

File No. **23626** 11. County: **ST** Basin: **BEAR CREEK** Stream: Formation Code: **211/331** Special Use:

12. Points of Diversion										Rate and Quantity						
CHK	MOD	DEL	PDIV	Qualifier	S	T	R	ID	'N	'W	Comment (AKA Line)	Rate gpm	Quantity af	Rate gpm	Quantity af	Overlap PD Files
DEL				8947												
ENT				NE SE NE	17	27S	39W		3652	594		860	605	860	605	NONE
CHK	84882			NW SE NW	16	27S	39W	9	3361	3496		285	202	285	202	20247

13. Storage: Rate _____ NF Quantity _____ ac/ft Additional Rate _____ NF Additional Quantity _____ ac/ft

14. Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) _____
 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										NE¼								NW¼				SW¼				SE¼				Total	Owner	Chg?	Overlap Files
CHK	MOD	DEL	ENT	PUSE	S	T	R	ID		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								
CHK				8355																													
CHK				22691																													
CHK				26799																													
CHK				67539																													

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

November 16, 2023

M & G FARMS
Attn: MARTIE FLOYD & GARY FLOYD
6190 N ROAD G
JOHNSON, KS 67855-8861

RE: Filed Office Application for Change
Water Right, File No. 23626

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, appearing to read "Austin J. McColloch".

Austin J. McColloch
Assistant Water Commissioner

AM:
enclosures

pc: Douglas & Renell Bell

CERTIFICATE OF SERVICE

On this 16th day of November, 2023, I hereby certify that the foregoing Approval of Application for Change in Point of Diversion, Water Right, File No. 23,626 dated 16th day of November, 2023 was mailed postage prepaid, first class, US mail to the following:

M & G FARMS
Attn: MARTIE FLOYD & GARY FLOYD
6190 N ROAD G
JOHNSON, KS 67855-8861

Pc:

DOUGLAS F & RENELL M BELL
1 FORD DRIVE
COLBY, KS 67701



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. 23626

RECEIVED
 1:00 pm
 NOV 14 2023

1. Application is hereby made for approval of the Chief Engineer to change the (check one or both):

Place of Use Point of Diversion

Garden City Field Office
 Division of Water Resources

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: M&G Farms, Gary Floyd

6190 N Road G, Johnson, KS 67855

Phone Number: () Email address: _____

Name and address of Water Use Correspondent: same as above, as well as Douglas F and Renell M Bell

1 Ford Drive, Colby, KS 67701

Phone Number: () Email address: _____

3. The presently authorized place of use is:

Owner of Land ---- NAME: _____

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		

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.)

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		

For Office Use Only: Code _____ Fee \$ 100.00 TR # _____ Receipt Date 11-14-23 Check # 2627

5. **Presently authorized point of diversion:**
 One in the Northeast Quarter of the Southeast Quarter of the Northeast Quarter of Section 17, Township 27 South, Range 39 West, in Stanton County, Kansas, 3649 feet North 410 feet West of Southeast corner of section. Authorized Rate 860 GPM Authorized Quantity 605 AF Depth of well 720 (feet)
(DWR use only: Computer ID No. 2 GPS 3675 feet North 410 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 Northeast Quarter of the Southeast Quarter of the Northeast Quarter of Section 17, Township 27 South, Range 39 West, in Stanton County, Kansas, 3652 feet North 594 feet West of Southeast corner of section. Proposed Rate no change Proposed Quantity no change 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 Northwest Quarter of the Southeast Quarter of the Northwest Quarter of Section 16, Township 27 South, Range 39 West, in Stanton County, Kansas, 3361 feet North 3496 feet West of Southeast corner of section. Authorized Rate 285 GPM Authorized Quantity 202 AF Depth of well _____ (feet)
(DWR use only: Computer ID No. 9 GPS 3342 feet North 3485 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

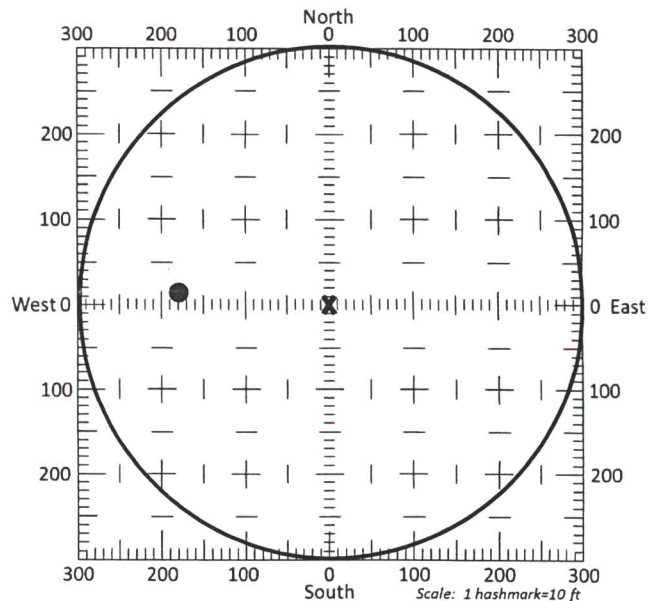
9. The change(s) (was)(will be) completed by?
As soon as possible

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

11. Groundwater Management District recommendation attached?
 Yes No

12. Assisted by CI, 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 Solomon, Kansas, this 9th day of Nov, 2023.

<p><u>1116 Farms by Gary Floyd</u> (Owner)</p> <p>_____ (Spouse)</p> <p>_____ (Please Print)</p> <p>_____ (Owner)</p> <p>_____ (Please Print)</p> <p>_____ (Owner)</p> <p>_____ (Please Print)</p>	<p>_____ (Spouse)</p> <p>_____ (Please Print)</p> <p>_____ (Spouse)</p> <p>_____ (Please Print)</p> <p>_____ (Spouse)</p> <p>_____ (Please Print)</p>
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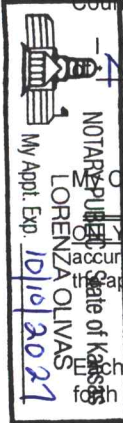
State of Kansas }
 County of Stanton } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 9th day of November, 2023.

Lorena Diaz

 Notary Public

My Commission Expires 10-10-2027



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. 23626.

1. A change application was received on November 14, 2023 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, 2024, 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, 2024, or within any authorized extension of time. By March 1, 2025 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

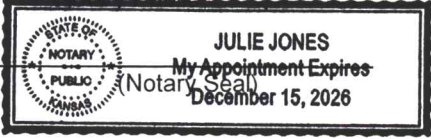
FOR OFFICE USE ONLY
APPLICATION APPROVED AND SUMMARY ORDER ISSUED

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: November 16, 2023
State of Kansas)
County of Finney) SS

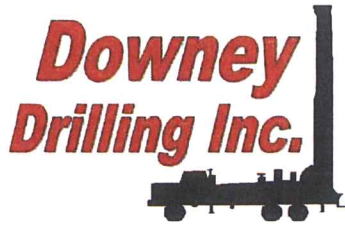
Acknowledged before me on November 16, 2023
by Austin McColloch
Signature: Julie Jones
Notary Public

My commission expires: _____
JULIE JONES
My Appointment Expires
December 15, 2026
(Notary Seal)



WELL LOG

DATE: 5/1/2023



CUSTOMER NAME: M & G FARMS

TH#6

LEGAL: NE 17-27S-39W

COUNTY: STANTON CO., KS

GPS: 37.703206

WR #23624

-101.601456

DRILLER: DIEGO

WO: 22-1813

TW	FROM	TO	TYPE	HARDNESS	COLOR	SPEED	PULL DOWN	OTHER / DRILLING ACTION	
0	2		TOP SOIL	SOFT	DARK BROWN	FAST		SMOOTH	
2	17		FINE SAND	SOFT		FAST		SMOOTH	
17	32		SANDY SILTY CLAY	SOFT	BROWN	FAST		SMOOTH	
32	40		FINE-MED-COARSE SAND	FIRM		FAST		CHOPPY	
40	96		BROWN CLAY		BROWN	FAST		SMOOTH	
96	103		GRAY CLAY		GRAY	FAST		SMOOTH	
103	115		FINE-MED SAND			FAST		CHOPPY	
115	124		GRAY CLAY	SOFT	GRAY	FAST		SMOOTH	
124	129		FINE-MED-COARSE SAND	FIRM		FAST		FAST CHATTER	
129	165		BLUE CLAY	SOFT	BLUE	FAST		SMOOTH	
165	176		FINE-MED-COARSE SAND	FIRM		FAST		FAST CHATTER	
176	179		SANDY CLAY	SOFT	TAN	FAST		SMOOTH	
179	235		FINE-MED-COARSE SAND	FIRM		FAST		FAST CHATTER	
235	275		SANDY CLAY W/ FINE SAND	SOFT	TAN	FAST		SMOOTH & VIBRATION	
275	291		FINE SAND W/ SANDY CLAY	SOFT	TAN	FAST		VIBRATION & SMOOTH	
291	292		CEMENTED SAND	STIFF	WHITE	SLOW		CHATTER	
292	301		BROWN CLAY	STICKY	BROWN	FAST		SMOOTH	
301	307		FINE-MED SAND W/ SANDY CLAY	SOFT	TAN	FAST		CHOPPY & SMOOTH	
307	313		FINE-MED-COARSE SAND W/ FINE GRAVEL	FIRM		FAST		FAST CHATTER	
313	325		BROWN CLAY	SOFT	BROWN	FAST		SMOOTH	
325	331		FINE-MED SAND	SOFT		FAST		CHOPPY	
331	339		SANDY CLAY W/ FINE SAND	SOFT	TAN	FAST		SMOOTH & VIBRATION	
339	382		FINE SAND	FIRM		SEMI SLOW		CHATTER	
382	412		FINE SAND W/ BROWN ROCK TRACE	FIRM	BROWN	FAST		CHOPPY	
412	418		YELLOW SOAPSTONE W/ GREEN SILTY CLAY	SOFT	YELLOW & GREEN	FAST		VIBRATION	
418	460		SHALE W/ SANDSTONE LEDGES	SOFT	BLUE	SLOW		SMOOTH	
			LOST DRILLING FLUID / WATER IN THE BOREHOLE OVERNIGHT. TRIPPED IN. COULD NOT RE-GAIN CIRCULATION. THE FOLLOWING LOG IS EDITED AS PER THE ORIGINAL IRRIGATION LOG DRILLED IN 1973.						
460	495		SHALE	SEMI FIRM	BLUE	SLOW		SMOOTH	
495	510		DAKOTA & CHEYENNE, LOOSE	SOFTER	TAN/GRAY	FAST		CHATTER	
510	540		DAKOTA & CHEYENNE, SANDSTONE, LOOSE	SOFTER	TAN/GRAY	FAST		CHATTER	
540	650		CHEYENNE & SANDSTONE, LOOSE	SOFTER	TAN/GRAY	FAST		CHATTER	
650	660		SHALE W/ SANDSTONE LEDGES	VERY FIRM	BLUE	SLOW		SMOOTH / CHOPPY	
660	703		SANDSTONE WITHIN SOAPSTONE STRS	SOFTER	GRAY	SEMI FAST		MED. CHATTER	
703	720		RED BED	FIRMER	RED	SLOWER		SMOOTHER	
			QG - 13						
			WATER LOADS - 3 1/2						

SA - 1

BRAN - 3

HOLE PLUG - 2

CS - 1

NOTE:

THE PROPOSED WELL WILL BE "2 PIECE" WITH 30" CASING TO 320'+/-, THEN DRILLED TO 705' AND CASED WITH 16".

M&G FARMS

NE 17-27S-39W STANTON CO.

Legend

WR #23626 ELEV=3185'

M&G TH #6 ELEV=3184'

M&G TH #8 ELEV=3185'

M&G TH #1 ELEV=3179'

M&G TH #5 ELEV=3184'

M&G TH #2 ELEV=3179'

Google Earth

M&G TH #4 ELEV=3183'



200 ft

M&G FARMS

NE 17-27S-39W STANTON CO.

Legend

