Kansas Department of Agriculture Division of Water Resources

CHANGE: P/U WORKSHEET

1. File Number:	2. Status Change Date:	3. Change Num:	4. Field Office:	5. GMD:
44047		C3	4	3
6. Status: Approved Den	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 □	Person ID Add Seg#	8c. Landown		Person ID Add Seg#
	/\dd \cq#	IVEW to sy	Stelli 🖂	Add Seq#
BATAVIA FARMS LLC 5 RANDOM RD ENGLEWOOD, CO 80113	3			
8b. Landowner(s) New to system □	Person ID Add Seq#	8d. WUC New to sy	stem	Person ID Add Seq#
8a		Attn: JA	AWK FARMS ARVIS GARETSO XX AND, KS 67837	DN
9. Documents and Enclosure(s): 🛛 DV	VR Meter(s) Date to Compl	y: 12/31/2022	N & P Date to	Comply: 3/1/2023
☐ Anti-Reverse Meter ☐ Meter	Seal	⊠ N & P Form	☑ Water Tube ☐ Di	riller Copy
☐ Conservation Plan Date Require	ed: Da	te Approved:	Date to	Comply:
10. Use Made of Water From:		To: _		
			Date Prepared: 4/14/2 Date Entered:	022 ву: АМ Ву:

File No.	44047		11. Coun	ty: HS	Ва	ısin: Al	RKAN	SAS F	RIVER			S	tream:								rmation Co	de:	Special Use:	
12. Poir	nts of Dive	rsion														Rate a	and Qu	uantity						
MOD	DDIV/															Α	uthori	zed		Ad	dditional			
DEL ENT	PDIV	Qualifier	S	Т	R	ID	,	'N	ʻW		Com	ment	(AKA I	Line)		Rate		Quantit af	у	Rate gpm			Overlap PD Files	
нк	86021	SW NW NW	36	278	32W	5	4	333	507	5						1800)	609		739	0		5255; 15036	
																	,							
13. Stora	age: Rate			_ NF	Qua	ntity _					ac/ft	А	ddition	al Rat	e				NF	Addi	tional Quar	ntity		_ ac/ft
14. Limit	tation:		af/y	r at				gpm (_				cfs) w	hen co	mbine	d with	file nu	ımber	(s) SA	ME -	NO C	HANGE			
Limit	tation:		af/y	/r at				gpm (_				cfs) w	hen co	mbine	d with	file nu	ımber	(s)						
15. 5YR	Allocation	: Allocation	Туре	St	art Yea	r		5 YR	Amou	nt		Amo	ount Ur	nit	_	Base /	Acres		_ C	omment _				
16. Plac	ce of Use				N	E1/4			NV	V¹/4			sv	V1/4			S	E1/4		Total	Owner	Chg?	Overlap Files	
MOD DEL	PUSE	STR	ID	NE		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					
		36 27S32		40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	39	639	8a	N	MULTIPLE	
ENT 3	6834	31 27531	W 2									40	L-3 35.97		40					136.09	8a	N	MULTIPLE	
Base Ac	cres:	Year:		Minimu	m Reas	onable	e Quar	ntity:																
Comme	nts: CRE	EATING A	COMPL	ETE (OVER	RLAF	IN I	PU V	V/ FII	LE#	: 52	55; 1	0212	2-DA	; 15	036;	440	47 &	4404	9.				

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

April 14, 2022

BATAVIA FARMS LLC 5 RANDOM RD ENGLEWOOD, CO 80113

RE:

Filed Office Application for Change

Water Right, File Nos. 5255; 10212-DA; 15036; 44047 & 44049

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:

Wildhawk Farms – Jarvis Garetson

GROUNDWATER MANAGEMENT DISTRICT NO. 3

CERTIFICATE OF SERVICE

On this 14th day of April, 2022, I hereby certify that the foregoing Approval of Application for Change in Place of Use, Water Right, File Nos. 5,255; 10,212-DA; 15,036; 44,047 and 44,049 dated 14th day of April, 2022 was mailed postage prepaid, first class, US mail to the following:

BATAVIA FARMS LLC 5 RANDOM RD ENGLEWOOD, CO 80113

Pc:

WILDHAWK FARMS Attn: JARVIS GARETSON 695 RD XX COPELAND, KS 67837

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

or ur	VC131011 6	лилог р	nace o	use.													F	REC	CEIVED
						F	File No	. <u>4404</u>	7									JAN	1 0 2022
1.	Application is hereby made for approval of the Chief Engineer to change the (check one or both): Application is hereby made for approval of the Chief Engineer to change the (check one or both): Application is hereby made for approval of the Chief Engineer to change the (check one or both): Application is hereby made for approval of the Chief Engineer to change the (check one or both): Application is hereby made for approval of the Chief Engineer to change the (check one or both): Application is hereby made for approval of the Chief Engineer to change the (check one or both): Application is hereby made for approval of the Chief Engineer to change the (check one or both): Application is hereby made for approval of the Chief Engineer to change the (check one or both): Application is hereby made for approval of the Chief Engineer to change the (check one or both): Application is hereby made for approval of the Chief Engineer to change the (check one or both): Application is hereby made for approval of the Chief Engineer to change the (check one or both): Application is hereby made for approval of the Chief Engineer to change the (check one or both): Application is hereby made for approval of the Chief Engineer to change the (check one or both): Application is hereby made for approval of the Chief Engineer to change the (check one or both): Application is hereby made for approval of the Chief Engineer to change the (check one or both): Application is hereby made for approval of the Chief Engineer to change the (check one or both): Application is hereby made for approval of the Chief Engineer to change the (check one or both): Application is hereby made for approval of the Chief Engineer to change the (check one or both): Application is hereby made for approval of the Chief Engineer to change the (check one or both): Application is hereby made for approval of the Chief Engineer to change the (check one or both): Application is hereby made for application is hereby mad																		
						_												ion of	f Water Resources
	under the		_		s the s	ubject	of this	applic	ation i					ndition	s desc	ribed b	pelow.		
	The soul	rce of s	upply is	s:		\boxtimes G	Ground	water			Surfac	ce wat	er						
	. Name and address of Applicant: WILDHAWK FARMS Attn: JARVIS GARETSON 695 RD XX COPELAND KS 67837																		
	Phone N	lumber:	()					Email	addres	ss:								
	Name ar	nd addre	ess of	Water	Use C	orresp	onden	t: <u>Sar</u>	ne as	above									
	Phone N		-						Email	addres	ss:								
	. The presently authorized place of use is: Owner of Land NAME: BATAVIA FARMS LLC																		
	OWIICI O		ADDRI						VOOD	CO 80)113								
	(If there is																		
				NE	=1/4			NV	V1/4			SV	N1/4			SE	=1/4		TOTAL
Sec	. Twp.	Range	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE¼	NE1/4	NW1/4	SW1/4	SE1/4	ACRES
36	27	32	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	39	639
	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: BATAVIA FARMS LLC ADDRESS: 5 RANDOM RD ENGLEWOOD CO 80113 (If there is more than one landowner, attach supplemental sheets as necessary.)																		
				NE	1/4			NW1/4				SV	V1/4			SE	1/4		TOTAL
Sec	. Twp.	Range	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE¼	NE1/4	NW1/4	SW1/4	SE1/4	ACRES
36	27	32	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	39	639
31	27	31									40	35.97	35.74	40					151.71
													50.15						136.09
	For Office Use Only: Code Fee \$ 200 TR # Receipt Date \\0-22 Check # \\0\																		

5.	Presently authorized poi	nt of diversion:			
	One in the	Quarter of the		Quarter of the	Quarter
					(E/W),
					Southeast corner of section.
		Authorized Quantity			
		er ID No G			
	☐This point will not be chan	ged This point will be chan	ged as follows:	No change, point better	described with GPS as follows:
					better described by GPS)
	A second				Quarter
					(E/W),
					Southeast corner of section.
					(feet)
		I Well ☐ Geo Center List			
L	This point is. Maditions	Well Geo Genter Elst	offici water rigi	ito triat will doc trilo point	`
_ [Drocontly outhorized noi	nt of diversions			
6.	Presently authorized poi			0 1 11	
	One in the	Quarter of the		Quarter of the	Quarter
					(E/W),
					Southeast corner of section.
		Authorized Quantity			
		er ID No G			
	☐This point will not be chan	ged ☐This point will be chan	ged as follows:	No change, point better of	lescribed with GPS as follows:
	Proposed point of divers	ion: (Complete only if cha	nge is requeste	ed 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: Additiona	I Well ☐ Geo Center List	other water righ	nts that will use this point	t
7.		esired for the following reason			
	(please be specific) Lamo	lete overlap in PU	300	200 100 North	
	44047 4400	10212-DA: 15031			
	-1-10 ()		- [· =	+ + 200 + + + 100
8.	If a well, is the test hole log	attached? Yes No	300 E	- 👍 + 🚊	1 1 1 1 200
			200	- / + + =	1 + 1 + 1 = 200
9.	The change(s) (was)(will be) completed by?	E	·/ -	\ -
				/ı + ı + ı -	+ + 100
			1	Ξ Ξ	· ·
10.	If the point of diversion is a	well:	F		
	(a) What are you going to	do with the old well?	West 0	+dodom	
			#	. – – -	
			- 100	L	+ + ♣ 100
	(b) When will this be done	?	_	/, , , , , , , , , , , , , , , , , , ,	
			E	· / =	/=
11.	Groundwater Management	District recommendation attach	ned? 200 =	-1 + 1 =	+ + = 200
	☐ Yes 🔄	No	E		
			E	- =	
12.	Assisted by		- 300	200 100 0	100 200 300
120	If the proposed point of divo	rsion will be relocated more tha		South	
. 00	feet but within 2,640 feet of	the existing point of diversion, a	attach 13b.If the		ion will be relocated within a 30
	a tanagraphia man ar agi	rial photograph For ground	water foot r	adjuse of the existing point	of diversion indicate its location

