

File No. **33851** 11. County: **KE** Basin: **ARKANSAS RIVER** Stream: Formation Code: **211/331** Special Use:

12. Points of Diversion
 Rate and Quantity
 Authorized Additional
 Rate Quantity Rate Quantity
 gpm af gpm af Overlap PD Files

DEL 11978

ENT	Qualifier	S	T	R	ID	'N	'W	Comment (AKA Line)	Rate gpm	Quantity af	Rate gpm	Quantity af	Overlap PD Files
	NW NW SE	34	26S	35W		2310	2128		905	272	905	272	NONE

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	PUSE	S	T	R	ID	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				
CHK 616																									
CHK 1109																									
CHK 7886																									
CHK 14480																									
CHK 34748																									

Base Acres: Year: Minimum Reasonable Quantity:

Comments:

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

December 8, 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 No. 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 number.

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 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.

The abandoned well must be plugged in accordance with the requirements of Article 30 of the Rules and Regulations as adopted by the Kansas Department of Health and Environment.

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 handwritten signature in blue ink that reads "Austin J. McColloch".

Austin J. McColloch
Assistant Water Commissioner

AM:
enclosures

pc:
GMD 3

CERTIFICATE OF SERVICE

On this 8th day of December, 2022, I hereby certify that the foregoing Approval of Application for Change in Point of Diversion, Water Right, File No. 33,851 dated 8th day of December, 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:

GMD 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. 33851

RECEIVED
 2:15pm
 NOV 17 2022

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

Garden City Field Office
 Division of Water Resources

2. Name and address of Applicant: J & L SMITH FARMS INC, Attn: BRYAN SMITH
9170 E ROAD 2, ULYSSES, KS 67880-8151

Phone Number: () Email address: _____

Name and address of Water Use Correspondent: Same

Phone Number: () Email address: _____

3. The presently authorized place of use is:

Owner of Land ---- NAME: Same

ADDRESS: _____

(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		

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: _____

ADDRESS: _____

(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		

For Office Use Only: Code _____ Fee \$ 200.00 TR # _____ Receipt Date 11-17-22 Check # 005012

5. **Presently authorized point of diversion:**
 One in the _____ Quarter of the _____ NC _____ Quarter of the _____ SE _____ Quarter
 of Section _____ 34 _____, Township _____ 26 _____ South, Range _____ 35 _____ W,
 in KE _____ County, Kansas, _____ 1614 _____ feet North _____ 1340 _____ feet West of Southeast corner of section.
 Authorized Rate No change Authorized Quantity No change Depth of well _____ (feet)
(DWR use only: Computer ID No. 3 _____ 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 _____ NW _____ Quarter of the _____ NW _____ Quarter of the _____ SE _____ Quarter
 of Section _____ 34 _____, Township _____ 26 _____ South, Range _____ 35 _____ W,
 in GY _____ County, Kansas, _____ 2310 _____ feet North _____ 2128 _____ feet West of Southeast corner of section.
 Proposed Rate No change Proposed Quantity No change Proposed well depth (feet) _____ 802 _____.
 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) _____

8. If a well, is the test hole log attached? Yes No

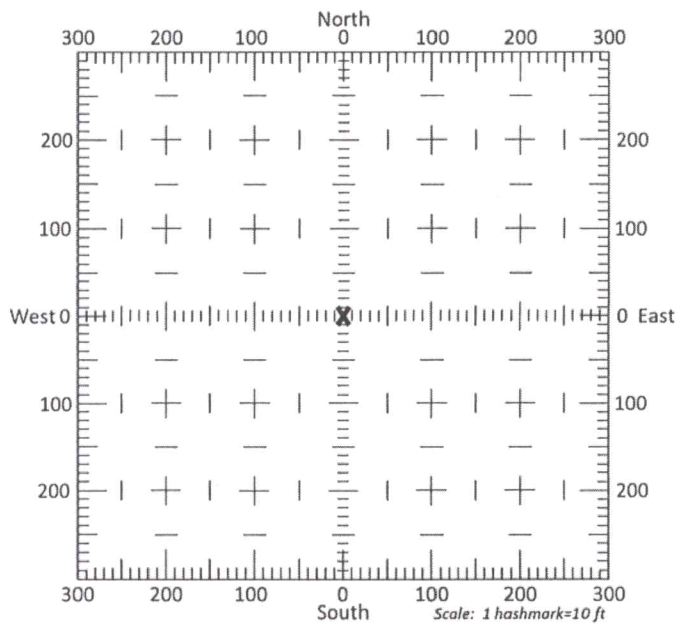
9. The change(s) (was)(will be) completed by?
ASAP

10. If the point of diversion is a well:
 (a) What are you going to do with the old well?
Plug
 (b) When will this be done? ASAP

11. Groundwater Management District recommendation attached?
 Yes No

12. Assisted by mdf/GCFO

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 300 feet of the existing point of diversion, indicate its location on the diagram shown above in relation to the existing point of diversion. (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 Ulysses, Kansas, this 17 day of November, 2022.

Bryan Smith

 (Owner)
Bryan Smith

 (Please Print)

 (Spouse)

 (Please Print)

 (Owner)

 (Spouse)

 (Please Print)

 (Please Print)

 (Owner)

 (Spouse)

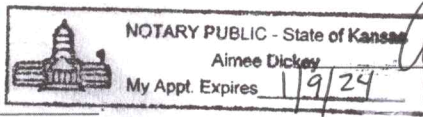
 (Please Print)

 (Please Print)

State of Kansas }
 County of Grant } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 17 day of November, 2022.

My Commission Expires 1/9/24



Aimee Dickey

 Notary Public

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

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. 33851.

1. A change application was received on November 17, 2022 requesting that the place of use and / or point of diversion authorized under the above-referenced file number be changed as described in the application.
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 300 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 Not Applicable
5. The point(s) of diversion authorized herein shall not actually be located more than 2640 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, 2023, 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, 2023, or within any authorized extension of time. By March 1, 2024 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 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 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.

Administrative Appeal and Effective Date of Order

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 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.

For Use by Register of Deeds

FOR OFFICE USE ONLY
**APPLICATION APPROVED AND
SUMMARY ORDER ISSUED**

By: Austin McColloch
Duly Authorized Designee of the Chief Engineer

(Print Name): Austin McColloch
Division of Water Resources - Kansas Department of Agriculture

Date of Issuance: December 8, 2022

State of Kansas)

County of Ginney) SS

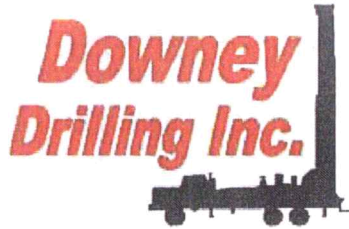
Acknowledged before me on December 8, 2022

