Kansas Department of Agriculture Division of Water Resources

CHANGE: P/U WORKSHEET

1. File Number: 19257	2. Status Change Date:	3. Change Num:	4. Field Office:	5. GMD:
6. Status: ⊠ Approved ☐ Den	ied by DWR/GMD	Dismiss by Reques	t/Failure to Return	7. Filing Date of Change: 11/19/2021
8a. Applicant(s) New to system □	Person ID 64213 Add Seq#	8c. Landown	3, 3,	Person ID Add Seq#
PRAIRIE CREEK AG LAI 136 W 650 S KOUTS, IN 46347-9622	NDS LLC		×	
8b. Landowner(s) New to system □ 8A	Person IDAdd Seq#	ARCH PO BO	B & MICHELLE F	
9. Documents and Enclosure(s): ☑ D\ ☐ Anti-Reverse Meter ☐ Meter ☐ Conservation Plan Date Requir	riller Copy H & E Letter			
10. Use Made of Water From:		To: _		
			Date Prepared: 11/23 Date Entered:	/2021 By: AM By:

File No.	19257 11. County: GY Basin: ARKANSAS RIVER						Stream: Formation Code: 75 S					Special Use:													
12. Points of Diversion Rate and Quantity CHK																									
MOD DEL	PDIV																A	Authori	zed		A	dditional			
ENT	PDIV	Qualifi	er	S	Т	R	ID	,	'N	ʻW		Com	nment	(AKA	Line)		Rate gpm/c		Quantit af/mgy		Rate gpm/c		antity mgy (Overlap PD Files	
СНК	8008																								
СНК	21488																		ia .						
СНК	44483																						-		
13. Storage: RateNF Quantityac/ft Additional RateNF Additional Quantityac/ft																									
14. Limi	tation:			af/y	r at				gpm (_				cfs) w	hen co	mbine	d with	file nu	umber	(s)						
Limi	tation:			af/y	/r at				gpm (_				cfs) w	hen co	mbine	d with	file nu	umber	(s)						
15. 5YR	Allocation	: Allo	cation Ty	ре	St	art Yea	ar		5 YR	Amou	nt		Amo	ount U	nit	_	Base	Acres		_ C	omment _				
16. Plac	ce of Use					N	ΙΕ¼			NV	V1/4			SV	V ½			S	E1/4		Total	Owner	Chg?	Overlap Files	
MOD DEL FNT	PUSE	s t	R	ID	NE	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	NE 1⁄4	NW 1/4	SW 1/4	SE 1/4					
LIVI	1 002	0 1	- 10	10																					
ENT 2	3524	19 26	S28W	2	31.5	31.5	31.5	31.5	33	33	33	33					34	34	34	34	394	8a	N	MULTIPLE	
CHK 6	653	20 26	S28W	1									34	34	34	34	34	34	34	34	272	8a	N	MULTIPLE	
CHK 2	25262	21 26	S28W	1									34	34	34	34			1=		136	8a	N	MULTIPLE	
																		<u>.</u>							
							3											-	T.			-			
Base Ad	Base Acres: Year: Minimum Reasonable Quantity:																								
Comme	Comments: OVERLAPPING PU FILES: 18928; 19257; 21442 & 21662 NOTE: COMBINE PU IDS 37373, 30692 (DELETE) AND 23524 (KEEP)										216	662	NOT	E: C	OME	BINE	IDS	ELETE) AND	23524 (KEEP)					

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

November 24, 2021

PRAIRIE CREEK AG LANDS LLC 136 W 650 S KOUTS, IN 46347-9622

RE:

Filed Office Application for Change

Water Right, File Nos. 18928; 19257; 21442 & 21662

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 numbers.

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. Please return the required notification of completion of the diversion works and/or 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: GROUNDWATER MANAGEMENT DISTRICT NO. 3

CERTIFICATE OF SERVICE

On this 24th day of November, 2021, I hereby certify that the foregoing Approval of Application for Change in Place of Use, Water Right, File Nos. 18,928; 19,257; 21,442 & 21,662 dated 24th day of November, 2021 was mailed postage prepaid, first class, US mail to the following:

PRAIRIE CREEK AG LANDS LLC 136 W 650 S KOUTS, IN 46347-9622

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, inc		
of diversion and/or place of use.		

