shall be accompanied by the application fee set forth in the schedule below:

- (1) Application to change a point of diversion 300 feet or less \$100
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(3) Application to change the place of use \$200
(4) Application to change the use made of the water \$300

Make check payable to Kansas Department of Agriculture.

WATER RESOURCES RECEIVED

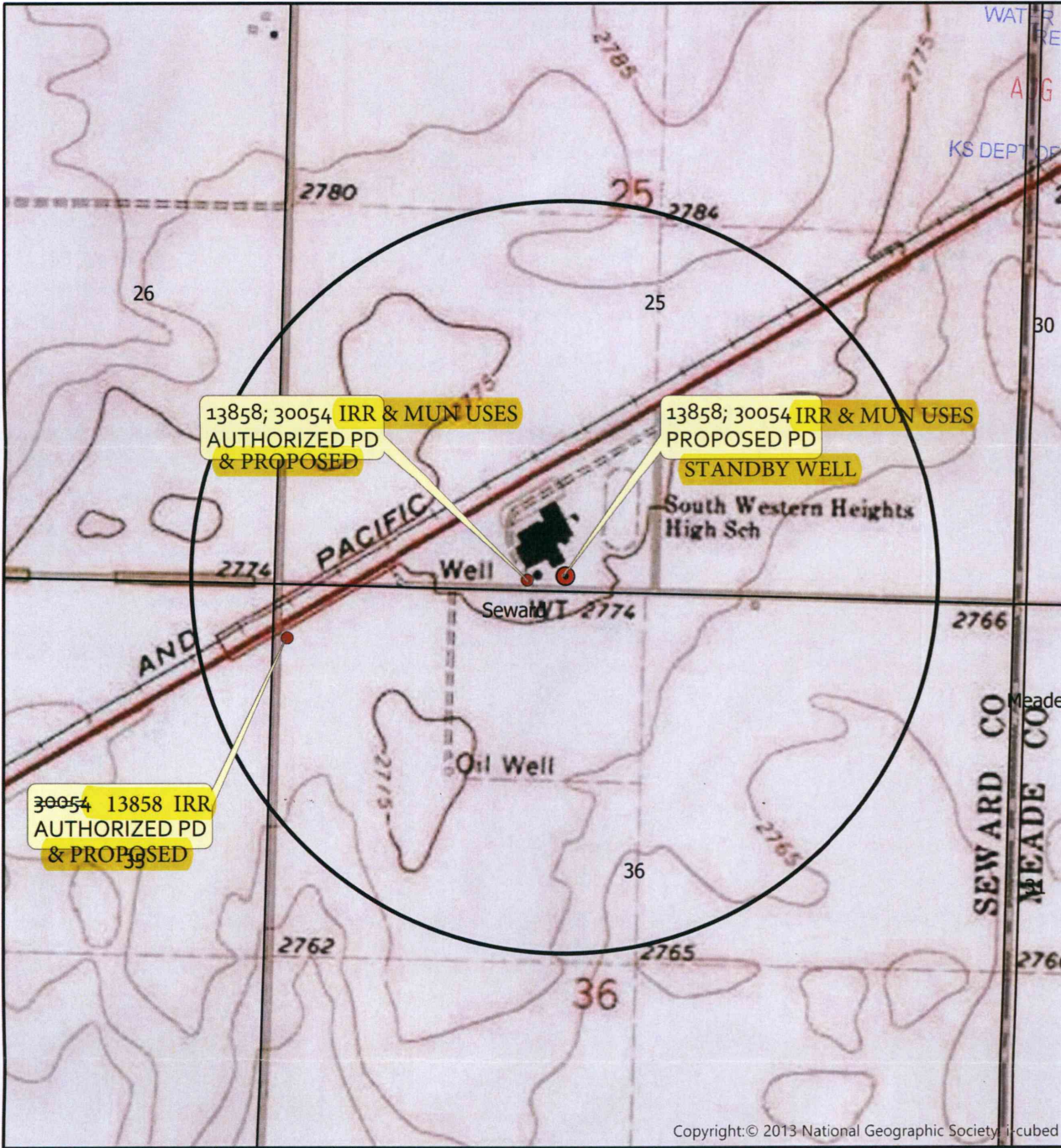
AUG 18 2020

SCANNED

KS DEPT OF AGRICULTURE

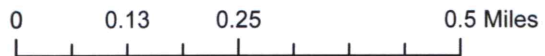
CHANGE IN POINT OF DIVERSION FILE NOS. 13858 & 30054

WATER RESOURCES RECEIVED
 AUG 18 2020
 KS DEPT OF AGRICULTURE



Copyright © 2013 National Geographic Society. All rights reserved.

Township 32 South Range 31 West
 Seward County



- POINT OF DIVERSION
- PROPOSED PD

All wells of any kind within a half mile of the proposed point of diversion are shown:

Law Frisby



Created By: AM/GCFO
 & LI/DWR

SCANNED

* See Revised Application Marked Complete 8/17/20 by LI

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
Water Resources
Received

Filing Fee Must Accompany the Application, K.S.A. 82a-708b(b), as amended. **MAR 16 2020**
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. 13858

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: SOUTHWESTERN HEIGHTS CONSOLIDATED SCHOOL, Attn: MAINTENANCE DIRECTOR
17222 MUSTANG RD, KISMET, KS 67859-5995

Phone Number: () _____ Email address: _____

Name and address of Water Use Correspondent: Same

Phone Number: () _____ Email address: _____

3. The presently authorized place of use is:

Owner of Land ---- NAME: Same

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 C6C Fee \$ 100 TR # _____ Receipt Date 3-12-20 Check # 5575

FO: 4 GMD: 3 Use: IRR/MUN Source: G County: SW By: KJN Date: 3/16/20

* Mark down 8/18/20 SCANNED

RECEIVED
MAR 12 2020
9:46 AM
Garden City Field Office
Division of Water Resources

Water Resources
Received

APR 13 2020

KS Dept Of Agriculture

RECEIVED

MAR 24 2020

Garden City Field Office
DIVISION OF WATER RESOURCES

5. **Presently authorized point of diversion:** Primary
 One in the SW Quarter of the SE Quarter of the SW Quarter of Section 25, Township 32 South, Range 31 (W), in SW County, Kansas, 120 feet North 3390 feet West of Southeast corner of section.
 Authorized Rate No change Authorized Quantity no change Depth of well _____ (feet)
(DWR use only: Computer ID No. 2 GPS _____ feet North _____ feet West)
 This point will not be changed This point will be changed as follows: No change, point better described with GPS as follows:
Proposed point of diversion: (Complete only if change is requested or if existing point is better described by GPS)
 One in the SW Quarter of the SE Quarter of the SW Quarter of Section 25, Township 32 South, Range 31 (W), in SW County, Kansas, 148 feet North 3094 feet West of Southeast corner of section.
 Proposed Rate Stand by Proposed Quantity Stand by Proposed well depth (feet) 492
 This point is: Additional Well Geo Center List other water rights that will use this point 30054 S T and by

6. **Presently authorized point of diversion:**
 One in the NW Quarter of the NW Quarter of the NW Quarter of Section 36, Township 32 South, Range 31 (W), in SW County, Kansas, 4864 feet North 5088 feet West of Southeast corner of section.
 Authorized Rate No change Authorized Quantity No change Depth of well _____ (feet)
(DWR use only: Computer ID No. 4 GPS _____ feet North _____ feet West)
 This point will not be changed This point will be changed as follows: 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) To add new point of diversion as a standby well

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

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

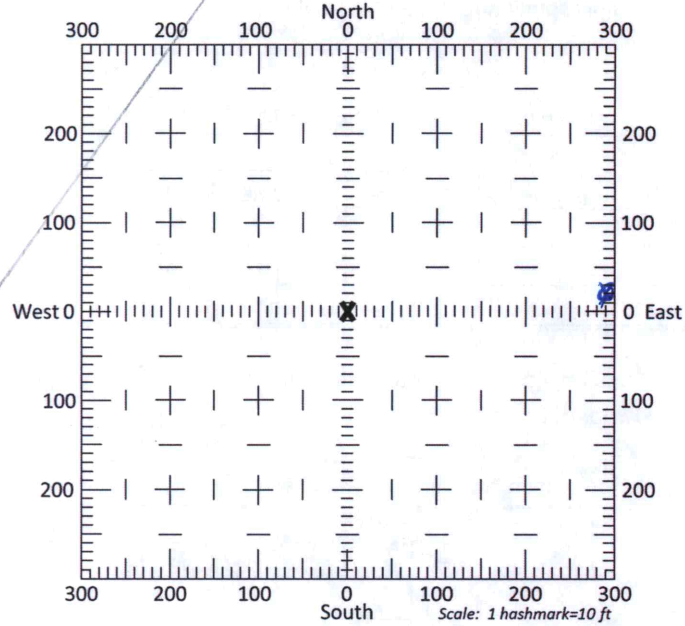
10. If the point of diversion is a well:
 (a) What are you going to do with the old well?

 (b) When will this be done? _____

11. Groundwater Management District recommendation attached? Yes No

12. Assisted by mf/GCFO

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.)

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 11th day of MARCH, 2020.

7 Ellen Agos (USD483)
 (Owner) _____ (Spouse) _____
 _____ (Please Print) _____ (Please Print) _____
 _____ (Owner) _____ (Spouse) _____
 _____ (Please Print) _____ (Please Print) _____
 _____ (Owner) _____ (Spouse) _____
 _____ (Please Print) _____ (Please Print) _____

Water Resources Received
APR 13 2020
KS Dept Of Agriculture

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 11TH day of MARCH, 2020.

My Commission Expires 9-14-22

NOTARY PUBLIC
 CATHERINE REINERT
 NOTARY PUBLIC
 STATE OF KANSAS
 My App. Exp. Sept. 14, 2022

Catherine Reinert
 Notary Public

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

RECEIVED
MAR 16 2020

MAR 24 2020

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. 13858.

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

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

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

Water Resources
Received

MAR 16 2020

KS Dept Of Agriculture

By: _____
Duly 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)

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



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

ELTON ARGO OFFICE 620-563-7102 CELL 620-629-3166

Customer Name: Southwestern Heights High School WO#: 19743 Date: 3-6-2020
 Street Address: USD 483 P.O. Box 760 Test #: 1 E LOG: _____
 City, State: Plains, KS 67869 Driller: Kevin Frizzell
 County: SW Quarter: 3W Section: 25 Township: 32 Range: 31
 Location: 159' EAST 10' NORTH of EXISTING WELL GPS: 37.22838 N 100.64619 W
 Rig #: 10002 Elevation: _____ Static WL: 315 Estimated? _____
 Proposed Well Depth: 492
 SPARE WELL LOCATION 5' SUMP

%	Footage			Description of Strata
	From	Pay	To	
	0		2	Top Soil
	2		21	Brown Sandy Clay, Few Fine Sand
	21		34	Brown Sandy Clay, Few Fine sand, white rock strips
	34		44	Brown Sandy Clay, white rock. Few Brown Clay
	44		65	Fine Sand Few Sandy Clay Strips
	65		76	Sandy Clay, Fine Sand, Few Cemented Sand
	76		90	Fine Sand
	90		95	Fine Sand, Few Cemented Sand, Sandy Clay Strips
	95		119	Fine to med coarse, Few Small gravel
	119		124	Reddish-Brown Sandy Clay
	124		163	Fine to coarse sand, Few Small gravel
	163		180	Fine to Small gravel, few Small rock
	180		213	Fine to med coarse sand
	213		220	Blue Clay
	220		233	Sandy Clay
	233		240	Fine Sand, Sandy Clay Strips
	240		250	Fine Sand, Few coarse
	250		268	Fine Sand, Clay Strips
	268		283	Brown Sandy Clay Blue Clay Strips
	283		300	Blue Clay, Sandy Clay. Few Fine Sand
	300		356	Blue Clay
10	356	24	380	Fine to med. Few coarse, Blue Clay Strips
5	380	16	396	Fine sand, Few med, Blue Clay mix
10	396	25	421	Fine to med, Few coarse sand, Blue Clay mix
10	421	34	455	Fine to med, Blue clay mix, Few coarse
15	455	32	487	Fine Sand, Few med Clay stuff
	487		500	Red Bed
		131		Perma - 1 4 3/4 Bleed - 1 Soda Ash - 1 Super Gel - 2 Grout - 5 3/4 Hole Plug - 5

RECEIVED

MAR 24 2020

Garden City Field Office
DIVISION OF WATER RESOURCES

Water Resources
Received

RECEIVED

APR 13 2020

MAR 09 2020

KS Dept Of Agriculture

Garden City Field Office
Division of Water Resources

Water Resources
Received

MAR 16 2020

KS Dept Of Agriculture

SCANNED

Kansas Department of Agriculture / Division of Water Resources
Garden City Field Office

TO: HEADQUARTERS

Richelle Koueger

RE Vested Right; Water Right; Appropriation of Water; Application

File No(s). 13858, 30054 County ME

Enclosed are the following checked items:

A _____ FIR Full Partial Inspection Return to Field Office
 Proposed Certificate to deliver to Certificate Unit

A Compliance Check Inspection on _____
 Meter Install New App Chg App Other _____
 In Compliance Not in Compliance, why _____
Modify Point of Diversion No Yes, document attached
Indicate all overlapping p/d files _____

- An application and judgment sheet with recommendation.
- A memorandum dated _____
- A request for an extension of time to perfect or complete.
- A verified report.
- A closure request.
- A field investigation report.
- Notice of Non-Compliance
- An ownership change (name(s) and address(es) below).
- A water use report for _____
- A letter dated _____

A copy of an **Approval** to Change the place of use and/or point of diversion,
 Filing Fee attached.

An Advanced **copy** of a change application and the filing fee, to be processed at the field office.

An original field office change **application** and the filing fee needing headquarters office review and further processing.

Other: Please process - standby well

Michael A. ...
Water Commissioner

7-8-2020
Date

From: Meyer, Mike [KDA]
Sent: Mon 8/17/2020 6:50 AM
To: Ireland, Leslie [KDA]
Subject: RE: Review & Recommendation for Change in PD, File Nos. 13858 & 30054

approve
thank you

did we get signatures from the irrigation owner?

Mike

From: Ireland, Leslie [KDA] <Leslie.Ireland@ks.gov>
Sent: Friday, August 14, 2020 9:56 AM
To: Meyer, Mike [KDA] <Mike.Meyer@ks.gov>
Subject: Review & Recommendation for Change in PD, File Nos. 13858 & 30054

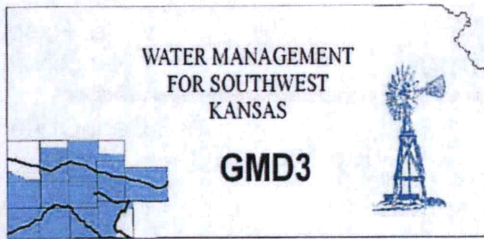
Mike,

Please find the GMD's recommendation and my summary memo for your review and recommendation of the requested PD changes.

As always comments and concerns are welcome.

Leslie Ireland
Environmental Scientist
Change Application Unit
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

August 14, 2020

8/14/2020

Leslie Ireland
Kansas Department of Ag
Division of Water Resources
1320 Research Park Drive
Manhattan, Kansas 66502

Water Resources
Received

KS Dept Of Agriculture

RE: Applications for Change in Point of Diversion
Standby well
Water Rights, File Nos. 13858 & 30054

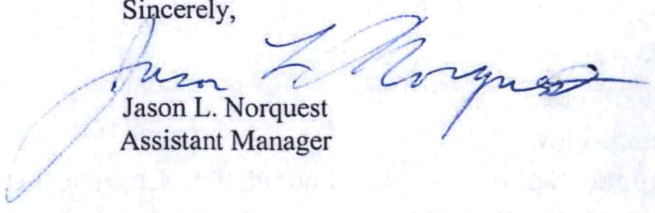
Dear Leslie:

We have completed a review of the applications for the above referenced water rights. The proposed changes are in accordance with current area rules, K.A.R. 5-1-2, as it pertains to establishing a standby well.

The proposed standby well is less than 300' from the current well. It does actually improve spacing to the only neighboring well within a mile, which is the irrigation well under 138585. Standby wells are not required to meet minimum well spacing. In accordance to the rules we recommend that the applicant fully understands that a separate meter will be required on the standby well, it can only be operated when the primary well is not operational and if that happens they need to make every effort to fix the primary well as soon as possible. This does not authorize any additional quantity or rate under the water rights. We therefore recommend 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

KS Dept Of Agriculture

File No(s): 13858 & 30054.DWR office: HQ.App filed to change: PD.Is Landowner(s) correct in WRIS: Southwestern Heights Consolidated School.

If NO, is documentation included?

Is Water Use Correspondent correct in WRIS? ___.

If NO, is documentation included?

Regulation(s) Reviewed: KAR 5-1-2Point of diversion ID No(s) 02 being changed.

	ft. North	ft. West	
Authorized PD	120	3390	Sect 25-32-31
Proposed PD	148	3094	
Difference	-28 n	296 e	
a ² + b ² = c ²	784	87616	297.3214 foot between

GPS for proposed PD: Lat: 37.22838 Long: -100.64619.Is proposed PD stacking on existing WRs? Proposed as a standby.Is Proposed PU overlapping existing WRs? No Change.Neighboring certified well(s) notified: ___.Name ___.Address ___.Zip ___.Email: ___. Phone: ___.Domestic well(s) notified: ___.Name ___.Address ___.Zip ___.Base Acres: ___.Perfected Acres: ___.Irr. Return-Flow ___%

This application is from the school distict. Current the school's well is covered by 13858 & 30054. BOTH have IRR & MUN use.

13858 also has another IRR well in section 36.

This new well proposal is to establish a standby well for the school in case the original well has problems. In the future, if there is a major problem with the current well the intent would be to file a change to this proposed standby.

BOTH the primary and standby will be required to be metered. NO additional quantity and both wells cannot be operated at the same time.

Is a waiver needed: The proposed standby well does not meet spacing to the IRR well under 13858, BUT does improve spacing from the current school well. This is less than

GMD3 Change Review

300' from the school well, however standby wells are not subject to well spacing since they are not constantly used. So no waiver is needed.

Recommendation: After review of all available information, it appears the application meets current area rules. It should be strongly noted to applicant that the standby well will need to be metered, cannot operate at the same time as the primary and if it is needed due to the primary being down, the primary well needs to be fixed as soon as possible. Staff recommends approval of the applicaiton.



8/14/2020

Water Resources
Received

KS Dept Of Agriculture

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, Secretary

Laura Kelly, Governor

August 12, 2020

SOUTHWEST KANSAS GROUNDWATER
MANAGEMENT DISTRICT NO 3
ATTN MARK RUDE
2009 E SPRUCE
GARDEN CITY KS 67846

Email: Norquest@GMD3

Re: Applications for Change,
Water Right, File Nos. 13,858 & 30,054

Dear Mr. Rude:

We are enclosing a copy of each of the applications referred to above which appear to be in proper form.

We are delaying any further action for a period of 15 days from the date of this letter to allow you time to submit a recommendation concerning the applications referenced above.

Please submit your recommendation within the allotted time, or any authorized extension of time thereof. If you wish to refer to a specific file, please reference it when you contact our office.

Sincerely,

A handwritten signature in black ink that reads "Leslie Ireland".

Leslie Ireland
Environmental Scientist
Water Appropriation Program

LI:li
Enclosures

pc: Garden City Field Office

From: Ireland, Leslie [KDA]
Sent: Mon 8/10/2020 12:26 PM
To: Dan Frisby
Subject: Water Right, File No. 13858 Change
Attachments: 13858 chg PD app.pdf, 13858_30054 CHANGE MAP.pdf, 13858 HQ Change App signature page.pdf

Dan,

This is the package of documents that comprise the application to change in point of diversion to create a standby well under 13,858, application, map & signature page for Shannon Francis who is the owner of 13,858. Southwest Heights USD 483 is the sole owner of File No. 30054, so his signature is not required for to change the point of diversion under that water right.

The map may be the best way to explain the project. He may ask the distance of the standby well to his primary irrigation well in Section 36. It appears to be 2,075 feet.

Just a reminder Shannon Francis will need to sign in the presence of a notary. An e-copy may be sent to me, but the original will need to go to

KANSAS DEPARTMENT OF AGRICULTURE
DWR - APPROPRIATIONS
1320 RESEARCH PARK DRIVE
MANHATTAN, KS 66502

Please let me know if you have any questions. My cell phone number is 785-207-7748.

Leslie Ireland
Environmental Scientist
Change Application Unit
Division of Water Resources



8/10/2020

Water Resources
Received

KS Dept Of Agriculture

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE
Mike Beam, Secretary of Agriculture

DIVISION OF WATER RESOURCES
Christopher W. Beightel, Acting Chief Engineer

**APPROVAL OF APPLICATION
FOR
CHANGE IN POINT OF DIVERSION
WATER RIGHT
FILE NO. 13,858**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Shannon Francis, Manager, Evans Francis Farms LLC, 1501 Tucker Court, Liberal, Kansas 67901 and Elton Argo, Southwestern Heights Consolidated School, USD # 483, 17222 Mustang Road, Kismet, Kansas 67859-5995, received in this office on March 12, 2020, for approval of a change in the location of the point of diversion under the certificate of appropriation issued pursuant to the application for permit to appropriate water for beneficial use, as modified and amended by the Orders of the Chief Engineer dated January 13, 2003, June 17, 2003 and December 31, 2007, approving the applications to change the point of diversion, and the Order of the Chief Engineer dated October 26, 2010, approving the application to change the use made of water, point of diversion and place of use, finds that the change is reasonable and will not impair existing rights, that the change relates to the same local source of supply and that the application should be and is hereby approved.

The effective date of the change shall be the date this order is executed by the Chief Engineer, after which the authorized location of the points of diversion shall be:

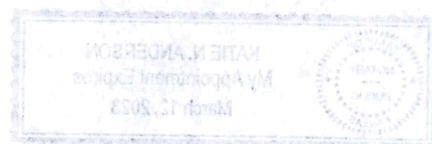
one (1) well located in the Northwest Quarter of the Northwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$) Section 36, more particularly described as being near a point 4,907 feet North and 5,060 feet West of the Southeast corner of said section (primary well), and

one (1) well located in the Southwest Quarter of the Southeast Quarter of the Southwest Quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$) Section 25, more particularly described as being near a point 120 feet North and 3,390 feet West of the Southeast corner of said section (additional primary well), and

one (1) well located in the Southeast Quarter of the Southeast Quarter of the Southwest Quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$) Section 25, more particularly described as being near a point 148 feet North and 3,094 feet West of the Southeast corner of said section, (standby well),

all in Township 32 South, Range 31 West, Seward County, Kansas,

located substantially as shown on the topographic map accompanying the application to change the point of diversion.



The well described herein as the standby well shall be used exclusively at such time as the well described herein as the additional primary well located in the Southwest Quarter of the Southeast Quarter of the Southwest Quarter (SW¼ SE¼ SW¼) Section 25, more particularly described as being near a point 120 feet North and 3,390 feet West of the Southeast corner of said section, in Township 32 South, Range 31 West, Seward County, Kansas, is inoperable due to mechanical, maintenance or power failure. Use of the standby well under these limiting conditions does not allow the authorized quantity of water or rate of diversion under this file to be exceeded.

Installation of the works for diversion of water shall be completed on or before December 31, 2020, or within any authorized extension of time. The applicant shall notify the Chief Engineer of the Division of Water Resources, Kansas Department of Agriculture, when construction of the works for diversion has been completed.

All wells with a diversion rate of 100 gallons per minute or more drilled under the authority of this order shall have a tube or other device installed in a manner acceptable to, and in accordance with specifications adopted by, the Chief Engineer. This tube or device shall be suitable for making water level measurements and shall be maintained in a condition satisfactory to the Chief Engineer.

The water right owner shall properly install an acceptable water meter on the diversion works authorized under this water right, prior to the use of water, in strict accordance with the Kansas Administrative Regulations 5-1-4 through 5-1-12 adopted by the Chief Engineer. The water right owner shall notify the Chief Engineer when installation of the water meter has been completed. The water right owner shall maintain the water meter in an operating condition satisfactory to the Chief Engineer, at all times during diversion of water and shall maintain records from which the total quantity of water diverted may be determined. The water right owner shall also report the reading of said water meter and the total quantity of water diverted annually to the Chief Engineer. Such records shall be furnished to the Chief Engineer by March 1 following the end of each calendar year.

In all other respects, the Certificate of Appropriation issued pursuant to Approval of Application, File No. 13,858, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated April 30, 1984, as modified and amended by the aforementioned orders.

Ordered this 20th day of August, 2020, in Manhattan, Riley County, Kansas.

Lane P. Letourneau

Lane P. Letourneau, P.G.
Program Manager
Division of Water Resources
Kansas Department of Agriculture

State of Kansas)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this 20th day of August, 2020, by Lane P. Letourneau, P.G., Program Manager, Division of Water Resources, Kansas Department of Agriculture.



Katie N. Anderson
Notary Public

RIGHT TO A HEARING AND TO ADMINISTRATIVE REVIEW

If you are aggrieved by this Order, then pursuant to K.S.A. 82a-1901, you may:

- 1) request an evidentiary hearing before the Chief Engineer, or
- 2) request administrative review by the Secretary of Agriculture.

Failure to request an evidentiary hearing before the Chief Engineer does not preclude your right to administrative review by the Secretary.

To obtain an evidentiary hearing before the Chief Engineer, a written request for hearing must be filed within 15 days after service of this Order as provided in K.S.A. 77-531 (i.e., **within a total of 18 days after this Order was mailed to you**), with: Kansas Department of Agriculture, Attn: Legal Section, 1320 Research Park Drive, Manhattan, KS 66502, FAX (785) 564-6777.

If you do not file a request for an evidentiary hearing before the Chief Engineer, you may petition for administrative review of the Order by the Secretary of Agriculture. A petition for review shall be in writing and state the basis for requesting administrative review. The request for hearing may be denied if the request fails to clearly establish factual or legal issues for review. See K.S.A. 77-527. The petition must be filed within 30 days after service of this Order as provided in K.S.A. 77-531 (i.e., **within a total of 33 days after this Order was mailed to you**), and be filed with: Secretary of Agriculture, Attn: Legal Division, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, KS 66502, FAX (785) 564-6777.

If neither a request for an evidentiary hearing nor a petition for administrative review is filed as set forth above, then this Order shall be effective and become a final agency action as defined in K.S.A. 77-607(b). Failure to timely request either an evidentiary hearing or administrative review may preclude further judicial review under the Kansas Judicial Review Act.

CERTIFICATE OF SERVICE

On this 25 day of August, 2020, I hereby certify that the attached Approval of Application for Change in Point of Diversion, Water Right, File No. 13,858, dated 20 August 2020 was mailed postage prepaid, first class, US mail to the following:

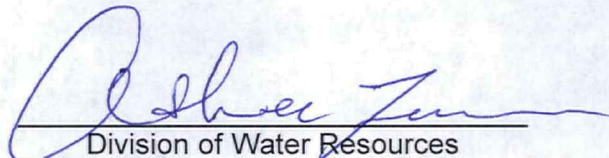
EVANS FRANCIS FARMS LLC
Attn: SHANNON FRANCIS MANAGER
1501 TUCKER CT
LIBERAL, KS 67901

With true and correct copies to:

SOUTHWESTERN HEIGHTS CONSOLIDATED SCHOOL
Attn: DAN FRISBY SUPERINTENDENT
17222 MUSTANG RD
KISMET, KS 67859-5995

With photocopies to:

Garden City Field Office
Groundwater Management District No. 3


Division of Water Resources

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, Secretary

Laura Kelly, Governor

August 25, 2020

SOUTHWESTERN HEIGHTS CONSOLIDATED SCHOOL
Attn: DAN FRISBY
17222 MUSTANG RD
KISMET, KS 67859-5995

RE: Water Right, File Nos. 13,858 & 30,054

Dear Mr. Frisby:

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

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

The well described in the approval documents as the standby well shall be used exclusively at such time when the well authorized for municipal and irrigation use described in the approval document as the *additional primary well under File No. 13,858* or *primary well under File No. 30,054*, is inoperable due to mechanical, maintenance or power failure. Use of the standby well under these limiting conditions does not allow the authorized quantity of water or rate of diversion to be exceeded.

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. The additional existing limitations on the referenced files remain as detailed in the certificate and previous orders.

If you have any questions, please contact Leslie Ireland, Environmental Scientist, at (785) 564-6640, or Michael Meyer, Water Commissioner, Garden City Field Office at (620) 276-2901. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

A handwritten signature in blue ink that reads "Richelle A. Krueger".

Richelle A. Krueger
Environmental Scientist
Water Appropriation Program

RAK:LI:li:
Enclosures

pc: Garden City Field Office
Groundwater Management District No. 3

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, Secretary

Laura Kelly, Governor

August 25, 2020

EVANS FRANCIS FARMS LLC
Attn: SHANNON FRANCIS MANAGER
1501 TUCKER CT
LIBERAL, KS 67901

RE: Water Right, File No. 13,858

Dear Mr. Francis:

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

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in the approval for change. A condition of the approval is that acceptable water flowmeters must be installed on the diversion works authorized under the referenced file number. We have informed Mr. Frisby of the requirement and requested him to return the required notification of completion of the diversion works and installation of the required meters as soon as these actions are completed.

The well described in the approval documents as the standby well shall be used exclusively at such time when the well authorized for municipal and irrigation use described in the approval document as the *additional primary well* is inoperable due to mechanical, maintenance or power failure. Use of the standby well under these limiting conditions does not allow the authorized quantity of water or rate of diversion to be exceeded.

Since this order modifies the original document referred to above, it should be recorded with the Register of Deeds as other instruments affecting real estate. The additional existing limitations on the referenced file remain as detailed in the certificate and previous orders.

If you have any questions, please contact Leslie Ireland, Environmental Scientist, at (785) 564-6640, or Michael Meyer, Water Commissioner, Garden City Field Office at (620) 276-2901. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

Richelle A. Krueger
Environmental Scientist
Water Appropriation Program

RAK:LI:li:
Enclosures

pc: Garden City Field Office
Groundwater Management District No. 3