by Austin McColloch

Signature: Julie Jones

My commission expires: _____





CUSTOMER NAME: J & L SMITH FARMS

TH#9

LEGAL: NW/SE 34-26S-35W

COUNTY: KEARNY CO, KS

GPS: 37.742758

-101.133723

DRILLER: ROCKY

WO: 22-1043

V	FROM	TO	TYPE	HARDNESS	COLOR	SPEED	PULL DOWN	OTHER / DRILLING ACTION
	0	5	SURFACE SAND	SOFT	LIGHT BROWN	FAST		SMOOTH
	5	47	FINE SAND	SOFT		FAST		VIBRATION
	47	57	FINE-MED-COARSE SAND	FIRM		FAST		FAST CHATTER
	57	59	CALICHE	FIRM	WHITE	FAST		CHOPPY
	59	68	FINE-MED-COARSE SAND	FIRM		FAST		FAST CHATTER
	68	127	FINE-MED-COARSE GRAVEL	STIFF		FAST		CHATTER
	127	138	GRAY CLAY	SOFT	GRAY	FAST		SMOOTH
	138	155	FINE-MED GRAVEL	STIFF		FAST		FAST CHATTER
	155	161	SANDY CLAY	SOFT	TAN	FAST		SMOOTH
	161	179	FINE-MED GRAVEL	STIFF		FAST		FAST CHATTER
	179	181	SANDY CLAY	SOFT	TAN	FAST		SMOOTH
	181	186	FINE-MED-COARSE SAND W/ FINE GRAVEL	STIFF		FAST		FAST CHATTER
	186	193	BROWN CLAY	SOFT	BROWN	FAST		SMOOTH
	193	237	FINE-MED-COARSE SAND	FIRM		FAST		FAST CHATTER
	237	252	SANDY CLAY W/ FINE SAND	SOFT	TAN	FAST		SMOOTH & VIBRATION
	252	258	FINE-MED-COARSE SAND	FIRM		FAST		FAST CHATTER
	258	293	FINE-MED GRAVEL W/ CEMENTED SAND TRACE	STIFF	WHITE	FAST		FAST CHATTER
	293	304	SANDY CLAY	SOFT	TAN	FAST		SMOOTH
	304	313	FINE-MED-COARSE SAND	FIRM		FAST		FAST CHATTER
	313	328	FINE-MED-COARSE SAND W/ FINE GRAVEL	STIFF		FAST		FAST CHATTER
	328	336	SANDY CLAY	SOFT	TAN	FAST		SMOOTH
	336	353	FINE-MED-COARSE SAND W/ FINE GRAVEL	FIRM		FAST		FAST CHATTER
	353	364	SANDY CLAY W/ LIME ROCK LEDGES	SOFT	WHITE	FAST		SMOOTH & CHOPPY
	364	370	BROWN STICKY CLAY	STICKY	BROWN	FAST		SMOOTH
	370	385	FINE-MED-COARSE SAND	FIRM		FAST		FAST CHATTER
	385	408	BROWN CLAY	SOFT	BROWN	FAST		SMOOTH
	408	428	SANDY CLAY W/ FINE SAND	SOFT	TAN	FAST		SMOOTH & VIBRATION
	428	448	FINE-MED-COARSE SAND W/ FINE-MED GRAVEL & BROWN ROCK	STIFF	BROWN	FAST		FAST CHATTER
	448	458	GRAY CLAY	SOFT	GRAY	SLOW		SMOOTH
	458	473	BROWN ROCK W/ SANDSTONE & SOAPSTONE	FIRM	BROWN & YELLOW	FAST		FAST CHATTER
	473	530	BROWN ROCK W/ SANDSTONE & FINE SAND	STIFF	BROWN & YELLOW	FAST		FAST CHATTER
	530	540	SHALE	SOFT	BLUE	SLOW		SMOOTH
	540	577	SOAPSTONE W/ SANDSTONE & IRON PYRITE	FIRM	GRAY	FAST		VIBRATION & FAST CHATTER
	577	586	SANDSTONE W/ FINE SAND & IRON PYRITE	STIFF	GRAY	FAST		FAST CHATTER
	586	612	SOAPSTONE W/ SANDSTONE & IRON PYRITE	FIRM	GRAY	FAST		VIBRATION & FAST CHATTER

RECEIVED

OCT 18 2022

Garden City Field Office
Division of Water Resources



Century GEOPHYSICAL CORP.

J & L SMITH FARMS

COMPANY : DOWNEY DRILLING INC
 WELL : J & L SMITH FARM
 LOCATION/FIELD : TH#9
 COUNTY : KEARNY
 LOCATION : NW/SE
 SECTION : 34

OTHER SERVICES:

TOWNSHIP : 26S RANGE : 35W

DATE : 10/12/22
 DEPTH DRILLER : 802
 LOG BOTTOM : 787.60
 LOG TOP : 0.90

PERMANENT DATUM : GL

KB :
 DF :
 GL :

LOG MEASURED FROM: GL
 DRL MEASURED FROM: GL

CASING DIAMETER : 10.
 CASING TYPE :
 CASING THICKNESS:

LOGGING UNIT : 1903
 FIELD OFFICE : DDI
 RECORDED BY : DIEGO

BIT SIZE : 6.25
 MAGNETIC DECL. : 0
 MATRIX DENSITY : 2.71
 NEUTRON MATRIX : LIMESTON

BOREHOLE FLUID : MUD
 RM :
 RM TEMPERATURE :
 MATRIX DELTA T : 49

FILE : ORIGINAL
 TYPE : 8144A
 LGDATE: 10/12/22
 LGTIME : 19:41:
 THRESH: 99999

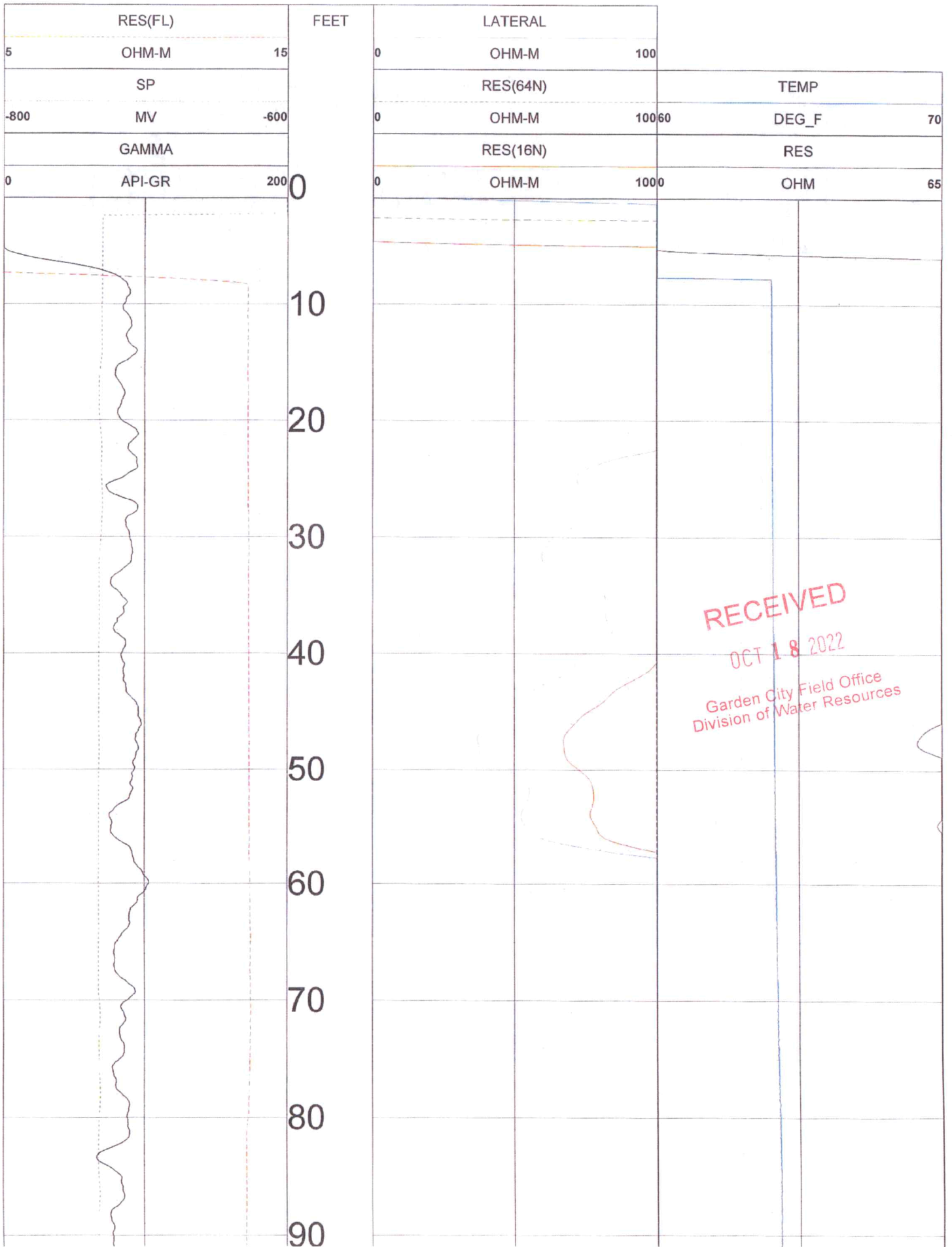
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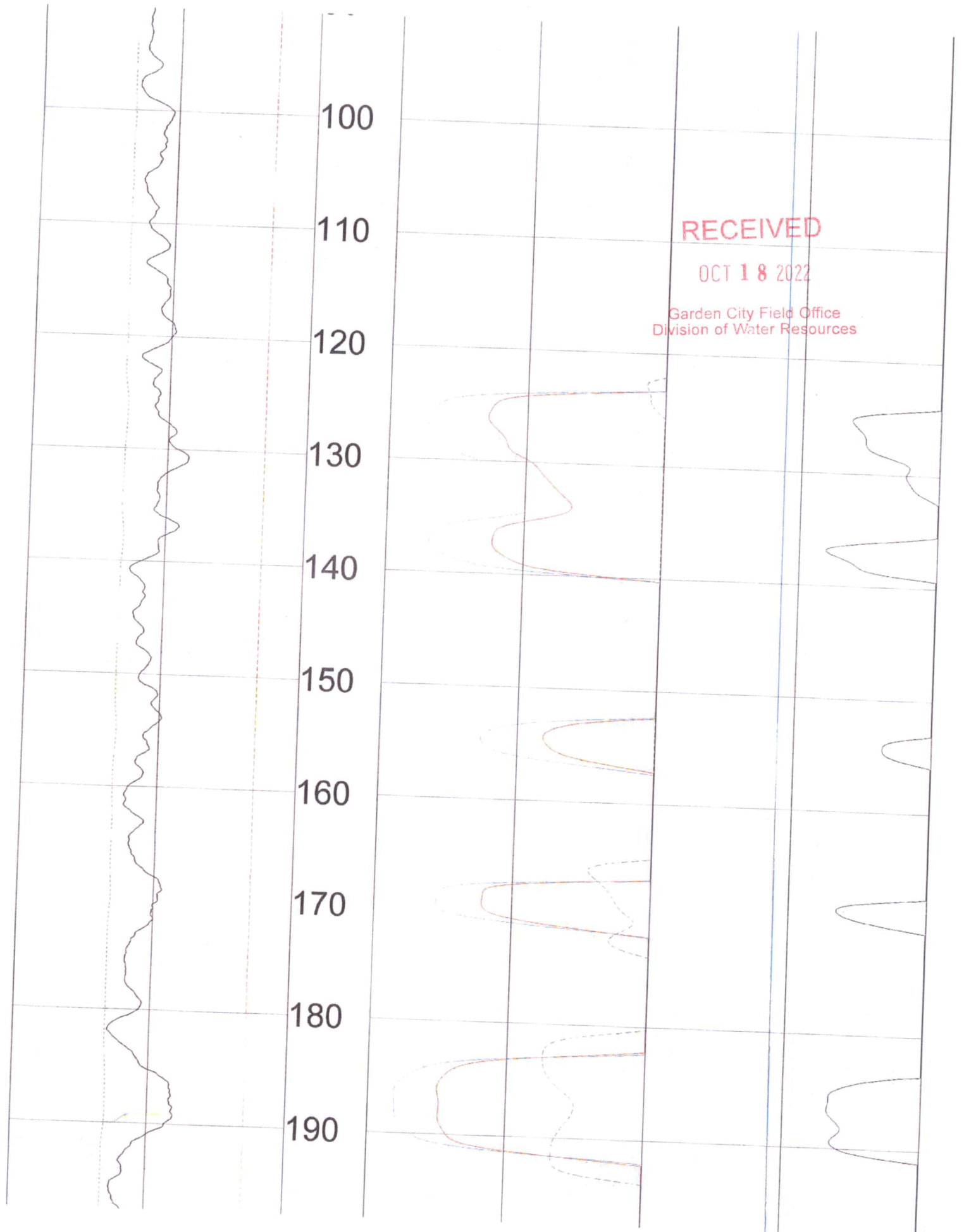
ALL SERVICES PROVIDED SUBJECT TO STANDARD TERMS AND CONDITIONS

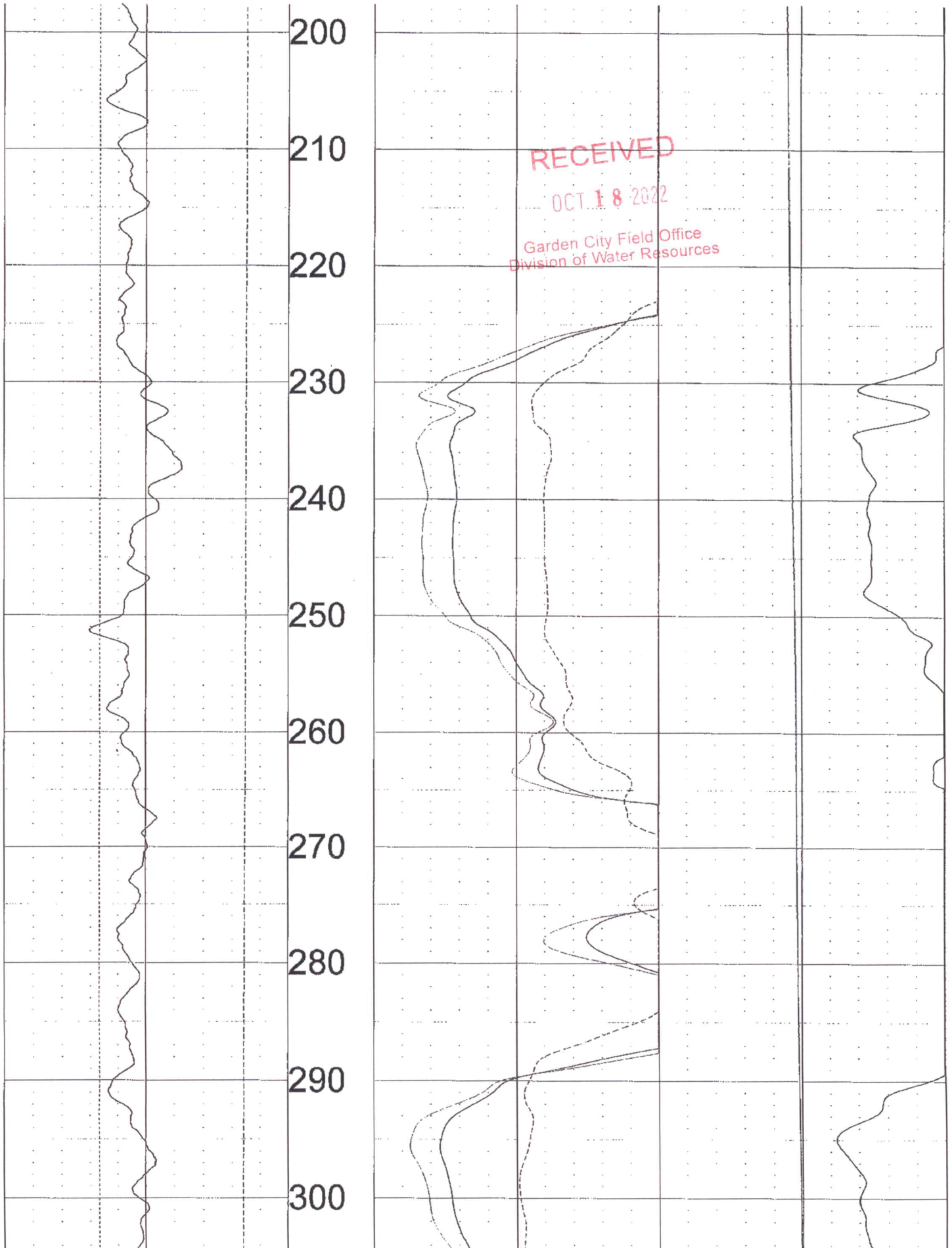
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OCT 18 2022

