Kansas Department of Agriculture Division of Water Resources

CHANGE: P/U WORKSHEET

1. File Number: 6848	2. Status Change Date:	3. Change Num:	4. Field Office:	5. GMD:
6. Status: Approved De	enied by DWR/GMD	Dismiss by Reques	st/Failure to Return	7. Filing Date of Change: 2/2/2021
8a. Applicant(s)/Landowner(s) New to system MARCY FARMS Attn: MIKE MARCY 980 W COUNTY RD N LEOTI, KS 67861-6251	Person ID 59503 Add Seq#	РО ВО		
8b. Landowner(s) New to system OLDHAM FARMS LLC Attn: SCOTT & BELIND 303 W J ST LEOTI, KS 67861	Person ID 67001 Add Seq#	8d. WUC New to sy	vstem □	Person ID Add Seq#
9. Documents and Enclosure(s): Anti-Reverse Meter	er Seal 🔲 Check Valve		☐ Water Tube ☐	o Comply: Driller Copy
10. Use Made of Water From:	APPLIES UNITED	To:		
			Date Prepared: 3/11 Date Entered:	/2021 By: AM By:

File No. 6848	1. County:	WH	Bas	sin: W	HITE	NOMA	N CR	EEK		S	tream							Fo	rmation	Code: 21	1 Special Use:
12. Points of Diversion CHK MOD DEL PDIV ENT Qualifier	S	Т	R	ID		'N	'W		Com	ıment	(AKA	Line)			Authori	uantity zed Quantit af/mgy		A Rate gpm/d		Quantity	Overlap PD Files
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13. Storage: Rate	N	NF	Quan	tity _				No.	ac/ft	A	dditior	nal Rat	e				NF	Addi	tional Q	uantity	ac
14. Limitation:	af/yr a	ıt				gpm (_				cfs) w	hen co	mbine	d with	file n	umber((s) <u>NO</u>	CHA	NGE			
Limitation:	af/yr a	ıt				gpm (_				cfs) w	hen co	mbine	d with	file n	umber((s)					
15. 5YR Allocation: Allocation T	уре	Sta	rt Year			5 YR	Amou	nt		Amo	ount U	nit	_	Base	Acres		_ C	omment.			
16. Place of Use CHK	44		NE	1/4			NV	V¹/4	S.		sv	V ½		445	s	E1/4		Total	Owne	r Chg?	Overlap Files
MOD DEL ENT PUSE S T R	ID	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	NE 1⁄4	NW 1/4	SW 1/4	SE 1/4		4		
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11-11-9-3

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

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

pe: IOOF Lodge No. 539 Oldham Farms LLC

GROUNDWATER MANAGEMENT DISTRICT NO. 1

CERTIFICATE OF SERVICE

On this 11th 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 11th 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.

