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:
44049		C3	4	3
6. Status: Approved Der	ied 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	Person ID Add Seq#	8c. Landown New to sy		Person IDAdd Seq#
5 RANDOM RD ENGLEWOOD, CO 8011	3			
8b. Landowner(s) New to system □	Person IDAdd Seq#	8d. WUC New to sy	stem 🗌	Person IDAdd Seq#
8a		Attn: J. 695 RD	AWK FARMS ARVIS GARETSO XX AND, KS 67837	ON
9. Documents and Enclosure(s): D	NR Meter(s) Date to Comp	ly: 12/31/2022	N & P Date to	Comply: 3/1/2023
☐ Anti-Reverse Meter ☐ Meter	Seal	⊠ N & P Form		oriller Copy ☐ H & E Letter
☐ Conservation Plan Date Requi	red: Da	ite Approved:	Date to	Comply:
10. Use Made of Water From:		To: _		
			Date Prepared: 4/14/2 Date Entered:	2022 By: AM By:

File No.	44049)	11. Cou	nty: HS	Ва	asin: A	RKAN	ISAS F	RIVER			S	tream:								rmation Co 1/331	de:	Special Use:	
12. Poir	nts of Dive	ersion														Rate a	and Qı	uantity						
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14. Limit	tation:		af/	yr at				gpm (_				cfs) w	nen co	mbine	d with	file nu	umber	(s) SA	ME -	NO C	HANGE			
		: Allocation																	_ C	omment _				
16. Plac	ce of Use				N	ΙΕ1⁄4			NV	V¹/4			SV	V1/4			S	E1/4		Total	Owner	Chg?	Overlap Files	
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Comme	nts: CRI	EATING A	COMP	LETE	OVE	RLAF	IN	PU W	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.

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						F	File No	. 4404	.9										0 2022
1. A	pplicati	on is he	ereby n	nade f	or app	roval c	of the C	Chief E	ngine	er to ch	nange	the (ch	eck or	ne or b	oth):	Div	Garde	n City	Field Office ter Resource
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6	95 RD 2	XX COF	PELAN	ID KS	67837														
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F	or Offic	e Use	Only:	Code		Fe	e \$		TR	#		Re	eceipt	Date _			Chec	:k#_	

5.	Presently authorized poi	nt of diversion:				
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		County, Kansas,				
		Authorized Quantity				
	(DWR use only: Comput	ter ID No GPS		feet North	feet We	est)
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		Quarter of the				
		, Township				
		County, Kansas,				
		Proposed Quantity				
	This point is: Additiona	al Well ☐ Geo Center List oth	er water righ	ts that will use this po	int	
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, [Presently authorized poi	nt of diversion:				
٠.		Quarter of the		Quarter of the		Quarter
		, Township				
	in	County, Kansas,	feet North	feet West	of Southeast corne	er of section
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		Proposed Quantity				
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7.	(please be specific) Come		300	200 100 No	orth 0 100 200	ПППЧ
		attached? ☐ Yes ☐ No	200	- / + -	- + + +	200
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10	If the maint of diversion is a	and the	1			4
10.	If the point of diversion is a		Wasto		≣ ⊌anatambaatamba	ULLUH O Fost
	(a) What are you going to	do with the old well?	Westo			East
	(b) When will this be done	?	100	_ + + + + + =	- + +	100
11.	Groundwater Management Yes	District recommendation attached? No	200	- + -		200
12.	Assisted by		300 300	200 100	0 100 200	300
13a	feet but within 2,640 feet of a topographic map or aer sources, show all wells (incl of the proposed point of diaddresses of the owners. Finames and addresses of	rsion will be relocated more than 30 the existing point of diversion, attacrial photograph. For groundwat uding domestic) within one-half miversion and the names and mailing for surface water sources, show the landowner(s) one-half mimile upstream from your proper	ch 13b.If the er foot rate on the diverse within le center	So	rsion will be relocated into f diversion, indicated into f diversion, indicated into f diversion in the point of diversion in the count of diversion in the count of diversion in the count of the country of the countr	ted within a 30 icate its location existing point on the locate. E: The "X" in the locate.

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.)

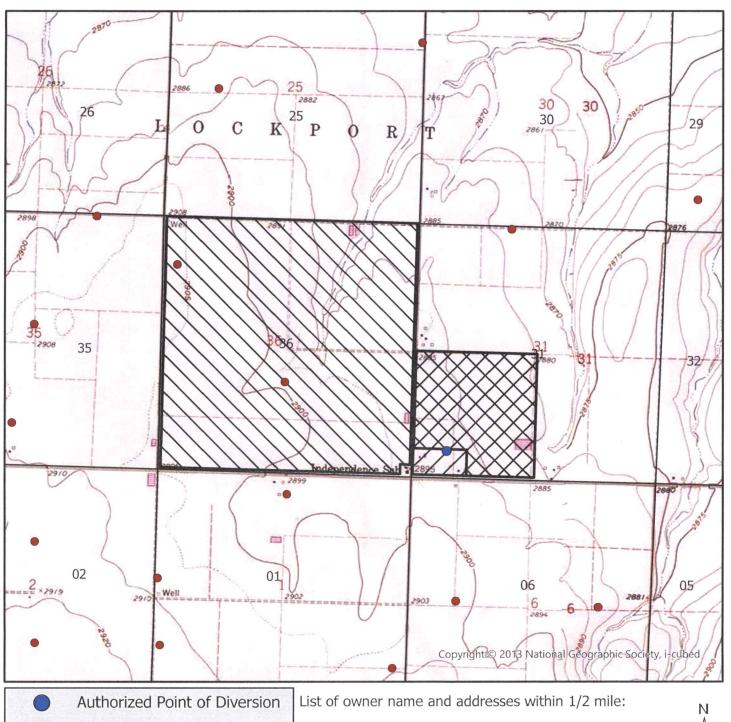
14. If the proposed groundwater point of diversion is 300 or fewer feet fro	m the existing point of diversion, complete the following:
(a) Does the undersigned represent all owners of the currently author☐ Yes☐ No(If no, all owners must sign this application)	
 (b) Will the ownership interest of any owner of the currently author 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 subs ☐ Yes ☐ No (If no, all owners must sign this applic	
If the application proposes a surface water change in point of diversion, a or a change in place of use, the application must be signed by all owners agent (attach notarized statement authorizing representation).	groundwater change in point of diversion greater than 300 feet, of the currently authorized place of use, or their duly authorized
I hereby verify, being first duly sworn upon my oath or affirmage and the owner, the spouse of the owner, or a duly authoritheir behalf, in regards to the water right(s) to which this appropriate in this application are true, correct and complete.	zed agent of the owner(s) to make this application on
Dated at Englewood Kaneas, this	5 day of January , 20 22.
Tachas (Hease Print)	Melissa Holland Melissa Holland
(Please Print)	(Please Print)
(Owner)	(Spouse)
(Please Print)	(Please Print)
(Owner)	(Spouse)
(Please Print) Colorado State of Kansas County of Denver	(Please Print)
I hereby certify that the foregoing application was signed in more than the foregoing application was signed in more properties.	by presence and sworn to before me this \underline{S}^{++} day
My Commission Expires 12713033.	Flaurer Bloggins Notary Public
ONLY COMPLETE APPLICATIONS WILL BE PROCESSED. To be complete, all caccurate information; maps, if necessary, must be included; signatures of all the appropriate fee must be paid.	f the applicable portions of the application form must be completed with propriate owners' must be affixed to the application and notarized; and
FEE SCHEDU	LE
Each application to change the place of use or the point of diversion under forth in the schedule below: Make checks payable to: Kansas Departme (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	this section shall be accompanied by the application fee set nt 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 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. 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 ___ 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**, 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. ☐ Not 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 23 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 \(\sigma\) 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 McCollock (Print Name): Austin 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. 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 OC Signature: Notary Public JULIE JONES My commission expires: ntment Expires PUBLIC (Notary

CHANGE IN PLACE OF USE, FILE NOS. 10212-D2 & 44049

Section 31 Township 27 South Range 31 West, Haskell County



Permitted Water Right

★ Domestic Well within 1/2 mile



Authorized Place of Use



Proposed Place of Use



By signing below I agree that all wells, including domestic, and owners names and addresses within 1/2 mile of the proposed point of diversion have been shown on the map