Kansas Department of Agriculture Division of Water Resources

CHANGE: P/U WORKSHEET

1. File Number: 33851	2. Status Change Date:	3. Change Num:	4. Field Office:	5. GMD:
6. Status: Approved Den	ied by DWR/GMD	Dismiss by Reques	t/Failure to Return	7. Filing Date of Change:
8a. Applicant(s) New to system □	Person ID Add Seq#	8c. Landowne		Person IDAdd Seq#
J & L SMITH FARMS INC Attn: BRYAN SMITH 9170 E ROAD 2 ULYSSES, KS 67880-815				
8b. Landowner(s) New to system □ 8a	Person IDAdd Seq#	8d. WUC New to sy	stem □	Person IDAdd Seq#
9. Documents and Enclosure(s): ☑ D\ ☐ Anti-Reverse Meter ☐ Meter ☐ Conservation Plan Date Requir	Seal	⊠ N & P Form		Driller Copy
10. Use Made of Water From:		To: _		
			Date Prepared: 6/17 Date Entered:	/2022 By: AM By:

File No.	33851			11. C	county:	GT	Ва	sin: A	RKAN	SASF	RIVER			S	tream								ormation 11/331	Code:	Special Use:
12. Poii CHK	ints of Dive	ersion	1															Rate	and Qı	uantity				444	
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14. Limit	tation:				af/yr a	t		U.F.		gpm (18	cfs) w	hen co	mbine	ed with	file nu	umber((s)			W. Alt		
Limi	itation:			SJ	af/yr a	t				gpm (cfs) w	hen co	mbine	ed with	n file nu	umber((s)					
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16. Plac	ce of Use						NI	E1/4	7		NV	V1/4			SV	V1/4			s	E1/4		Total	Owner	Cha?	P Overlap Files
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	516	34	20335																7.34						

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 21, 2022

J & L SMITH FARMS INC Attn: BRYAN SMITH 9170 E ROAD 2 ULYSSES, KS 67880-8151

RE: Filed Office Application for Change

Water Right, File Nos. 17680; 21508; 24108; 24122-D2; 31268; 33603 & 33851

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 21st day of June, 2022, I hereby certify that the foregoing Approval of Application for Change in Place of Use, Water Right, File Nos. 17,680, 21,508, 24,108, 24,122-D2, 31,268, 33,603 and 33,851 dated 17th day of June, 2022 was mailed postage prepaid, first class, US mail to the following:

J & L SMITH FARMS INC Attn: BRYAN SMITH 9170 E ROAD 2 ULYSSES, KS 67880-8151

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.

of dive	ersion a	ind/or p	lace of	use.								_				F		EIV	
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	application						lace o	Use			Point	OI DIVE	ersion					ity Fiel Vater F	d Office Resources
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Ν	lame ar	nd addre	ess of	Water	Use C	orresp	onden	t: <u>SAI</u>	ME AS	ABO\	/E								
3. T	Phone N The pres	ently au f Land -	uthorize	ed plac AME: ESS:	J & L S 9170 E	ROA	D 2 UL	IS INC	C; BRY	AN SN 67880	- 8151								
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			Only:	Code		Fe	e \$ <u></u>	00.00	TR	#	JI	Re	eceipt	Date _					0106

5.	Presently authorized point of diversion:		
	One in the Quarter of the	Quarter of the	Quarter
	of Section, Township		
	in County, Kansas, fee		
	Authorized Rate Authorized Quantity	Depth of well	(feet)
	(DWR use only: Computer ID No GPS		
	☐This point will not be changed ☐This point will be changed as		
- 1	Proposed point of diversion: (Complete only if change is	requested or if existing point is better d	lescribed by GPS)
	One in the Quarter of the	Quarter of the	Quarter
- 1	of Section, Township		
	in County, Kansas, fee		
	Proposed Rate Proposed Quantity	Proposed well depth (feet)	
- 1	This point is: Additional Well Geo Center List other		
ا ء	Presently authorized point of diversion:		
٥.	One in the Quarter of the	Quarter of the	Quarter
- 1	of Section, Township		
	in County, Kansas, fee		
	Authorized Rate Authorized Quantity		
- 1	(DWR use only: Computer ID No GPS		
	This point will not be changed This point will be changed as		
	Proposed point of diversion: (Complete only if change is		
-			
- 1	One in the Quarter of the		
- 1	of Section, Township	st North foot West of Southern	t corner of coetion
	in County, Kansas, fee Proposed Rate Proposed Quantity		
1	This point is: Additional Well Geo Center List other		
L	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)	North	
		300 200 100 0 100 PHILITHIHITHIHITHIHITHIHITHIHITHIHITHIHI	200 300
			1,1,
ρ	If a well, is the test hole log attached? Yes No		7 3
0.	if a well, is the test hole log attached: res No	200 + + + + + + + + + + + + + + + + + +	200
9.	The change(s) (was)(will be) completed by?	E/ = -	- \-
		100	1 + 1 100
			1 1 1 1 200
10.	If the point of diversion is a well:		- 1
	(a) What are you going to do with the old well?	West 0 [111 11	
		<u> </u>	
		100 1 + + = +	1 + 1 1 100
	(b) When will this be done?	100 [1 1 1 1 1 1 1 1 1 1	
			- / =
11.	Groundwater Management District recommendation attached?	200 - + - +	200
	Yes No		/
40	A solution by		
12.	Assisted by	300 200 100 0 100	200 300
13a	a. If the proposed point of diversion will be relocated more than 300	South Scale	e: 1 hashmark=10 ft