Garden City Field Office
 Division of Water Resources





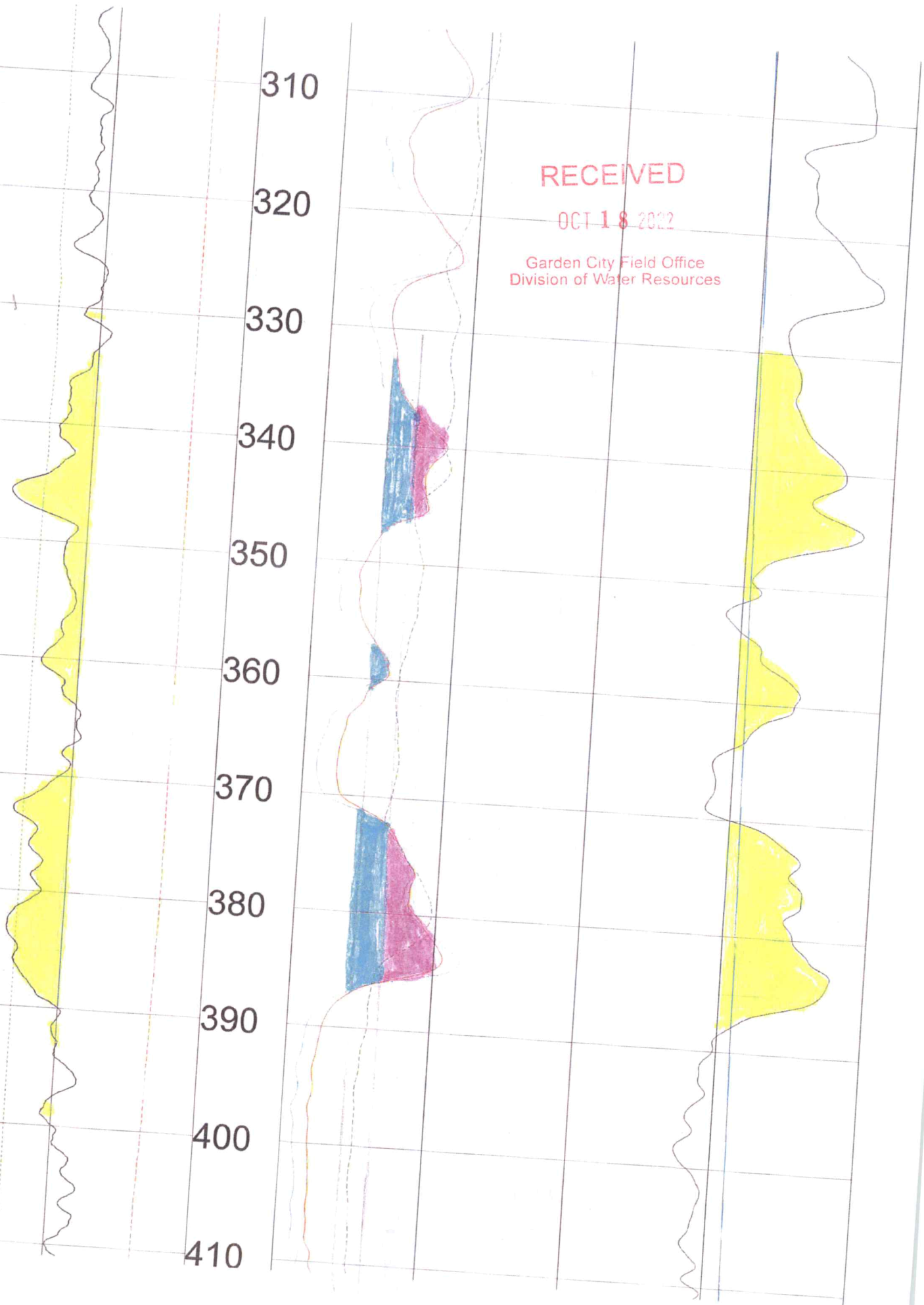


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OCT 18 2022

Garden City Field Office
Division of Water Resources

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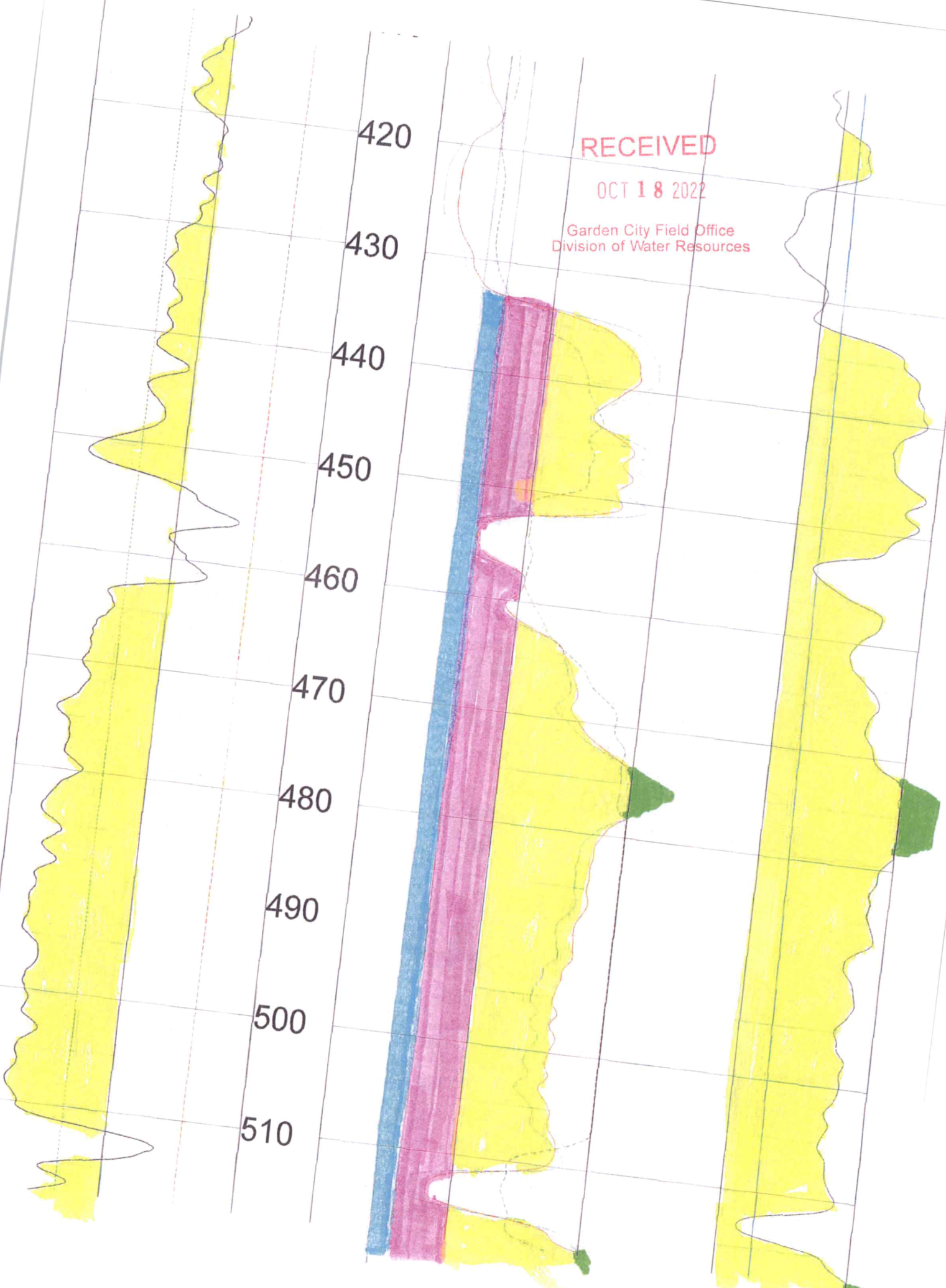
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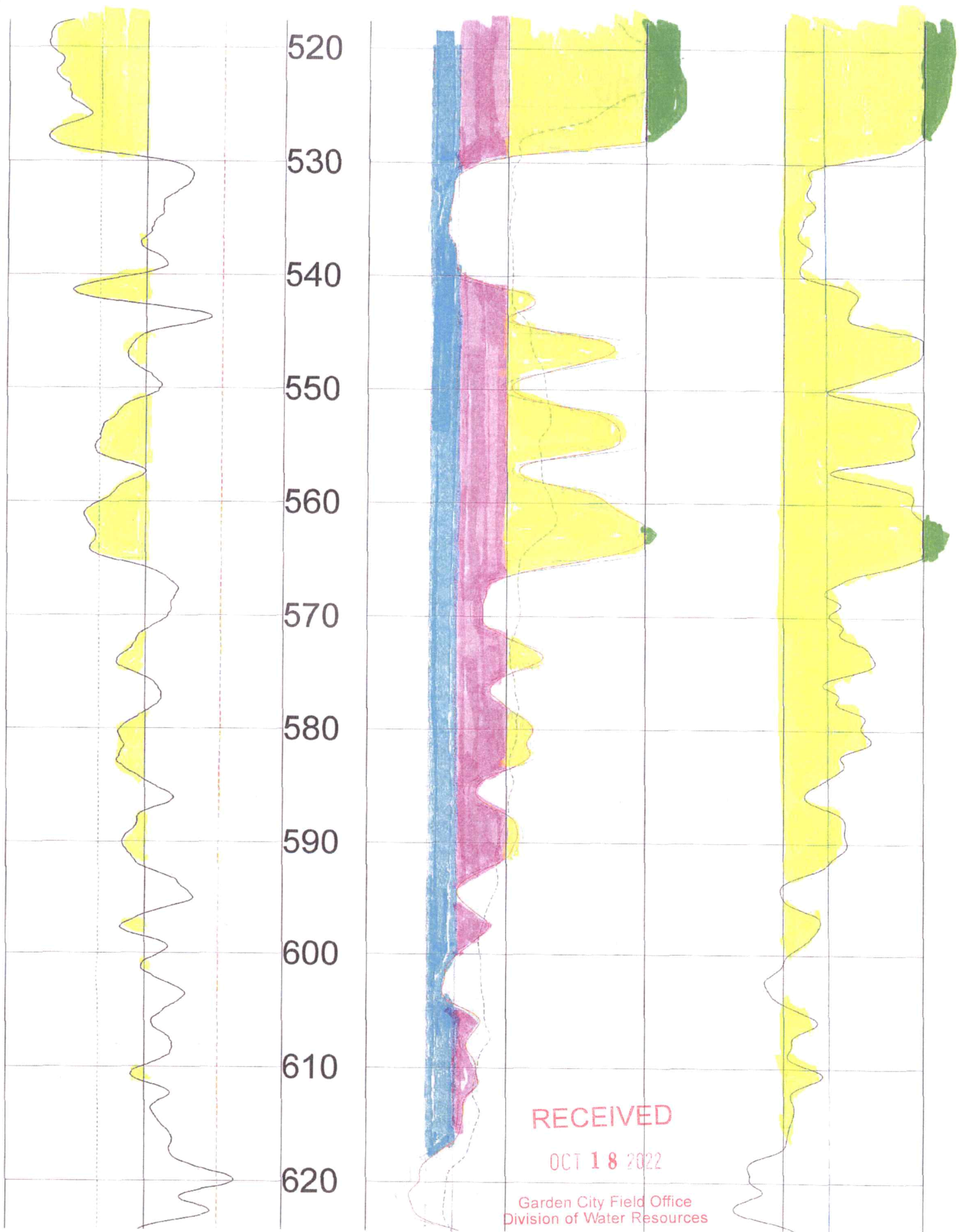
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OCT 18 2022

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Division of Water Resources

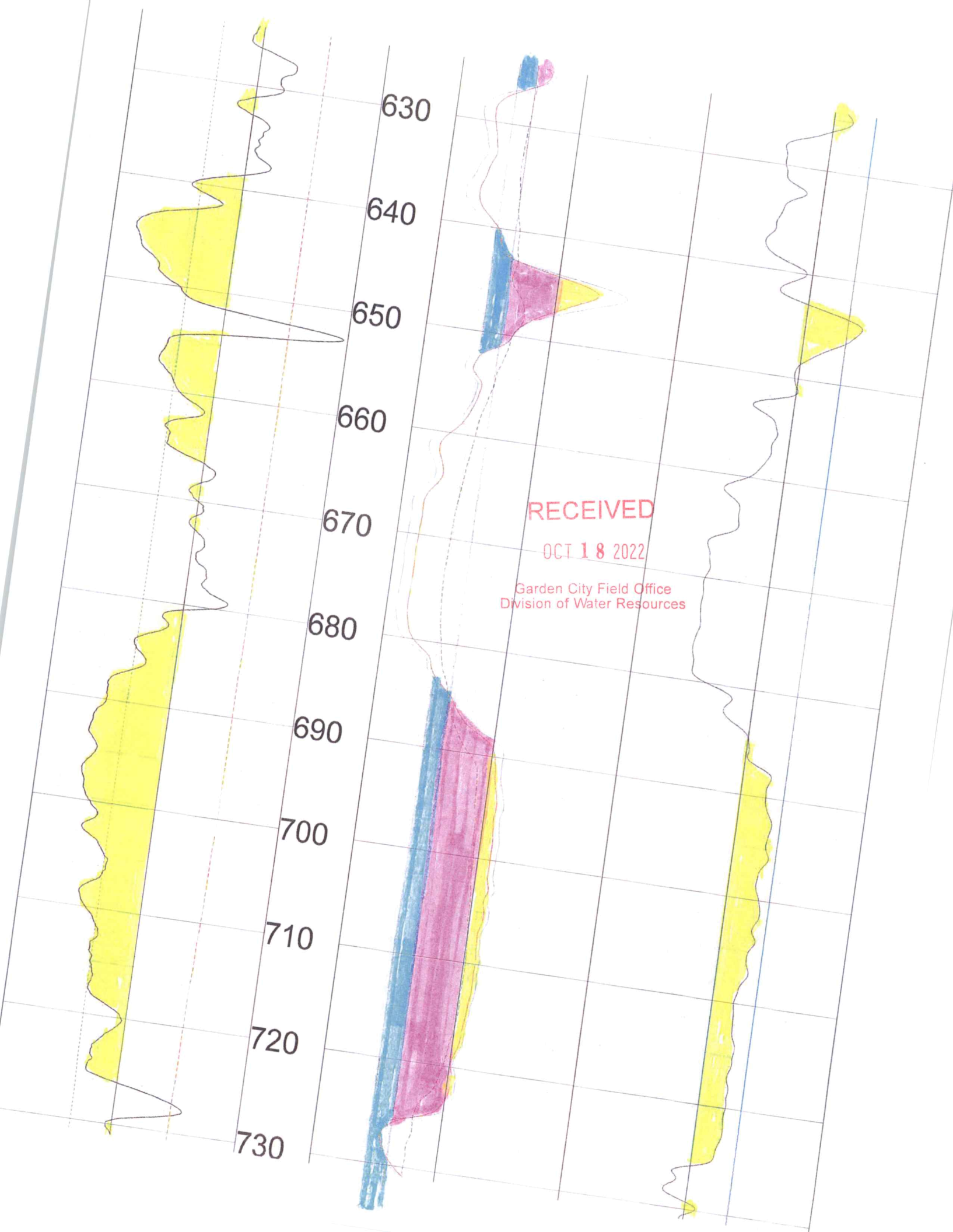




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OCT 18 2022

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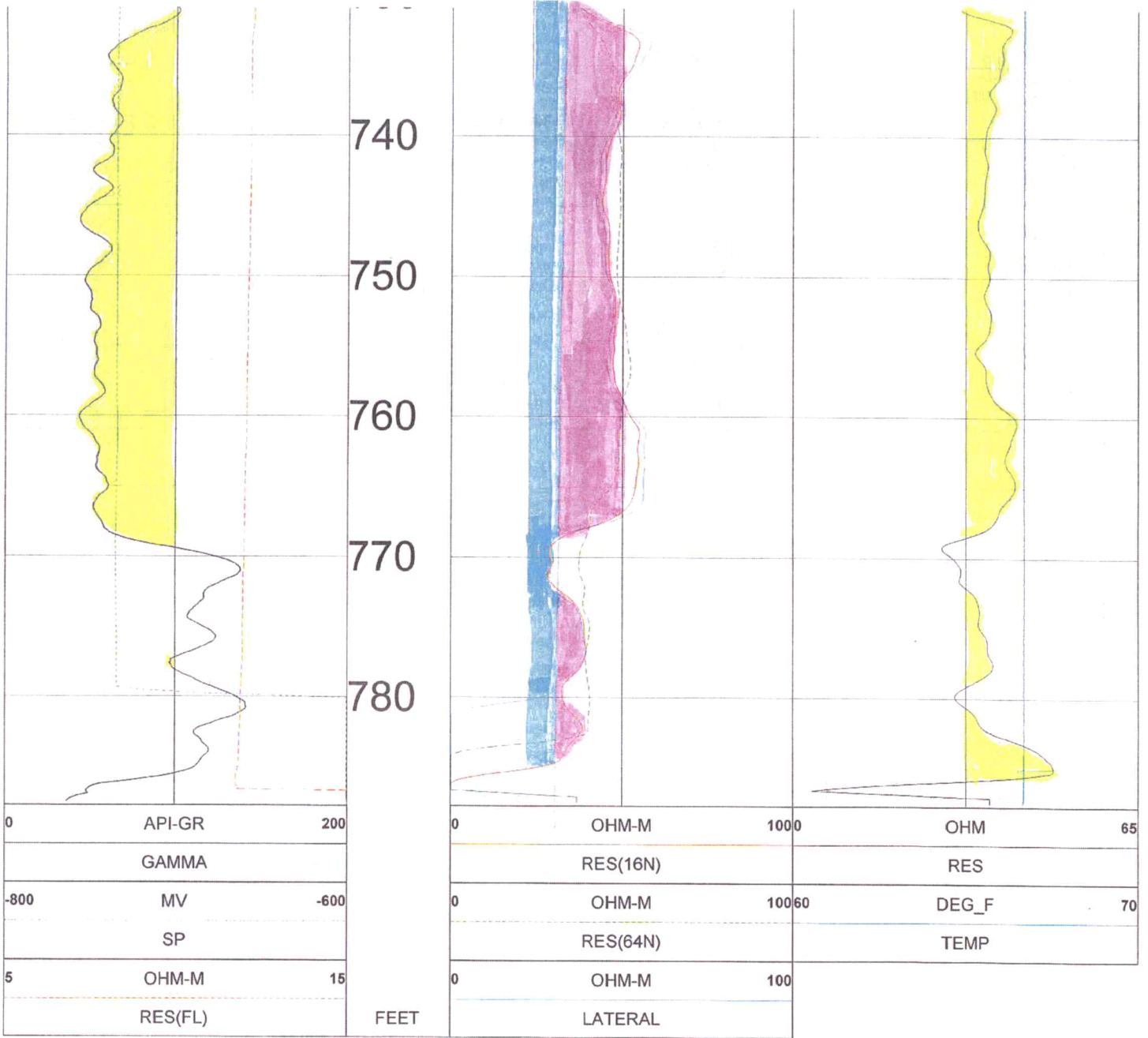
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OCT 18 2022

