## Kansas Department of Agriculture Division of Water Resources

**CHANGE: P/U WORKSHEET** 

1. File Number: <b>40058</b>	2. Status Change Date:	3. Change Num:	4. Field Office:	5. GMD:			
6. Status: ⊠ Approved □ Deni	ed by DWR/GMD	Dismiss by Reques	t/Failure to Return	7. Filing Date of Change: <b>5/13/2021</b>			
8a. Applicant(s) New to system   NV ACRES LLC 11089 WHIRLWIND DR DODGE CITY, KS 67801	Person ID 67575 Add Seq#	11089 \		Person ID 60622 Add Seq#			
8b. Landowner(s) / WUC New to system ☐  NV ACRES LLC 11089 WHIRLWIND DR DODGE CITY, KS 67801	Person ID 67575 Add Seq#	РО ВО	stem □  NVESTMENTS LI				
9. Documents and Enclosure(s): DWR Meter(s) Date to Comply: N & P Date to Comply: Anti-Reverse Meter							
10. Use Made of Water From:		To: _					
			Date Prepared: <b>6/2/20</b> Date Entered:	<b>921</b> ву: <b>АМ</b> Ву:			

File No.	40058	В		11. C	Cour	nty: M	IE	Bas	sin: CF	ROOK	ED CF	REEK			St	ream:							Fo	rmation Co	de: <b>211</b>	Special Use:	
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Limit	ation:				_ af/	yr at _					gpm (_				cfs) wl	nen co	mbine	d with	file nu	umber(	s)						
15. 5YR	Allocatio	n:	Allocation 7	уре	_		Star	t Year			5 YR	Amoui	nt		Amo	unt Ur	nit	_	Base /	Acres		_ C	mment _				
16. Plac	e of Use							NE	1/4			NV	11/4			SV	V1/4		SE¼ T					Owner	Chg?	Overlap Files	
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Garden City Field Office 4532 W. Jones, Suite B Garden City, KS 67846



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

Mike Beam, Secretary

Laura Kelly, Governor

June 2, 2021

NV ACRES LLC 11089 WHIRLWIND DR DODGE CITY, KS 67801

RE: Vested Right, File No. ME-004 and Water Right, File Nos. 184; 1093; 23871 & 40058

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: RL7

RLTJ Investments LLC

NV Yutaka LLC

GROUNDWATER MANAGEMENT DISTRICT NO. 3

### **CERTIFICATE OF SERVICE**

On this 2<sup>nd</sup> day of June, 2021, I hereby certify that the foregoing Approval of Application for Change in Place of Use, Vested Right, File No. ME-004 and Water Right, File Nos. 184; 1,093; 23,871 & 40,058 dated 2<sup>nd</sup> day of June, 2021 was mailed postage prepaid, first class, US mail to the following:

NV ACRES LLC 11089 WHIRLWIND DR DODGE CITY, KS 67801

Pc:

RLTJ INVESTMENTS LLC PO BOX 1511 GREAT BEND, KS 67530

NV YUTAKA LLC 11089 WHIRLWIND RD DODGE CITY, KS 67801

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.

