

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

| | | | | |
|---------------------------------|--|-----------------------------|-------------------------------|----------------------|
| 1. File Number: 42278 | 2. Status Change Date: <i>9-22-2021</i> | 3. Change Num: C4 | 4. Field Office: 04 | 5. GMD: 03 |
|---------------------------------|--|-----------------------------|-------------------------------|----------------------|

| | |
|--|--|
| 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: 9/7/2021 |
|--|--|

| | |
|--|--|
| 8a. Landowner, applicant, correspondent Person ID _____ New to system <input type="checkbox"/> Add Seq# _____ PRAIRIE SKY FARMS LLC ATTN: DALE ZORTMAN 5088 23 ROAD FOWLER, KS 67844 | 8c. Landowner Person ID _____ New to system <input type="checkbox"/> Add Seq# _____ |
|--|--|

| | |
|---|--|
| 8b. Landowner(s), Person ID 52615 New to system <input type="checkbox"/> Add Seq# _____ | 8d. correspondent Person ID _____ New to system <input type="checkbox"/> Add Seq# _____ |
| 8e. Landowner(s), Person ID _____ New to system <input type="checkbox"/> Add Seq# _____ | |

9. Documents and Enclosure(s): DWR Meter(s) Date to Comply: **12/31/2021** N & P Date to Comply: **3/1/2022**

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: **9/13/2021** By: **MAM**
 Date Entered: _____ By: _____

| File No. 42278 | 11. County: ME | Basin: CROOKED CREEK | Stream: | Formation Code: | Special Use: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|--|-----------------------|---|---|-----------------|------------------------------------|------|------|------|------|------|------|------|------|------|------|-------|-------|------|---------------|------------|------------|---------------------|-------|------|---------------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|--|--|--|
| 12. Points of Diversion CHK MOD DEL ENT | | | Rate and Quantity Authorized Additional Rate gpm Quantity af Rate gpm Quantity af Overlap PD Files | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| PDIV Qualifier | S | T | R | ID | 'N 'W Comment (AKA Line) | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| CHK 70593 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 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 | | <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <th colspan="4">NE¼</th> <th colspan="4">NW¼</th> <th colspan="4">SW¼</th> <th colspan="4">SE¼</th> <th>Total</th> <th>Owner</th> <th>Chg?</th> <th>Overlap Files</th> </tr> <tr> <th>NE ¼</th><th>NW ¼</th><th>SW ¼</th><th>SE ¼</th> <th>NE ¼</th><th>NW ¼</th><th>SW ¼</th><th>SE ¼</th> <th>NE ¼</th><th>NW ¼</th><th>SW ¼</th><th>SE ¼</th> <th>NE ¼</th><th>NW ¼</th><th>SW ¼</th><th>SE ¼</th> <th></th> <th></th> <th></th> </tr> </table> | | | | 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 | | | |
| 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 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| PUSE | S | T | R | ID | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| MOD 31992 | 21 | 31 | 27W | 01 | 30.5 | 30.5 | | | 30.5 | 30.5 | 30.5 | 30. | | | | | | | 183 | 8ba | yes | 17667, 43404 | | | | | | | | | | | | | | | | | | | | | | |
| MOD 51886 | 16 | 31 | 27W | 01 | | | | | | | | | 30.5 | 30.5 | 30.5 | 30.5 | | | 183 | 8a | No | 17667, 43404 | | | | | | | | | | | | | | | | | | | | | | |
| DEL 59539 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Base Acres: 244 Year: Minimum Reasonable Quantity: Comments: an additional 137 base acres more than File No. 17667 base acres | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

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

September 22, 2021

PRAIRIE SKY FARMS LLC
Attn: DALE ZORTMAN
5088 23 ROAD
FOWLER, KS 67844

RE: Field Office Application for Change
Water Right, File Nos. 17667, 42278, 43404

Dear Sir:

Enclosed are 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 these approvals for change. Conditions 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/or 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.

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 blue ink signature of Michael A. Meyer.