Garden City Field Office
Division of Water Resources



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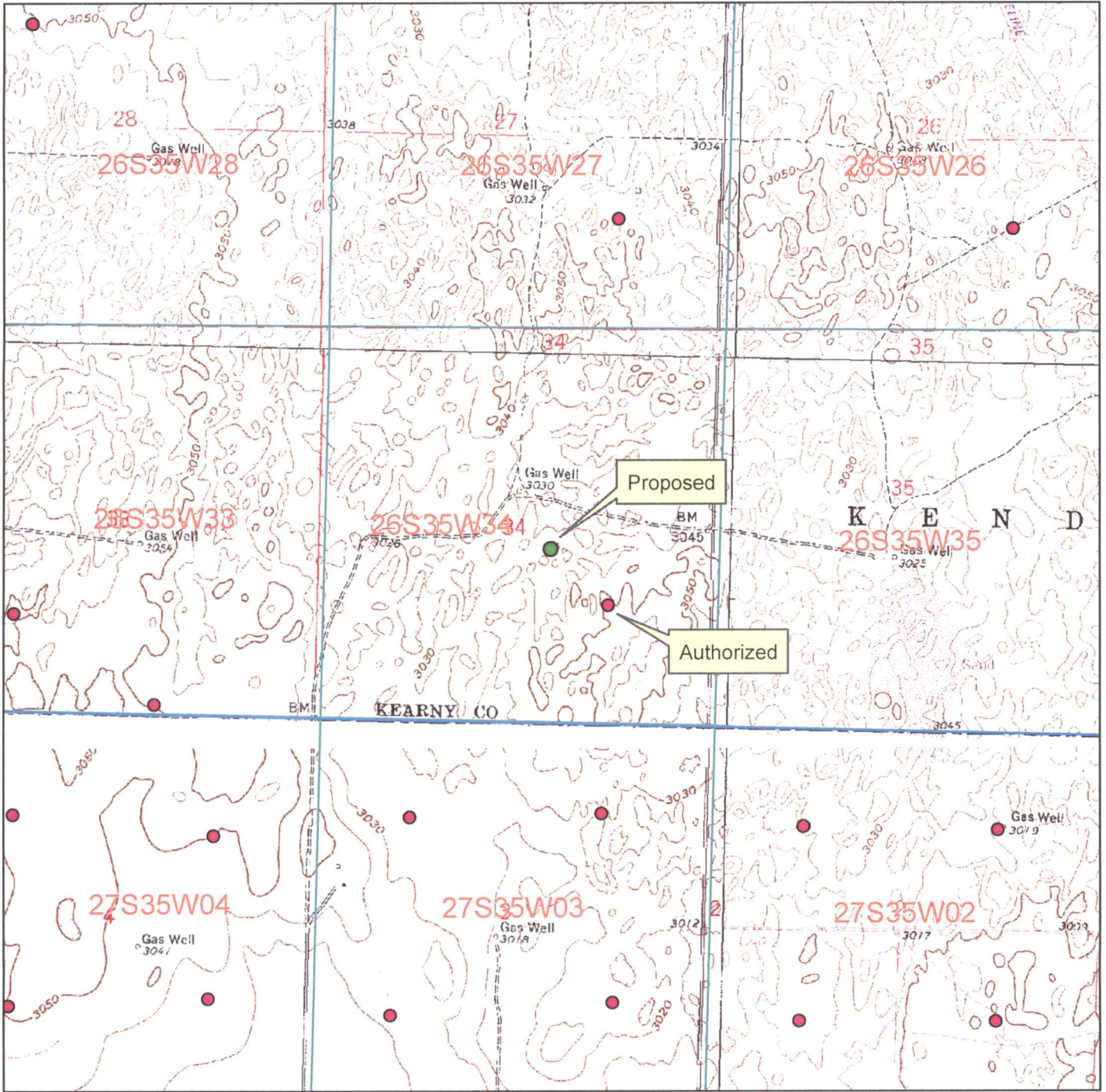
OCT 18 2022

Garden City Field Office
Division of Water Resources

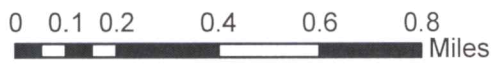
TOOL CALIBRATION J & L SMITH FARMS 10/12/22 19:41
 TOOL 8144A TM VERSION 1
 SERIAL NUMBER 365

	DATE	TIME	SENSOR	STANDARD	RESPONSE	
1	Feb08,18	07:51:35	GAMMA	1.000	[API-GR]	4.000 [CPS]
	Feb08,18	07:51:35	GAMMA	340.000	[API-GR]	290.000 [CPS]
2	Jul12,17	13:24:17	RES(FL)	1.330	[OHM-M]	7595.000 [CPS]
	Jul12,17	13:24:17	RES(FL)	42.700	[OHM-M]	64820.000 [CPS]
3	Jan14,22	08:32:51	SP	0.000	[MV]	327768.000 [CPS]
	Jan14,22	08:32:51	SP	381.500	[MV]	164650.000 [CPS]
4	Jan14,22	08:33:01	RES(16N)	0.000	[OHM-M]	3453.000 [CPS]
	Jan14,22	08:33:01	RES(16N)	1951.500	[OHM-M]	448089.000 [CPS]
5	Jan14,22	08:33:10	RES(64N)	0.000	[OHM-M]	3163.000 [CPS]
	Jan14,22	08:33:10	RES(64N)	1994.000	[OHM-M]	449170.000 [CPS]
6	Jul12,17	13:17:49	TEMP	33.400	[DEG_F]	66910.000 [CPS]
	Jul12,17	13:17:49	TEMP	102.200	[DEG_F]	270930.000 [CPS]
7	Jan14,22	08:33:36	RES	0.000	[OHM]	21285.000 [CPS]
	Jan14,22	08:33:36	RES	944.000	[OHM]	190148.000 [CPS]

Change in point of diversion for water right 33851

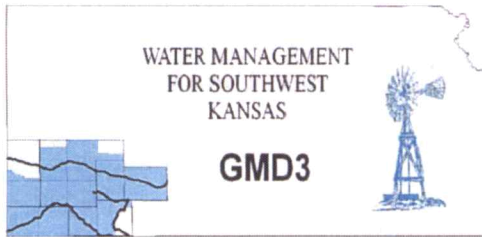


- Authorized point of diversion
- Proposed point of diversion



All wells within 1/2 mile are on this map.

X _____



**Southwest Kansas
Groundwater Management District No. 3**
2009 E. Spruce Street
Garden City, Kansas 67846
(620) 275-7147 phone
www.gmd3.org

December 7, 2022

Austin McColloch
Division of Water Resources
4532 W Jones Ave., Suite B
Garden City, Kansas 67846

RECEIVED

DEC 07 2022

Garden City Field Office
Division of Water Resources

RE: Application for Change in Point of Diversion
Water Right, File No. 33851

Dear Austin:

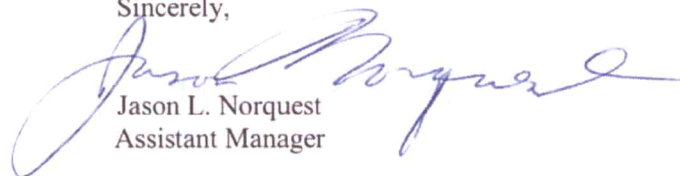
We have completed a review of the application for the above referenced water right. The proposed change in point of diversion is in accordance with current area rules, K.A.R. 5-23-3, as it pertains to minimum spacing to neighboring wells and distance moved.

