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:
24686	. 12	C3	4	3
6. Status: ☑ Approved ☐ Deni	ed by DWR/GMD	Dismiss by Reques	t/Failure to Return	7. Filing Date of Change: 4/10/2023
8a. Applicant(s) New to system □	Person ID 3813 Add Seq#	8c. Landown New to sy		Person IDAdd Seq#
ROBERT W & SONIA S D PO BOX 487 RICHFIELD, KS 67953-04				
8b. Landowner(s) New to system □ 8a	Person IDAdd Seq#	New to sy DAVIS 1655 Q	LAND & CATTL	Person ID 67535 Add Seq#
9. Documents and Enclosure(s): ☑ DV ☐ Anti-Reverse Meter ☐ Meter ☐ Conservation Plan Date Require		⊠ N & P Form	☐ Water Tube ☐ [Oriller Copy
10. Use Made of Water From:		To: _	* · · · · · · · · · · · · · · · · · · ·	<u> </u>
			Date Prepared: 4/21/ Date Entered:	2023 By: AM By:

File No.	2468	6		11. (County:	MT	Ва	sin: N	F CIM	IARRO	ON RIV	/ER		S	tream:	:							rmation C 1/331	ode:	Special Use:	
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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

April 21, 2023

DAVIS LAND & CATTLE 1655 Q BLVD RICHFIELD, KS 67953

RE:

Filed Office Application for Change

Water Right, File Nos. 16359; 16369; 22895 & 24686

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 21st day of April, 2023, I hereby certify that the foregoing Approval of Application for Change in Place of Use, Water Right, File Nos. 16,359, 16,369, 22,895 and 24,686 dated 21st day of April, 2023 was mailed postage prepaid, first class, US mail to the following:

DAVIS LAND & CATTLE 1655 Q BLVD RICHFIELD, KS 67953

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.

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						⊠ P	lace of	f Use			Point o	of Dive	rsion			Gar	den Ci	ity Field	d Office
	under the	e water	right w	hich is	s the si	ubject	of this	applic	ation in	n acco	rdance	with t	he con	ditions	s desc	ribed t	pelow.	Vater R	Resources
	The sour						Ground				Surfac								
	Name an 1655 Q E Phone N	BLVD, F	RICHFI	IELD, Ł			AND			addres		-		- v q	1 0		-		
	Phone Number: () Email address: Name and address of Water Use Correspondent: Same																		
	Phone Number: () Email address:																		
	Owner of Land NAME: ROBERT W & SONIA S DAVIS TRUST ADDRESS: PO BOX 487, RICHFIELD, KS 67953-0487																		
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	(If there is	more th	an one	landow	ner, at	tach su	ppleme	ental sh	eets as	neces	sary.)								
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	For Office Use Only: Code Fee \$ 200.00 TR # Receipt Date + 10/23 Check # 4580																		

5.	Presently authorized point of diversion:		
	One in the Quarter of the	Quarter of the Qu	arter
	of Section, Township	South, Range (E	/W),
	in County, Kansas,	feet North feet West of Southeast corner of section	on.
	Authorized Rate Authorized Quantity	Depth of well (feet)	
	Authorized Rate Authorized Quantity (DWR use only: Computer ID No GPS	S feet North feet West)	
	☐This point will not be changed ☐This point will be changed	d as follows: No change, point better described with GPS as follows:	ws:
		e is requested or if existing point is better described by GF	
	One in the Quarter of the	Quarter of the Qu	arter
	of Section, Township	South, Range (E	/W),
	in County, Kansas,	_ feet North feet West of Southeast corner of secti	on.
	Proposed Rate Proposed Quantity	Proposed well depth (feet)	
	This point is: ☐ Additional Well ☐ Geo Center List oth	ther water rights that will use this point	
6.	Presently authorized point of diversion:	1	
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	of Section , Township	South, Range (E	/W),
	in County, Kansas,	feet Northfeet West of Southeast corner of secti	on.
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	Proposed point of diversion: (Complete only if change	e is requested or if existing point is better described by GF	PS)
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		South, Range(E	
	in County, Kansas.	feet Northfeet West of Southeast corner of secti	on.
	Proposed Rate Proposed Quantity	Proposed well depth (feet)	
	This point is: Additional Well Geo Center List oth	ther water rights that will use this point	
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7.	The changes herein are desired for the following reasons	s?	
	(please be specific) More efficient use of irrigation	North	
	resources.	300 200 100 0 100 200 300 200 200 100 0 100 200 300	
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8.	If a well, is the test hole log attached? Yes No	200E	
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9.	The change(s) (was)(will be) completed by?		
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10.	If the point of diversion is a well:		
	(a) What are you going to do with the old well?	West 0 +	ast
	N/A		
		$ \begin{array}{cccccccccccccccccccccccccccccccccccc$)
	(b) When will this be done? N/A		
11.	Groundwater Management District recommendation attached	d?)
	☐ Yes ☐ No	E	
12	Assisted by mdf/GCFO		
12.	rissisted by murger o	300 200 100 0 100 200 300 South Scale: 1 hashmark=10 ft	
13a	a. If the proposed point of diversion will be relocated more than 3	300	20.5
	a topographic map or aerial photograph. For groundwar	ach 13b. If the proposed point of diversion will be relocated within 30 ater of the existing point of diversion, indicate its location of	on the
	sources, show all wells (including domestic) within one-half m	mile diagram shown above in relation to the existing po	oint of
	of the proposed point of diversion and the names and maili addresses of the owners. For surface water sources, show t	ling diversion. (PLEASE NOTE: The "X" in center of dia the above represents the presently authorized poi	agram
	names and addresses of the landowner(s) one-half m	mile diversion.)	0
	downstream and one-half mile upstream from your prope	erty	

