Kansas Department of Agriculture Division of Water Resources

CHANGE: P/D WORKSHEET

| 1. File Number: 20210 | 2. Status Change Date: | 3. Change Num: | 4. Field Office: | 5. GMD: |
|--|------------------------|-----------------------|---|--|
| 6. Status: ☐ Approved ☐ De | enied by DWR/GMD | Dismiss by Reques | st/Failure to Return | 7. Filing Date of Change: 12/15/2020 |
| 8a. Applicant(s) New to system MARTIN SMITH MARTIN SMITH REVOC 625 S BLVD RICHFIELD KS 67953-2 | | Attn: L 630 S E | stem □ B SMITH JR & F OGAN SMITH | Person ID 16642 Add Seq# HOWARD C SMITH 3-2504 |
| 8b. Landowner(s) New to system BYRON C SMITH REV 630 S BLVD RICHFIELD, KS 67953-2 Address update MARTIN 50% TERESA | 2504 | 630 S E | NSMITH | Person ID 67401 Add Seq# |
| 9. Documents and Enclosure(s): Anti-Reverse Meter | er Seal | ⊠ N & P Form | ☑ Water Tube ☐ | to Comply: 3/1/2022 Driller Copy |
| 10. Use Made of Water From: | | To: | 4 | |
| | | Office and the second | Date Prepared: 12/2 Date Entered: | 21/2020 By: AM By: |

| File No | 2021 | 0 | 11. Coun | ty: MT | В | asin: N | F CIN | IARRO | ON RIV | /ER | | S | tream: | | _ | - N | - | | | Fo | ormation Code: | Special Use: |
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| 12. Po CHK MOD DEL | ints of Div | ersion | | | | | | | | | | | | | | | and Qu | uantity zed | | A | dditional | |
| ENT | PDIV | Qualifier | S | Т | R | ID | | 'N | ʻW | | Com | ment | (AKA | Line) | | Rate | | Quanti af | ty | Rate | | Overlap PD Files |
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| снк | 36278 | CS SW SE | 13 | 328 | 43W | 2 | 8 | 0 | 194 | 0 | | | | | يننا. | 450 |) | 467 | | 450 | 467 | NONE |
| снк | 40871 | SE SE SE | 13 | 328 | 43W | 1 | 1 | 00 | 200 | | | | | | | 115 | 5 | 118 | | 115 | 118 | NONE |
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| Lim | itation: | | af/y | r at | | | | gpm (| | | | cfs) w | hen co | ombine | d with | file n | umber | (s) | | | | |
| 15. 5YF | R Allocatio | n: Allocation | Туре | _ s | tart Yea | ar | | 5 YR | Amou | nt | | Amo | unt U | nit | | Base | Acres | | _ c | omment . | | |
| 16. Pla | ice of Use | | | | ١ | IE¼ | | | NV | V ¹ / ₄ | | į. | sv | N¹/4 | | | s | 6E1/4 | | Total | Owner Chg | ? Overlap Files |
| MOD DEL | PUSE | STR | ID | NI 1/2 | | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | | | 2.46 |
| CHK : | 2106 | | | | | | | | | | | 5 | | | | | | | | | | |
| CHK : | 21614 | | | | | 10.0 | | | | | | - H | | | | | | | | | | |
| снк : | 28308 | | | | | 13 | H. | | | | | | | | | | | X . | | | | |
| снк : | 37747 | | Mark's | | | | | | | | | | | | | | | | 3° | | | |
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Garden City Field Office 4532 W. Jones, Suite B Garden City, KS 67846



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

Mike Beam, Secretary

Laura Kelly, Governor

December 21, 2020

JOHN B SMITH JR & HOWARD C SMITH Attn: LOGAN SMITH 630 S BLVD RICHFIELD, KS 67953-2504

RE:

Water Right, File No. 20210

Dear Sir or Madam:

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

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in this approval for change. A condition of this approval is that an acceptable water flow meter must be installed on the diversion works authorized under the referenced file number and meet current specifications. Another condition is that the well authorized by this approval shall not be completed below a depth of 430 feet below land surface. Please return the required notification of completion of the diversion works and installation of the required meter as soon as these actions are completed.

