

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

1. File Number: 12363	2. Status Change Date:	3. Change Num: C1	4. Field Office: 4	5. GMD: 3
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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: 5/10/2023
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8a. Applicant(s) New to system <input type="checkbox"/> GRAHAM FARMS INC 2150 ROAD 220 DEERFIELD, KS 67838-9513	Person ID 6372 Add Seq# _____ 8c. Landowner(s) New to system <input type="checkbox"/> Person ID _____ Add Seq# _____
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8b. Landowner(s) New to system <input type="checkbox"/> 8a	Person ID _____ Add Seq# _____ 8d. WUC New to system <input type="checkbox"/> 8a
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9. Documents and Enclosure(s): DWR Meter(s) Date to Comply: **12/31/2023** N & P Date to Comply: **3/1/2024**

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: **5/17/2023** By: **AM**
 Date Entered: _____ By: _____

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,

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

Austin J. McColloch
Assistant Water Commissioner

AM:
enclosures

pc: GMD 3

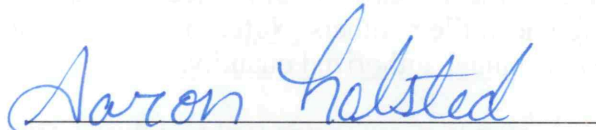
CERTIFICATE OF SERVICE

On this 17th 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 17th 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

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.

RECEIVED

MAY 10 2023

10:32 am
 Garden City Field Office
 Division of Water Resources

File No. 12363

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

2. Name and address of Applicant: GRAHAM FARMS INC

2150 ROAD 220 DEERFIELD, KS 67838 - 9513

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					
8	24S	34W																	40	40	40	40	160

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: 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					
17	24S	34W	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
8	24S	34W						5	35		33	40	40	40	40	40	40	40	40	40	40	40	353

For Office Use Only: Code _____ Fee \$ 200.00 TR # _____ Receipt Date 5/10/23 Check # 6026

5. **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 _____

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) _____

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

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

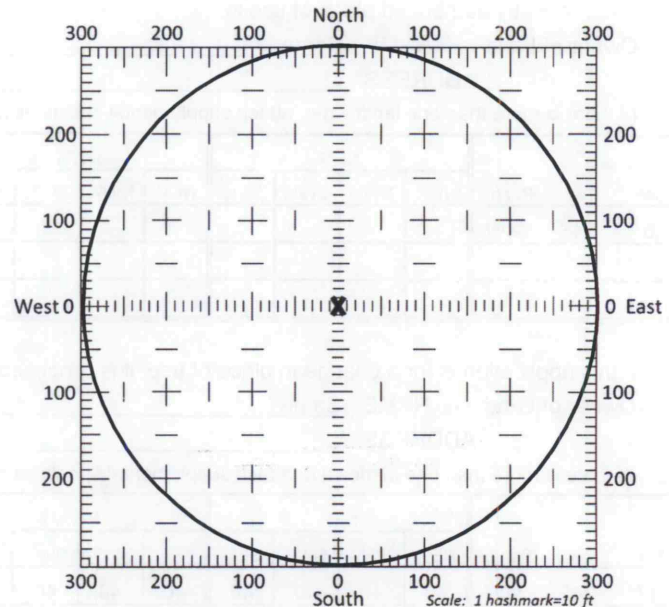
10. If the point of diversion is a well:
(a) What are you going to do with the old well?

(b) When will this be done? _____

11. Groundwater Management District recommendation attached?
 Yes No

12. Assisted by _____

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 Garden City, Kansas, this 10th day of May, 2023.

<u>Roy Graham</u> (Owner)	
<u>Roy Graham</u> (Please Print)	

State of Kansas }
 County of FINNEY } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 10th day of May, 2023.



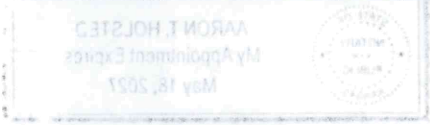
Kevin Salter
 Notary Public

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.

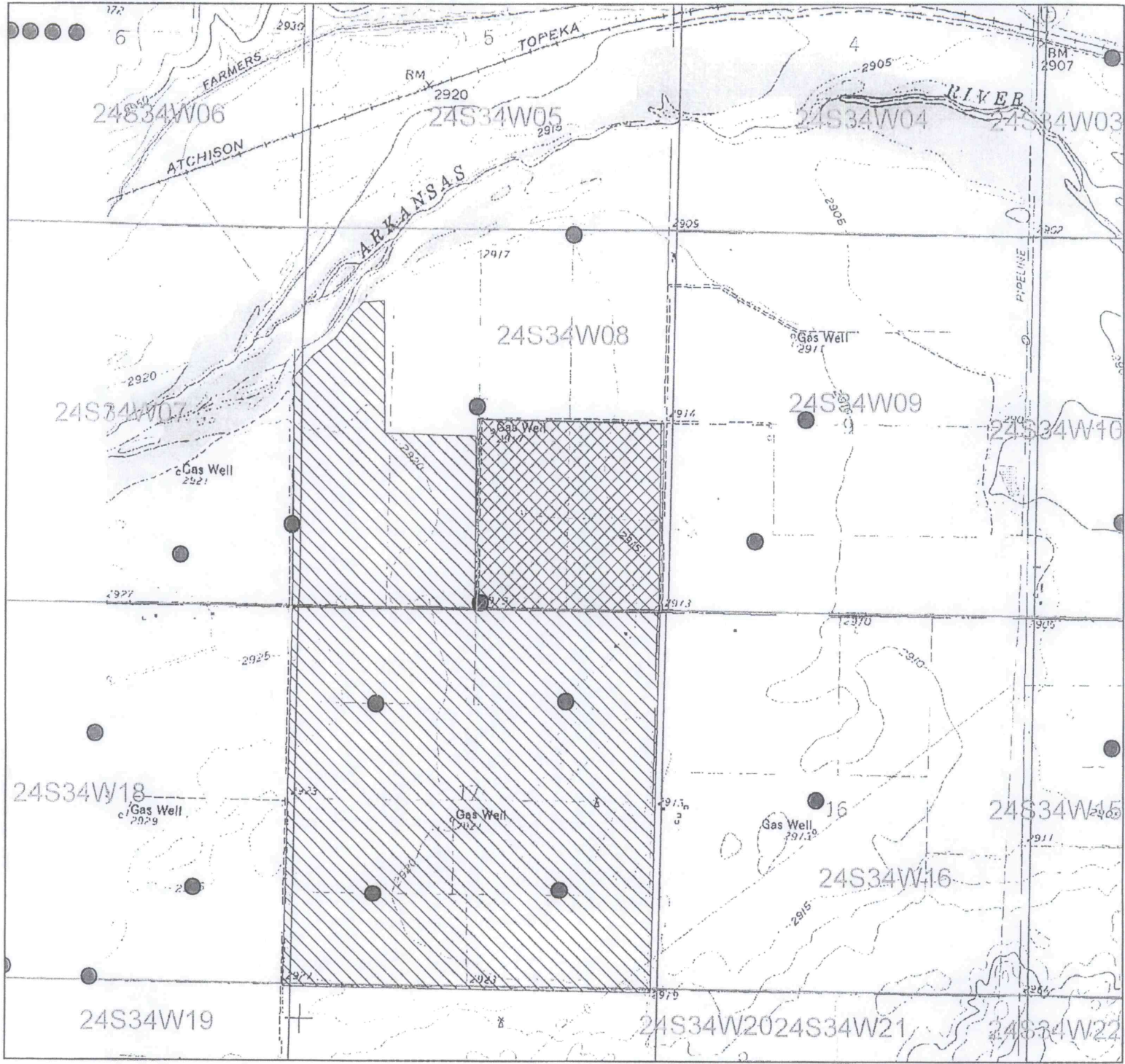
FEE SCHEDULE

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



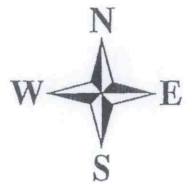
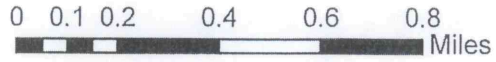
Change in Place of Use for water right 841 *12363*



● Authorized point of diversion

▨ Authorized place of use

▩ Proposed place of use



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 15 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,

A handwritten signature in blue ink, which appears to read "Jason L. Norquest".

Jason L. Norquest
Assistant Manager

GMD3 Change Review

File No(s): 841, 10144, 12363, 14147.

DWR office: GC.

App filed to change: PU.

Is Landowner(s) correct in WRIS: Graham Farms Inc.

If NO, is documentation included?

Is Water Use Correspondent correct in WRIS? .

If NO, is documentation included?

Regulation(s) Reviewed: KAR 5-5-11

Point of diversion ID No(s) being changed.

	ft. North	ft. West
Authorized PD		
Proposed PD		
Difference	0	0
a2 + b2 = c2	0	0
	0	0

GPS for proposed PD: Lat: Long: .

Is proposed PD stacking on existing WRs? No Change.

Is Proposed PU overlapping existing WRs? Making a complete overlap.

Neighboring certified well(s) notified: .

Name .

Address .

Zip .

Email: Phone: .

Domestic well(s) notified: .

Name .

Address .

Zip .

Base Acres: .

Perfected Acres: .

Irr. Return-Flow %

Finney County

841 authorized: 104AF @ 803gpm

160acres SE of 8-24-34

10144 authorized: 4PDs

ID01 260AF @ 1150gpm

ID02 260AF @ 1020gpm

ID03 260AF @ 1015gpm

ID05 260AF @ 1010gpm

640acres 14-24-34

12363 authorized: 480AF @ 2365gpm. Limited to 480AF w/841

Same PD and 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

Mike Beam, Secretary



Phone: 620-276-2901
Fax: 620-276-9315
www.agriculture.ks.gov

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,

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

Austin McColloch
Assistant Water Commissioner

Enclosure

pc:

McColloch, Austin [KDA]

From: Cory Weatherred <cweatherred@gmail.com>
Sent: Friday, May 5, 2023 9:58 AM
To: 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 ¼ ? I see the POL-Recorded deed only talks about the SW 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

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,

Please see attached deed.

Please note the Quick Claim Deed transferring it to Graham 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



D. J. [Signature]



STEPHANIE SHOCKLEY
REGISTER OF DEEDS - FINNEY COUNTY KANSAS

Book: 357 Page: 793

Receipt #: 176018

Recording Fee: \$55.00

Pages Recorded: 1 of 3

Stephanie Shockley

Date Recorded: 4/7/2023 3:35:45 PM

[ELECTRONICALLY FILED]

Filed By
First American Title
417 N. 8th
Garden City, KS 67846
620-275-7441

KANSAS TRUSTEE'S DEED
(Individual/Tenants In Common)

THIS DEED, is made this ^{21th} 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:

WR
14147
841
12363

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 constituted 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.

Dated: March 29, 2023

Marylyn I. Gough Trust Share

Marylyn I. Gough, Trustee
Marylyn I. Gough, Trustee

STATE OF Kansas)
)ss.
COUNTY OF Scott)

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.

Kristin Harbrige
Notary Public

My appointment expires: 7/10/2026



Leanna K. Nevin Trust Share

Leanna K. Nevin Trustee
By Leanna K. Nevin, Trustee

STATE OF *Colorado*
COUNTY OF *El Paso*

SS:

BE IT REMEMBERED, That on this *27th* 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