lines

APPLICATION FOR APPROVAL TO CHANGE THE PLACE OF USE AND/OR POINT OF DIVERSION SUPPLEMENTAL SHEET

FILE NO. <u>24686</u>
MAKE ADDITIONAL COPIES AS NECESSARY

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DWR 1	-121-2 ((Revised	01/23/	2008)					Pa	ge								File N	o. 24686

14.	lf th	ne proposed groundwater point of diversion is 300 or	fewer feet fro	m the existing point	t of diversion, complete th	ne following:
	(a)	Does the undersigned represent all owners of the c ☐ Yes ☐ No (If no, all owners must s			se identified in this applica	ation?
	(b)	Will the ownership interest of any owner of the cuaffected if this application is approved as requested ☐ Yes ☐ No (If yes, all owners must	d?		e identified in this applica	ition be adversely
	(c)	If this application is not approved expeditiously, will ☐ Yes ☐ No (If no, all owners must s			property, public health or	safety?
or a	cha	pplication proposes a surface water change in point or unge in place of use, the application must be signed attach notarized statement authorizing representation	by all owners			
age thei	an r b	by verify, being first duly sworn upon my oa d the owner, the spouse of the owner, or a c ehalf, in regards to the water right(s) to wh ned in this application are true, correct and c	duly authori	zed agent of the dication pertains	owner(s) to make this. I further verify that	s application on t the statements
Date	d a	t	Kansas this	5 day of	(ROVI)	20 23
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		I deward W. Paris				
		(Owner)			(Spouse)	
		Edwald W. Davis	· .	e		
		Edward W. Darvis (Owner) Edward W. Davis (Please Print)			(Please Print)	*
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State Cour		Kansas of Stauton ss	M. CA			Doth
of _	her	eby certify that the foregoing application, 20	ADTAY, THE	resence and	sworn to before me	this day
		dial and	10.000	Bla	Notary Public	
МуС	on	mission Expire 0 202	OF KAN	200	Notally Lubic	
accui	ate	OMPLETE APPLICATIONS WILL BE PROCESSED. To be information; maps, if necessary, must be included; signature fee must be paid.	e complete, all ures of all the ap	of the applicable portion of the applicable	ons of the application form m st be affixed to the applicatio	ust be completed wit n and notarized; and
		1	FEE SCHEDU	ILE		
		oplication to change the place of use or the point of	diversion unde	r this section shall t	be accompanied by the ap	oplication fee set
forth	in	the schedule below: Make checks payable to: Kans (1) Application to change a point of diversion 300 for	sas Departmo eet or less	ent of Agriculture		\$100
in di	4000	(2) Application to change a point of diversion more (3) Application to change the place of use	than 300 feet			\$200
		CHINE SERVE				
		Ny Appointm				

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. 24686 119 2023 O A change application was received on 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. On and after the effective date of this summary order, the authorized place(s) of use shall be located substantially as shown on 2. the topographic map accompanying the application to change the place of use. Applicable ☐ Not Applicable 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.

