

File No. **20210** 11. County: **MT** Basin: **N F CIMARRON RIVER** Stream: _____ Formation Code: _____ Special Use: _____

12. Points of Diversion										Rate and Quantity						
CHK	MOD	DEL	PDIV	Qualifier	S	T	R	ID	'N	'W	Comment (AKA Line)	Authorized		Additional		Overlap PD Files
ENT												Rate gpm	Quantity af	Rate gpm	Quantity af	
DEL																
ENT				NW SW SE	13	32S	43W				1190 2120	125	127	125	127	NONE
CHK	36278			CS SW SE	13	32S	43W	2			80 1940	450	467	450	467	NONE
CHK	40871			SE SE SE	13	32S	43W	1			100 200	115	118	115	118	NONE

13. Storage: Rate _____ NF Quantity _____ ac/ft Additional Rate _____ NF Additional Quantity _____ ac/ft

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

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

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			
CHK																												
CHK																												
CHK																												
CHK																												

Base Acres: _____ Year: _____ Minimum Reasonable Quantity: _____
 Comments: **ADDITIONAL CONDITION ON DEPTH OF WELL**

Garden City Field Office
4532 W. Jones, Suite B
Garden City, KS 67846

Mike Beam, Secretary



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

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,

A handwritten signature in blue ink that reads "Austin J. McColloch".

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

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
 4:59 pm
DEC 15 2020

Garden City Field Office
 DIVISION OF WATER RESOURCES

File No. 20210

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: Martin Smith
625 S BLVD, Richfield, KS 67953
 Phone Number: (620)353-8384 Email address: clivepeart@yahoo.com
 Name and address of Water Use Correspondent: _____

Phone Number: () Email address: _____

3. The presently authorized place of use is:
 Owner of Land ---- NAME: No Change
 ADDRESS: _____
 (If there is more than one landowner, attach supplemental sheets as necessary.)

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES		
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼			

4. If this application is for a change in place of use, it is proposed that the place of use be changed to:
 Owner of Land ---- NAME: _____
 ADDRESS: _____
 (If there is more than one landowner, attach supplemental sheets as necessary.)

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES			
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼				

For Office Use Only: Code _____ Fee \$ 100.00 TR # _____ Receipt Date 12-15-20 Check # 3472 + 5259

5. **Presently authorized point of diversion:**
 One in the SE Quarter of the SE Quarter of the SE Quarter of Section 13, Township 32 South, Range 43 W, in MORTON County, Kansas, 100 feet North 200 feet West of Southeast corner of section.
 Authorized Rate 115gpm Authorized Quantity 118AF Depth of well _____ (feet)
 (DWR use only: Computer ID No. _____ GPS _____ feet North _____ feet West)
 This point will not be changed This point will be changed as follows: No change, point better described with GPS as follows:
Proposed point of diversion: (Complete only if change is requested or if existing point is better described by GPS)
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter of Section _____, Township _____ South, Range _____ (E/W), in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section.
 Proposed Rate _____ Proposed Quantity _____ Proposed well depth (feet) _____
 This point is: Additional Well Geo Center List other water rights that will use this point _____

6. **Presently authorized point of diversion:**
 One in the CS Quarter of the SW Quarter of the SE Quarter of Section 13, Township 32 South, Range 43 W, in MORTON County, Kansas, 80 feet North 1940 feet West of Southeast corner of section.
 Authorized Rate 450gpm Authorized Quantity 467AF Depth of well _____ (feet)
 (DWR use only: Computer ID No. _____ GPS _____ feet North _____ feet West)
 This point will not be changed This point will be changed as follows: No change, point better described with GPS as follows:
Proposed point of diversion: (Complete only if change is requested or if existing point is better described by GPS)
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter of Section _____, Township _____ South, Range _____ (E/W), in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section.
 Proposed Rate _____ Proposed Quantity _____ Proposed well depth (feet) _____
 This point is: Additional Well Geo Center List other water rights that will use this point _____

7. The changes herein are desired for the following reasons?
 (please be specific) Lose of current well
Same depth as current well

