

File No. **40058** 11. County: **ME** Basin: **CROOKED CREEK** Stream: Formation Code: **211** Special Use:

12. Points of Diversion
 Rate and Quantity
 Authorized Additional
 Rate Quantity Rate Quantity
 gpm/cfs af/mgy gpm/cfs af/mgy Overlap PD Files

| CHK | MOD | DEL | ENT | PDIV | Qualifier | S | T | R | ID | 'N | 'W | Comment (AKA Line) | Rate gpm/cfs | Quantity af/mgy | Rate gpm/cfs | Quantity af/mgy | Overlap PD Files |
|-----|-------|-----|-----|------|-----------|---|---|---|----|----|----|--------------------|--------------|-----------------|--------------|-----------------|------------------|
| CHK | 69932 | | | | | | | | | | | | | | | | |

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 CHK MOD DEL 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 | | | | | | |
| ENT | 18795 | 4 | 30 | S | 26 | W | 1 | | | | | 30.75 | 30.75 | 30.75 | 30.75 | 28.5 | 28.5 | 28.5 | 28.5 | | | | | 237 | 8b | N | MULTIPLE |
| MOD | 12482 | 4 | 30 | S | 26 | W | 2 | | | | | | | | | | | | | 10 | 30.5 | 30.5 | 6 | 125 | 8c&d | N | MULTIPLE |
| MOD | 26946 | 3 | 30 | S | 26 | W | 1 | | | | | 15 | 15 | 40 | 40 | 25 | 40 | 30 | 15 | | | | | 220 | 8c&d | N | MULTIPLE |
| DEL | 37510 | | | | | | | | | | | | | | | | | | | | | | | | | | |

Base Acres: Year: Minimum Reasonable Quantity:
 Comments: **OVERLAPPING WR ON PU : ME-4; 184; 1093; 23871; 40058**



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,

A handwritten signature in blue ink, appearing to read "Austin J. McColloch".

Austin J. McColloch
Assistant Water Commissioner

AM:
enclosures

pc: RLTJ Investments LLC
NV Yutaka LLC
GROUNDWATER MANAGEMENT DISTRICT NO. 3

CERTIFICATE OF SERVICE

On this 2nd 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 2nd 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.

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
 3:19 pm
 MAY 13 2021

File No. 40058

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: Nicholson Ventures %Jeremiah Nicholson

11089 Whirlwind Rd, Dodge City, KS 67801

Phone Number: (620)225-4637 Email address: jeremiah@nvfarms.net

Name and address of Water Use Correspondent: SAME

Phone Number: () Email address: _____

3. The presently authorized place of use is:

Owner of Land ---- NAME: Multiple Owners

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 | |
| 3 | 30s | 28w | | | | | 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 |
| 9 | 30s | 26w | 28.0 | 14.0 | 26.0 | 39.0 | | | | | | | | | | | | | 107.0 |

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: Multiple Owners

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 | |
| 3 | 30s | 26w | | | | | 15.0 | 15.0 | 40.0 | 40.0 | 25.0 | 40.0 | 30.0 | 15.0 | | | | | 220.0 |
| 4 | 30s | 26w | | 24.0 | 24.0 | | 30.75 | 30.75 | 30.75 | 30.75 | 28.5 | 28.5 | 28.5 | 28.5 | 10.0 | 30.5 | 30.5 | 6.0 | 362.0 |

For Office Use Only: Code _____ Fee \$ 200.00 TR # _____ Receipt Date 5-13-21 Check # 24077

5. **Presently authorized point of diversion:**
 One in the NW Quarter of the SW Quarter of the NE Quarter
 of Section 9, Township 30 South, Range 26 W,
 in Meade County, Kansas, 3580 feet North 2580 feet West of Southeast corner of section.
 Authorized Rate 1150gpm Authorized Quantity 174af limited 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 _____ 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 _____

7. The changes herein are desired for the following reasons?
 (please be specific) _____
Utilized better soils within the operation

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

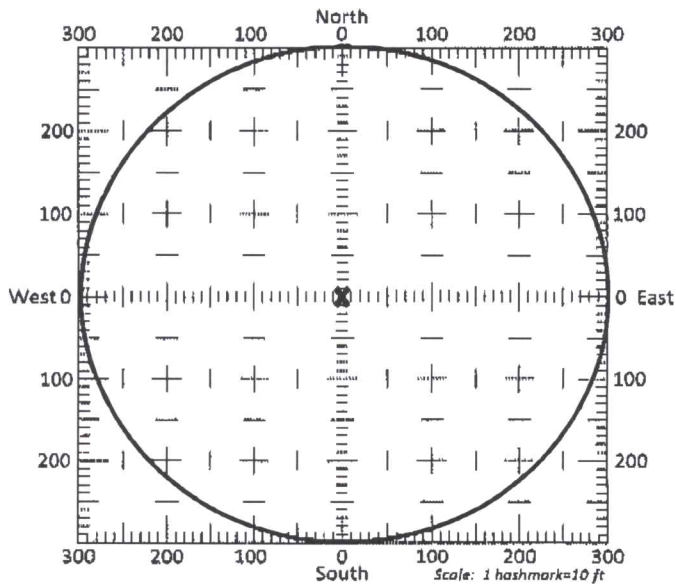
9. The change(s) (was)(will be) completed by?
As soon as approved

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

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.)

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 GREAT BEND, KS, Kansas, this 6th day of MAY, 20 21.

RLTS, LLC [Signature] _____
 (Owner) (Spouse)

RLTS, LLC RICHARD A. BALL, MGR _____
 (Please Print) (Please Print)

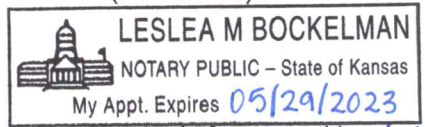
NVAces, LLC By: [Signature] _____
 (Owner) (Spouse)

NV Aces, LLC By: [Signature] _____
 (Please Print) (Please Print)

 (Owner) (Spouse)

 (Please Print) (Please Print)

State of Kansas }
County of Barton } SS



I hereby certify that the foregoing application was signed in my presence and sworn to before me this 6th day of May, 20 21.

[Signature]
Notary Public

My Commission Expires 05/29/2023

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

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Dated at Ford County, Kansas, this 4th day of May, 2021.

RLT, LLC Richard A. Ball, Mgr.
(Owner)

(Spouse)

RLT, LLC RICHARD A. BALL, MGR
NV Angus LLC (Please Print) By: King W.N. Wilson Mgr

(Please Print)

NV Angus LLC By: [Signature] Mgr
(Owner)

(Spouse)

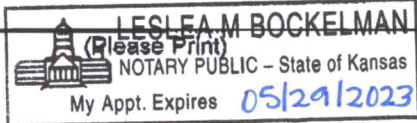
J&T Lewis Family Corp (Owner)
General Partner of [Signature]
JTL LEASING [Signature] (Please Print)

(Please Print)

J&T Lewis Family Corp - Jim Lewis
NV Yutcka LLC (Owner)

(Spouse)

NV Yutcka LLC [Signature] Manager
(Please Print) Debra S. Schuelerman



State of Kansas }
County of Ford } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 4th day of May, 2021.

Leslea M. Bockel
Notary Public

My Commission Expires 05/29/2023

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FEE SCHEDULE

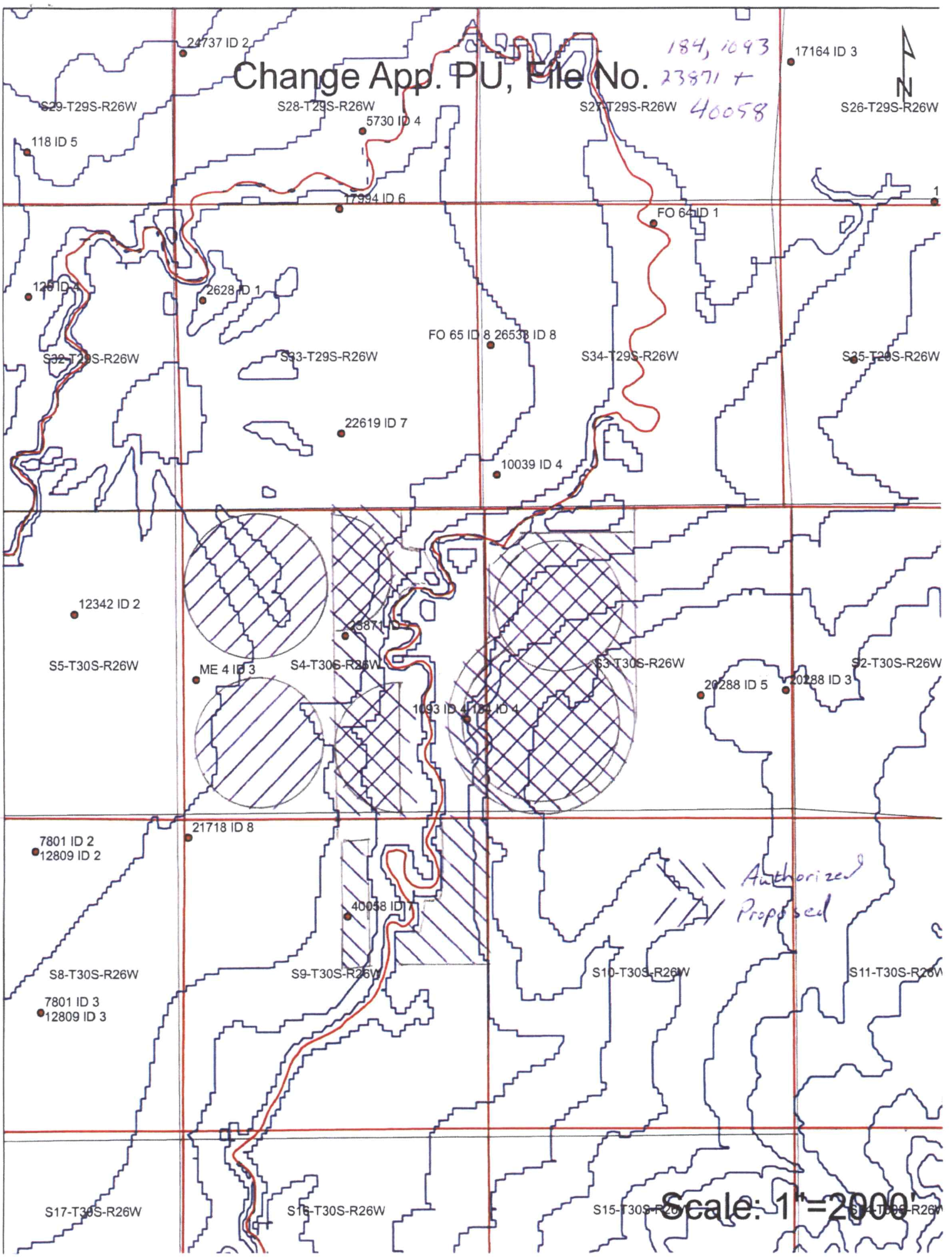
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- (2) Application to change a point of diversion more than 300 feet \$200
- (3) Application to change the place of use \$200

Change App. PU, File No. 23871 +

184, 1093

40058



Authorized
Proposed

Scale: 1" = 2000'

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:
www.Agriculture.ks.gov/DWRNotices

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,

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

Austin J. McColloch
Assistant Water Commissioner

AM:
enclosures

pc:
GROUNDWATER MANAGEMENT DISTRICT NO. 3

SCANNED

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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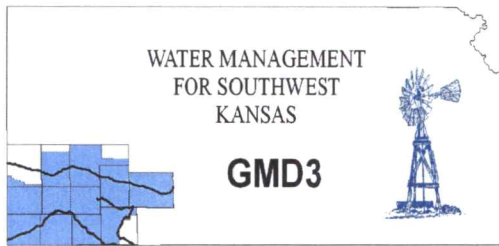
A handwritten signature in black ink, appearing to read "Austin J. McColloch".

Austin J. McColloch
Assistant Water Commissioner

AM:
enclosures

pc:
GROUNDWATER MANAGEMENT DISTRICT NO. 3

SCANNED



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