Is a. 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 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. If the proposed groundwater point of diversion is 500 of fewer feet from t	he existing point of diversion, complete the following.
(a) Does the undersigned represent all owners of the currently authorize ☐ Yes ☐ No (If no, all owners must sign this application	
 (b) Will the ownership interest of any owner of the currently authorized affected if this application is approved as requested? ☐ Yes ☐ No (If yes, all owners must sign this applicat 	
(c) If this application is not approved expeditiously, will there be substar ☐ Yes ☐ No (If no, all owners must sign this application	
If the application proposes a surface water change in point of diversion, a groor a change in place of use, the application must be signed by all owners of tagent (attach notarized statement authorizing representation).	
I hereby verify, being first duly sworn upon my oath or affirmatic age and the owner, the spouse of the owner, or a duly authorized their behalf, in regards to the water right(s) to which this applic contained in this application are true, correct and complete. Dated at	d agent of the owner(s) to make this application on
Tachary Holand (Please Print)	Melissa Holland (Spouse) Melissa Holland (Please Print)
(Owner)	(Spouse)
(Please Print)	(Please Print)
(Owner)	(Spouse)
(Please Print) Colorado State of Kansas County of Denver (Please Print) Laura Higgins Notary Public State of Colorado Notary ID 2006404950 My Commission Expires December	
I hereby certify that the foregoing application was signed in my of	
My Commission Expires 12/7/2022.	Jawa Brogin
ONLY COMPLETE APPLICATIONS WILL BE PROCESSED. To be complete, all of the accurate information; maps, if necessary, must be included; signatures of all the appropriate fee must be paid.	
Each application to change the place of use or the point of diversion under the forth in the schedule below: Make checks payable to: Kansas Department (1) Application to change a point of diversion 300 feet or less (2) Application to change a point of diversion more than 300 feet (3) Application to change the place of use	of Agriculture\$100 \$200

SUMMARY ORDER APPROVING APPLICATION FOR CHANGE AND IMPOSING CONDITIONS

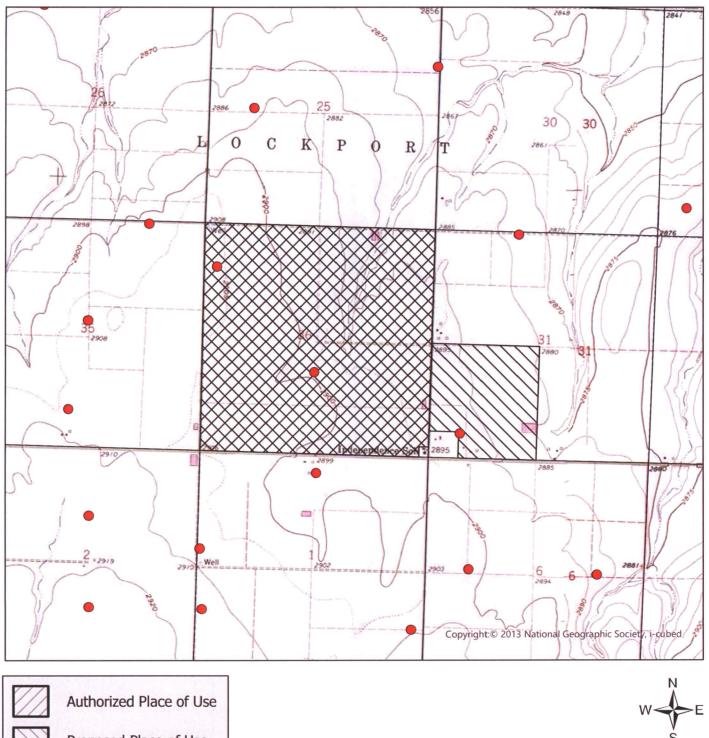
This Summary Order is issued under authority of K.S.A. 82a-708b, as amended, and K.A.R. 5-5-1, et seq. and other applicable provisions of the Kansas Water Appropriation Law, K.S.A. 82a-701 et. seq., and rules and regulations promulgated thereunder, With the exception of those conditions expressly contained herein, this Summary Order does not change the terms, conditions and limitations of File No. A change application was received on <u>January 10, 2022</u> 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. 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 \square Not Applicable the topographic map accompanying the application to change the place of use. 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 Not Applicable radius of the authorized point(s) of diversion.
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 _ authorized point(s) of diversion. ☐ Applicable ☑ Not Applicable feet from the previously 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** 2-2, 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 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 \sum 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. 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 necollash Austin days pursuant to K.S.A. 77-531. Any request for administrative (Print Name): 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, 2022 Date of Issuance: 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. State of Kansas SS For Use by Register of Deeds County of Acknowledged before me on nllock Signature: Notary Public JULIE JONES NOTARY . My commission expires My Appointment Expires PUBLIC (Notary Seal), 2022

CHANGE IN PLACE OF USE WATER RIGHT, FILE NO. 44047

Section 36 Township 27 South Range 32 West Haskell County



Proposed Place of Use

Date: 8/17/21 HH/GCFO Scale: 1:24,000