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

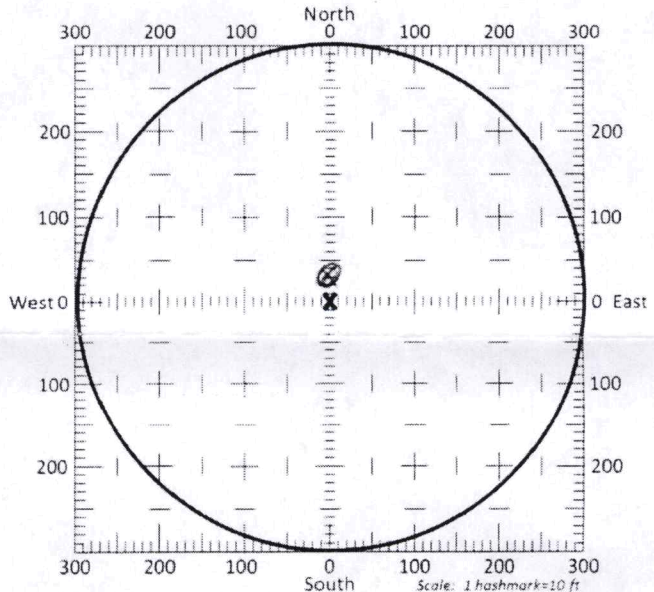
9. The change(s) (was)(will be) completed by?
As soon as approved

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

11. Groundwater Management District recommendation attached?
 Yes No

12. Assisted by GMD3/JLN

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 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

Presently authorized point of diversion:

One in the NC Quarter of the W2 Quarter of the SE Quarter
of Section 13, Township 32 South, Range 43 (W),
in MORTON County, Kansas, 1160 feet North 2120 feet West of Southeast corner of section.

Authorized Rate 125gpm Authorized Quantity 127AF Depth of well _____ (feet)

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

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

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

One in the NC NW Quarter of the W2 SW Quarter of the SE Quarter
of Section 13, Township 32 South, Range 43 (W),
in MORTON County, Kansas, 1190 feet North 2120 feet West of Southeast corner of section.

Proposed Rate 125gpm Proposed Quantity 127AF Proposed well depth (feet) SAME AS CURRENT

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

Presently authorized point of diversion:

One in the _____ Quarter of the _____ Quarter of the _____ Quarter
of Section _____, Township _____ South, Range _____ (E/W),
in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section.

Authorized Rate _____ Authorized Quantity _____ Depth of well _____ (feet)

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

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

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

One in the _____ Quarter of the _____ Quarter of the _____ Quarter
of Section _____, Township _____ South, Range _____ (E/W),
in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section.

Proposed Rate _____ Proposed Quantity _____ Proposed well depth (feet) _____

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

Presently authorized point of diversion:

One in the _____ Quarter of the _____ Quarter of the _____ Quarter
of Section _____, Township _____ South, Range _____ (E/W),
in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section.

Authorized Rate _____ Authorized Quantity _____ Depth of well _____ (feet)

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

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

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

One in the _____ Quarter of the _____ Quarter of the _____ Quarter
of Section _____, Township _____ South, Range _____ (E/W),
in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section.

Proposed Rate _____ Proposed Quantity _____ Proposed well depth (feet) _____

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

Presently authorized point of diversion:

One in the _____ Quarter of the _____ Quarter of the _____ Quarter
of Section _____, Township _____ South, Range _____ (E/W),
in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section.

Authorized Rate _____ Authorized Quantity _____ Depth of well _____ (feet)

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

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

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

One in the _____ Quarter of the _____ Quarter of the _____ Quarter
of Section _____, Township _____ South, Range _____ (E/W),
in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section.

Proposed Rate _____ Proposed Quantity _____ Proposed well depth (feet) _____

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

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).

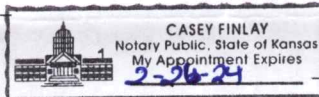
I hereby verify, being first duly sworn upon my oath or affirmation and under penalty of perjury, that I am of lawful age and the owner, the spouse of the owner, or a duly authorized agent of the owner(s) to make this application on their behalf, in regards to the water right(s) to which this application pertains. I further verify that the statements contained in this application are true, correct and complete.

Dated at _____, Kansas, this _____ day of _____, 20_____.

