# Kansas Department of Agriculture Division of Water Resources

# **CHANGE: P/U WORKSHEET**

1. File Number:	2. Status Change Date:	3. Change Num:	4. Field Office:	5. GMD:							
25064		C2	4	1							
6. Status: ☐ Approved ☐ Den	ied by DWR/GMD	Dismiss by Reques	t/Failure to Return	7. Filing Date of Change:							
	2 1 1			2/2/2021							
8a. Applicant(s)/Landowner(s)  New to system □	Person ID 59503 Add Seq#	8c. Landown		Person ID 37154 Add Seq#							
MARCY FARMS Attn: MIKE MARCY 980 W COUNTY RD N LEOTI, KS 67861-6251		РО ВО	IOOF LODGE NO 539 PO BOX 56 700 E 1ST AVE SAINT JOHN, KS 67576								
8b. Landowner(s) New to system ☐  OLDHAM FARMS LLC Attn: SCOTT & BELINDA 303 W J ST LEOTI, KS 67861	Person ID 67001 Add Seq#	8d. WUC New to sy	stem □	Person ID Add Seq#							
9. Documents and Enclosure(s): 🛛 D\	VR Meter(s) Date to Compl	y: <b>12/31/2021</b>	□ N & P Date to	Comply:							
☐ Anti-Reverse Meter ☐ Meter	Seal	□ N & P Form	☐ Water Tube ☐ D	riller Copy							
☐ Conservation Plan Date Requir	ed: Da	te Approved:	Date to	Comply:							
10. Use Made of Water From:		To: _	<u> </u>								
			Date Prepared: <b>3/11/2</b> Date Entered:	<b>2021</b> ву: <b>АМ</b> Ву:							

File No. <b>25064</b>	11. County	/: <b>WH</b>	Basir	n: WHITE	EWOMA	AN CR	EEK		S	tream							Fo	ormation C	ode: <b>211</b>	Special Use:
12. Points of Diversion CHK MOD				1			No.							and Q	uantity zed		Α	dditional		- эф. И
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13. Storage: Rate		NF	Quanti	ty				ac/ft	A	dditior	nal Rat	e				NF	Addi	tional Qua	ntity	ac/ft
14. Limitation:																				
Limitation:	af/yr	at			_gpm (				cfs) w	hen co	ombine	ed with	file n	umber	(s)			7.01-3	<del>- 1</del>	
15. 5YR Allocation: Allocation	Туре	_ Sta	rt Year		5 YR	Amou	int		Amo	ount U	nit	_	Base	Acres	-	_ C	omment .			
16. Place of Use CHK			NE1/4			NW1/4			SW1/4				SE¼			Total Owner Chg			Overlap Files	
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CHK 67618 9 18S38	N 2	40		40						1.73	C.						80	8c	N	MULTIPLE
Base Acres: Year: Comments: OVERLAP FIL	N	Minimum	Reason 348; 74	able Qua	antity:	2506	4													

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

March 11, 2021

MARCY FARMS Attn: MIKE MARCY 980 W COUNTY RD N LEOTI, KS 67861-6251

RE: Water Right, File Nos. 6848; 7410; 7819 & 25064

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: IOOF Lodge No. 539

Oldham Farms LLC

GROUNDWATER MANAGEMENT DISTRICT NO. 1

#### CERTIFICATE OF SERVICE

On this 11<sup>th</sup> day of March, 2021, I hereby certify that the foregoing Approval of Application for Change in Place of Use, Water Right, File Nos. 6,848, 7,410, 7,819 & 25,064 dated 11<sup>th</sup> day of March, 2021 was mailed postage prepaid, first class, US mail to the following:

MARCY FARMS Attn: MIKE MARCY 980 W COUNTY RD N LEOTI, KS 67861-6251

Pc:

IOOF LODGE NO 539 PO BOX 56 700 E 1ST AVE SAINT JOHN, KS 67576

OLDHAM FARMS LLC Attn: SCOTT & BELINDA OLDHAM 303 W J ST LEOTI, KS 67861

GROUNDWATER MANAGEMENT DISTRICT NO. 1

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.

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(DWR use only: Comp	ruter ID No GPS	feet North _	feet West)
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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.)

lines

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

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

FILE NO. 25064

					980 W	Y FAF		DNL	EOTIK	S 678	61-62	51							
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Sec. 4 9 3 On Sec. 9	Twp. 18S 18S 18S wner o	Range 38W 38W 38W f Land -	NE% ADDRI NE% ADDRI NE% ADDRI NE% ADDRI ADDRI	ME: ESS:  NW/4  40  AME: ESS:  NI  NW/4	MARC 980 W 544 SW4 40 IOOF PO BO SW4 SW4	SE¼  LODG  DX 56  SE¼  AM F/	E NO 700 E	D N LI  NW/4  539 1ST A  NW/4  LLC	VE SA	SE%	NE1/4 40 A0 OHN K	SI S	76 N/4 40 76 N/4 SW/4	SE½ 40 40 SE½	NE1/4	SI NW1/4	E¼ SW¼	SE1/4	160 80 160 TOTAL ACRES

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 au ☐ Yes ☐ No (If no, all owners must sign this app	
<ul> <li>(b) Will the ownership interest of any owner of the currently authors affected if this application is approved as requested?</li> <li>☐ Yes</li> <li>☐ No</li> <li>(If yes, all owners must sign this approved as requested?)</li> </ul>	
(c) If this application is not approved expeditiously, will there be so ☐ Yes ☐ No (If no, all owners must sign this app	
If the application proposes a surface water change in point of diversion or a change in place of use, the application must be signed by all owne agent (attach notarized statement authorizing representation).	, a groundwater change in point of diversion greater than 300 feet, ars of the currently authorized place of use, or their duly authorized
I hereby verify, being first duly sworn upon my oath or affir 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 a contained in this application are true, correct and complete.	orized agent of the owner(s) to make this application on pplication pertains. I further verify that the statements
Dated at Scoti , Kansas, this Scott L. Oldham  Scott L. Oldham	s $9$ th day of $Maxa$ , $20 21.$
Scott L. Oldnam	(Spouse)
(Please Print)	(Please Print)
(Owner)	(Spouse)
(Please Print)	(Please Print)
(Owner)	(Spouse)
(Please Print)	(Please Print)
State of Kansas  County of Wichita SS	
I hereby certify that the foregoing application was signed in of DEBRAK. AMES  NOTARY PUBLIC  STATE OF KANSAS  My App. Exp. November 11, 2022  My Commission Expires	my presence and sworn to before me this 4th day  Notary Public
ONLY COMPLETE APPLICATIONS WILL BE PROCESSED. To be complete, a accurate information; maps, if necessary, must be included; signatures of all the the appropriate fee must be paid.	
Each application to change the place of use or the point of diversion unconforth in the schedule below: Make checks payable to: Kansas Departr	der this section shall be accompanied by the application fee set ment of Agriculture
<ul> <li>(1) Application to change a point of diversion 300 feet or less.</li> <li>(2) Application to change a point of diversion more than 300 feet</li> <li>(3) Application to change the place of use</li></ul>	et
	MAR 1 0 2021

<ol><li>If the proposed groundwater point of dive</li></ol>	ersion is 300 or fewer feet from th	e existing point of diversi	on, complete the following:
(a) Does the undersigned represent all c ☐ Yes ☐ No (If no, all	owners of the currently authorized owners must sign this application		d in this application?
<ul><li>(b) Will the ownership interest of any overaffected if this application is approve</li><li>☐ Yes</li><li>☐ No</li><li>(If yes, all others)</li></ul>			d in this application be adversely
(c) If this application is not approved exp  ☐ Yes ☐ No (If no, all	peditiously, will there be substant owners must sign this application		public health or safety?
If the application proposes a surface water ch or a change in place of use, the application m agent (attach notarized statement authorizing	ust be signed by all owners of the		
I hereby verify, being first duly sworn age and the owner, the spouse of the their behalf, in regards to the water rig contained in this application are true, or	owner, or a duly authorized ght(s) to which this applica	agent of the owner(s	) to make this application on
Dated at 3 - 3 - 2/	, Kansas, this	day of	, 20
shind min			
(Owner)		(S	pouse)
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(Owner)		(S	pouse)
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(Owner)	- L	(S	pouse)
(Please Print)		(Plea	ase Print)
State of Kansas	SS		
County of			rd
I hereby certify that the foregoing approf, 20_21		resence and sworn to	before me this 3 day
	SEN	ta a Keenan	County Clark
My Commission Expires 01-13-20 20	5 OUNGERED	Notán	y Public /
ONLY COMPLETE APPLICATIONS WILL BE PRO- accurate information; maps, if necessary, must be in the appropriate fee must be paid.			
	FEE SCHEDULE		
Each application to change the place of use or		section shall be accomp	anied by the application fee set
forth in the schedule below: Make checks pay (1) Application to change a point of d			\$100
<ul><li>(2) Application to change a point of d</li><li>(3) Application to change the place of</li></ul>	iversion more than 300 feet f use	RECEIVE	\$200 \$200
		MAR 1 0 202	

14. If the propos	sed groundwater point	of diversion is 300 o	or fewer feet fro	m the exi	sting poin	t of diversion, com	plete the following:
(a) Does th ☐ Yes	ne undersigned represe	ent all owners of the no, all owners must	currently authorsign this applic	orized pla cation.)	ce(s) of us	se identified in this	application?
(b) Will the affected ☐ Yes	d if this application is a	any owner of the copproved as requeste yes, all owners must	ed?		e(s) of us	e identified in this	application be adversely
(c) If this a <sub>l</sub> ☐ Yes	pplication is not appro	ved expeditiously, wi no, all owners must	ill there be sub sign this applic	stantial da ation.)	amage to	property, public he	ealth or safety?
or a change in pl	proposes a surface w ace of use, the applications prized statement auth	ation must be signed	by all owners	groundw of the cui	ater chang rently aut	ge in point of diver horized place of u	sion greater than 300 feet, se, or their duly authorized
age and the over their behalf, in	wner, the spouse o	f the owner, or a ater right(s) to wh	duly authori	zed age	nt of the	owner(s) to ma	ury, that I am of lawful ake this application on fy that the statements
	Barden Cit		, Kansas, this	2	day of	Fob	.2021
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WY DO	(Owner)	May Conn				(Spouse)	***************************************
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State of Kansas	tinney	ss					nd
I hereby certion	ify that the foregoin, 20	g application was	signed in m	ny prese	nce and	sworn to before	e me this 2 day
My Commission I	Expires PUBLIC	JULIE JONES My Appointment Expire	es	5 1 - 40 	Zul	Notary Public	4
ONLY COMPLETE	APPLICATIONS WILL B						form must be completed with
the appropriate fee		ust be included, signate	ures or all the ap	propriate o	Wileis Illus	st be affixed to the ap	opiication and notanzed, and
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Page 3

File No. \_\_\_\_25064

DWR 1-121 (Revised 09/11/2019)

#### 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. 25064 2,2021 A change application was received on Technology 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 the topographic map accompanying the application to change the place of use. Applicable ☐ Not 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 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 feet from the previously authorized point(s) of diversion. ☐ Applicable Not Applicable 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\_\_\_\_, 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 Applicable Installation of the works for diversion of water shall be completed on or before December 31, 20\_\_\_\_ authorized extension of time. By March 1, 20 — the applicant shall notify the Chief Engineer that construction of the works for diversion has been completed, on the form provided by the Chief Engineer, as required by K.A.R. 5-8-4e. ☐ Applicable Mot 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 Additional Conditions are attached. 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 (Print Name): Hustin Wa 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. Division of Water Resources - Kansas Department of Agriculture File any request with Kansas Department of Agriculture, Date of Issuance: 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 on Signature: Notary Public STATE OA My commission expires: PUBLIC . Notary ASpendment Expires December 15, 2022 le No.

## **CHANGE IN PLACE OF USE WATER RIGHT, FILE NOS. 7819 & 25064**

Sections 3, 4 & 9 Township 18 South Range 38 West Wichita County