of div	ersion a	nd/or p	lace of	f use.													D	ECI	EIVED
						F	File No	. <u>1925</u>	7									10	33 pm 9 2021
1. /	Applicati	on is he	ereby r	nade f	or app	roval o	f the C	hief E	nginee	er to ch	nange	the (ch	eck or	ne or b	oth):		Gard	en City	/ Field Office
						⊠ P	lace o	f Use			Point	of Dive	ersion				Division	of Wa	ater Resource
L	inder the	e water	right v	vhich is	s the s	ubject	of this	applic	ation i	n acco	rdance	e with t	he cor	ndition	s desc	ribed b	pelow.		
	The sour						Ground				Surfac								
2. N	Name ar	nd addre	ess of	Applic	ant: P	RAIRII	E CRE	EK AC	S LANI	DS LL	C								
_	36 W 6																		
	Phone N										ss:								
	Name ar							t: AR	CH B 8	& MICH	HELLE	FRIN	<						
_	PO BOX						88			100									
	Phone N								Email	addre	ss:								
	The pres	•																	
(Owner of																		
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(If there is	more tr	an one			tach su	ppieme			neces	sary.)				Ī				
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Sec.	Twp.	Range	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW ¹ / ₄	SE1/4	
20	26S	28W									34	34	34	34	34	34	34	34	272
21	26S	28W									34	34	34	34					136
4. I	f this on	plication	n in for				-£	14 1		ما الما	ام ماه		h	-1					
	f this ap Owner o				_						the pi	ace of	use be	cnan	ged to				
	JWIIEI O		ADDRI																
(If there is										sarv)								
							ppiome			7110000	July.)	01/	1117						TOTAL
Sec.	Twp.	Range	NE1/4	NW1/4	5W1/4	SE1/4	NE1/4	NW1/4	V1/4 SW1/4	SE1/4	NE1/4	NW1/4	V ¹ / ₄ SW ¹ / ₄	SE1/4	NE1/4	NW1/4	5W1/4	SE1/4	TOTAL ACRES
19	26S	28W	31.5		31.5	31.5	33	33	33	33	INE /4	140074	30074	SE/4	34	34	34	34	394
20	26S	28W	01.0	01.0	01.0	01.0	- 00	- 00	- 00	00	34	34	34	34	34	34	34	34	272
21	26S	28W									34	34	34	34	- 54	04	34	- 5-	136
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F	or Offic	ce Use	Only:	Code		Fe	e \$	00.0	<u>∪</u> TR	#		Re	ceipt	Date _	11-1	4-2	Chec	k#	042

5.	Presently authorized point of diversion:		
	One in the Quarter of the	Quarter of the	Quarter
	of Section, Township	South, Range	(E/W),
	in County, Kansas, fe	et North feet West of Southeast corner of	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	s follows: No change, point better described with GPS a	as follows:
	Proposed point of diversion: (Complete only if change is	s 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, fe		
	Proposed Rate Proposed Quantity	Proposed well depth (feet)	·
	This point is: Additional Well Geo Center List other	water rights that will use this point	
6.	Presently authorized point of diversion:		
	One in the Quarter of the of Section, Township	Quarter of the	Quarter
	of Section, Township	South, Range	(E/W),
	in County, Kansas, fe	et Northfeet West of Southeast corner of	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		
	Proposed point of diversion: (Complete only if change is	s 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, fe		f section.
	Proposed Rate Proposed Quantity		\
	This point is: ☐ Additional Well ☐ Geo Center List other	water rights that will use this point	
7.	the shariges herein are assired for the following reasons.		
	(please be specific) <u>CREATE A OVERLAP IN PLACE</u> <u>OF USE BETWEEN FILE NOS. 18928; 19257; 21442 & </u>	North 300 200 100 0 100 200	300
	21662	Emilandania dan tanta dan dan dan dan dan dan dan dan dan da	
			=
8.	If a well, is the test hole log attached? Yes No	200 + + + + + + + + + + + + + + + + + +	200
a	The change(s) (was)(will be) completed by?		3
٥.	* 5 2 3		/3
	_ASAP	100	100
10.	If the point of diversion is a well:		4
	(a) What are you going to do with the old well?	West 0 [+++	+++++ 0 East
	(a) What are you going to do with the old well?		1
	<u>N / A</u>		7
	(b) When will this be done? N / A	100 + + + + = + + + +	100
			/ =
11.	Groundwater Management District recommendation attached?	200	
	☐ Yes ☐ No		=
12.	Assisted by AM / GCFO	300 200 100 0 100 200	300
13a	.If the proposed point of diversion will be relocated more than 300	South Scale: 1 hashmark=:	10 ft
	feet but within 2,640 feet of the existing point of diversion, attach	13b.If the proposed point of diversion will be relocated	within a 300
	a topographic map or aerial photograph. For groundwater sources, show all wells (including domestic) within one-half mile	foot radius of the existing point of diversion, indicated on the diagram shown above in relation to the exist.	e its location
	of the proposed point of diversion and the names and mailing	diversion. The proposed point of diversion mus	t be located
	addresses of the owners. For surface water sources, show the names and addresses of the landowner(s) one-half mile	within the circle shown above. (PLEASE NOTE: center of diagram above represents the	The "X" in
	downstream and one-half mile upstream from your property	authorized point of diversion.)	presently

lines

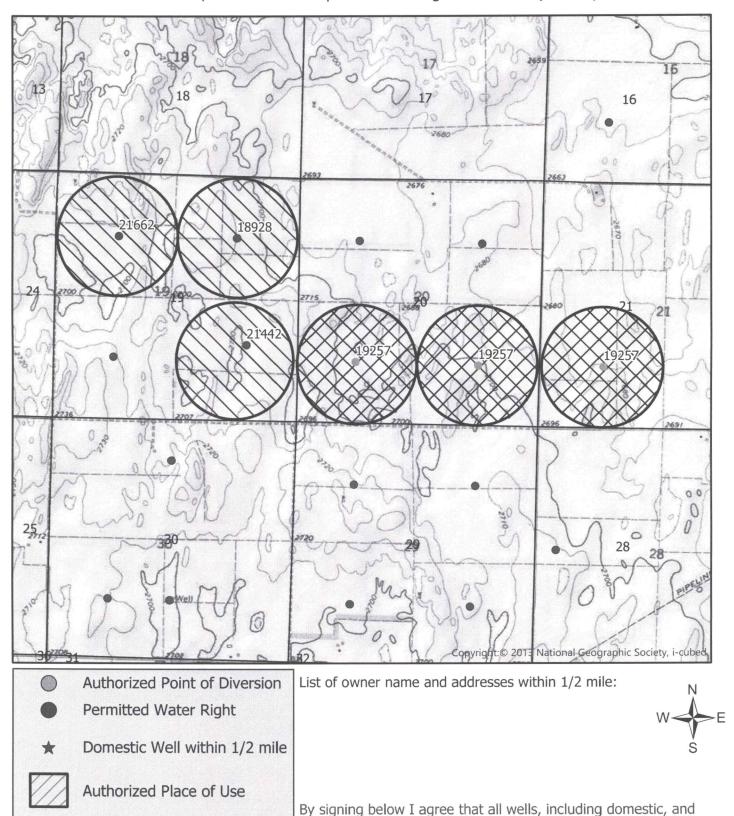
 If the proposed groundwater point of diversion is 300 or fewer feet from 	om the existing point of diversion, complete the following:
(a) Does the undersigned represent all owners of the currently auth ☐ Yes ☐ No (If no, all owners must sign this applied)	
 (b) Will the ownership interest of any owner of the currently autho affected if this application is approved as requested? ☐ Yes ☐ No (If yes, all owners must sign this app 	
(c) If this application is not approved expeditiously, will there be sub ☐ Yes ☐ No (If no, all owners must sign this appli	
If the application proposes a surface water change in point of diversion, a or a change in place of use, the application must be signed by all owners agent (attach notarized statement authorizing representation).	
I hereby verify, being first duly sworn upon my oath or affirm age and the owner, the spouse of the owner, or a duly author their behalf, in regards to the water right(s) to which this application are true, correct and complete. Dated at	ized agent of the owner(s) to make this application on plication pertains. I further verify that the statements
(Owner)	(Spouse)
(Please Print)	(Please Print)
(Owner)	(Spouse)
(Please Print)	(Please Print)
(Owner)	(Spouse)
State of Kansas Indiana SS	Diane S Osburn otary Public, State of Indiana Porter County ommission Number 699295 My Commission Expires June 1, 2025 my presence and sworn to before me this
My Commission Expires <u>June</u> \ 2025	Notary Public
ONLY COMPLETE APPLICATIONS WILL BE PROCESSED. To be complete, all accurate information; maps, if necessary, must be included; signatures of all the apthe appropriate fee must be paid.	of the applicable portions of the application form must be completed with oppopriate owners' must be affixed to the application and notarized; and
Each application to change the place of use or the point of diversion under forth in the schedule below: Make checks payable to: Kansas Departmeter (1) Application to change a point of diversion 300 feet or less (2) Application to change a point of diversion more than 300 feet (3) Application to change the place of use	er this section shall be accompanied by the application fee set ent of 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. 19257 2021 requesting that the place of use and / or point of A change application was received on On and after the effective date of this summary order, the authorized place(s) of use shall be located substantially as shown on Applicable ☐ Not Applicable the topographic map accompanying the application to change the place of use. 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 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 5. 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 K.A.R. 5-6-13. Applicable
 ■ ☐ 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 22, 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 report the results of the water flow meter and the total quantity of water discontinuous controlled to the Chief Faringer by March 12 to the controlled to the co diverted annually to the Chief Engineer by March 1 following the end of each calendar year. Applicable Not Applicable 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 3 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 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. No. Yes 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 (Print Name): Hustin review must state a basis for review pursuant to K.S.A. 77-527. Division of Water Resources - Kansas Department of Agriculture File any request with Kansas Department of Agriculture, Date of Issuance: November Legal Division, 1320 Research Park Drive, Manhattan, KS 66502. Failure to timely request a hearing or review may State of Kansas preclude review under the Kansas Judicial Review Act. SS For Use by Register of Deeds County of Acknowledged before me Signature: Notary Public NOTARY JULIE JONES My commission expires My Appointment Expires (Notary Seal 5, 2022 PUBLIC

CHANGE IN PLACE OF USE WATER RIGHT, FILE NO. 19257

Sections 19, 20 & 21 Township 26 South Range 28 West Gray County



Proposed Place of Use owners names and addresses within 1/2 mile of the proposed point of diversion have been shown on the map

(Signature)

Date AM/GCFO 1:24,000 Scale



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

November 22, 2021

Michael A. Meyer Division of Water Resources 4532 W Jones Ave., Suite B Garden City, Kansas 67846

RE: Applications for Change in Place of Use

Water Right, File Nos. 18928, 19257, 21442 & 21662

Dear Mike:

We have reviewed the applications for the above referenced water rights. The proposal is not in conflict with the Management Program of the Southwest Kansas Groundwater Management District No. 3 (GMD3). The proposed change in place of use will make a complete overlap in place of use in irrigated acres, with no new acres being proposed, which is in accordance with K.A.R. 5-5-11. It is therefore recommended that the applications be approved at this time.

Thank you for the opportunity to review the applications and to provide a recommendation. If you have any questions, please don't hesitate to contact us.

Sincerely.

Jason L. Norquest Assistant Manager

RECEIVED

NOV 22 2021

GMD3 Change Review

File No(s).: 18928, 19257, 21442, 21662. DWR office:									
App filed to change	ge: <u>PU</u> .								
Is Landowner(s) c	orrect in WRIS:	Prairie Creel	k Ag Lands LLC.						
If NO, is d	ocumentation inclu	uded?							
Is Water Use Corr	espondent correct	in WRIS? _	<u></u> .						
If NO, is d	ocumentation inclu	uded?							
Regulation(s) Reviewed: KAR 5-5-11									
Point of diversion	ID No(s) _ being	g changed.							
	ft. North ft. 1	West							
Authorized PD									
Proposed PD									
Difference	0	0	_						
a2 + b2 = c2	0	0	0	_					
GPS for proposed		Long:							
	acking on existing								
	erlapping existing		erlap all WRs.						
0	fied well(s) notified	d:							
Name									
Address									
Zip									
Email: Pho	one:								
Domestic well(s)	notified:								
Name									
Address									
Zip									
Base Acres:									
Perfected Acres:									
Irr. Return-Flow _	%								
	251AF @ 690gp	m							
126 acres NE 19-									
19257 authorized									
	20 284AF @ 745g								
ID01 Sect	21 269AF @ 710g	gpm							
ID02 Sect	20 263AF @ 690g	gpm							
272 acres S2 20-2	6-28 (136 acre pi	vot/quarter))						
136 acres SW 21-	-26-28								
21442 authorized: 272AF @ 880gpm									
136 acre circle in SE 19-26-28									
21662 authorized: 254AF @ 890gpm									

GMD3 Change Review

132 acre circle in NW 19-26-28

Proposed applications will make a complete overlap in PU.

Is a waiver needed: Making a complete overlap, no new acres proposed.

Recommendation: After review of all available information, it appears current area rules

are met. Staff therefore recommends approval of the applications.

RECEIVED

NOV 22 2021

Garden City Field Office
Division of Water Resources

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

November 22, 2021

SOUTHWEST KANSAS GROUNDWATER MANAGEMENT DISTRICT NO. 3 2009 E SPRUCE ST GARDEN CITY KS 67846

Re:

Request for Recommendation

Water Right, File Nos. 18928, 19257, 21442, 21662

Dear Mr. Norquest:

This is to advise you that Prairie Creek Ag Lands LLC, has filed applications for approval of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, to change the place of use

We are delaying action on the change applications to allow you time to review and provide a recommendation. Please submit a recommendation within 15 days from the date of this letter.

Thank you and as always feel free to contact this office at any time.

Sincerely,

Michael A. Meyer

Water Commissioner

MAM Enclosures