Michael A. Meyer
Water Commissioner

MAM
enclosures

pc: GROUNDWATER MANAGEMENT DISTRICT NO. 3

CERTIFICATE OF SERVICE

On this day of September 22, 2021, I hereby certify that the foregoing Approvals of Application for Change in Place of Use, Water Right, File Nos. 17667, 42278, and 43404 dated day of September 22, 2021 was mailed postage prepaid, first class, US mail to the following:

PRAIRIE SKY FARMS LLC
Attn: DALE ZORTMAN
5088 23 ROAD
FOWLER, KS 67844

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. 42278

RECEIVED

SEP 07 2021

10:41AM
 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: Prairie Sky Farms LLC %Dale Zortman

5088 23 Road, Fowler, KS 67844

Phone Number: (620)338-1282 Email address: dalezort@gmail.com

Name and address of Water Use Correspondent: SAME

Phone Number: () Email address: _____

3. The presently authorized place of use is:

Owner of Land ---- NAME: Prairie Sky Farms LLC %Dale Zortman

ADDRESS: 5088 23 Road, Fowler, KS 67844

(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 | | | |
| 16 | 31s | 27w | | | | | | | | | 40.0 | 40.0 | 40.0 | 40.0 | | | | | 40.0 | 40.0 | 240.0 |
| 21 | 31s | 27w | | | | | 40.0 | 40.0 | 40.0 | 40.0 | 10.0 | 38.0 | 5.0 | | | | | | | | 213.0 |

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: Prairie Sky Farms LLC %Dale Zortman

ADDRESS: 5088 23 Road, Fowler, KS 67844

(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 | | | |
| 16 | 31s | 27w | | | | | | | | | 30.5 | 30.5 | 30.5 | 30.5 | | | | | 30.5 | 30.5 | 183.0 |
| 21 | 31s | 27w | 30.5 | 30.5 | | | 30.5 | 30.5 | 30.5 | 30.5 | | | | | | | | | | | 183.0 |

For Office Use Only: Code _____ Fee \$ 200 TR # _____ Receipt Date 9-7-2021 Check # 2005

5. **Presently authorized point of diversion:**
 One in the NW Quarter of the NW Quarter of the NW Quarter of Section 21, Township 31 South, Range 27 W, in Meade County, Kansas, 5040 feet North 5030 feet West of Southeast corner of section.
 Authorized Rate 1180gpm*limited Authorized Quantity 158AF Depth of well (feet)
(DWR use only: Computer ID No. 03 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)

Rearrange acres for 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

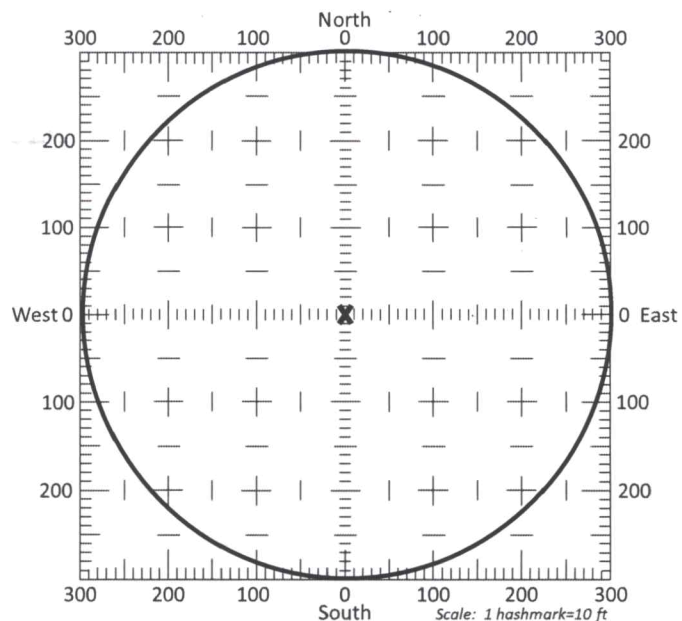
10. If the point of diversion is a well:
 (a) What are you going to do with the old well?
NA

(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.)

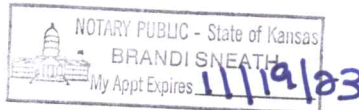
If the application proposes a surface water change in point of diversion, a groundwater change in point of diversion greater than 300 feet, or a change in place of use, the application must be signed by all owners of the currently authorized place of use, or their duly authorized agent (attach notarized 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 GMD3 Office, Kansas, this 25th day of August, 2021.

| | |
|---------------------------------------|----------------|
| <u>Dale Zortman</u> (Owner) | (Spouse) |
| <u>Dale Zortman</u> (Please Print) | (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 25th day of August, 2021.

Brandi Sneath
Notary Public

My Commission Expires 11/19/23.

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.

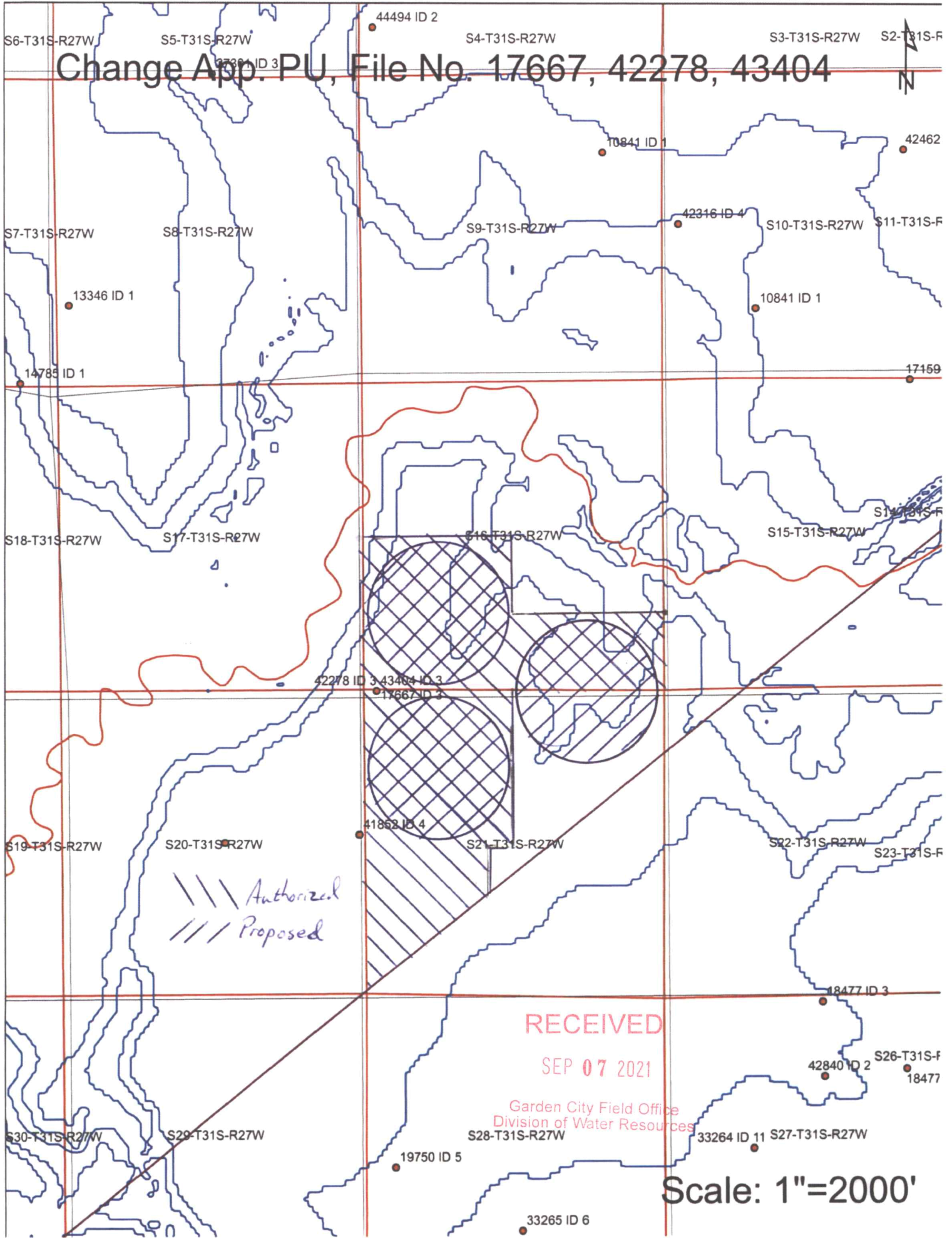
FEE SCHEDULE

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

RECEIVED
SEP 07 2021

Change App. PU, File No. 17667, 42278, 43404



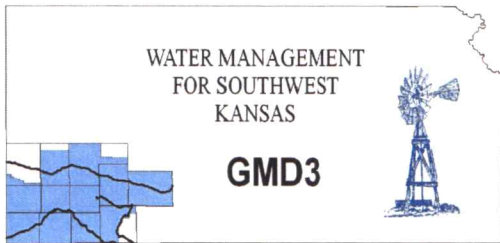
\\ \\ Authorized
\\ \\ Proposed

RECEIVED

SEP 07 2021

Garden City Field Office
Division of Water Resources

Scale: 1"=2000'



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

August 27, 2020

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

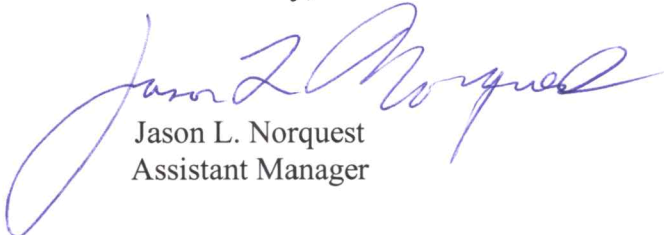
RE: Applications for Change in Place of Use
Water Rights, File Nos. 17667, 43404 & 42278

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(b). 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

SEP 07 2021

Garden City Field Office
Division of Water Resources

Entered in Transfer Record
in my office this 2 day
of FEBRUARY 2009

Jana Hall
County Clerk 225



STATE OF KANSAS, Meade County
This instrument was filed for record on the
2 day of February, A.D. 2009,
at 9:45 A M. and duly recorded
in Book 89 on Page(s) 307-309
Melba Davis / pd
Register of Deeds \$16.00

4 Please return
recorded Warranty Deed to:

Todd Davidson
Hampton & Royce, L.C.
P.O. Box 1247
Salina, Kansas 67402-1247

x acv

Photocopied

WARRANTY DEED

Dale Zortman, also known as Dale O. Zortman, also known as Dale Owen Zortman and **Jeanette Zortman**, also known as Jeanette L. Zortman, also known as Jeanette Louise Zortman, husband and wife, CONTRIBUTE, CONVEY AND WARRANT to **Prairie Sky Farms, LLC**, a Kansas limited liability company (*mailing address for tax purposes: 310 E. 7th, Fowler, Kansas 67844*), all of the following described real estate, to-wit:

An undivided one-half (1/2) interest in and to the Northwest Quarter (NW/4) of Section Three (3), Township Thirty (30) South, Range Twenty-seven (27) West of the Sixth P.M., Meade County, Kansas;

An undivided one-half (1/2) interest in and to the Northeast Quarter (NE/4) of Section Eight (8), Township Thirty (30) South, Range Twenty-seven (27) West of the Sixth P.M., Meade County, Kansas;

The West Half of the Northwest Quarter (W/2 NW/4) of Section Nine (9), Township Thirty (30) South, Range Twenty-seven (27) West of the 6th P.M., Meade County, Kansas;

The Northeast Quarter (NE/4) and the East Half of the Northwest Quarter (E/2 NW/4) of Section Nine (9), Township Thirty (30) South, Range Twenty-seven (27) West of the Sixth P.M., Meade County, Kansas;

An undivided one-half (1/2) interest in and to the Southeast Quarter (SE/4) of Section Fifteen (15), Township Thirty (30) South, Range Twenty-seven (27) West of the 6th P.M., Meade County, Kansas;

RECEIVED

SEP 21 2021

Garden City Field Office
Division of Water Resources

20090220

The Southeast Quarter (SE/4) of Section Twenty-two (22), Township Thirty (30) South, Range Twenty-seven (27) West of the 6th P.M., Meade County, Kansas, EXCEPT a tract of land located in said Southeast Quarter (SE/4) of Section Twenty-two (22) described as follows:

Beginning at the Northeast corner of the Southeast Quarter (SE/4) of said Section Twenty-two (22); thence South 00°00'00" East (assumed bearing), along the East line of said Southeast Quarter, 1,173.00 feet, thence North 90°00'00" West 50.67 feet; thence on a curve to the left with a radius of 1,300.00 feet, a central angle of 78°09'22", an arc distance of 1,773.31 feet; a chord length of 1,638.98 feet and a chord bearing of N44°13'21" West, to a point on the North line of said Southeast Quarter; thence South 89°55'33" East, along the North line of said Southeast Quarter, 1,193.77 feet to the point of beginning, said excepted tract containing 9.28 acres, more or less, including 0.81 acres of County Road Right-of-Way, subject to a ten year term interest beginning August 4, 2005, reserved unto Prairie Farms, a Kansas general partnership, by a Corporation General Warranty Deed dated August 4, 2005;

The Southwest Quarter (SW/4) of Section Twenty-three (23), Township Thirty (30) South, Range Twenty-seven (27) West of the 6th P.M., Meade County, Kansas;

An undivided two-fifths (2/5) interest in and to the Northwest Quarter (NW/4) of Section Twenty-six (26), Township Thirty (30) South, Range Twenty-seven (27) West of the 6th P.M., Meade County, Kansas;

The South Half of the Southeast Quarter (S/2 SE/4) of Section Sixteen (16), Township Thirty-one (31) South, Range Twenty-seven (27) West of the 6th P.M., Meade County, Kansas, subject to a fifteen (15) year term interest reserved unto Prairie Farms, a Kansas general partnership, by General Warranty Deed dated October 6, 1998;

The Southwest Quarter (SW/4) of Section Sixteen (16), Township Thirty-one (31) South, Range Twenty-seven (27) West of the 6th P.M., Meade County, Kansas, subject to a fifteen (15) year term interest reserved unto Prairie Farms, a Kansas general partnership, by General Warranty Deed and Trustee's Deed, each dated July 24, 1998;

The Northwest Quarter (NW/4) of Section Twenty-one (21), Township Thirty-one (31) South, Range Twenty-seven (27) West of the Sixth P.M., Meade County, Kansas;

The Southwest Quarter (SW/4) of Section Twenty-one (21), Township Thirty-one (31) South, Range Twenty-seven (27) West of the 6th P.M., Meade County, Kansas;

[No Kansas Real Estate Sales Validation Questionnaire required, K.S.A. 79-1437e(a)(4).]

for the sum of One Dollar (\$1.00) and other valuable consideration, together with all its appurtenances and warrants the title to the same, subject to all mortgages, prior mineral reservations, oil and gas leases, rights-of-way, easements and protective covenants of record, if any.

DATED this 5th day of October, 2008.

Dale Zortman
Dale Zortman

Jeanette Zortman
Jeanette Zortman

State of Kansas)
) ss
County of Finney)

The foregoing instrument was acknowledged before me this 5th day of October, 2008, by Dale Zortman, also known as Dale O. Zortman, also known as Dale Owen Zortman, and by Jeanette Zortman, also known as Jeanette L. Zortman, also known as Jeanette Louise Zortman.

Patty A. Wheet
Notary Public

My Appointment Expires:

06-11-2011



RECEIVED
SEP 21 2021
Garden City Field Office
Division of Water Resources