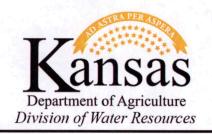
Kansas Department of Agriculture Division of Water Resources

CHANGE: pu WORKSHEET

| 1. File Number: 21820 | 2. Status Change Date: //-23 -20 22 | 3. Change Num: | 4. Field Office: 04 | 5. GMD: | | | |
|---|-------------------------------------|---------------------------|---|-------------------------------------|--|--|--|
| 6. Status: Approved Der | nied by DWR/GMD | Dismiss by Reques | t/Failure to Return | 7. Filing Date of Change: 11/4/2022 | | | |
| 8a. Landowner, New to system ☐ HEMINK FARMS LTD 2635 CR 521 HART, TX 79043 | Person ID 64577 Add Seq# | 8c. Landown New to sy | | Person IDAdd Seq# | | | |
| 8b. Landowner(s) New to system □ | Person ID Add Seq# | РО ВО | stem B & MICHELLE | | | | |
| 9. Documents and Enclosure(s): D Anti-Reverse Meter | Seal | □ N & P Form te Approved: | ☐ Water Tube ☐ □ | Driller Copy | | | |
| | 30.00 | | Date Prepared: 11/2 2 Date Entered: | 2/2022 By: MAM By: | | | |

| ile No. | 21820 | | | 11. | County: | GY | Bas | sin: Bl | JCKN | ER CF | REEK | | TOP, | St | ream: | i i | | 47 | | | | Fo | rmation Code: | Special Use: |
|------------------|--------------|------|---------|-------|------------|-----------|-----------|------------------|-----------|-----------|--------------|--------------|-----------|-----------|--------------|--------------|-----------|-----------|-----------|---------------------------|-----------|----------|------------------------|-------------------------------|
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| | To file by | | | | | | | | | | | | | | Per de | | | | | | | omment _ | | |
| Place | of Use | | | | | 2 50 | NE | Ξ1/ ₄ | | | NW | 11/4 | | | sv | V1/4 | | | 5 | SE1/4 | | Total | Owner Chg | ? Overlap Files |
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| | 715 | | | | S STATE | PO | | | | 31 | 31 | 31 | 31 | 31 | 31 | 31 | 31 | | | | | 248 | 8a N 16803, 21819, | 12315, 12456, 13865, 23295 |
| D 2 | 6526 | 25 | 24 | 28W | 01 | 31 | 31 | 31 | 31 | 25 | 25 | 25 | 25 | 36.76 | 38.50 | 38.50 | 40 | 40 | 40 | 40 | 40 | 537.76 | 8a N 16803, 21819, | 12315, 12456, 13865, 23295 |
| K 3 | 3049 | 31 | 24 | 27W | 01 | Š | | | | 40 | L-1 38.14 | L-2 37.42 | 40 | 40 | L-3 37.70 | L-4 38.98 | 40 | | | | | 314.24 | 8a N 16803, , 21819 | 12315, 1256, 13865, |
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| | Tay IN COLUM | | | | | | | | | | | | | 1 | 1 | | | | | | | | | |

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

November 23, 2022

HEMINK FARMS LTD 2635 CR 521 HART, TX 79043

RE: Field Office Application for Change

Water Right, File Nos. 12315, 12456, 13865, 16803, 21819, 21820, 23295

Dear Sir or Madam:

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 this approval 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 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,

Michael A. Meyer

Water Commissioner

MAM: enclosures

pc:

Spandet Dairy LLC

GMD3

CERTIFICATE OF SERVICE

On this 23rd day of November 2022, I hereby certify that the foregoing Approvals of Application for Change in Place of Use, Water Right, File Nos. 12,315, 12,456, 13,865, 16,803, 21,819, 21,820, 23,295 dated 23rd day of November 2022 was mailed postage prepaid, first class, US mail to the following:

HEMINK FARMS LTD 2635 CR 521 HART, TX 79043

Pc

ARCH B & MICHELLE FRINK PO BOX 1088 CIMARRON, KS 67835-1088

SPANDET DAIRY LLC 6306 20 RD CIMARRON, KS 67835-9018

GMD3

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)

