## Kansas Department of Agriculture Division of Water Resources

### **CHANGE: P/U WORKSHEET**

1. File Number: <b>22859</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: 1/10/2022
8a. Applicant(s) New to system   BATAVIA FARMS LLC 5 RANDOM RD ENGLEWOOD, CO 80113	Person ID 66154 Add Seq# 02	8c. Landown		Person IDAdd Seq#
8b. Landowner(s)  New to system □	Person ID	8d. WUC New to sy	stem 🗌	Person ID 25330 Add Seq#
8a		Attn: Ja 695 RD	AWK FARMS ARVIS GARETSC XX .AND, KS 67837	DN .
9. Documents and Enclosure(s): 🛛 DV	VR Meter(s) Date to Compl	y: <b>12/31/2022</b>	N & P Date to 0	Comply: 3/1/2023
☐ Anti-Reverse Meter ☐ Meter☐ ☐ Conservation Plan Date Require				iller Copy
10. Use Made of Water From:		To: _		
			Date Prepared: <b>1/18/2</b> 0 Date Entered:	<b>022</b> ву: <b>АМ</b> ву:

File No.	22859		11. C	County:	HS	Ва	ısin: Al	RKAN	SAS F	RIVER			S	tream:								rmation ( 1/331	Code:	Special Use:
CHK MOD	nts of Diver	Diversion  Qualifier S T R ID 'N 'W										Authori			A Rate gpm/c		antity /mgy	Overlap PD Files						
CHK	78134																95			<u>'</u>	991111		9)	
13. Stora	age: Rate				NF	Qua	ntity _					ac/ft	A	ddition	al Rat	e				NF	Addi	tional Qua	antity	ac/ft
Limit	ation:			af/yr a	nt				gpm (_				cfs) wl	nen co	mbine	d with	file nu	umber	(s)					
15. 5YR	Allocation:	Allocation	Туре		Sta	rt Yea	r		5 YR	Amou	nt		Amo	unt U	nit	_	Base	Acres		_ C	omment.			
16. Plac	ce of Use					NE1/4			NW¹/₄				SW1/4				SE1/4			Total	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

January 19, 2022

BATAVIA FARMS LLC 5 RANDOM RD ENGLEWOOD, CO 80113

RE: Filed Office Application for Change

Water Right, File Nos. 20880 & 22859

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: GROUNDWATER MANAGEMENT DISTRICT NO. 3

### **CERTIFICATE OF SERVICE**

On this 19<sup>th</sup> day of January, 2022, I hereby certify that the foregoing Approval of Application for Change in Place of Use, Water Right, File Nos. 20,880 and 22,859 dated 19<sup>th</sup> day of January, 2022 was mailed postage prepaid, first class, US mail to the following:

BATAVIA FARMS LLC 5 RANDOM RD ENGLEWOOD, CO 80113

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

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	5,5,5,7																F	REC	EIVED
						F	File No	. 2285	i9									JAN	<b>1 0</b> 2022
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ι	inder the	water	right w	vhich is	s the s	ubject	of this	applic	ation i	n acco	ordance	e with	the cor	ndition	s desc	ribed b	pelow.		
	he sour						Ground				Surfac								
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Presently authorized	d point of diversion:		
		Quarter of the	Quarter
		South, Range	
		eet North feet West of Southeas	
		Depth of well	
(DWR use only: Cor	mputer ID No. GPS	feet North	feet West)
		s follows: No change, point better described	
		s requested or if existing point is better d	
One in the	Quarter of the	Quarter of the	Quarter
		South, Range	
		eet North feet West of Southeas	
		Proposed well depth (feet)	
This point is: Addi	tional Well Geo Center List other	water rights that will use this point	
Presently authorized	point of diversion:		
		Quarter of the	Quarter
of Section	Township	South, Range	Quarter
in	, Township	eet Northfeet West of Southeas	(L/VV)
Authorized Pate	County, Names, re	Depth of well	(foot)
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		s follows: No change, point better described v	
		s requested or if existing point is better d	
		Quarter of the	
		South, Range	
		eet North feet West of Southeas	
		Proposed well depth (feet)	
This point is:  Addi	tional Well	r water rights that will use this point	
The changes herein a	are desired for the following reasons?		
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22859			1
If a well is the test hold	e log attached? Yes No		_ 1
ii a well, is the test hold	e log attached!   Tes   Nivo	200 + + + = + +	+   = 200
The change(s) (was)(w	vill be) completed by?		_ \
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2101 1161			1 + 1 1 100
D. If the point of diversion	is a well:	<b>₽</b> <del>=</del> -	- =
(a) What are you goin	g to do with the old well?	West 0 [111   111	
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	- 61 16	100	+   ₽ 100
(b) When will this be of	done?		
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	nent District recommendation attached?	200	200
Yes	<b>⊠</b> No		/_ 🗐
Assisted by		Endandonio	
2. Assisted by		300 200 100 0 100	200 300
Ra If the proposed point of	diversion will be relocated more than 300	South Scale	e: 1 hashmark=10 ft

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

feet but within 2,640 feet of the existing point of diversion, attach 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.)

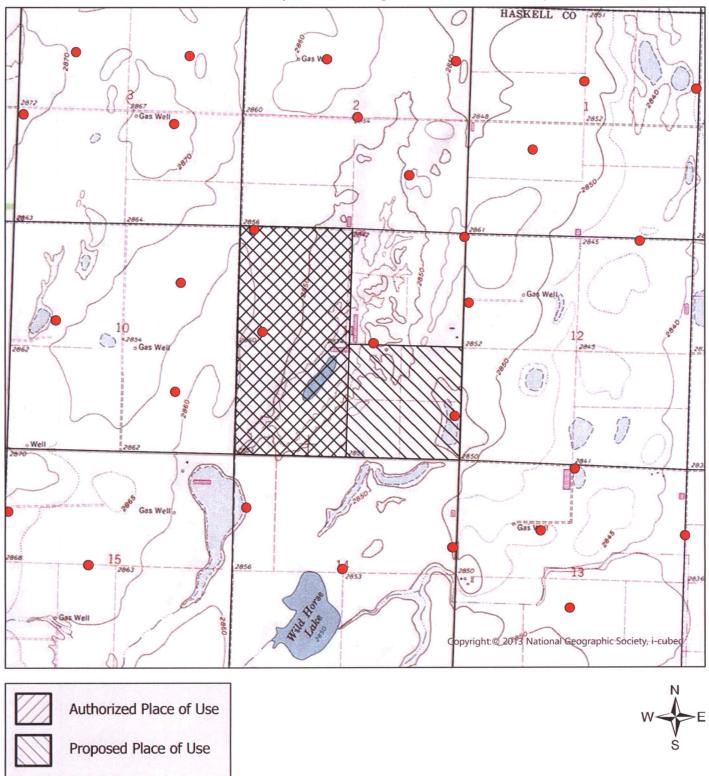
14. II	the proposed groundwater point of diversion is 300 or few	er teet from the existing point of diversion, complete the following:
(a	Does the undersigned represent all owners of the curre  Yes No (If no, all owners must sign t	ntly authorized place(s) of use identified in this application? his application.)
(b	<ul> <li>Will the ownership interest of any owner of the current affected if this application is approved as requested?</li> <li>Yes</li> <li>No</li> <li>If yes, all owners must sign</li> </ul>	ly authorized place(s) of use identified in this application be adversely this application.)
(0	If this application is not approved expeditiously, will ther Yes No (If no, all owners must sign t	re be substantial damage to property, public health or safety? his application.)
or a ch		ersion, a groundwater change in point of diversion greater than 300 feet. I owners of the currently authorized place of use, or their duly authorized
age a their	and the owner, the spouse of the owner, or a duly	r affirmation and under penalty of perjury, that I am of lawful authorized agent of the owner(s) to make this application on this application pertains. I further verify that the statements plete.
Dated	at Englewood Kan	sas; this 5 day of January, 2022.
	Rylly Allen (Owner)	Melissa Holland
	Zachary Holland (Please Print)	Melissa Holland (Please Print)
-	(Owner)	(Spouse)
	(Please Print)	(Please Print)
	(Owner)	(Spouse)
	) SS   Not	Laura Higgins Notary Public State of Colorado ary tD 20064049507 sion Expires December 07, 2022
	Company of the Compan	ded in my presence and sworn to before me this _5th day
		Jaura Biggin Notary Public
Му Со	ommission Expires 12/7/2033	Notary Public
accurat		nplete, all of the applicable portions of the application form must be completed with fall the appropriate owners' must be affixed to the application and notarized; and
	FEE:	SCHEDULE
	n the schedule below: Make checks payable to: Kansas I (1) Application to change a point of diversion 300 feet o (2) Application to change a point of diversion more than	Department of Agriculture r less \$100 300 feet \$200 \$200

#### 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. 22859 A change application was received on <u>January 10 2022</u> requesting that the place of us diversion authorized under the above-referenced file number be changed as described in the application. 2022 requesting that the place of use and / or point of On and after the effective date of this summary order, the authorized place(s) of use shall be located substantially as shown on Applicable the topographic map accompanying the application to change the place of use. ☐ 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 authorized point(s) of diversion. ☐ Applicable Not Applicable 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 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 Applicable | Installation of the works for diversion of water shall be completed on or before December 31, 20 22, or within any authorized extension of time. By March 1, 20 2-3 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 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 11. Additional Conditions are attached. ☐ Yes 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 Micollock days pursuant to K.S.A. 77-531. Any request for administrative (Print Name): Austra review must state a basis for review pursuant to K.S.A. 77-527. Division of Water Resources - Kansas Department of Agriculture File any request with Kansas Department of Agriculture, Date of Issuance: 70 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: ones Notary Public TATEO JULIE JONES NOTARY My commission expires My Appointment Expires (Notary Seal), 2022

# **CHANGE IN PLACE OF USE WATER RIGHT, FILE NO. 22859**

Section 11 Township 27 South Range 32 West Haskell County



Date: 8/3/21 HH/GCFO Scale: 1:24,000

(Signature) Date