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 addresses of the landowner(a) one half mile of 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 will be relocated within a 300 foot radius of the existing point of diversion will be relocated within a 300 foot radius of the existing point of diversion will be relocated within a 300 foot radius of the existing point of diversion will be relocated within a 300 foot radius of the existing point of diversion will be relocated within a 300 foot radius of the existing point of diversion will be relocated within a 300 foot radius of the existing point of diversion will be relocated within a 300 foot radius of the existing point of diversion will be relocated within a 300 foot radius of the existing point of diversion will be relocated within a 300 foot radius of the existing point of diversion will be relocated within a 300 foot radius of the existing point of diversion will be relocated within a 300 foot radius of the existing point of diversion will be relocated within a 300 foot radius of the existing point of diversion. names and addresses of the landowner(s) one-half mile downstream and one-half mile upstream from your property

center of diagram above represents the presently authorized point of diversion.)

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

FILE NO. <u>33851</u> MAKE ADDITIONAL COPIES AS NECESSARY

				NE	1/4			NV	V1/4			SV	V1/4			SE	1/4		TOTAL
ec.	Twp.	Range	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	ACRES
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		/	ADDRI	ESS:															
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ec.	Twp.	Range	NE1/4	NW1/4		SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	ACRES
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ec. 33	Twp. 26S 26S	Range 35W 35W	NE½	AME: ESS: NW/4 NW/4	J & L \$ 9170 E	SMITH E ROA	D 2 U	NS INC LYSSE NV	S; BRYY S KS N/4 SW/4	AN SN 67880 SE1/4	ИІТН - 8151	SI NW¼	N/4 SW/4		NE¼ 40	SI NW¼ 40 34	5W/4 40 34	SE1/4 40	160 136
ec. 333 34	Twp. 26S 26S	Range 35W 35W	NE%	AME: ESS: NE NW/4 AME: ESS:	J & L S 9170 E = 1/4 SW/4	SE¼	NE1/4	NW1	S BRYY SW/4 SW/4	AN SN 67880	MITH - 815'	SI NW¼	N1/4 SW1/4	SE1/4	NE¼ 40 34	SI NW¼ 40 34	5W/4 40 34	SE¼ 40 34	160 136
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Sec. 33	Twp. 26S 26S	Range 35W 35W	NE%	AME: ESS: NE NW/4 AME: ESS:	J & L S 9170 E = 1/4 SW/4	SE¼	NE1/4	NW1	S BRYY SW/4 SW/4	AN SN 67880	MITH - 815'	SI NW¼	N1/4 SW1/4	SE1/4	NE¼ 40 34	SI NW¼ 40 34	5W/4 40 34	SE¼ 40 34	160 136
O Sec.	Twp. 26S 26S where o	Range 35W 35W f Land	NE%	AME: ESS: NE NW¼ AME: ESS: NI NW¼	J & L S 9170 E 54 SW%	SE¼	NE1/4	NW1/4	S KS W/A SW/A SW/A	SE1/4	MITH - 815'	SI NW¼	N1/4 SW1/4	SE1/4	NE¼ 40 34	SI NW¼ 40 34	5W/4 40 34	SE¼ 40 34	160 136
O Sec.	Twp. 26S 26S where o	Range 35W 35W f Land	NE1/A ADDR NE1/A ADDR NE1/A NE1/A	AME: ESS: NW1/4 AME: ESS: NW1/4 AME: AME:	J & L S 9170 E 54 SW4 SW4	SE%	NE%	NW1/4	S KS W/A SW/A SW/A	SE1/4	MITH - 815'	SI NW¼	N1/4 SW1/4	SE1/4	NE¼ 40 34	SI NW¼ 40 34	5W/4 40 34	SE¼ 40 34	160 136
ec. 333 34 O	Twp. 26S 26S where o	Range 35W 35W f Land	NE1/A ADDR NE1/A ADDR NE1/A NE1/A	AME: ESS: NIE NW/4 AME: ESS: NI NW/4	J & L & 9170 E	SE%	NE%	NW1/4	S KS W/4 SW/4 SW/4 SW/4	SE1/4	MITH - 815'	SI NW¼	N1/4 SW1/4 N1/4 SW1/4	SE1/4	NE¼ 40 34	SI NW1/4 40 34 SI NW1/4	5W/4 40 34	SE¼ 40 34	ACRES 160 136 TOTAL ACRES
ec. 333 34 O	Twp. 26S 26S where of	Range 35W 35W f Land	NE% NE% NE% NE% ADDR	AME: ESS: NIE NW/4 AME: ESS: NII NW/4	J & L & 9170 E	SE¼	NE1/4	NW14	S KS N/4 SW/4 SW/4 SW/4	SE%	NE%	SI NW1/4	N/4 SW/4 SW/4 SW/4	SE¼	NE¼ 40 34 NE¼	SI NW1/4 40 34 SI NW1/4 SI NW1/4	5W/4 40 34 5W/4 5W/4	SE¼ 40 34 SE½	160 136
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ec	Twp. 26S 26S where of	Range 35W 35W f Land	NE% NE% NE% NE% ADDR	AME: ESS: NIE NW/4 AME: ESS: NII NW/4	J & L & 9170 E	SE¼	NE1/4	NW14	S KS N/4 SW/4 SW/4 SW/4	SE%	NE%	SI NW1/4	N/4 SW/4 SW/4 SW/4	SE¼	NE¼ 40 34 NE¼	SI NW1/4 40 34 SI NW1/4 SI NW1/4	5W/4 40 34 5W/4 5W/4	SE¼ 40 34 SE½	TOTA ACRE

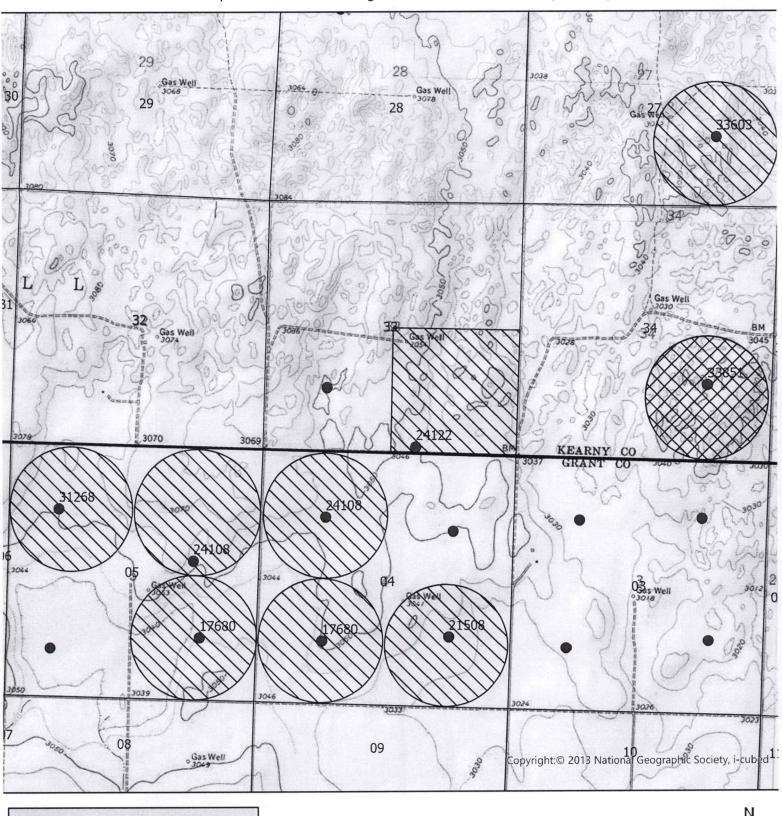
14. If the proposed groundwater point of diversi	ion is 300 or fewer feet from the existing poi	nt of diversion, complete the following:
	vners of the currently authorized place(s) of union wners must sign this application.)	use identified in this application?
affected if this application is approved a		se identified in this application be adversely
	ditiously, will there be substantial damage to wners must sign this application.)	property, public health or safety?
If the application proposes a surface water chan or a change in place of use, the application mus agent (attach notarized statement authorizing re	st be signed by all owners of the currently au	nge in point of diversion greater than 300 feet uthorized place of use, or their duly authorized
I hereby verify, being first duly sworn up age and the owner, the spouse of the owner their behalf, in regards to the water right contained in this application are true, co	vner, or a duly authorized agent of the nt(s) to which this application pertain	e owner(s) to make this application or ns. I further verify that the statements
The Snath tams by	y thurst	(Spouse)
Please Print)	<u></u>	(Please Print)
(Owner)	<u></u>	(Spouse)
(Please Print)		(Please Print)
(Owner)		(Spouse)
(Please Print)		(Please Print)
State of Kansas County of Grant ss		
I hereby certify that the foregoing applic of	NOTARY PUBLIC - State of Kansas Aimee Dickey My Appt. Expires	d sworn to before me this 12 day lime Dithley Notary Public
ONLY COMPLETE APPLICATIONS WILL BE PROCE accurate information; maps, if necessary, must be included the appropriate fee must be paid.		
(2) Application to change a point of dive		\$100 \$200
DWR 1-121 (Revised 09/11/2019)	Page 3	File No. <u>33851</u>

SUMMARY ORDER APPROVING APPLICATION FOR CHANGE AND IMPOSING CONDITIONS

pro Wit	This Summary Order is issued under authority of K.S.A. 82a-708b, as amended, and K.A.R. 5-5-1, et seq. all provisions of the Kansas Water Appropriation Law, K.S.A. 82a-701 et. seq., and rules and regulations promuly with the exception of those conditions expressly contained herein, this Summary Order does not change the ter limitations of File No.	laged thereunder.
1.	1. A change application was received on requesting that the place of use diversion authorized under the above-referenced file number be changed as described in the application	se and / or point of
2.	2. On and after the effective date of this summary order, the authorized place(s) of use shall be located substated the topographic map accompanying the application to change the place of use. Applicable	ntially as shown on Not Applicable
3.	3. The change in point of diversion shall not impair existing rights and shall be limited to the same source or spreviously 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	sources of water as foot
4.	 The point(s) of diversion described herein is administratively corrected to be more accurately describe Positioning System (GPS), as described in the application. ☐ Applicable ☒ Not Applicable 	d using the Global
5.	5. The point(s) of diversion authorized herein shall not actually be located more than feet authorized point(s) of diversion. Applicable Not Applicable	from the previously
6.	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 min or other device suitable for making water level measurements shall be installed, operated and maintained K.A.R. 5-6-13.	ute or more, a tube in accordance with
7.	7. The owner of the authorized place(s) of use shall properly install an acceptable water flow me December 31, 20 , or before the first use of water, whichever occurs first. The water flow meter operated and maintained in accordance with K.A.R. 5-1-4 through 5-1-12. As required by K.S.A. 82a-732 K.A.R. 5-3-5e, the owner shall maintain records and report the reading of the water flow meter and the told diverted annually to the Chief Engineer by March 1 following the end of each calendar year. Applicable Not Applicable	r shall be installed, 2, as amended, and
8.	8. Installation of the works for diversion of water shall be completed on or before December 31, 20 authorized extension of time. By March 1, 20 the applicant shall notify the Chief Engineer that works for diversion has been completed, on the form provided by the Chief Engineer, as required by K.A Applicable Not Applicable	construction of the
9.	9. The completed well log shall be submitted with the required notice. Applicable Not App	licable
10.	10. All diversion works into which any type of chemical or other foreign substance will be injected into the wate with an in-line, automatic, quick-closing check valve capable of preventing pollution of the source of the check valve(s) shall be installed, operated and maintained in accordance with K.A.R. 5-3-5c. ☒ Applicable	water supply. The
11.	11. Additional Conditions are attached. ☐ Yes ☒ No	
12.	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 water appropriated under the above-referenced file number are responsible for compliance with its ter limitations, as amended and/or supplemented by this Summary Order, and with applicable provisions of Appropriation Law and the Rules and Regulations promulgated thereunder. Failure to comply with the result in civil penalties pursuant to K.S.A. 82a-737, as amended, and/or the suspension or revocation a water or appropriation right or any other enforcement actions authorized by law.	ms, conditions and the <i>Kansas Water</i> ese provisions may
	Administrative Appeal and Effective Date of Order FOR OFFICE USE ONLY	
you Eng Agr filed	If you are aggrieved by this order, pursuant to K.S.A. 82a-1901, 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 administrative review by the Secretary must be filed within 30	ED
day revi File Leg 665	days pursuant to K.S.A. 77-531. Any request for administrative review must state a basis for review pursuant to K.S.A. 77-527. File any request with Kansas Department of Agriculture, Legal Division, 1320 Research Park Drive, Manhattan, KS 66502. Failure to timely request a hearing or review may preclude review under the Kansas Judicial Review Act. (Print Name): How to determ the Name is privately and the provision of Water Resources - Kansas Department of Issuance: Date of Issuance: State of Kansas	1001
	For Use by Register of Deeds County of	
	Acknowledged before me on	e 17, 2022
	by Austin McCalla	och
	My commission expires My Appointment	LIE JONES pintment Expires MpSea 2022
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CHANGE IN PLACE OF USE WATER RIGHT, FILE NO(S). 33851

Township 26 & 27 South Range 42 West Grant & Kearny County



Authorized Place of Use

Proposed Place of Use

Date: 6/6/22 HH/GCF