| or dive | 3131011 4 | na/or pi | ace of | use. | | F | ile No | 2 | 1820 | | | | | | | | - 1 | 2:3 | IVED 5 pm 4 2022 | | | | |
|---------|------------|---|----------|--------------|--------------|---------|---------|----------|----------|--------|---------|--------|--------|---------|--------|---------|---------|----------|------------------------------|--|--|--|--|
| 1. A | pplication | on is he | reby n | nade fo | or appr | | f the C | | nginee | | nange t | | | e or b | oth): | | | | Field Office ter Resource | | | | |
| uı | nder the | e water | right w | hich is | the si | ubject | of this | applic | ation in | n acco | rdance | with t | he cor | dition | s desc | ribed I | pelow. | | | | | | |
| Т | he sour | ce of su | apply is | s: | | ⊠ G | round | water | | | Surfac | ce wat | er | | | | | | | | | | |
| 2. N | ame an | nd addre | ess of | Applica | ant: A | RCH E | 8 & MI | CHELL | E FRI | NK | | | | | | | | | | | | | |
| P | ОВОХ | 1088, 0 | CIMAR | RON, | KS 67 | 835-1 | 880 | | | | | | | | | | | | | | | | |
| P | hone N | umber: | (620) | 338-35 | 514 | | | | Email | addre | ss: afr | ink14@ | 2)hotm | ail.con | n | 4 | | | | | | | |
| N | ame an | nd addre | ess of | Water | Use C | orresp | onden | t: SAN | ME AS | ABO\ | /E | | | | | | | 74 1 | 42 14 24 | | | | |
| S | AME AS | S ABO | /E | | | 1804 | | | | | | | | | | | | | | | | | |
| Р | hone N | umber: | |) | | | | | Email | addre | ss: | | | | 7 17 | | | 3 % | 3 15 T | | | | |
| 3. T | he pres | ently au | uthoriz | ed pla | ce of u | se is: | | | | | | | | | | | | | | | | | |
| 0 | wner of | f Land - | NA | AME: | HEMIN | IK FAI | RMS L | TD | | | | | | | | 4 | - | 1, 154 | | | | | |
| | | 1 | ADDRI | ESS: | 2635 C | CR 521 | HAR | T, TEX | AS 79 | 043 | | | | | نسلب | 44 8 | المنتهد | | | | | | |
| (11 | there is | more th | an one | landov | vner, at | tach su | ppleme | ental sh | eets as | neces | sary.) | | | | | 6 3 | 1.19 | | | | | | |
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| 31 | 24 | 27 1 | | | | | 40 | 38.14 | 38.42 | 40 | 40 | 38.70 | 38.98 | 40 | | nd b | 1.7 | | 314.24 | | | | |
| 0 | wner of | plication f Land - , s more th | ADDRI | AME: ESS: | Same Same | as Abo | ove | | | | | ace of | use be | chan | ged to | | | | | | | | |
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| 25 | 24 | 28 N | 31 | 31 | 31 | 31 | 25 | 25 | 25 | 25 | 36.76 | 38.50 | 38.50 | 40 | 40 | 40 | 40 | 40 | 537.76 | | | | |
| 31 | 24 | 27W | | | | | 40 | 38.14 | 38.42 | 40 | 40 | 38.70 | 38.98 | 40 | | | | | 314.24 | | | | |
| | | | | | | | | | | Time. | | | | | | | | | | | | | |

| Presently authorized | point of diversion: | | | |
|--|--|--|--|--|
| One in the | Quarter of the | - B - 1. 11 a | Quarter of the | Quarte |
| of Section | , Township | | South, Range | W |
| in | County, Kansas, | feet North | feet West of So | outheast corner of section. |
| | Authorized Quantity | | | |
| | puter ID No. 1 GF | | | |
| | hanged This point will be change | | | |
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| | County, Kansas, | | | |
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| | onal Well Geo Center List | | | |
| | 5.10. 115.11 <u>2.00.</u> 50.110.1 <u>2.01.</u> | Janes Mater Hights | that will doo the point _ | or the program |
| Presently authorized | point of diversion: | 100 | | |
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| | , Township County, Kansas, | | | |
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| | , Township | | | |
| | County, Kansas, | | | |
| | Proposed Quantity _ | | | |
| This point is: Additi | onal Well Geo Center List of | other water rights | s that will use this point _ | |
| | e desired for the following reasor | 300 | 200 100 North 0 | 100 200 300 |
| If a well, is the test hole | log attached? X Yes No | 200 | 1 + 1 = | 1 + 1 + 1 = 200 |
| The change(s) (was)(wi | ll be) completed by? | 100 | - - - - - - - - - - | 100 |
| If the point of diversion i | s a well: | # | | |
| | to do with the old well? | West 0 | վավավավավավա 🛊 ա | |
| (a) what are you going | to do with the old well. | 1 | | |
| THE PARTY OF THE P | | A | | A |
| (b) When will this be de | one? | 100 | 1+1+1= | 1 + 1 + 1 1 100 |
| (=) Tilloll Will this be di | | L E | E | /= |
| Groundwater Managem Yes | ent District recommendation attache No | ed? 200 | 1 + 1 = = | 200 |
| Assisted by JG/GCFO | | 300 | 200 100 0 | 100 200 300 |
| feet but within 2,640 fee 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 to five sion, at aerial photograph. For groundw (including domestic) within one-half of diversion and the names and mass. For surface water sources, show so of the landowner(s) one-half nalf mile upstream from your property. | ttach 13b.If the protection of | South or oposed point of diversion dius of the existing point or diagram shown above in on. The proposed point the circle shown above. | scale: 1 hashmark=10 ft will be relocated within a 3 of diversion, indicate its location relation to the existing point of diversion must be located the presents the present of the control of the cont |

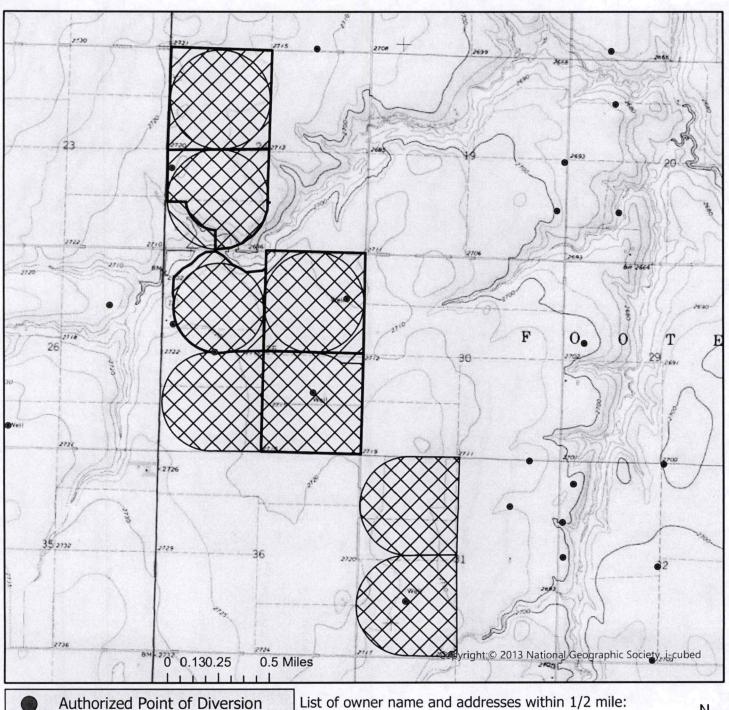
| 14. If th | ne proposed groundwater point of | diversion is 300 | or fewer feet fro | m the exis | sting point o | of diversion, comple | ete the follo | owing: |
|-----------|---|-----------------------------------|--|-----------------------------|---|---|-----------------------------|----------------------------------|
| (a) | Does the undersigned represent ☐ Yes ☐ No (If no | | ne currently authorst sign this applic | | e(s) of use | identified in this ap | oplication? | |
| (b) | Will the ownership interest of ar affected if this application is application is application. ☐ Yes ☐ No (If yes | oved as reques | | | e(s) of use i | dentified in this ap | oplication b | e adversely |
| (c) | If this application is not approved ☐ Yes ☐ No (If no | | will there be subs | | mage to pro | operty, public heal | th or safety | l? |
| or a cha | oplication proposes a surface water ange in place of use, the application attach notarized statement authoric | n must be signe | ed by all owners | | | | | |
| age an | by verify, being first duly swo d the owner, the spouse of t ehalf, in regards to the wate ned in this application are tru | he owner, or r right(s) to v | a duly authori which this app | zed agei | nt of the o | wner(s) to make | e this app | plication on |
| Dated a | t Hart | TX | , Kansas, this | 25 | day of | Octobe | 2 | 20 22 . |
| | P. S. P. Idain | 0 | | | | | | |
| 1 3 | (Owner) | 2 (| | 7 14 | | (Spouse) | | |
| | L. SCHILDERI | NK | | | | | - Links | |
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| | of CAStre | SS | | | | | | |
| - 7 | reby certify that the foregoing | application war | as signed in r | ny prese | nce and s | worn to before | me this | <u>≥</u> 5 day |
| | | | STARY PURE | ILONA | VAN VLIET | 45 | | |
| My Con | nmission Expires 4/30/24 | | (PER) | My Commi | #128182759 ssion Expires 80, 2024 | Notary Public | | |
| accurate | OMPLETE APPLICATIONS WILL BE information; maps, if necessary, must opriate fee must be paid. | PROCESSED. T be included; sign | o be complete, all natures of all the ap | of the appli propriate o | cable portion wners' must | s of the application for be affixed to the app | orm must be lication and | completed with notarized; and |
| | | | FEE SCHEDU | | | | | |
| | oplication to change the place of u the schedule below: Make checks | s payable to: K | ansas Departme | ent of Agi | ciculture | | | |
| | Application to change a point Application to change a point Application to change the pla | of diversion mo | ore than 300 feet | | | | | \$200 |
| | | | | | | | | |

SUMMARY ORDER APPROVING APPLICATION FOR CHANGE AND IMPOSING CONDITIONS

| pro Wit | visions of the Kansas Water Appropriation Law, K.S.A. 82a-708b, as amended, and K.A.R. 5-5-1, et seq. and other applicable visions of the Kansas Water Appropriation Law, K.S.A. 82a-701 et. seq., and rules and regulations promulgated thereunder, the exception of those conditions expressly contained herein, this Summary Order does not change the terms, conditions and stations of File No. |
|------------|---|
| 1. | A change application was received on |
| 2. | 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 |
| 3. | 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 Not Applicable |
| 4. | 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 |
| 5. | 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 |
| 6. | 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 |
| 7. | The owner of the authorized place(s) of use shall properly install an acceptable water flow meter on or before December 31, 20 23, 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. Applicable Not Applicable |
| 8. | 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 Applicable Not Applicable |
| 9. | The completed well log shall be submitted with the required notice. 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 |
| 11. | 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 <i>Kansas Water Appropriation Law</i> and the <i>Rules and Regulations</i> 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. |
| | Administrative Appeal and Effective Date of Order FOR OFFICE USE ONLY |
| If vo | ou are aggrieved by this order, pursuant to K.S.A. 82a-1901, |
| you | may request an evidentiary hearing before the Chief |
| Eng Agr | gineer or request administrative review by the Secretary of iculture. A request for hearing by the Chief Engineer must be By: |
| filed | d within 15 days of service of this Order and a request for ninistrative review by the Secretary must be filed within 30 |
| day | rs pursuant to K.S.A. 77-531. Any request for administrative (Print Name): |
| | ew must state a basis for review pursuant to K.S.A. 77-527. Division of Water Resources - Kansas Department of Agriculture, |
| Leg | gal Division, 1320 Research Park Drive, Manhattan, KS |
| pre | 602. Failure to timely request a hearing or review may clude review under the Kansas Judicial Review Act. |
| | For Use by Register of Deeds County of Junear) |
| | Acknowledged before me on November 23, 20 22 |
| | by Michael A. Meyer. |
| | Signature: |
| | My commission expires: JULIE JONES Notary Searment Expires December 15, 2022 |
| DW | R 1-121 (Revised 09/11/2019) Page 4 File No. <u>21820</u> |

CHANGE IN PLACE OF DIVERSION WATER RIGHT, FILE NO. 21820

SW 1/4 of Section 24 Township 24 South Range 28 West Gray County



Domestic Well within 1/2 mile Authorized Place of Use

Proposed Place of Use

List of owner name and addresses within 1/2 mile:



All wells of any kind within 1/2 mile of the requested place of use have been plotted.

Date JG/GCFO 1:24,000 Scale

(Signature)

Date



Southwest Kansas Groundwater Management District No. 3 2009 E. Spruce Street Garden City, Kansas 67846

(620) 275-7147 phone www.gmd3.org

November 29, 2022

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 Right, File Nos. 12315, 12456, 13865, 16803, 21819, 21820 & 23295

Dear Mike:

We have completed a review of the applications for the above referenced water rights. The proposals are 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 current acres to cover land that was not previously authorized and eliminate some of the corners that are not watered. At the same time, the applications will maintain a complete overlap in place of use 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

NOV 1 8 2022

Garden City Field Office
Division of Water Resources

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

November 7, 2022

SOUTHWEST KANSAS GROUNDWATER MANAGEMENT DISTRICT NO. 3 2009 E SPRUCE ST GARDEN CITY KS 67846

Re:

Request for Recommendation

Water Right, File Nos. 12315, 12456, 13865, 16803, 21819, 21820, 23295,

Dear Mr. Norquest:

This is to advise you that the Arch Frink has filed applications for approval of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, to change the place of use.

We are delaying action on the change applications to allow you time to review and provide a recommendation. Please submit a recommendation within 15 days from the date of this letter.

Thank you and as always feel free to contact this office at any time.

Sincerely,

Michael A. Meyer Water Commissioner

MAM Enclosures