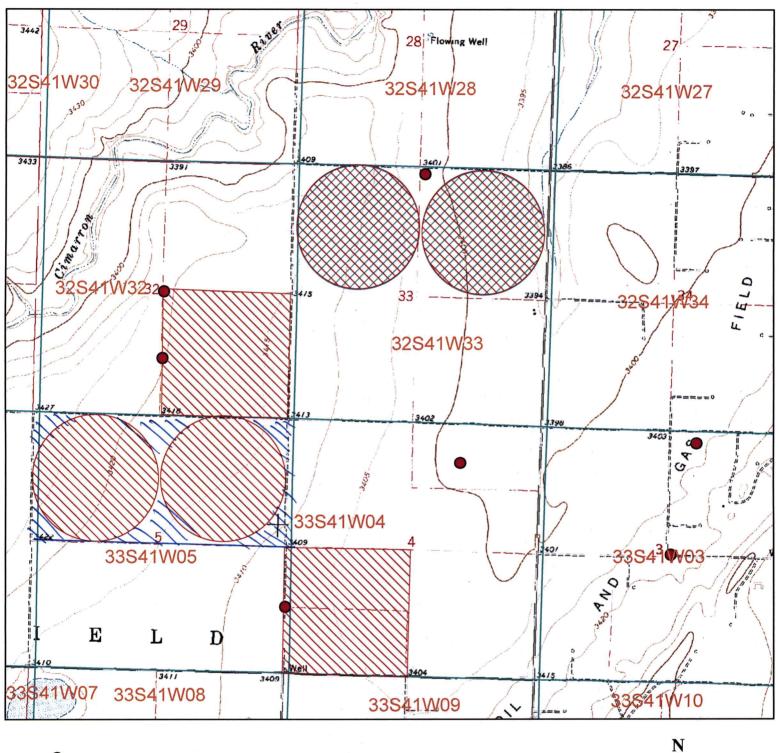
Applicable Not Applicable The point(s) of diversion described herein is administratively corrected to be more accurately described using the Global Positioning System (GPS), as described in the application. ☐ Applicable ☒ Not Applicable The point(s) of diversion authorized herein shall not actually be located more than feet from the previously ☐ Applicable Not Applicable authorized point(s) of diversion. 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 23, 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 Installation of the works for diversion of water shall be completed on or before December 31, 20 23, or within any authorized extension of time. By March 1, 20 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. ☐ Not Applicable 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
Not Applicable 11. Additional Conditions are attached. No. ☐ Yes 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-1 ORDER ISSUED you may request an evidentiary hearing before the Chief Engineer or request administrative review by the Secretary Agriculture. A request for hearing by the Chief Engineer n filed within 15 days of service of this Order and a requestion July Authorized Designee of the Chief Engineer 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. 77-37 Name) Date of Issuance: 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 State of Kansas preclude review under the Kansas Judicial Review Act. SS For Use by Register of Deeds County of Acknowledged before me on Signature: Notary Public NATE OF **JULIE JONES** My commission expires: Public (Notary My Appointment Expires December 15, 2026

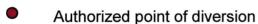
Page 4

File No. 24686

DWR 1-121 (Revised 04/5/2018)

Change in Place of Use for water right 24686



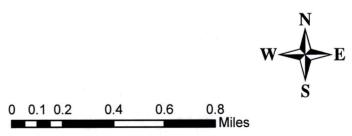




Authorized place of use



Proposed place of use



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

Χ		
^		



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

www.gmd3.org

April 20, 2023

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

RECEIVED

APR 2 0 2023

RE: Applications for Change in Place of Use

Water Right, File Nos. 16359, 16369, 22895 & 24686

Garden City Field Office

Division of Water Resources

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

10,410 . .

GMD3 Change Review

DWR office: GC. File No(s).: 16359, 16369, 22895 & 24686. App filed to change: PU. Is Landowner(s) correct in WRIS: <u>Davis Land & Cattle</u>. If NO, is documentation included? Is Water Use Correspondent correct in WRIS? ... If NO, is documentation included? Regulation(s) Reviewed: KAR 5-Point of diversion ID No(s) _ being changed. ft. North ft. West **Authorized PD** Proposed PD 0 0 Difference 0 a2 + b2 = c20 0 GPS for proposed PD: Lat: ___ Long:__. Is proposed PD stacking on existing WRs? No Change. Is Proposed PU overlapping existing WRs? Create overlap. Neighboring certified well(s) notified: __. Name . Address ___. Zip Phone: ____. Email: . Domestic well(s) notified: ___. Name Address Zip Base Acres: ___. Perfected Acres: __. Irr. Return-Flow ____% **Morton County Current authority** 16359: 320AF @ 630gpm 160acres SW 4-33-41

22895: ID02 302AF @ 400gpm, ID03 411AF @ 545gpm, ID05 139AF @ 630gpm

160acres SW 4-33-41 (Same acres as 16359) 320acres N2 5-33-41

16369: 480AF @ 1335gpm

248acres N2 33-32-41

160acres SE 32-32-41

GMD3 Change Review

24686: 480AF @ 1335gpm (Limited to same authority as 16369) 248acres N2 33-32-41 (Same acres as 16369)

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

Recommendation: <u>After review of all available information</u>, it appears current area rules are met. Staff therefore recommends approval of the application.

Im

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 17, 2023

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

Re:

Request for Recommendation,

File Nos. 16359; 16369; 22895 & 24686

Dear Sir or Madam:

We are enclosing a copy of the referenced application, which was submitted by Davis Land & Cattle 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: