## Kansas Department of Agriculture Division of Water Resources CHANGE: P/U WORKSHEET

1. File Number: <b>12363</b>	2. Status	Change Date:	3. Change Num:	4. Field Office:	5. GMD:
6. Status: Approved	☐ Denied by DWR	R/GMD [	Dismiss by Request	/Failure to Return	7. Filing Date of Change: <b>5/10/2023</b>
8a. Applicant(s) New to system   GRAHAM FARM 2150 ROAD 220 DEERFIELD, KS	Add Sec	ID <b>6372</b>	8c. Landowne New to sys		Person IDAdd Seq#
8b. Landowner(s) New to system   8a	Person Add Sec		8d. WUC New to sys	stem	Person IDAdd Seq#
9. Documents and Enclose  Anti-Reverse Meter  Conservation Plan  10. Use Made of Water	☐ Meter Seal	Check Valve	⊠ N & P Form e Approved:	☐ Water Tube ☐	o Comply: 3/1/2024  Driller Copy
				Date Prepared: <b>5/17</b> / Date Entered:	<b>/2023</b> By: <b>AM</b> By:

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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

May 17, 2023

**GRAHAM FARMS INC** 2150 ROAD 220 **DEERFIELD, KS 67838-9513** 

> RE: Filed Office Application for Change

Water Right, File Nos. 841; 10144; 12363 & 14147

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. Note: this approval does not allow any single point of diversion to exceed its annual authorized quantity.

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:

GMD 3

#### CERTIFICATE OF SERVICE

On this 17<sup>th</sup> day of May, 2023, I hereby certify that the foregoing Approval of Application for Change in Place of Use, Water Right, File Nos. 841, 10,144, 12,363 and 14,147 dated 17<sup>th</sup> day of May, 2023 was mailed postage prepaid, first class, US mail to the following:

GRAHAM FARMS INC 2150 ROAD 220 DEERFIELD, KS 67838-9513

The Control of the Co

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



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	ile No	. <u>1236</u>	3			(1-11-) (1-11-)	72 - 12 E					MA	AY 1 0 202:
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of Section	, Township		South, Range	
in	County, Kansas,	feet North	feet West of So	outheast corner of section
Authorized Rate	County, Kansas, Authorized Quantity	MARCHEL C	Depth of well	(feet)
(DWR use only: Com	puter ID No GPS	in the last	feet North	feet West)
	hanged This point will be changed			
Proposed point of div	ersion: (Complete only if change	is requested	or if existing point is b	etter described by GPS
One in the	Quarter of the		Quarter of the	Qua
of Section	, Township		South, Range	(
in	County, Kansas,	feet North	feet West of So	outheast corner of section
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Presently authorized	point of diversion:			
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of Section	, Township		South, Range	
in	County, Kansas,	feet North	feet West of Sc	outheast corner of section
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The changes herein are	e desired for the following reasons'	4 787.4	s that will use this point _	•
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The changes herein are (please be specific)	e desired for the following reasons'	300	200 100 North 0	100 200 300
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The changes herein are (please be specific)	e desired for the following reasons' log attached?  Yes No lbe) completed by?	200	200 100 North 0	100 200 300 
The changes herein are (please be specific)  If a well, is the test hole I  The change(s) (was)(will	e desired for the following reasons' log attached?  Yes No lbe) completed by?	200	200 100 North 0	100 200 300 
The changes herein are (please be specific)  If a well, is the test hole I  The change(s) (was)(will  If the point of diversion is	e desired for the following reasons' log attached?  Yes No lbe) completed by?	200	200 100 North 0	100 200 300 
The changes herein are (please be specific)  If a well, is the test hole I  The change(s) (was)(will  If the point of diversion is (a) What are you going	e desired for the following reasons' log attached?  Yes No lbe) completed by? s a well: to do with the old well?	200 200 West 0	200 100 North 0	100 200 300 +   +   200   100   100   100
The changes herein are (please be specific)  If a well, is the test hole I  The change(s) (was)(will  If the point of diversion is (a) What are you going	e desired for the following reasons' log attached?  Yes No lbe) completed by?	200	200 100 North 0	100 200 300 
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The changes herein are (please be specific)	e desired for the following reasons' log attached?  Yes No be) completed by? s a well: to do with the old well? ent District recommendation attached?	200 100 West 0	200 100 North 0	100 200 300 +   +   200   100   100   100
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Page 2

File No. <u>12363</u>

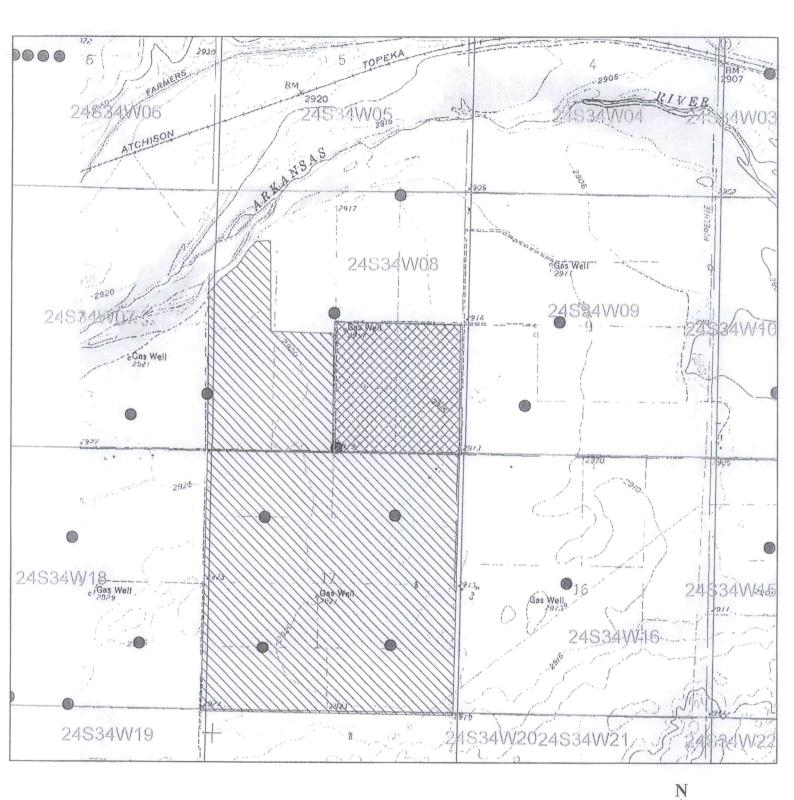
DWR 1-121 (Revised 09/11/2019)

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 aut  ☐ Yes ☐ No (If no, all owners must sign this app	thorized place(s) of use identified in this application?
<ul> <li>(b) Will the ownership interest of any owner of the currently auth affected if this application is approved as requested?</li> <li>☐ Yes</li> <li>☐ No</li> <li>(If yes, all owners must sign this approved as requested)</li> </ul>	
(c) If this application is not approved expeditiously, will there be so ☐ Yes ☐ No (If no, all owners must sign this app	ubstantial damage to property, public health or safety? olication.)
If the application proposes a surface water change in point of diversion, or a change in place of use, the application must be signed by all owne agent (attach notarized statement authorizing representation).	
I hereby verify, being first duly sworn upon my oath or affir age and the owner, the spouse of the owner, or a duly author their behalf, in regards to the water right(s) to which this a contained in this application are true, correct and complete.	prized agent of the owner(s) to make this application on pplication pertains. I further verify that the statements
Dated at On der City, Kansas, thi	is 01 day of 1 20 23.
D. UI	The state of the s
(Owner)	(Spouse)
(Owner)	(Opouse)
(Please Print)	(Please Print)
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State of Kansas SS	
County of /ZNNEY	1 the second sec
I hereby certify that the foregoing application was signed in of 2023	my presence and sworn to before me this day
, 20 L	T. Ki
KEVIN L. SALTER	Sun datter
My Appointment Expires My Commission Express November 2, 2025	Notary Public
The state of the s	
ONLY COMPLETE APPLICATIONS WILL BE PROCESSED. To be complete, a accurate information; maps, if necessary, must be included; signatures of all the the appropriate fee must be paid.	all of the applicable portions of the application form must be completed with appropriate owners' must be affixed to the application and notarized; and
The state of the s	
FEE SCHEI	
Each application to change the place of use or the point of diversion un forth in the schedule below: Make checks payable to: <b>Kansas Depart</b> (1) Application to change a point of diversion 300 feet or less. (2) Application to change a point of diversion more than 300 feet.	ment of Agriculture \$100 eet \$200
(3) Application to change the place of use	\$200
ANRON I HOLSTED	
My Appointment Express May 18, 2027	
DWR 1-121 (Revised 09/11/2019) Page 3	File No. 12363

### SUMMARY ORDER APPROVING APPLICATION FOR CHANGE AND IMPOSING CONDITIONS

pro	This Summary Order is issued under authority of K.S.A. 82a-708b, as a provisions of the <i>Kansas Water Appropriation Law, K.S.A. 82a-701 et. s</i> With the exception of those conditions expressly contained herein, this Su limitations of File No. 12363	seg., and rules and regulations promulgated thereunder
1.	A change application was received on	requesting that the place of use and / or point or anged as described in the application.
2.	2. On and after the effective date of this summary order, the authorized put the topographic map accompanying the application to change the put to the summary order.	place(s) of use shall be located substantially as shown or blace of use. Applicable   Not Applicable
3.	3. The change in point of diversion shall not impair existing rights and sl previously authorized. The point of diversion authorized by this sur radius of the authorized point(s) of diversion. ☐ Applicable ☐	mmary order shall be located within a foot
4.	4. The point(s) of diversion described herein is administratively correct Positioning System (GPS), as described in the application. ☐ App	cted to be more accurately described using the Globa
5.	5. The point(s) of diversion authorized herein shall not actually be locate authorized point(s) of diversion. ☐ Applicable Not Application	ed more than feet from the previously able
6.	6. As required by K.A.R. 5-3-5d, if the works for diversion is a well with a or other device suitable for making water level measurements shall K.A.R. 5-6-13. ★ Applicable ☐ Not Applicable	a diversion rate of 100 gallons per minute or more, a tube be installed, operated and maintained in accordance with
7.	7. The owner of the authorized place(s) of use shall properly in December 31, 20 3, or before the first use of water, whichev operated and maintained in accordance with K.A.R. 5-1-4 through 5 K.A.R. 5-3-5e, the owner shall maintain records and report the read diverted annually to the Chief Engineer by March 1 following the en Applicable  Not Applicable	er occurs first. The water flow meter shall be installed, 5-1-12. As required by K.S.A. 82a-732, as amended, and ling of the water flow meter and the total quantity of water
8.	<ol> <li>Installation of the works for diversion of water shall be complet authorized extension of time. By March 1, 20 the applicant works for diversion has been completed, on the form provided by the Applicable</li></ol>	t shall notify the Chief Engineer that construction of the
9.	9. The completed well log shall be submitted with the required notice	ce. Applicable Not Applicable
10.	<ol> <li>All diversion works into which any type of chemical or other foreign su with an in-line, automatic, quick-closing check valve capable of pre check valve(s) shall be installed, operated and maintained in accord</li> </ol>	eventing pollution of the source of the water supply. The
11.	11. Additional Conditions are attached. ☐ Yes ☒ No	
12.	12. In accordance with K.S.A. 82a-708a, as amended, and K.A.R. 5-5-1 water appropriated under the above-referenced file number are re limitations, as amended and/or supplemented by this Summary Or <i>Appropriation Law</i> and the <i>Rules and Regulations</i> promulgated the result in civil penalties pursuant to K.S.A. 82a-737, as amended, a water or appropriation right or any other enforcement actions authorized.	esponsible for compliance with its terms, conditions and der, and with applicable provisions of the <i>Kansas Water</i> ereunder. Failure to comply with these provisions may and/or the suspension or revocation and dismissal of the
	Administrative Appeal and Effective Date of Order	FOR OFFICE USE ONLY
Agrifiled adm day revisible Leg 665	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  County Acknowledges	APPLICATION APPROVED AND SUMMARY ORDER ISSUED  Duly Authorized Designee of the Chief Engineer rint Name): Division of Water Resources - Kansas Department of Agriculture of Issuance:  Of Kansas  Of Linney  Wledged before me on May 17, 2023
	Signa	ommission expires May 18, 2027
D\/\	DWR 1-121 (Revised 09/11/2019) Page 4	File No. 12363

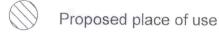
### Change in Place of Use for water right 841 ← \2363





Authorized place of use

0 0.1 0.2 0.4 0.6 0.8



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

X

mdf/GCFO



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

May 15, 2023

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

MAY 1 5 2023

Garden City Field Office Division of Water Resources

RE: Applications for Change in Place of Use

Water Right, File Nos. 841, 10144, 12363 & 14147

Dear Austin:

We have reviewed the applications for the above referenced water rights. The proposals are not in conflict with the Management Program of the Southwest Kansas Groundwater Management District No. 3 (GMD3). The proposed change in place of use will make a complete overlap in currently authorized place of use in accordance with K.A.R. 5-5-11(b). No new acres being proposed. It is therefore recommended that the applications be approved at this 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,

Jason L. Norquest Assistant Manager

## GMD3 Change Review

File No(s).: 841, 1	0144, 12363, 141	147.		DWR office: GC
App filed to change	e: <u>PU</u> .			
Is Landowner(s) co	rrect in WRIS:	Graham Farr	ns Inc.	
If NO, is do	cumentation incl	luded?		
Is Water Use Corre	spondent correct	in WRIS?	- /i. _*	
If NO, is do	cumentation incl	luded?		
Regulation(s) Review	ewed: KAR 5-5-	11		
Point of diversion I				
	ft. North ft.	West		
Authorized PD				
Proposed PD			1 111 111	AND THE PERSON OF THE PERSON O
Difference	0	0		
a2 + b2 = c2	0	0	0	
GPS for proposed I		Long:		
Is proposed PD stack	cking on existing	WRs? No	Change.	
Is Proposed PU ove	erlapping existing	g WRs? Ma	king a comple	ete overlap.
Neighboring certifi	ed well(s) notifie	ed:		
Name				
Address				
Zip				
	ne:			
Domestic well(s) no	otified:			
Name				
Address				
Zip				
Base Acres:				
Perfected Acres: _				
Irr. Return-Flow	%			
<b>Finney County</b>				
841 authorized: 10	04AF @ 803gpm	1		
160acres S	E of 8-24-34			
10144 authorized:	4PDs			
ID01 260A	F @ 1150gpm			
	F @ 1020gpm			
	F @ 1015gpm			
	F @ 1010gpm			
640acres 14	_			
12363 authorized:	480AF @ 2365	gpm. Limite	ed to 480AF	w/841
	nd acres as 841			

### **GMD3** Change Review

14147 authorized: 368AF @ 1720gpm

193acres NW & SW 8-24-34

Proposed acres:

353acres NW, SW & SE 8-24-34

640acres 14-24-34

New ownership on land and title/deeds have been submitted.

Is a waiver needed: No new acres proposed, just a complete overlap in current acres.

Recommendation: After review of all available information it appears current area rules

are met. Staff therefore recommends approval of the applications.

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

May 12, 2023

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

Re:

Request for Recommendation,

File Nos. 841; 10144; 12363 & 14147

#### Dear Sir or Madam:

We are enclosing a copy of the referenced application, which was submitted by Graham Farms Inc. 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,

Austin McColloch

Assistant Water Commissioner

Enclosure

pc:

### McColloch, Austin [KDA]

From:

Cory Weatherred < cweatherred@gmail.com>

Sent: To: Friday, May 5, 2023 9:58 AM McColloch, Austin [KDA]

Subject:

Re: 17-24-34 and 8-24-34 Deed Info

**EXTERNAL**: This email originated from outside of the organization. Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Austin

I somewhat agree with you on the deed, however 1st American Title has checked and double checked and triple checked and they claim that the deed is correct? I am not sure what you would need? Let me know!

Thanks!

Cory

On Fri, May 5, 2023 at 9:31 AM McColloch, Austin [KDA] < Austin.McColloch@ks.gov > wrote:

And is there one for the SE  $\frac{1}{4}$ ? I see the POL-Recorded deed only talks about the SW  $\frac{1}{4}$  . unless I am missing something.

Austin McColloch

Garden City Field Office

Ph: (620) 276-2901

From: Cory Weatherred < cweatherred@gmail.com >

Sent: Friday, May 5, 2023 9:21 AM

To: McColloch, Austin [KDA] < Austin. McColloch@ks.gov>

Subject: 17-24-34 and 8-24-34 Deed Info

	ail originated from outside of the org sender and know the content is saf	ganization. Do not click any links or open e.	any attachments
Austin,			
Please see attached	deed.		
Please note the Quid	ck Claim Deed transferr <mark>i</mark> ng it to Grah	nam Farms Inc. It was a 1031 Exchange.	
Thanks,			
Cory			

**Cory Weatherred** 

620-272-3074

cweatherred@gmail.com

Cory Weatherred 620-272-3074 cweatherred@gmail.com ENTERED IN TRANSFER RECORD IN MY OFFICE, COUNTY CLERK



**Filed By** 



First American Title

417 N. 8th Garden City, KS 67846 620-275-7441



STEPHANIE SHOCKLEY **REGISTER OF DEEDS - FINNEY COUNTY KANSAS** 

Book: 357 Page: 793

Receipt #: 176018

Recording Fee: \$55.00

Pages Recorded: 1 of 3

Date Recorded: 4/7/2023 3:35:45 PM [ELECTRONICALLY FILED]

### KANSAS TRUSTEE'S DEED (Individual/Tenants in Common)

THIS DEED, is made this 21 day of March, 2023 by and between Marylyn I. Gough Trustee of the Marylyn I. Gough Trust Share and Leanna K. Nevin, Trustee of the Leanna K. Nevin Trust Share, as Grantor(s), and BC Farms Partnership as Grantee(s), whose mailing address is 2150 Road 220, Deerfield 67838.

WITNESSETH, that the Grantor(s), for and in consideration of the sum of One Dollar and other good and valuable consideration paid by the Grantees, the receipt and sufficiency of which is hereby acknowledged by Grantor(s), do/does by these presents SELL AND CONVEY unto the Grantee(s), the following described Real Estate; situated in the County of Kearny and State of Kansas, to-wit:

SURFACE AND WATER RIGHTS IN AND TO: Lot Three (3) and the South Half of the Southwest Quarter (S/2 SW /4), the Northwest Quarter of the Southwest Quarter (NW/4 SW/4) and the South 32.75 acres of the Northeast Quarter of the Southwest Quarter (NE/4 SW/4) of Section Eight (8), Township Twenty-four (24) South, Range Thirty-four (34) West of the 6th P.M., Finney County, Kansas,

Subject to all easements, restrictions and reservations, if any, now of record.

TO HAVE AND TO HOLD the same, together with all rights and appurtenances to the same belonging, unto the Grantee(s), and to the heirs and assigns of such Grantee(s) forever.

The Grantor(s) hereby covenanting that the Grantor(s), and the heirs, executors, administrators and assigns of the Grantor(s), shall and will WARRANT AND DEFEND the title to the premises unto the Grantee(s), and to the heirs and assigns of Grantee(s) forever, against the lawful claims of all persons whomsoever, claiming by, through or under Grantor(s), excepting, however, the general taxes for the current calendar year and thereafter, and special taxes becoming a lien after the date of this deed.

Grantor(s) warrant(s) to Grantee(s) that Grantor(s) is/are conveying the Property pursuant to the provisions of the Marylyn I. Gough Trust Share and Leanna K. Nevin Trust Share (the "Trust"). Grantor(s) further warrant(s) to Grantee(s) that said Trust is in full force and effect as of the date hereof and has not been amended, modified or revoked, and that Grantor(s) is/are the duly constitued trustee(s) or successor trustee(s) of the Trust. Grantor(s) covenant(s) to Grantee(s) that this conveyance is made pursuant to the authority granted to Grantor(s) by the Trust, and the consideration received by Grantor(s) is in full accordance with the provisions of the Trust.

KSTROTIC Rev. 10/1/14

File No.: 1632392

	04		- C. L.
Dated:	Mara	n 29	, 2023

Marylyn I. Gough Trust Share

Marylyn & Lough, Trustee

STATE OF Kansas )

COUNTY OF SCOTA )

BE IT REMEMBERED, That on this 29 day of March, 2023, before me, the undersigned, a Notary Public in and for said County and State, came Marylyn I. Gough, Trustee of the Marylyn I. Gough Trust Share and who is/are personally known to me to be the same person(s) who executed the within instrument of writing, and duly acknowledged the execution of the same as his/her/their free act and deed for the purposes expressed therein pursuant to the authority granted by said Trust Agreement.

My appointment expires: 7/10/2026

KRISTIN HARBRIGE
Notary Public, State of Kansas
My Appointment Expires
7 1.0 7.00716

**Notary Public** 

Book: 357 Page: 793 Page # 3

Leanna K. Nevin Trust Share

.

STATE OF Colorado COUNTY OF \$1 Paso

SS:

BE IT REMEMBERED, That on this day of March, 2023, before me, the undersigned, a Notary Public in and for said County and State, came Leanna K. Nevin Trustee of the Leanna K. Nevin Trust Share and who is/are personally known to me to be the same person(s) who executed the within instrument of writing, and duly acknowledged the execution of the same as his/her/their free act and deed for the purposes expressed therein pursuant to the authority granted by said Trust Agreement

Notary Public

PEYTON ADAIR COLLINS NOTARY PUBLIC - STATE OF COLORADO NOTARY ID 20214027651 MY COMMISSION EXPIRES JUL 9, 2025