than		, or If pl	ace of	use wi													ized ar	ECE	on is greater osed point(s) IVED
						F	file No	4005	8								M		<b>3</b> 2021
į.	Application	e water	right w	vhich is	the s	X□ ubject X□	Place of this Groun	of Use applic dwate	ation i	n acco	Point or rdance Surface	of Dive	rsion he cor	ditions	s desc	ribed t	ivisior pelow.	n of Wa	Field Office ter Resources
	Name and address of Applicant: Nicholson Ventures %Jeremish Nicholson  11089 Whirlwind Rd, Dodge City, KS 67801  Phone Number: (620)225-4637 Email address: jeremlah@nvfarms.net  Name and address of Water Use Correspondent: SAME																		
3.	Phone Number: ()																		
			<u> </u>		1/4				V%			sv	11/4			SE	≣%		TOTAL
Sec	Twp.	Range	NE1/4	NW%	No. of Concession, Name of Street, or other Designation, Name of Street, Name	SE1/4	NE%	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE¼	NE%	NW1/4	SW1/4	SE1/4	ACRES
3	30s	26w					20.0	13.0	30.0	40.0	40.0	40.0	40.0	33.0					256.0
4	30s	26w	8.0	37.0	31.0	3.0									26.0	33.0	40.0	20.0	198.0
4,	9 30s 26w 28.0 14.0 26.0 39.0 107.0  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: Multiple Owners																		
	(if there is		ADDRI	ESS:															
			l	NE	1/4			NV	V1/4			SV	V¼			\$1	E1/4	1	TOTAL
Sec	. Twp.	Range	NE1/4	NW1/4		SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE%	NW½	SW1/4	SE¼	NE% NW%				ACRES
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	For Offic	ce Use	Only:	Code		Fe	e \$	00.0	<u></u> ≥ TR	#		Re	ceipt	Date 5	5-13	-21	Chec	k# 21	40 <i>77</i>

. Г	Presently authorized point of diversion:				
	One in the NW Quarter of the S\	W	Quarter of the	NE	Quarter
	of Section 9 , Township 30		South Range	26	& GGITCI
	in Meade County, Kansas, 3580 feet N				
	Authorized Rate 1150gpm Authorized Quantity 174af				Section.
	(DWR use only: Computer ID No GPS				
	X. This point will not be changed This point will be changed as for				
- 1	1 mag 2 m 2 m 2 m 2 m 2 m 2 m 2 m 2 m 2 m 2				
- 1	Proposed point of diversion: (Complete only if change is re				
	One in the Quarter of the				
-	of Section, Township	N I = -41-	South, Range	0	(E/VV)
	in County, Kansas, feet N				
	Proposed Rate Proposed Quantity				
L	This point is: Additional Well Geo Center List other wa	ater rights	that will use this poin	t	
Γ	Presently authorized point of diversion:				
·	One in theQuarter of the		Quarter of the		Querte
	of Section, Township		South Pance		_ (E/\/\
	in County, Kansas, feet N	Morth	feet \Meet of	Southeast corner of	(L/VV)
	Authorized Rate Authorized Quantity				36011011.
1	(DWR use only: Computer ID No. GPS		_ Depth of Well	(reet)	
- 1	☐This point will not be changed ☐This point will be changed as fol				
	Proposed point of diversion: (Complete only if change is re				
	One in the Quarter of the		Quarter of the		_ Quarte
	of Section, Township				
	in County, Kansas, feet N	North	feet West of	Southeast corner of	f section.
	Proposed Rate Proposed Quantity		_ Proposed well depth	r (feet)	
L	This point is: Additional Well Geo Center List other wa	ater rights	that will use this poin	t	****
,	The changes herein are desired for the following reasons?				
	(please be specific)		Nort	h	
	Utilized better soils within the operation	300	200 100 0	100 200	300
	•	E			T 3
		E	-		=
	If a well, is the test hole log attached? 🔲 Yes 🛮 🖾 No	200	A + = =	1 + 1 + 1.	
	The change(s) (was)(will be) completed by?	E,		/	∃
	The change(s) (was)(will be) completed by?		T T		Ē
	As soon as approved	100	+     =	.   +   +	100
1	If the point of diversion is a well:	#	=		4
					3
	(a) What are you going to do with the old well?	west u	indialindiatin 👼	mtiminimi	High C East
	NA	1			1
		100	+	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	100
	(b) When will this be done?	E/	=	/	<b>/</b>
		= \	\ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \		
1.	Groundwater Management District recommendation attached?	200 =	1 +   =	·   +   - + /   ·	200
	X Yes No	E	+ + + + = = = = = = = = = = = = = = = =	_ /_	200
,	Assisted by GMD3/JLN	5.11	IIII III III III III III III III III I		اللل
	Addition by Children Line	300	200 100 0 Sout	100 200	300
			2000	h Scale: 1 hashmark=1	Uft

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 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.

South

Scale: 1 hashmark=10 ft

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.)

14. If the proposed groundwater point of diversion is 300 of lewer leet i	form the existing point of diversion, complete the following:
(a) Does the undersigned represent all owners of the currently aut ☐ Yes ☐ No (If no, all owners must sign this app	
<ul> <li>(b) Will the ownership interest of any owner of the currently authorized affected if this application is approved as requested?</li> <li>☐ Yes</li> <li>☐ No</li> <li>(If yes, all owners must sign this application)</li> </ul>	
(c) If this application is not approved expeditiously, will there be su ☐ 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 owner agent (attach notarized statement authorizing representation).	
I hereby verify, being first duly sworn upon my oath or affire 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 appoint on this application are true, correct and complete.	rized agent of the owner(s) to make this application on oplication pertains. I further verify that the statements
Dated at GRAT BENJ KS , Kansas, this	s = 6 - day  of  1 + 7 = 20 - 21
RITT, LIC Delaw a. Ball	
(Owner)	(Spouse)
RLTJ, LCC RICHARD A. BALL, MER (Please Print)	(Please Print)
NV Aves her By! King W. Northeless Many (Please Print)	(Spouse)
NV Aves the By! King W. Northelson Man	<u></u>
(Please Print)	(Please Print)
(Owner)	(Spouse)
(Please Print)	(Please Print)
State of Kansas )	自 LESLEA M BOCKELMAN
County of Barton SS	NOTARY PUBLIC – State of Kansas
I hereby certify that the foregoing application was signed in of 2021.	my presence and sworn to before me this 6+4 day
	Wylia M. Potrice.  Notary Public
My Commission Expires 05/29/2023	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.	
FEE SCHEE	DULE
Each application to change the place of use or the point of diversion under forth in the schedule below: Make checks payable to: Kansas Departre (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	ment of Agriculture \$100 et
, ii	,

14. If the proposed groundwater point of diversion is 300 or fewer feet from	m the existing point of diversion, complete the following:						
<ul> <li>(a) Does the undersigned represent all owners of the currently authorized Yes</li> <li>□ No</li> <li>(if no, all owners must sign this application)</li> </ul>							
<ul> <li>(b) Will the ownership interest of any owner of the currently author affected if this application is approved as requested?</li> <li>☐ Yes</li> <li>☐ No</li> <li>(If yes, all owners must sign this application)</li> </ul>							
(c) If this application is not approved expeditiously, will there be sub ☐ Yes ☐ No (If no, all owners must sign this applic							
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.	zed agent of the owner(s) to make this application on						
Dated at Ford County, Kansas, this	4th day of May 2021.						
RITT, LIC A Rale, Mg.	(Chausa)						
	(Spouse)						
NU ADOS LLC (Please Print) By: Kay W. W. Lolen Mans							
NV Acres 46 By! 22 2 Mag							
JET Lewis Family CorpOwner)	(Spouse)						
ITLLEASING POPPLEASE PHAT)	(Please Print)						
JIT LOWS FAMILY CORP - Jim LOWIS	( lossed / lilly						
NV Jutaka Luc (Owner)	(Spouse)						
10 Ywłada Lech Tollego Manago (Please Print) S. Schuleman	(Please Print)  NOTARY PUBLIC - State of Kansas						
State of Kansas	My Appt. Expires 05 29 2023						
County of	-44.6						
of that the foregoing application was signed in 20	my presence and sworn to before me this day						
	Notary Public						
My Commission Expires	Notary Public						
ONLY COMPLETE APPLICATIONS WILL BE PROCESSED. To be complete, all accurate information; maps, if necessary, must be included; signatures of all the at the appropriate fee must be paid.	of the applicable portions of the application form must be completed with ppropriate owners' must be affixed to the application and notarized; and						
FEE SCHED!	<u>JLE</u>						
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							

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

4005

File No. \_

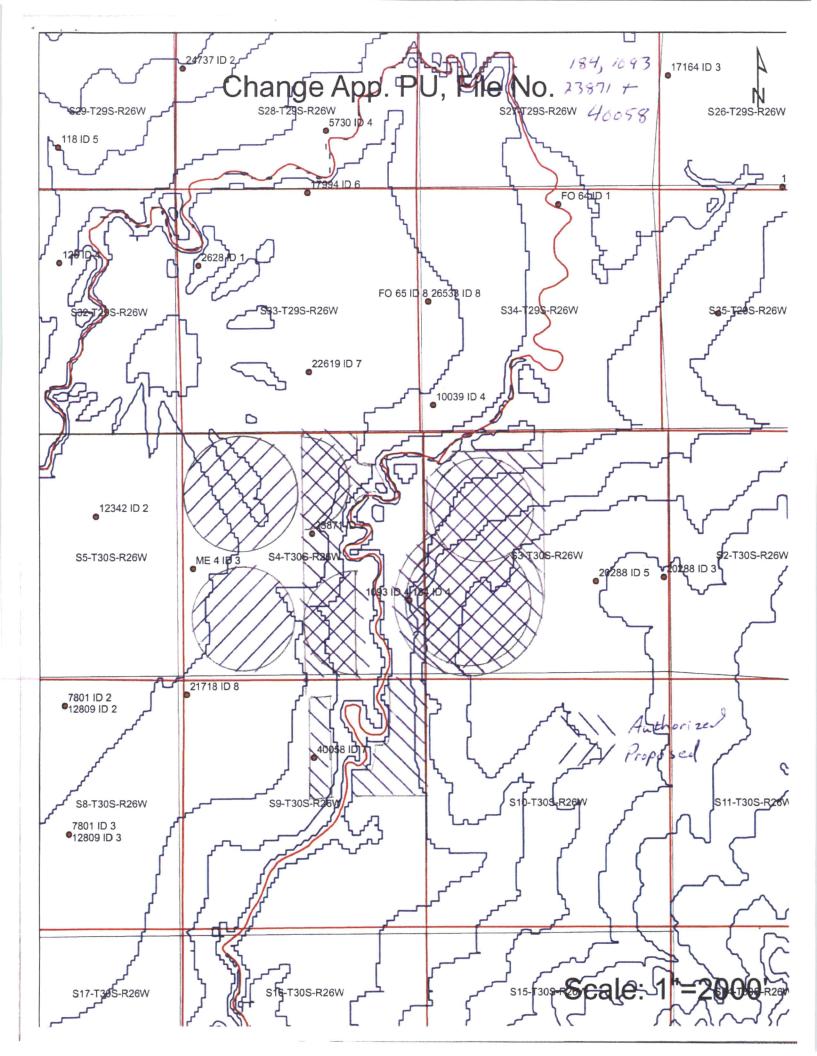
### SUMMARY ORDER APPROVING APPLICATION FOR CHANGE AND IMPOSING CONDITIONS

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. 40058 Way 2021 A change application was received on . 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. 2 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 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 The point(s) of diversion authorized herein shall not actually be located more than \_ authorized point(s) of diversion. ☐ Applicable ☒ Not Applicable feet from the previously As required by K.A.R. 5-3-5d, if the works for diversion is a well with a diversion rate of 100 gallons per minute or more, a tube 6. 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 diverted annually to the Chief Engineer by March 1 following the end of each calendar year. M Applicable ☐ Not Applicable installation of the works for diversion of water shall be completed on or before December 31, 20 2 , or within any authorized extension of time. By March 1, 20 22 the applicant shall notify the Chief Engineer that construction of the works for diversion has been completed, on the form provided by the Chief Engineer, as required by K.A.R. 5-8-4e. Applicable ■ Not Applicable The completed well log shall be submitted with the required notice. □ Applicable Mot 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. ☐ Yes No 12. In accordance with K.S.A. 82a-708a, as amended, and K.A.R. 5-5-14, all of the owners of the authorized place(s) of use of water appropriated under the above-referenced file number are responsible for compliance with its terms, conditions and limitations, as amended and/or supplemented by this Summary Order, and with applicable provisions of the Kansas Water Appropriation Law and the Rules and Regulations promulgated thereunder. Failure to comply with these provisions may result in civil penalties pursuant to K.S.A. 82a-737, as amended, and/or the suspension or revocation and dismissal of the water or appropriation right or any other enforcement actions authorized by law. FOR OFFICE USE ONLY Administrative Appeal and Effective Date of Order APPLICATION APPROVED AND If you are aggrieved by this order, pursuant to K.S.A. 82a-1901, SUMMARY ORDER ISSUED you may request an evidentiary hearing before the Chief Engineer or request administrative review by the Secretary of Agriculture. A request for hearing by the Chief Engineer must be filed within 15 days of service of this Order and a request for Duly Authorized Designee of the Chief Engineer administrative review by the Secretary must be filed within 30 days pursuant to K.S.A. 77-531. Any request for administrative McCllock (Print Name): review must state a basis for review pursuant to K.S.A. 77-527. File any request with Kansas Department of Agriculture, Division of Water Resources - Kansas Department of Agriculture .07 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 Acknowledged before me on Signature Notary Public My commission expires Notary **JULIE JONES** (Notary Sea) December 15, 2022

Page 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

May 19, 2021

BRUCE L & NORMA MCCLAREN BOX 175 FOWLER, KS 67844

RE: Vested Right, File No. ME-004 and Water Right, File Nos. 184; 1093; 23871 & 40058

Dear Sir or Madam:

This is to advise you that NV Acres LLC has filed an application for approval of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, to change the place of use under the above referenced file number.

From: a total of 711 acres in Sections 3, 4 and 9, all in Township 30 South, Range 26

West, Meade County, Kansas,

To: a total of 582 acres in Sections 3 and 4, both in Township 30 South, Range 26

West, Meade County, Kansas,

You can find the complete applications posted by water right file number as referenced above at: <a href="https://www.Agriculture.ks.gov/DWRNotices">www.Agriculture.ks.gov/DWRNotices</a>

You are notified on this proposed change in the place of use so that you may furnish this office with any comments or other information you want to submit. Such comments or other information must be received in this office within 15 days from the date of this letter.

Should you have any questions, please feel free contact this office. If you would prefer, you could arrange an appointment for additional assistance. Please refer to the file number when you contact us if you wish to discuss a specific file.

Sincerely,

Austin J. McColloch

Assistant Water Commissioner

AM: enclosures

pc:

GROUNDWATER MANAGEMENT DISTRICT NO. 3



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

May 19, 2021

V DEAN & MARY F REESE 26131 A RD FOWLER, KS 67844

RE: Vested Right, File No. ME-004 and Water Right, File Nos. 184; 1093; 23871 & 40058

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From: a total of 711 acres in Sections 3, 4 and 9, all in Township 30 South, Range 26 West, Meade County, Kansas,

To: a total of 582 acres in Sections 3 and 4, both in Township 30 South, Range 26 West, Meade County, Kansas,

You can find the complete applications posted by water right file number as referenced above at: <a href="https://www.Agriculture.ks.gov/DWRNotices">www.Agriculture.ks.gov/DWRNotices</a>

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Sincerely,

Austin J. McColloch

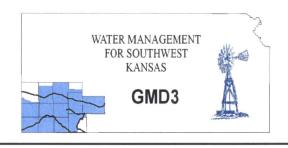
Assistant Water Commissioner

AM: enclosures

pc:

GROUNDWATER MANAGEMENT DISTRICT NO. 3





# 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

May 13, 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

Vested Right, File No. ME 4

Water Right, File Nos. 184, 1093, 23871 & 40058

### Dear Mike:

We have assisted with 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 rearrange the acres to better suit the operation and 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