<u>Martin T. Smith</u> (Owner)	_____	(Spouse)
<u>Martin T. Smith</u> (Please Print)	_____	(Please Print)
<u>Ben C. Smith</u> (Owner)	_____	(Spouse)
<u>Byron C. Smith</u> (Please Print)	_____	(Please Print)
X <u>[Signature]</u> (Owner)	_____	(Spouse)
X <u>Teresa B. Smith</u> (Please Print)	_____	(Please Print)

State of Kansas }
 County of Morton } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 3rd day of December, 2020



[Signature]
 Notary Public

My Commission Expires 2-26-24

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

FEE SCHEDULE

- Each application to change the place of use or the point of diversion under this section shall be accompanied by the application fee set forth in the schedule below: Make checks payable to: **Kansas Department of Agriculture**
- (1) Application to change a point of diversion 300 feet or less \$100
 - (2) Application to change a point of diversion more than 300 feet \$200
 - (3) Application to change the place of use \$200

SUMMARY ORDER APPROVING APPLICATION FOR CHANGE AND IMPOSING CONDITIONS

This Summary Order is issued under authority of K.S.A. 82a-708b, as amended, and K.A.R. 5-5-1, *et seq.* and other applicable provisions of the *Kansas Water Appropriation Law, K.S.A. 82a-701 et seq.*, and rules and regulations promulgated thereunder. With the exception of those conditions expressly contained herein, this Summary Order does not change the terms, conditions and limitations of File No. 20210.

1. A change application was received on December 15, 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.
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 50 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 300 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, 2021, 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, 2021, or within any authorized extension of time. By March 1, 2022 the applicant shall notify the Chief Engineer that construction of the works for diversion has been completed, on the form provided by the Chief Engineer, as required by K.A.R. 5-8-4e. Applicable Not Applicable
9. The completed well log shall be submitted with the required notice. Applicable Not Applicable
10. All diversion works into which any type of chemical or other foreign substance will be injected into the water shall be equipped with an in-line, automatic, quick-closing check valve capable of preventing pollution of the source of the water supply. The check valve(s) shall be installed, operated and maintained in accordance with K.A.R. 5-3-5c. Applicable Not Applicable
11. Additional Conditions are attached. Yes No
12. In accordance with K.S.A. 82a-708a, as amended, and K.A.R. 5-5-14, all of the owners of the authorized place(s) of use of water appropriated under the above-referenced file number are responsible for compliance with its terms, conditions and limitations, as amended and/or supplemented by this Summary Order, and with applicable provisions of the *Kansas Water Appropriation Law* and the *Rules and Regulations* promulgated thereunder. Failure to comply with these provisions may result in civil penalties pursuant to K.S.A. 82a-737, as amended, and/or the suspension or revocation and dismissal of the water or appropriation right or any other enforcement actions authorized by law.

Administrative Appeal and Effective Date of Order

If you are aggrieved by this order, pursuant to K.S.A. 82a-1901, you may request an evidentiary hearing before the Chief Engineer or request administrative review by the Secretary of Agriculture. A request for hearing by the Chief Engineer must be filed within **15 days** of service of this Order and a request for administrative review by the Secretary must be filed within **30 days** pursuant to K.S.A. 77-531. Any request for administrative review must state a basis for review pursuant to K.S.A. 77-527. File any request with **Kansas Department of Agriculture, Legal Division, 1320 Research Park Drive, Manhattan, KS 66502**. Failure to timely request a hearing or review may preclude review under the Kansas Judicial Review Act.

For Use by Register of Deeds

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

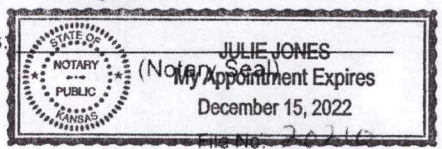
By: Austin McColloch
 Duly Authorized Designee of the Chief Engineer
 (Print Name): Austin McColloch
 Division of Water Resources - Kansas Department of Agriculture

Date of Issuance: December 21, 2020
 State of Kansas)
) SS
 County of Finney)

Acknowledged before me on December 21, 2020
 by Austin McColloch

Signature: Julie Jones
 Notary Public

My commission expires:



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 water-bearing strata.

By: Austin McColloch
(Duly Authorized Designee of the Chief Engineer)

(Print Name): Austin McColloch
Division of Water Resources Kansas Department of Agriculture

Dated of Issuance: December 21, 2020

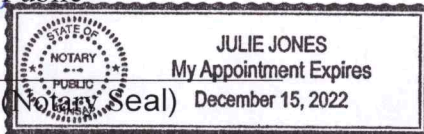
State of Kansas)
) SS
County of Finney)

Acknowledged before me on the 21st day of December, 2020

By Austin McColloch

Signature Julie Jones
Notary Public

My Commission expires: _____



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.

fji, 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