Since the order modifies the original document referred to above, it should be recorded with the Register of Deeds as other instruments affecting real estate.

Should you have any questions, please feel free contact this office. If you would prefer, you could arrange an appointment for additional assistance.

Sincerely,

Austin J. McColloch

Assistant Water Commissioner

AM:

enclosures

pc: Byron C Smith Rev Trust Et Al.

Martin Smith

GROUNDWATER MANAGEMENT DISTRICT NO. 3

CERTIFICATE OF SERVICE

On this 21st day of December, 2020, I hereby certify that the foregoing Approval of Application for Change in Point of Diversion, Water Right, File No. 20,210 dated 21st day of December, 2020 was mailed postage prepaid, first class, US mail to the following:

JOHN B SMITH JR & HOWARD C SMITH Attn: LOGAN SMITH 630 S BLVD RICHFIELD, KS 67953-2504

Pc:

BYRON C SMITH REV TRUST ETAL 630 S BLVD RICHFIELD, KS 67953-2504

MARTIN SMITH MARTIN SMITH REVOCABLE TRUST 625 S BLVD RICHFIELD KS 67953-2504

GROUNDWATER MANAGEMENT DISTRICT NO. 3

Division of Water Resources Staff

Submit completed application to: Kansas Department of Agriculture Division of Water Resources Field Office for your area. Call for address:

> Topeka -- (785) 296-5733 Stafford -- (620) 234-5311 Stockton -- (785) 425-6787 Garden City -- (620) 276-2901 http://agriculture.ks.gov/dwr

DWR FIELD OFFICE APPLICATION FOR APPROVAL TO CHANGE THE PLACE OF USE AND/OR THE POINT OF DIVERSION



STATE OF KANSAS

4: 59 pm

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.

| | | | | | | F | File No | . 2021 | 0 | | | | | | | | | | 2 15 2020 |
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| ١ | Name an | nd addre | ess of | Applica | ant: M | artin S | Smith | | | | House, | | Mi. | | | | | | |
| 9 | 325 S BL | VD, Ri | chfield | , KS 6 | 7953 | | | | | | | | | | | | | | |
| F | Phone N | lumber: | (620) | 353-83 | 384 | | | | Email | addre | ss: cliv | vepear | t@yah | 100.CO | m | | | | |
| 1 | Name an | nd addre | ess of | Water | Use C | orresp | onder | nt: | | | | | | | | | | | |
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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

3b.If the proposed point of diversion will be relocated within a 300 foot radius of the existing point of diversion, indicate its location on the diagram shown above in relation to the existing point of diversion. The proposed point of diversion must be located within the circle shown above. (PLEASE NOTE: The "X" in center of diagram above represents the presently authorized point of diversion.)

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

FILE NO. 20210

| | ed point of d | iversion: | | | | |
|---|--|--|---|---|--|---|
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| 14. If th | ne proposed groundwater point of diversion is 300 or | r fewer feet from th | e existing point of diversion, | complete the following: |
|------------|---|--|---|--|
| (a) | Does the undersigned represent all owners of the a Yes No (If no, all owners must s | | | this application? |
| (b) | Will the ownership interest of any owner of the coaffected if this application is approved as requested. Yes ⊠ No (If yes, all owners must | d? | | this application be adversely |
| (c) | If this application is not approved expeditiously, wil ☐ Yes ☐ No (If no, all owners must s | | | ic health or safety? |
| or a cha | plication proposes a surface water change in point inge in place of use, the application must be signed attach notarized statement authorizing representation | by all owners of th | ndwater change in point of e currently authorized place | diversion greater than 300 feet of use, or their duly authorized |
| age an | by verify, being first duly sworn upon my oa d the owner, the spouse of the owner, or a ehalf, in regards to the water right(s) to wh ned in this application are true, correct and | duly authorized ich this applica | agent of the owner(s) to | make this application or |
| Dated a | 1 | Kansas, this | day of | , 20 |
| 9 | West 7 hote | | | |
| V | Martin 1. Sm 145 | | (Spo | use) |
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| | of Morton | | and super to 1 | pefore me this 3 rd day |
| of C | eby certify that the foregoing application was | Described to the State of Stat | presence and sworn to t | delote the this 3 day |
| | Notary Pu | ASEY FINLAY blic, State of Kansas pointment Expires | 18 | |
| | 2-2 | 6-24 | Notary F | ublic |
| My Con | nmission Expires 9-26-24 | | | Chairman and the same of the s |
| accurate | OMPLETE APPLICATIONS WILL BE PROCESSED. To be information; maps, if necessary, must be included; signate opriate fee must be paid. | pe complete, all of the ures of all the approp | applicable portions of the applicate owners' must be affixed to | cation form must be completed wi the application and notarized; and |
| | | FEE SCHEDULE | | |
| Each ar | oplication to change the place of use or the point of | COMMINSTON CONTROL CON | section shall be accompan | ied by the application fee set |
| forth in | the schedule below: Make checks payable to: Kan (1) Application to change a point of diversion 300 f (2) Application to change a point of diversion more (3) Application to change the place of use | sas Department of eet or less | f Agriculture | \$100 \$200 |
| | | | | |

SUMMARY ORDER APPROVING APPLICATION FOR CHANGE AND IMPOSING CONDITIONS

This Summary Order is issued under authority of K.S.A. 82a-708b, as amended, and K.A.R. 5-5-1, et seq. and other applicable provisions of the Kansas Water Appropriation Law, K.S.A. 82a-701 et. seq., and rules and regulations promulgated thereunder, With the exception of those conditions expressly contained herein, this Summary Order does not change the terms, conditions and limitations of File No. 20210 A change application was received on December \5, 2020 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. On and after the effective date of this summary order, the authorized place(s) of use shall be located substantially as shown on Not Applicable the topographic map accompanying the application to change the place of use. ☐ Applicable The change in point of diversion shall not impair existing rights and shall be limited to the same source or sources of water as previously authorized. The point of diversion authorized by this summary order shall be located within a foot radius of the authorized point(s) of diversion. 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 The point(s) of diversion authorized herein shall not actually be located more than authorized point(s) of diversion.

Applicable Not Applicable feet from the previously As required by K.A.R. 5-3-5d, if the works for diversion is a well with a diversion rate of 100 gallons per minute or more, a tube or other device suitable for making water level measurements shall be installed, operated and maintained in accordance with Applicable K.A.R. 5-6-13. ■ Not Applicable The owner of the authorized place(s) of use shall properly install an acceptable water flow meter on or before December 31, 20____, 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 2 , or within any authorized extension of time. By March 1, 20 22 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. M Applicable ☐ Not Applicable 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. K Applicable ☐ Not Applicable 11. Additional Conditions are attached. Yes ☐ No 12. In accordance with K.S.A. 82a-708a, as amended, and K.A.R. 5-5-14, all of the owners of the authorized place(s) of use of water appropriated under the above-referenced file number are responsible for compliance with its terms, conditions and limitations, as amended and/or supplemented by this Summary Order, and with applicable provisions of the Kansas Water Appropriation Law and the Rules and Regulations promulgated thereunder. Failure to comply with these provisions may result in civil penalties pursuant to K.S.A. 82a-737, as amended, and/or the suspension or revocation and dismissal of the water or appropriation right or any other enforcement actions authorized by law. FOR OFFICE USE ONLY Administrative Appeal and Effective Date of Order APPLICATION APPROVED AND If you are aggrieved by this order, pursuant to K.S.A. 82a-1901, SUMMARY ORDER ISSUED you may request an evidentiary hearing before the Chief Engineer or request administrative review by the Secretary of Agriculture. A request for hearing by the Chief Engineer must be filed within 15 days of service of this Order and a request for Duly Authorized Designee of the Chief Engineer 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. (Print Name): Hostin Mychlosh Division of Water Resources - Kansas Department of Agriculture File any request with Kansas Department of Agriculture, Date of Issuance: December 21,2020 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. State of Kansas SS For Use by Register of Deeds County of Acknowledged before me on Signature: romes Notary Public My commission expires: (Notify appointment Expires

NOTARY PUBLIC

December 15, 2022

ADDITIONAL CONDITIONS TO SUMMARY ORDER APPROVING APPLICATION FOR CHANGE AND IMPOSING CONDITIONS, Water Right, File Nos. 20,210

The effective date of the change shall be the date this order is executed by the Chief Engineer, after which the following condition is included as a condition of the approval of this application for change in point of diversion.

That the well authorized by this approval shall not be completed below a depth of 430 feet below land surface, as agreed to, thereby precluding withdrawal of water from any underlying waterbearing strata.

| bearing strata. | |
|------------------------|--|
| | |
| | |
| | |
| | By: Amh Mille (Duly Authorized Designee of the Chief Engineer) |
| | |
| | (Print Name): Austra Mallock Division of Water Resources Kansas Department of Agriculture |
| | Dated of Issuance: December 21, 2020 |
| State of Kansas) | |
|) SS | |
| County of Finney) | |
| | n the 21 day of December, 2020 |
| By Austin M | cColloch |
| Signature Notar | cm ex |
| Notar | Public |
| My Commission expires: | JULIE JONES My Appointment Expires POBLIC PO |

McColloch, Austin [KDA]

From:

Meyer, Mike [KDA]

Sent:

Friday, December 18, 2020 2:47 PM

To:

McColloch, Austin [KDA]

Subject:

FW: 20210 App

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

From: mart smith <clivepeart@yahoo.com>

Date: 12/3/20 2:48 PM (GMT-06:00)

To: "Meyer, Mike [KDA]" < Mike. Meyer@ks.gov>

Subject: Re: 20210 App

EXTERNAL: This email originated from outside of the organization. Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Hey Mike,

430 depth limit is fine with us. We didn't get well logs from previous owner, so appears you have more info. than us. Other two wells are a smidgen over 400 feet deep. Which could mean 430 on them, and they've filled in some on the bottom over the years, or weren't baled out good. Well we're wanting to redrill has messed up casing job, and we couldn't get a good measurement on it.

Since we're not going after big gallons, was just wanting to move 20 feet and poke a new hole. Wanting to drill a smaller hole and case with 6 inch plastic, so not much bigger than a test hole as a well.

thanks,

Martin

On Thursday, December 3, 2020, 8:07:57 AM MST, Meyer, Mike [KDA] <mike.meyer@ks.gov> wrote:

Thanks Jason

It appears the well is approximately 430 feet deep. is that what you show martin?

if we do not receive a testhole log, we will condition the approval of application to 430 feet deep. you may need to evaluate with your driller first to what is the planned depth etc.

ultimately we may need a test hole to further evaluate.

fyi, we do plan on trying to finalize the pending place of use applications approval this week or for sure next week.

thank you for including me in this discussion

Michael A. Meyer, PG

Kansas Department of Agriculture

Division of Water Resources

Garden City Field Office

4532 W Jones Ave, Suite B

Garden City KS 67846

Lat 37.98820, Lon -100.944470

(620)-276-2901

mike.meyer@ks.gov

From: Jason Norquest <norquest@gmd3.org> Sent: Wednesday, December 2, 2020 1:36 PM

To: clivepeart@yahoo.com

Cc: Meyer, Mike [KDA] <Mike.Meyer@ks.gov>

Subject: 20210 App

EXTERNAL: This email originated from outside of the organization. Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Martin, attached is the application to do an offset redrill on the northern well under water right 20210, as we discussed on the phone. I have included Mike Meyer with DWR on this email. You will need to get this signed and notarized and then submit it to Mikes office, along with the payment. His address is:

Division of Water Resources

4532 W. Jones Ave., Suite B

Garden City, KS 67846

Like we discussed, we are saying we are just doing an offset redrill for the northern well. A move of only 30'. As we also discussed on the phone, the new well can not go any deeper than the current well is currently. If you have any question, don't hesitate to contact me anytime.

Have a good day.

Jason Norquest

Assistant Manager, GMD3

Cell: 620-271-1289

Office: 620-275-7147

www.gmd3.org