

Kansas Department of Agriculture  
 Division of Water Resources  
**CHANGE: P/D WORKSHEET**

1. File Number: <b>9281</b>	2. Status Change Date:	3. Change Num: <b>C4</b>	4. Field Office: <b>4</b>	5. GMD: <b>3</b>
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6. Status: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied by DWR/GMD <input type="checkbox"/> Dismiss by Request/Failure to Return	7. Filing Date of Change: <b>6/9/2022</b>
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8a. Applicant(s) New to system <input type="checkbox"/>  <b>J &amp; L SMITH FARMS INC</b> <b>Attn: BRYAN SMITH</b> <b>9170 E ROAD 2</b> <b>ULYSSES, KS 67880-8151</b>	8c. Landowner(s) New to system <input type="checkbox"/>  Person ID <b>55420</b> Add Seq# _____
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8b. Landowner(s) New to system <input type="checkbox"/>  <b>8a</b>	8d. WUC New to system <input type="checkbox"/>  <b>8a</b>
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9. Documents and Enclosure(s):  DWR Meter(s) Date to Comply: **12/31/2022**     N & P Date to Comply: **3/1/2023**

Anti-Reverse Meter     Meter Seal     Check Valve     N & P Form     Water Tube     Driller Copy     H & E Letter

Conservation Plan    Date Required: \_\_\_\_\_    Date Approved: \_\_\_\_\_    Date to Comply: \_\_\_\_\_

10. Use Made of Water    From: \_\_\_\_\_    To: \_\_\_\_\_

Date Prepared: **6/10/2022**    By: **AM**

Date Entered: \_\_\_\_\_    By: \_\_\_\_\_

File No. **9281**      11. County: **GT**      Basin: **BEAR CREEK**      Stream: \_\_\_\_\_      Formation Code: **211/331**      Special Use: \_\_\_\_\_

12. Points of Diversion  
 CHK  
 MOD  
 DEL    PDIV  
 ENT                      Qualifier                      S    T    R    ID                      'N    'W                      Comment (AKA Line)                      Rate gpm                      Quantity af                      Additional Rate gpm                      Quantity af                      Overlap PD Files

**DEL    86783**

**ENT                      NW SW SE                      18    27S    36W                      1164    2403                      1162                      330                      0                      330                      5784**

13. Storage: Rate \_\_\_\_\_ NF      Quantity \_\_\_\_\_ ac/ft      Additional Rate \_\_\_\_\_ NF      Additional Quantity \_\_\_\_\_ ac/ft

14. Limitation: \_\_\_\_\_ af/yr at **1162** gpm ( **2.59** cfs) when combined with file number(s) **5784**  
 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				
<b>CHK 5426</b>																				
<b>CHK 7804</b>																				

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

June 10, 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. 5784 & 9281

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: GROUNDWATER MANAGEMENT DISTRICT NO. 3

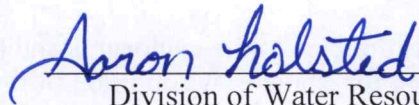
**CERTIFICATE OF SERVICE**

On this 10<sup>th</sup> day of June, 2022, I hereby certify that the foregoing Approval of Application for Change in Point of Diversion, Water Right, File Nos. 5,784 and 9,281 dated 10<sup>th</sup> 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.

File No. 9281

**RECEIVED**  
 4:31 PM  
 JUN 09 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

9170 E ROAD 2 ULYSSES KS 67880-8151

Phone Number: (    )                      Email address: \_\_\_\_\_

Name and address of Water Use Correspondent: SAME AS ABOVE

Phone Number: (    )                      Email address: \_\_\_\_\_

3. The presently authorized place of use is:

Owner of Land ---- NAME: SAME AS ABOVE -- NO CHANGE

ADDRESS: \_\_\_\_\_

(If there is more than one landowner, attach supplemental sheets as necessary.)

Range		NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
Sec.	Twp.	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.)

Range			NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
Sec.	Twp.	Range	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

**For Office Use Only:** Code \_\_\_\_\_ Fee \$ 100.00 TR # \_\_\_\_\_ Receipt Date 6-9-22 Check # 004680

5. **Presently authorized point of diversion:**  
 One in the      NW      Quarter of the      SW      Quarter of the      SE      Quarter  
 of Section      18     , Township      27      South, Range      36      (W),  
 in GRANT      County, Kansas,      1152      feet North      2403      feet West of Southeast corner of section.  
 Authorized Rate      Authorized Quantity      Depth of well      (feet)  
**(DWR use only: Computer ID No. 04      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      SW      Quarter of the      SE      Quarter  
 of Section      18     , Township      27      South, Range      36      (W),  
 in GRANT      County, Kansas,      1164      feet North      2403      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 5784.

6. **Presently authorized point of diversion:**  
 One in the      Quarter of the      Quarter of the      Quarter  
 of Section     , Township      South, Range      (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      (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) WELL FAILURE

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

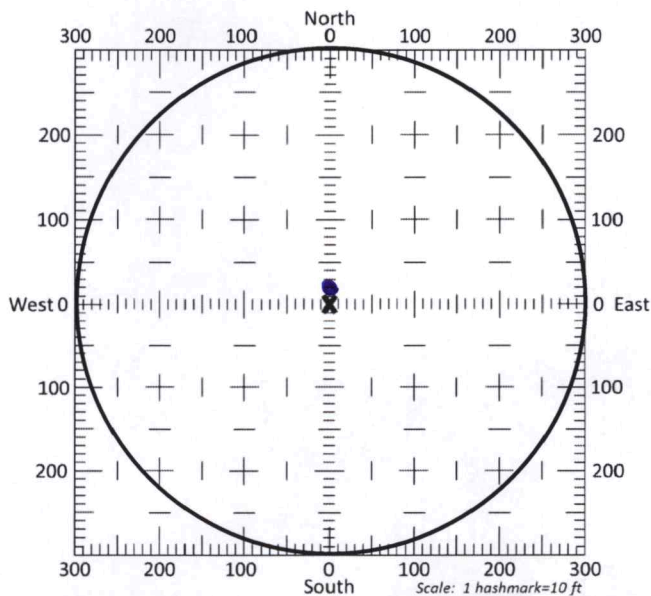
9. The change(s) (was)(will be) completed by?  
    

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

11. Groundwater Management District recommendation attached?  
 Yes  No

12. Assisted by AM / 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 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 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).

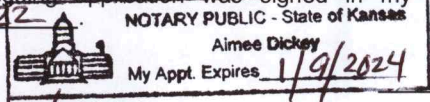
I hereby verify, being first duly sworn upon my oath or affirmation and under penalty of perjury, that I am of lawful age and the owner, the spouse of the owner, or a duly authorized agent of the owner(s) to make this application on their behalf, in regards to the water right(s) to which this application pertains. I further verify that the statements contained in this application are true, correct and complete.

Dated at Ulysses, Kansas, this 9 day of June, 2022.

X J & L SMITH FARMS INC BY Larry Smith  
 \_\_\_\_\_ (Owner) \_\_\_\_\_ (Spouse)  
LARRY SMITH  
 \_\_\_\_\_ (Please Print) \_\_\_\_\_ (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 9 day of June, 2022.



Aimee Dickey  
Notary Public

My Commission Expires 1/9/2024.

**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. 9281.

1. A change application was received on June 9, 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 50 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 300 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, 2022**, 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, 2022**, or within any authorized extension of time. By March 1, 2023 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: June 10, 2022

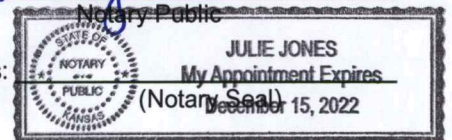
State of Kansas )

County of Winney ) SS

Acknowledged before me on June 10, 2022  
by Austin McColloch

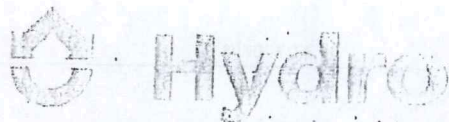
Signature: Julie Jones  
Notary Public

My commission expires: \_\_\_\_\_  
(Notary Seal)





3795 W. Jones Ave.  
Garden City, KS 67846  
PH: 620-277-2389



PO Box 639  
Garden City, KS 67846  
Fax: 620-277-0224

LARRY SMITH 620-356-1074

Customer Name: J+L Smith Farms WO#: 13017 Date: 1/31/18  
 Street Address: 9170 E Road 2 Test #: 1 E LOG: Yes  
 City, State: Ulysses, KS 67880 Driller: DAVID FERRALL  
 County: Grant Quarter: SE Section: 18 Township: 27 Range: 36  
 Location: From old well - 223' N + 181' E GPS: 37.69582°N 101.29781°W  
 Rig #: 10003 Elevation: 3067 Static WL: 303 Estimated? Yes  
 Proposed Well Depth: 692

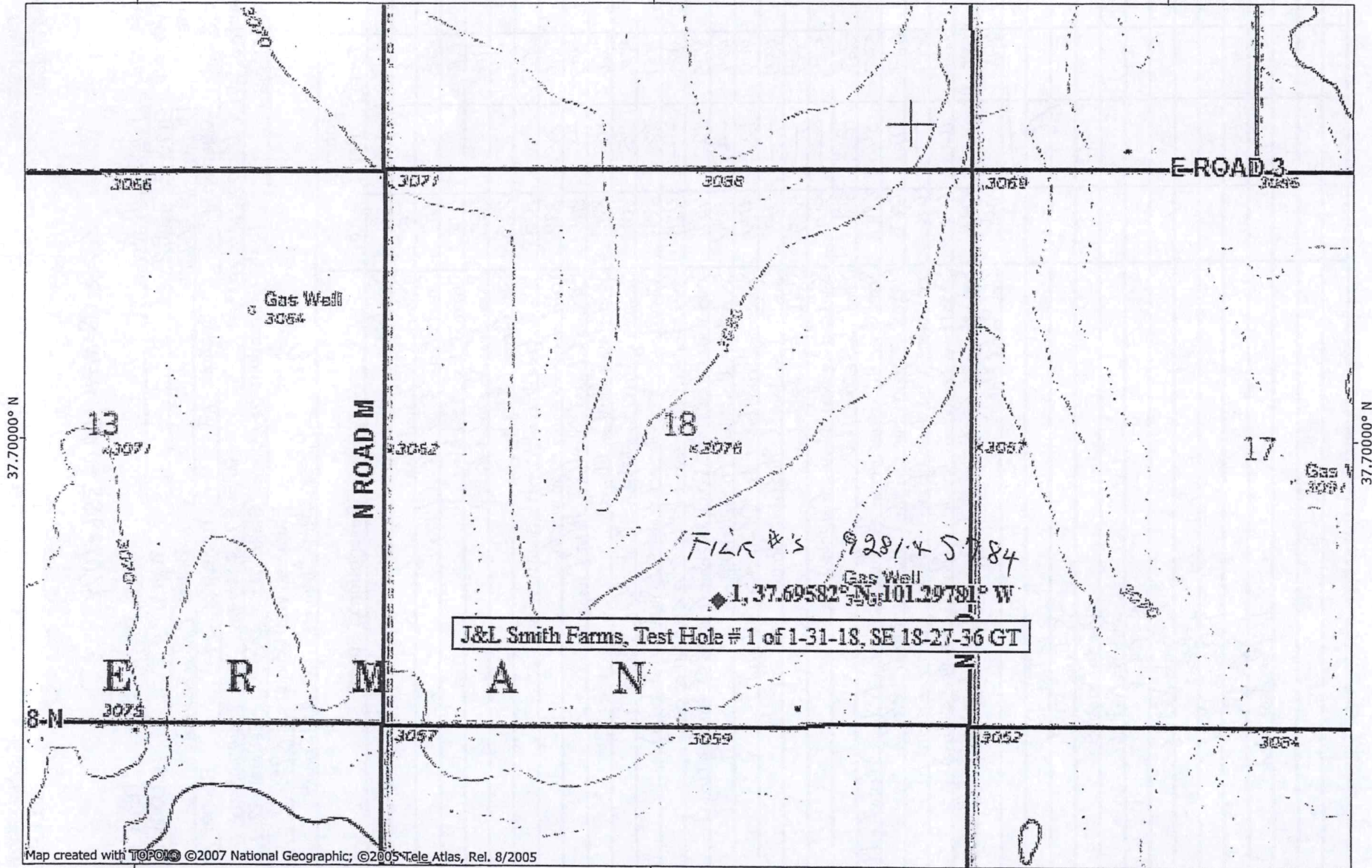
331 POSSIBLE WELL LOCATION 20' SAMPLE

%	Footage			Description of Strata
	From	Pay	To	
	0		2	Surface
	2		55	Brown Clay, Caliche
	55		61	Sand, fine to small (loose)
	61		116	Brown clay, few blue
	116		125	Sand, fine to med (loose)
	125		255	Blue Clay (sticky)
	255		308	Sand, fine to med, coarse, small gravel
15%	308	24	332	Sand, fine to small, thin clay
	332		366	Brown Clay (Sluffing Blue Clay)
10%	366	10	376	Sand, fine (Sluffing Clay)
15%	376	25	401	Brown, yellow sandstone (Sluffing Clay)
10%	401	22	423	Sandstone, siltstone (tight) (Sluffing Clay)
	423		425	Sandstone, limestone (left 70' core, mix brown)
13%	425	12	437	Sandstone (loose like sand) siltstone (tight) (Sluffing Clay)
	437		444	Sandstone, limestone (very hard) 444'
10%	444	12	456	Sandstone, siltstone (tight) (Sluffing Clay)
	456		547	Shale, limestone (Sluffing Clay)
	547		559	Shale, few sandstone
5%	559	18	567	Shale, some sandstone
10%	567	34	595	Sandstone, few sandstone (Sluffing shale + clay) (used a little water)
10%	595	18	617	Sandstone, siltstone (tight) (Sluffing shale + clay)
	617		647	Sandstone, limestone (Hard) (Sluffing shale + clay)
10%	647	16	659	Sandstone, siltstone (tight) (Sluffing shale + clay)
	659		691	Sandstone, limestone (Sluffing shale + clay) - see rock core
	691		740	Red Bed (Hard)
		16.7		
				- Test Rig -
				- Set up East -
				- Pit to South -
				2 - Super Gel X
				5 - Grout
				5 - Baritone Plug
				3 - Brown
				1 - Peema Plug
				1 - Soda Ash
				1 - 4 3/4 drag blade

101.31667° W

101.30000° W

NAD27 101.28333° W



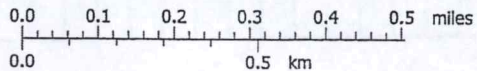
Map created with TOPO! ©2007 National Geographic; ©2005 Tele Atlas, Rel. 8/2005

101.31667° W

101.30000° W

NAD27 101.28333° W

NATIONAL GEOGRAPHIC



TN MN  
6°

02/01/18