Well evaluations were conducted to estimate possible effects of the proposal on the supply of other wells with water rights prior to the proposal per K.S.A. 82a-708b, and the management program. Under K.S.A. 82a-708b, an applicant requesting a change in point of diversion must demonstrate to the chief engineer that any proposed change is reasonable and will not impair. The enclosed report is an analysis performed by the GMD on behalf of our membership. Under this analysis, the proposed change is considered to be reasonable and unlikely to impair if either the net in-season well-to-well effect of the proposed change is less than a strict maximum allowable threshold (3.5 ft with saturated thickness is between 150-200ft), or if no well with a net well-to-well effect exceeding the threshold is identified as critical. Critical wells are identified as wells that are expected to either lose or greatly diminish water supply over the next 25 years. The attached review information is based on a Theis analysis using inputs from the GMD3 aquifer model, which is considered to be the best information on well and aquifer data readily and easily available to the public. If either the applicant or the neighbors believe they have better data that might change the result of the analysis, they should contact GMD3. Conclusions of the well analysis may change if better information on well and aquifer data can be made available.

Every neighboring well within 1 mile of the proposed move was evaluated. Evaluations showed that none of the neighboring wells exceeded the net effect above the maximum allowable threshold and needed no further evaluation. No critical wells were determined in the area. We did not receive any comments from neighboring well owners. Therefore, GMD3 sees this move as meeting current area rules and would recommend approval. If aquifer conditions change or there is a change to the water right in the future, we would be happy to evaluate the effects at that 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,

A handwritten signature in blue ink, appearing to read "Jason L. Norquest", is written over the typed name and title.

Jason L. Norquest
Assistant Manager

GMD3 Change Review

File No(s): 33851.

DWR office: GC.

App filed to change: PD.

Is Landowner(s) correct in WRIS: J&L Smith Farms Inc %Bryan Smith.

If NO, is documentation included?

Is Water Use Correspondent correct in WRIS? .

If NO, is documentation included?

Regulation(s) Reviewed: KAR 5-23-3

Point of diversion ID No(s) 03 being changed.

	ft. North	ft. West	
Authorized PD	1614	1340	Sect 34-26-35
Proposed PD	2310	2128	
Difference	-696 n	-788 w	
a ² + b ² = c ²	484416	620944	1051.361 foot move NW

GPS for proposed PD: Lat: 37.742758 Long: -101.133723.

Is proposed PD stacking on existing WRs? No.

Is Proposed PU overlapping existing WRs? No Change.

Neighboring certified well(s) notified: .

Name John Ensz (20263).

Address 10606 N Road V.

Zip Ulysses, KS 67880.

Email: johnensz@gmail.com Phone: 620-353-8664.

Name David Primrose (20263).

Address PO Box 201.

Zip Cedar Rapids, NE 67627.

Email: rbs@gpcom.net Phone: 308-358-409.

Domestic well(s) notified: .

Name .

Address .

Zip .

Base Acres: .

Perfected Acres: .

Irr. Return-Flow %

Kearny county

Recently had a previous change app for PU.

Authorized 272AF @ 905gpm

Avg water use (2012-2021): 111.5AF/year

2019 GMD3 inspection calculated 189gpm

GMD3 Change Review

Is a waiver needed: Move is less than half mile. Minimum spacing appears to be met.

Analysis shows possible effects within the guidelines, no critical wells determined.

Recommendation: After review of all available information, it appears current area rules are met. Staff therefore recommends approval of the application.

A handwritten signature in blue ink, consisting of a large, stylized initial 'J' followed by a smaller, cursive 'n'.

Located at: 101.133723 West Longitude and 37.742739 North Latitude
Both SURFACE WATER and GROUNDWATER
WATER USE CORRESPONDENTS:

=====
File Number Use ST SR

> JOHN F ENSZ
>
> 10606 N ROAD V
> ULYSSES KS 67880

20263

>-----
> DAVID A PRIMROSE
>
> PO BOX 201
> CEDAR RAPIDS NE 68627

20264

>-----
> J & L SMITH FARMS INC
> BRYAN SMITH
> 9170 E ROAD 2
> ULYSSES KS 67880

33603

Applicant

>-----
> J & L SMITH FARMS INC
> BRYAN SMITH
> 9170 E ROAD 2
> ULYSSES KS 67880

33851

App licator

>-----
=====

Water Rights and Points of Diversion Within 1 mile of point defined as:

2310 Feet N and 2128 Feet W of the Southeast Corner of Section 34 Twp 26S Rng 35W
 Located at: 101.133723 West Longitude and 37.742739 North Latitude
 Both SURFACE WATER and GROUNDWATER

1600' or All

File Number	Use	ST	SR	Dist (ft)	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Twp	Rng	ID	Batt	Auth_Quan	Add_Quan		
A__ AF	20263	00	IRR	NK	G	3651	/	--	--	--	--	4100	1355	3	27	35W	7	260.00	260.00
Same AF						4153	/	--	--	--	--	3980	3995	3	27	35W	3	260.00	260.00
Same AF						4945	/	--	--	--	--	3980	4025	2	27	35W	2	260.00	260.00
A__ AF	33603	00	IRR	NK	G	4537	/	--	--	NC	SE	1446	1340	27	26	35W	5	260.00	260.00
A__ AF	33851	00	IRR	NK	G*	1048	/	--	--	NC	SE	1614	1340	34	26	35W	3	272.00	272.00

Total Net Quantities Authorized:	Direct	Storage
Total Requested Amount (AF) =	.00	.00
Total Permitted Amount (AF) =	.00	.00
Total Inspected Amount (AF) =	.00	.00
Total Pro_Cert Amount (AF) =	.00	.00
Total Certified Amount (AF) =	1312.00	.00
Total Vested Amount (AF) =	.00	.00
TOTAL AMOUNT (AF) =	1312.00	.00

*Minimum Spacing
10 FT*

An * after the source of supply indicates a pending application for change under the file number.

An * after the ID indicates a 15 AF exemption was granted under the file number.

A "G" in the Batt column indicates the GEO CTR of a battery. A "B" indicates a well in the battery.

The number in the Batt column is the number of wells in the battery.

Water Rights and Points of Diversion Within 1 mile of point defined as:

2310 Feet North and 2128 Feet West of the Southeast Corner of Section 34 Twp 26S Rng 35W

20263 ID3: Drawdown from current location = 0.58 ft
Drawdown from proposed location = 1.41 ft
Net drawdown = **0.8 ft**

20263 ID7: Drawdown from current location = 0.71 ft
Drawdown from proposed location = 1.55 ft
Net drawdown = **0.8 ft**

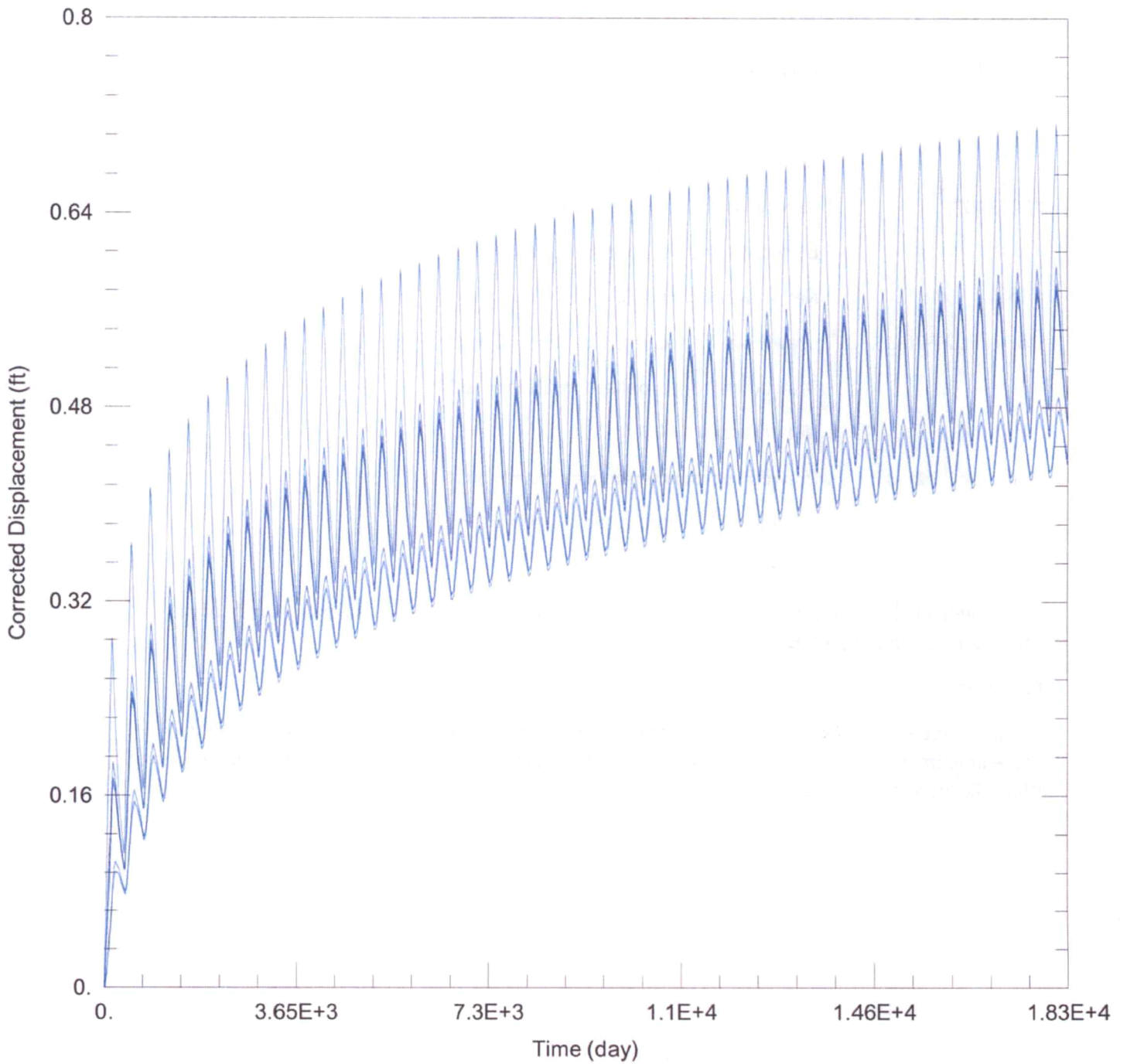
Domestic 27-26-35: Drawdown from current location = 0.48 ft
Drawdown from proposed location = 1.30 ft
Net drawdown = **0.8 ft**

Domestic 35-26-35: Drawdown from current location = 0.60 ft
Drawdown from proposed location = 1.34 ft
Net drawdown = **0.7 ft**

Net drawdown does not exceed the drawdown allowance of 3.5 ft for any well within 1 mile of the proposed location. Therefore, critical well analysis is not necessary.

Conclusion:

The proposed move is likely to create minimal effects on neighboring wells and appears unlikely to cause impairment. Any concerned neighbors should contact GMD3 at (620) 275-7147 or the Division of Water Resources at (620) 276-2901.



WELL TEST ANALYSIS

Data Set: C:\Users\trevora\Documents\2022_moves\33851\33851 Current.aqt
 Date: 12/01/22 Time: 17:02:54

PROJECT INFORMATION

Company: GMD 3
 Project: 33851
 Location: Kearny County

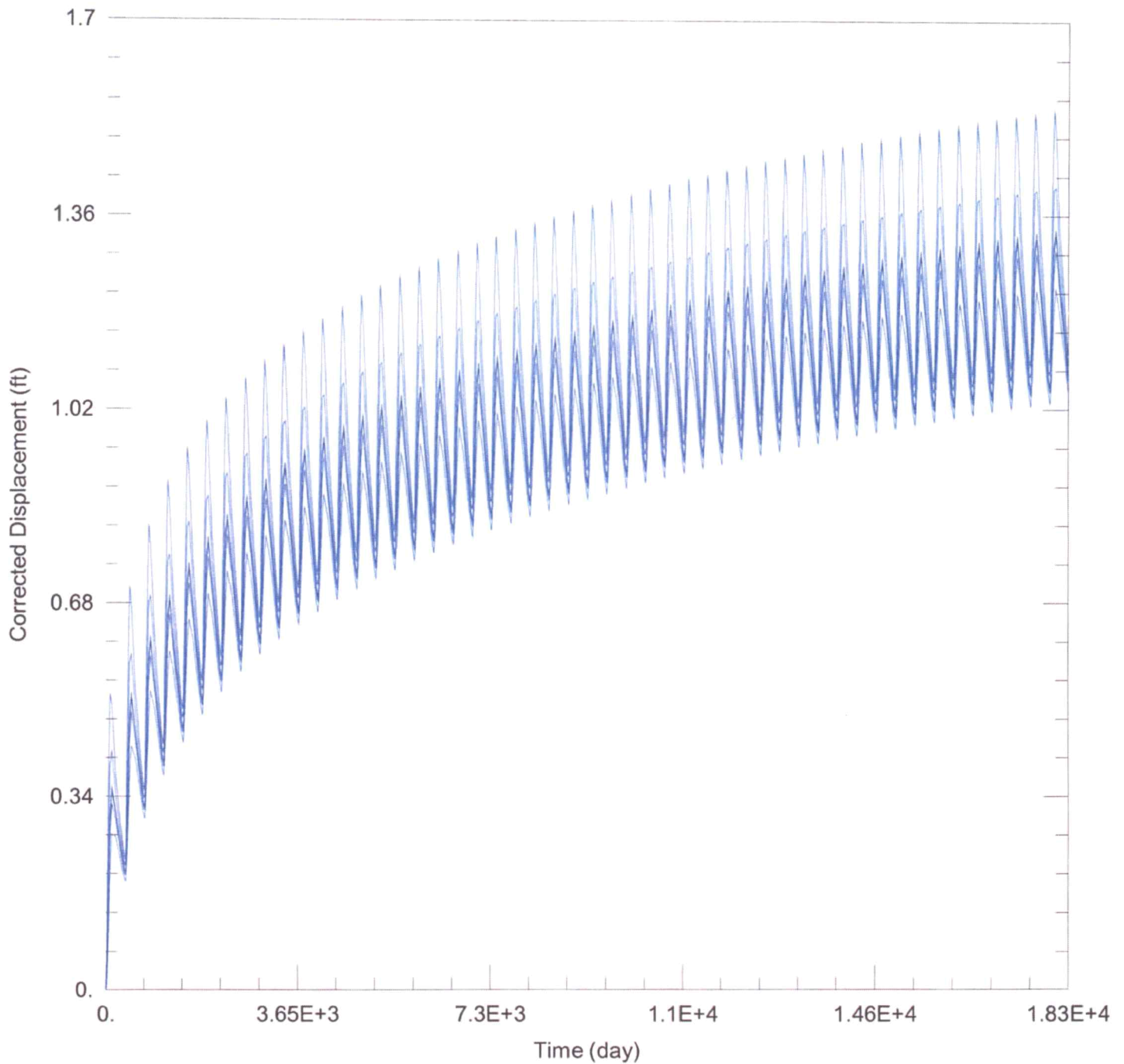
WELL DATA

Pumping Wells

Well Name	X (ft)	Y (ft)
33851	-95876	315391

Observation Wells

Well Name	X (ft)	Y (ft)
□	-95876	315391



WELL TEST ANALYSIS

Data Set: C:\Users\trevora\Documents\2022_moves\33851\33851 Proposed.aqt
 Date: 12/01/22 Time: 17:02:48

PROJECT INFORMATION

Company: GMD 3
 Project: 33851
 Location: Kearny County

WELL DATA

Pumping Wells			Observation Wells		
Well Name	X (ft)	Y (ft)	Well Name	X (ft)	Y (ft)
33851	-96661	316136	□	-96661	316136

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

GROUNDWATER MANAGEMENT DISTRICT #3
2009 E SPRUCE ST
GARDEN CITY KS 67846

Re: Request for Recommendation,
File No. 33851

Dear Sir or Madam:

We are enclosing a copy of the referenced application, which was submitted by Bryan Smith and appears to be in proper form, for your review.

We are delaying any further action for a period of 15 days from the date of this letter to allow you time to submit your recommendation concerning this application. Please submit your recommendation within the allotted time, or any authorized extension of time thereof.

If you have any questions, please contact me at (620) 276-2901. If you wish to discuss a specific file, please have the file number ready to that I may help you more efficiently.

Sincerely,

A handwritten signature in blue ink that reads "Austin McColloch".

Austin McColloch
Assistant Water Commissioner

Enclosure
pc: