

Kansas Department of Agriculture  
 Division of Water Resources  
**CHANGE: P/D WORKSHEET**

|                                |  |                             |                               |                      |
|--------------------------------|--|-----------------------------|-------------------------------|----------------------|
| 1. File Number:<br><b>8515</b> | 2. Status Change Date:<br><b>8-21-2020</b> | 3. Change Num:<br><b>C3</b> | 4. Field Office:<br><b>04</b> | 5. GMD:<br><b>03</b> |
|--------------------------------|--|-----------------------------|-------------------------------|----------------------|

|  |   |
|--|---|
| 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:<br><b>8/19/2020</b> |
|--|---|

|   |   |
|---|---|
| 8a. Landowner, applicant<br>New to system <input type="checkbox"/><br><br><b>ROCKING HEIFER LLC</b><br><b>ATTN: EAST FARM</b><br><b>439 EAST RD 4</b><br><b>ULYSSES, KS 67880</b> | 8c. Landowner<br>New to system <input type="checkbox"/><br><br>Person ID <b>62826</b><br>Add Seq# _____ |
|---|---|

|  |  |
|--|--|
| 8b. Landowner(s),<br>New to system <input type="checkbox"/><br><br>Person ID _____<br>Add Seq# _____ | 8d. correspondent<br>New to system <input type="checkbox"/><br><br>Person ID _____<br>Add Seq# _____ |
|--|--|

|  |  |
|--|--|
| 8e. Landowner(s),<br>New to system <input type="checkbox"/><br><br>Person ID _____<br>Add Seq# _____ |  |
|--|--|

9. Documents and Enclosure(s):  DWR Meter(s) Date to Comply: **12/31/2020**     N & P Date to Comply: **3/1/2021**

Anti-Reverse Meter     Meter Seal     Check Valve     N & P Form     Water Tube     Driller Copy     H & E Letter  
 Conservation Plan    Date Required: \_\_\_\_\_    Date Approved: \_\_\_\_\_    Date to Comply: \_\_\_\_\_

10. Use Made of Water    From: \_\_\_\_\_    To: \_\_\_\_\_

Date Prepared: **8/19/2020**    By: **MAM**  
 Date Entered: \_\_\_\_\_    By: \_\_\_\_\_

File No. **8515**      11. County: KE      Basin: BEAR CREEK      Stream:      Formation Code: 211/331      Special Use:

| 12. Points of Diversion  |      |           |    |    |     |    |      |      |                    | Rate and Quantity |              |            |              |                  |
|--------------------------|------|-----------|----|----|-----|----|------|------|--------------------|-------------------|--------------|------------|--------------|------------------|
| CHK<br>MOD<br>DEL<br>ENT | PDIV | Qualifier | S  | T  | R   | ID | 'N   | 'W   | Comment (AKA Line) | Authorized        |              | Additional |              | Overlap PD Files |
|                          |      |           |    |    |     |    |      |      |                    | Rate gpm          | Quantity mgy | Rate gpm   | Quantity mgy |                  |
| ENT                      |      | NENWNW    | 22 | 27 | 37W |    | 5160 | 4572 |                    | 950               | 52.14        | 950        | 52.14        | 14381, 28940 D2  |

DEL 13454

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

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

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

| CHK<br>MOD<br>DEL<br>ENT | PUSE  | S | T | R | ID | NE¼  |      |      |      | NW¼  |      |      |      | SW¼  |      |      |      | SE¼  |      |      |      | Total | Owner | Chg? | Overlap Files |
|--------------------------|-------|---|---|---|----|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|-------|-------|------|---------------|
|                          |       |   |   |   |    | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ |       |       |      |               |
| CHK                      | 50090 |   |   |   |    |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |       |       |      |               |
| CHK                      | 68452 |   |   |   |    |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |       |       |      |               |
|                          |       |   |   |   |    |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |       |       |      |               |
|                          |       |   |   |   |    |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |       |       |      |               |
|                          |       |   |   |   |    |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |       |       |      |               |

Base Acres:      Year:      Minimum Reasonable Quantity:

Comments:

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

August 21, 2020

ROCKING HEIFER LLC  
ATTN: EAST FARM  
439 EAST RD 4  
ULYSSES, KS 67880

RE: Water Right, File Nos. 8515, 14381, 28940 D2

Dear Sir:

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

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

Since the orders modify the original documents referred to above, they should be recorded with the Register of Deeds as other instruments affecting real estate.

The abandoned well must be plugged in accordance with the requirements of Article 30 of the Rules and Regulations as adopted by the Kansas Department of Health and Environment.

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, appearing to read "Michael A. Meyer".

Michael A. Meyer  
Water Commissioner

MAM  
enclosures

pc: GMD3

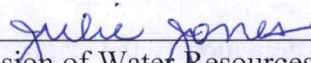
**CERTIFICATE OF SERVICE**

On this 21<sup>st</sup> day of August 2020, I hereby certify that the foregoing Approval of Application for Change in Point of Diversion, Water Right, File Nos. 8515, 14381, 28940 D2 dated 21<sup>st</sup> day of August 2020 was mailed postage prepaid, first class, US mail to the following:

ROCKING HEIFER LLC  
ATTN: EAST FARM  
439 EAST RD 4  
ULYSSES, KS 67880

Pc:

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.

\_\_\_\_\_   
 File No. 8515

**RECEIVED**  
**2:40 PM**  
**AUG 19 2020**

Garden City Field Office  
 DIVISION OF WATER RESOURCES

1. Application is hereby made for approval of the Chief Engineer to change the (check one or both):

Place of Use                       Point of Diversion

under the water right which is the subject of this application in accordance with the conditions described below.

The source of supply is:                       Groundwater                       Surface water

2. Name and address of Applicant: ROCKING HEIFER LLC – EAST FARM

439 EAST RD 4 ULYSSES KS 67880

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

Name and address of Water Use Correspondent: SAME AS ABOVE

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

3. The presently authorized place of use is:

Owner of Land ---- NAME: SAME AS ABOVE

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 8-19-20 Check # 1297**

5. **Presently authorized point of diversion:**  
 One in the NE Quarter of the NW Quarter of the NW Quarter of the NW Quarter of Section 22, Township 27 South, Range 37 (W), in GRANT County, Kansas, 5155 feet North 4541 feet West of Southeast corner of section. Authorized Rate          Authorized Quantity          Depth of well ≈ 480 (feet)  
**(DWR use only: Computer ID No. 01 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 NE Quarter of the NW Quarter of the NW Quarter of the NW Quarter of Section 22, Township 27 South, Range 37 (W), in GRANT County, Kansas, 5160 feet North 4572 feet West of Southeast corner of section. Proposed Rate          Proposed Quantity          Proposed well depth (feet) 622  
 This point is:  Additional Well  Geo Center List other water rights that will use this point 14381 & 28940-D2

6. **Presently authorized point of diversion:**  
 One in the          Quarter of 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 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) WELL COLLAPSE

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

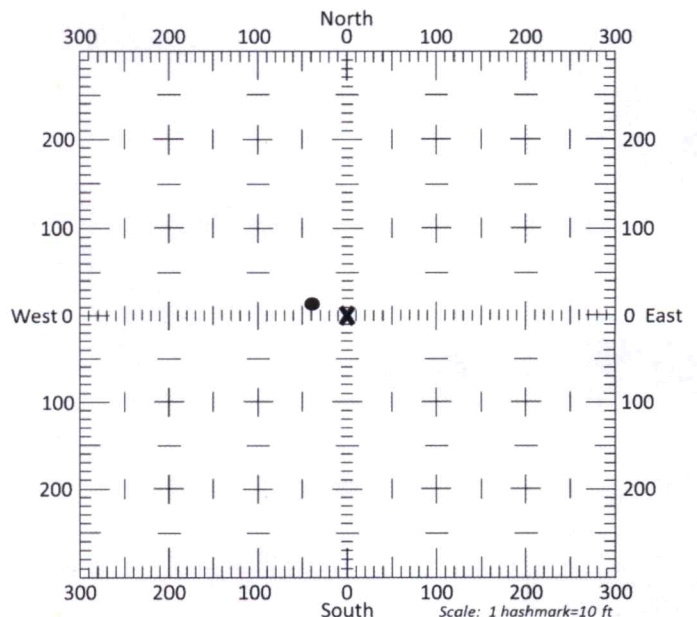
9. The change(s) (was)(will be) completed by?  
UPON APPROVAL

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

11. Groundwater Management District recommendation attached?  
 Yes  No

12. Assisted by AM/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 19<sup>TH</sup> day of AUGUST, 2020.

Locking Herter LLC by Andrew B. Smaltz  
 (Owner)  
Andrew B. Smaltz  
 (Please Print)

\_\_\_\_\_  
(Spouse)

\_\_\_\_\_  
(Please Print)

\_\_\_\_\_  
(Owner)

\_\_\_\_\_  
(Spouse)

\_\_\_\_\_  
(Please Print)

\_\_\_\_\_  
(Please Print)

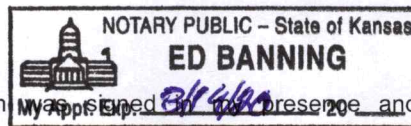
\_\_\_\_\_  
(Owner)

\_\_\_\_\_  
(Spouse)

\_\_\_\_\_  
(Please Print)

\_\_\_\_\_  
(Please Print)

State of Kansas }  
County of Finney } SS



I hereby certify that the foregoing application was signed in my presence and sworn to before me this 19<sup>th</sup> day of August, 2020.

Ed Banning  
Notary Public

My Commission Expires August 30, 2021.

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. 8515.

1. A change application was received on August 19, 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 \_\_\_\_\_ 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, 2020**, 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, 2020**, or within any authorized extension of time. By March 1, 2021 the applicant shall notify the Chief Engineer that construction of the works for diversion has been completed, on the form provided by the Chief Engineer, as required by K.A.R. 5-8-4e.  
 Applicable  Not Applicable
9. **The completed well log shall be submitted with the required notice.**  Applicable  Not Applicable
10. All diversion works into which any type of chemical or other foreign substance will be injected into the water shall be equipped with an in-line, automatic, quick-closing check valve capable of preventing pollution of the source of the water supply. The check valve(s) shall be installed, operated and maintained in accordance with K.A.R. 5-3-5c.  Applicable  Not Applicable
11. Additional Conditions are attached.  Yes  No
12. In accordance with K.S.A. 82a-708a, as amended, and K.A.R. 5-5-14, all of the owners of the authorized place(s) of use of water appropriated under the above-referenced file number are responsible for compliance with its terms, conditions and limitations, as amended and/or supplemented by this Summary Order, and with applicable provisions of the *Kansas Water Appropriation Law* and the *Rules and Regulations* promulgated thereunder. Failure to comply with these provisions may result in civil penalties pursuant to K.S.A. 82a-737, as amended, and/or the suspension or revocation and dismissal of the water or appropriation right or any other enforcement actions authorized by law.

**Administrative Appeal and Effective Date of Order**

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

*For Use by Register of Deeds*

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

By: Michael A. Meyer  
Duly Authorized Designee of the Chief Engineer

(Print Name): MICHAEL A MEYER  
Division of Water Resources - Kansas Department of Agriculture

Date of Issuance: August 21, 2020

State of Kansas )

County of Atterbury ) SS

Acknowledged before me on August 21, 2020

by Michael A. Meyer

Signature: Julie Jones  
Notary Public

My commission expires: \_\_\_\_\_







WR # 8515; 14381 & 28940-D2

Preliminary Map as of 8/13/2020. Using data given to DWR by customer.

Based on best information that was received and in the DWR files as of the above date



Township 27 South Range 37 West  
Grant County

0 0.13 0.25 0.5 Miles



1/2 mile radius, maximum distance



Point of Diversion



Minimum well spacing of neighboring wells



Created By: AM/GCFO

# ROCKING HEIFER RANCH LLC

NW 22-27S-37W GRANT CO.

Legend

TH #1 ELEV=3057'

Google Earth

© 2020 Google



100 ft

# ROCKING HEIFER RANCH LLC

NW 22-27S-37W GRANT CO.

Legend

KS T27S R37W

TH #1 ELEV=3057'

WELL  
DRILLED  
OUT: 1996

25

Google Earth

© 2020 Google



1000 ft