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	under th	e water	right v	vhich i	s the s	ubject	of this	applic	ation i	n acco	rdance	e with	the co	ndition	s desc	ribed l	pelow.		
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Presently authorized	point of diversion:			
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of Section	, Township		South, Range	(E/V
in	County, Kansas,	feet North	feet West of S	outheast corner of section
Authorized Rate	Authorized Quantity		_ Depth of well	(feet)
(DWR use only: Com	iputer ID No GPS	<u> </u>	feet North	feet West)
	changed This point will be changed			
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One in the	Quarter of the	WI ST TO THE TOTAL TOTAL TO THE	Quarter of the	Quart
	, Township			
in	County, Kansas,	feet North	feet West of S	outheast corner of section
Proposed Rate	Proposed Quantity		Proposed well depth (f	eet)
This point is: Addit	ional Well Geo Center List of	er water rights	that will use this point _	
Presently authorized	point of diversion:			
			Quarter of the	Quart
of Section	Quarter of the Township		South Range	(F/V
in Assault and the Company of the Co	County, Kansas,	feet North	feet West of S	outheast corner of section
Authorized Rate	Authorized Quantity		Depth of well	(feet)
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	changed This point will be changed			
	version: (Complete only if change			
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	, Township			
	County, Kansas,			
	Proposed Quantity			
	ional Well Geo Center List oth			
(please be specific) CR	re desired for the following reasons EATE A COMPLET OVERLAP TWEEN FILE NOS. 6848	300	200 100 North 0	100 200 300
If a well, is the test hole	log attached? Yes No	200	1 + 1 =	1 + 1 + 1 - 200
The change(s) (was)(wi	Il be) completed by?	100	/	- 100
If the point of diversion	is a well:	#	-	
(a) What are you going	g to do with the old well?	West 0		
N / A	Control of the State of the Sta	- T		. The state of the
(b) When will this be d	one? N / A	100	\ - \ - \ -	+ + 100
Groundwater Managem Yes	ent District recommendation attached No	? 200	1 + 1 =	200
Assisted by AM / GCFC		300	200 100 0	100 200 300
feet but within 2,640 feet a topographic map or sources, show all wells of the proposed point of addresses of the owner names and addresses	diversion will be relocated more than 3 tof the existing point of diversion, attal aerial photograph. For groundwa (including domestic) within one-half more diversion and the names and mailings. For surface water sources, show to so of the landowner(s) one-half malf mile upstream from your prope	ach 13b.If the protect foot radius on the diversion within the center foot radius on the diversion within the center foot radius for the diversion on the diversion on the diversion on the diversion on the diversion of the diversion on the diversion of the diversion on the diversion of the diversion on the diversion of the diversion of the diversion on the diversion of the diver	<u>lius</u> of the existing point of diagram shown above in on. The proposed point he circle shown above.	If diversion, indicate its local relation to the existing point of diversion must be local (PLEASE NOTE: The "X represents the prese

lines

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

FILE NO. <u>6848</u>
MAKE ADDITIONAL COPIES AS NECESSARY

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Or	Twp. 18S 18S 18S wner o	Range 38W 38W 38W f Land Range 38W	NE½ NE½ NE½ NE½ NE½ NE½ NE½ NE½	AME: ESS: NIII NW/4 40 AME: ESS: NIII NW/4	MARC 980 W 5W/4 40 IOOF PO BO 5W/4 SW/4	SE% LODG SE% 40	NE1/4	NW1/4	VE SA	SE%	NE1/4 40 OHN K	SI NW¼ 40 40 40 SS 675 SI NW¼	% SW% 40 40 76 SW%	SE¼ 40 40	NE¼	SI NW1/4	E1/4 SW1/4 E1/4 SW1/4	SE¼	16 80 16 TOT ACR
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 If the proposed groundwater point of diversion is 300 or fewer fe 	et from the existing point of diversion, complete the following:
(a) Does the undersigned represent all owners of the currently ☐ Yes ☐ No (If no, all owners must sign this a	
	uthorized place(s) of use identified in this application be adversely
(c) If this application is not approved expeditiously, will there be ☐ Yes ☐ No (If no, all owners must sign this a	
	on, a groundwater change in point of diversion greater than 300 feet, mers of the currently authorized place of use, or their duly authorized
age and the owner, the spouse of the owner, or a duly aut their behalf, in regards to the water right(s) to which this contained in this application are true, correct and comple	
Olanom tarms had by	this 9th day of March, 2021.
Scott L. Oldham Scott L. Oldham	(Spouse)
(Please Print)	(Please Print)
(Owner)	(Spouse)
(Please Print)	(Please Print)
(Owner)	(Spouse)
(Please Print)	(Please Print)
State of Kansas County of Wichda SS	
I hereby certify that the foregoing application was signed OF THE PUBLIC STATE OF KANSAS My App. Exp. November 11, 2022 My Commission Expires	in my presence and sworn to before me this 9th day Notary Public
ONLY COMPLETE APPLICATIONS WILL BE PROCESSED. To be complete accurate information; maps, if necessary, must be included; signatures of all the appropriate fee must be paid.	e, all of the applicable portions of the application form must be completed with the appropriate owners' must be affixed to the application and notarized; and
FEE SCH	EDULE
Each application to change the place of use or the point of diversion forth in the schedule below: Make checks payable to: Kansas Depa (1) Application to change a point of diversion 300 feet or les (2) Application to change a point of diversion more than 300	under this section shall be accompanied by the application fee set artment of Agriculture s
	RECEIVED MAR 1 0 2021

File No. 6848

If the proposed groundwater point	of diversion is 300 or fewer feet from t	he existing point of diversion	, complete the following:
(a) Does the undersigned repres ☐ Yes ☐ No (If	ent all owners of the currently authorize no, all owners must sign this application	ed place(s) of use identified i	n this application?
affected if this application is a	f any owner of the currently authorized pproved as requested? yes, all owners must sign this applicati		this application be adversely
	ved expeditiously, will there be substar no, all owners must sign this application		lic health or safety?
If the application proposes a surface w or a change in place of use, the applicagent (attach notarized statement auth	ation must be signed by all owners of t	undwater change in point of he currently authorized place	diversion greater than 300 feet of use, or their duly authorized
I hereby verify, being first duly s age and the owner, the spouse of their behalf, in regards to the wa contained in this application are	of the owner, or a duly authorized ater right(s) to which this applica	agent of the owner(s) t	o make this application or
Dated at 3 -3 - 2/	, Kansas, this	day of	, 20
And man			
(Owner)		(Spo	use)
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(Owner)		(Spo	use)
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(Owner)		(Spo	use)
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State of Kansas) ss		
County of Station) ng application was signed in my	presence and sworn to h	pefore me this 3rd day
of <u>March</u> , 20_31	SEAL		C + 10 +
My Commission Expires	2025	to 9. Keinan Notary P	ublic Y
ONLY COMPLETE APPLICATIONS WILL E accurate information; maps, if necessary, m the appropriate fee must be paid.	E PROCESSED. To be complete, all of the ust be included; signatures of all the approp	e applicable portions of the appli riate owners' must be affixed to	cation form must be completed wit the application and notarized; and
	EEE SCHEDIII E		
Application to change a po		of Agriculture	\$100 \$200
		RECEIVED	
		MAR 1 0 2021	101 0

File No.	6848	

Any use of water that is not as authorized by the water right or permit to authorize water <u>before</u> the chief engineer approves this application is a violation of the Kansas Water Appropriation Act for which criminal or civil penalties may be assessed. Such violation is a class C misdemeanor, punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. K.S.A. 82a-728(b). Civil penalties shall be not less than \$100 nor more than \$1,000 per violation. In the case of a continuing violation, each day such violation continues may be deemed a separate violation. In addition to these penalties the water right may be modified or suspended. K.S.A. 82a-737, as amended.

The application must be signed by all owners of the place of use authorized under the water right and his or her spouse, if married. Please indicate if there is no spouse. If land is being purchased under contract, the seller must sign as landowner until such time as the contract is completed.

In the event that all applicants cannot appear before one notary public, they may as necessary sign separate copies of the application before any notary public conveniently available to them. All copies signed in this manner shall be considered to be valid parts of the application.

If the request is signed on behalf of any Owner by someone with legal authority to do so (for example, an agent, one who has power of attorney, or an executor, executrix, conservator), it will be necessary to attach proper documents showing such authority.

I declare that I am an owner of the currently authorized place of use as identified herein, or that I represent all such owners and am authorized to make this application on their behalf, and declare further that the statements contained herein are true, correct, and complete. By filling this application I authorize the chief engineer to permanently reduce the quantity of water and/or rate of diversion as specified in sections 14 and 15 of this application. , Kansas, this (Spouse) 11 grey (Please Print) (Owner) (Spouse) (Please Print) (Please Print) (Owner) (Spouse) (Please Print) elease Print) ORALIAY. ESCAMILLA My Appointment Expires State of Kansas SS October 2, 2022 County of hereby certify that the foregoing application was signed in my presence sworn to before me this , 20 20 My Commission Expires 10 - 2 - 2022 **FEE SCHEDULE**

Each application to change the place of use, the point of diversion or the use made of the water under this section shall be accompanied by the application fee set forth in the schedule below:

(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
(4)	Application to change the use made of the water	\$300

Make check payable to Kansas Department of Agriculture.

WATER RESOURCES RECEIVED

SUMMARY ORDER APPROVING APPLICATION FOR CHANGE AND IMPOSING CONDITIONS

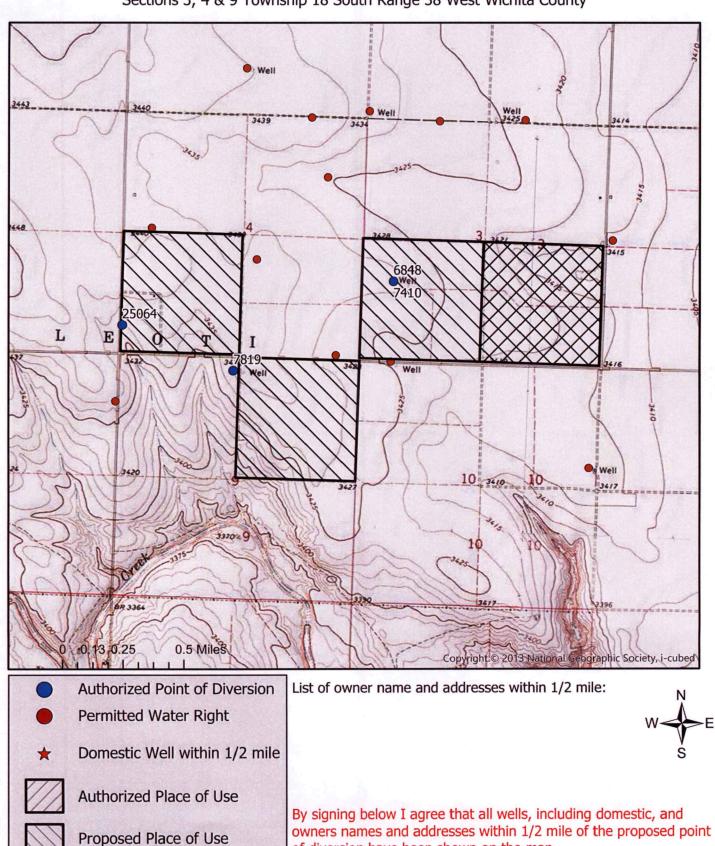
This Summary Order is issued under authority of K.S.A. 82a-708b, as amended, and K.A.R. 5-5-1, et seq. and other applicable provisions of the Kansas Water Appropriation Law, K.S.A. 82a-701 et. seq., and rules and regulations promulgated thereunder, With the exception of those conditions expressly contained herein, this Summary Order does not change the terms, conditions and limitations of File No. 6848 A change application was received on

The second of the 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 ☐ Applicable Not Applicable authorized point(s) of diversion. 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 ☐ Not Applicable K.A.R. 5-6-13. **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. ☐ Not Applicable **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_____ 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. Not Applicable 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. ☐ 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 (Print Name): Austin McCollock Division of Water Resources - Kansas Department of Agriculture review must state a basis for review pursuant to K.S.A. 77-527. File any request with Kansas Department of Agriculture, Date of Issuance: 07 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: **JULIE JONES** NOTARY My commission expires: My Appointment Expires PUBLIC . (Notange September 15, 2022

CHANGE IN PLACE OF USE WATER RIGHT, FILE NO. 6848

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



of diversion have been shown on the map