

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

1. File Number: 35307	2. Status Change Date:	3. Change Num: 1	4. Field Office: 02	5. GMD: 05
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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 <i>4/8/21</i>	7. Filing Date of Change: 3/22/21
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8a. Applicant(s) New to system <input type="checkbox"/> Person ID _____ 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"/> Person ID 59931 Add Seq# 1 ILS LAND LLC 551A SW 30 RD GREAT BEND, KS 67530-9730	8d. WUC New to system <input type="checkbox"/> Person ID 59931 Add Seq# 1 8B
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9. Documents and Enclosure(s): DWR Meter(s) Date to Comply: **12/31/21** N & P Date to Comply: _____

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: **4/7/21** By: **EKF**
 Date Entered: _____ By: _____

File No. **35307** 11. County: BT Basin: ARKANSAS RIVER Stream: --- Formation Code: --- 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

CHK 35723

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 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				
MOD	19338	16	20	14W	02					18.5	18.5	1.75	1.75									40.5	8b	Y	NONE

Base Acres: **40** Year: **1989** Minimum Reasonable Quantity:
 Comments:

Stafford Field Office
300 S. Main Street
Stafford, KS 67578-1521



Phone: 620-234-5311
Fax: 620-234-6900
www.agriculture.ks.gov

Mike Beam, Secretary

Laura Kelly, Governor

April 8th, 2021

ILS Land LLC
551A SW 30 RD
Great Bend, KS 67530-9730

Re: Water Right, File No(s). 35307

Dear Water Right Owner:

Enclosed is the order executed by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the application for change under the above referenced file number(s).

Your attention is directed to the enclosures and to the terms, conditions and limitations specified in this approval for change. An acceptable water flow meter must be installed on your well before any water is applied as authorized under this change approval. A copy of the approved list of Certified Water Flowmeters as well as the regulations regarding the installation of flowmeters, measurement tubes and check valves can be found at www.ksda.gov/includes/document_center/dwr/Forms/ApprovalPack.pdf. If you do not have access to the internet, please contact this office and we will send you a paper copy of the referenced information.

Since this 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 to contact this office. If you wish to refer to a specific file, please reference it when you contact us.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeff Lanterman".

Jeff Lanterman
Water Commissioner

Enclosures

pc: Water Rights Section
Groundwater Management District No. 5

CERTIFICATE OF SERVICE

On this **8 April 2021**, I hereby certify that the attached Change in Place of Use, File No.35307 dated 4/8/2021 was mailed to the following:

ILS Land LLC
551A SW 30 RD
Great Bend, KS 67530-9730

pc: Water Rights Section
GMD #5

Faith Curtis

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

WATER METER REQUIRED

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. 35307

RECEIVED
 3:45pm
 MAR 22 2021

Stafford Field Office
 DIVISION OF WATER RESOURCES

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: ILS Land LLC

Bronson Smith, 551A SW 30 Rd, Great Bend KS 67530-9730

Phone Number: (620)792-6166 Email address: bronson.smith@ilsbeef.com

Name and address of Water Use Correspondent: ILS Land LLC

551A SW 30 Rd, Great Bend KS 67530-9730

Phone Number: (620)792-6166 Email address: bronson.smith@ilsbeef.com

3. The presently authorized place of use is:

Owner of Land ---- NAME: ILS Land LLC

ADDRESS: 551A SW 30 Rd, Great Bend KS 67530-9730

(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	
16	20	14W					37												40

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: ILS Land LLC

ADDRESS: 551A SW 30 Rd, Great Bend KS 67530-9730

(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	
16	20	14W					18.5	18.5	1.75	1.75									40.5

For Office Use Only: Code <u>GPU</u>	Fee \$ <u>200.00</u>	TR # _____	Receipt Date _____	Check # <u>20242</u>
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5. **Presently authorized point of diversion:**
 One in the NW Quarter of the NE Quarter of the NW Quarter of Section 16, Township 20 South, Range 14 W, in Barton County, Kansas, 4,735 feet North 3,943 feet West of Southeast corner of section. Authorized Rate 755 gpm Authorized Quantity 60 AF Depth of well 64 (feet)
(DWR use only: Computer ID No. 3 GPS 4,735 feet North 3,943 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 _____ (E/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 None.

6. **Presently authorized point of diversion:**
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter of Section _____, Township _____ South, Range _____ (E/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 _____ (E/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) To change the place of use to accommodate a center pivot system.

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

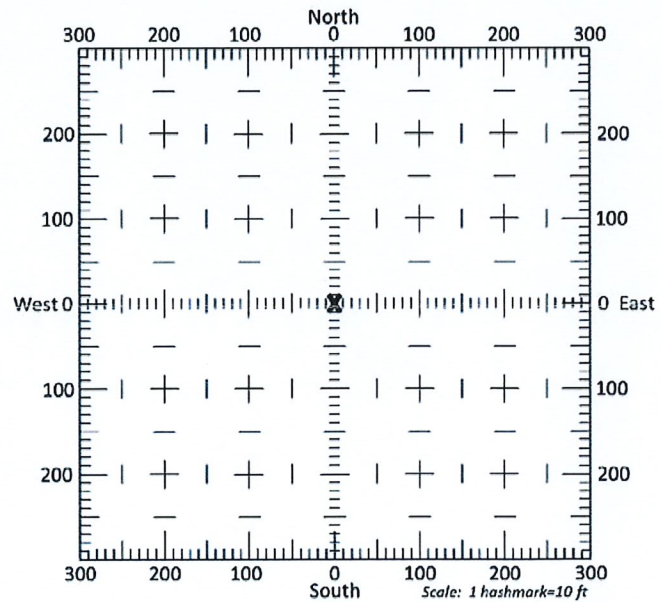
9. The change(s) (was)(will be) completed by?
Spring 2021

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

11. Groundwater Management District recommendation attached?
 Yes No
4/8/21 CRC

12. Assisted by EKF/SFFO

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 300 feet of the existing point of diversion, indicate its location on the diagram shown above in relation to the existing point of diversion. (PLEASE NOTE: The "X" in center of diagram above represents the presently authorized point of diversion.)

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MAR 22 2021

Stafford Field Office
 DIVISION OF WATER RESOURCES

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 Great Bend, Kansas, this 16th day of March, 2021.

Bronson Smith

 (Owner)

 (Spouse)

Bronson Smith

 (Please Print)

 (Please Print)

 (Owner)

 (Spouse)

 (Please Print)

 (Please Print)

 (Owner)

 (Spouse)

 (Please Print)

 (Please Print)

State of Kansas }
 County of Barton } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 16th day of March, 2021.



Heidi Jo Burton

 Notary Public

My Commission Expires 2-3-2023

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

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Stafford Field Office
 DIVISION OF WATER RESOURCES

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. 35307.

1. A change application was received on March 22, 2021 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 _____ 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 _____ 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, 2021**, 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, 20____**, 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.
 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.

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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** **MAR 22 2021**

By: Cameron R. Conant Stafford Field Office
DIVISION OF WATER RESOURCES
Duly Authorized Designee of the Chief Engineer

(Print Name): Cameron R. Conant
Division of Water Resources - Kansas Department of Agriculture

Date of Issuance: April 8, 2021

State of Kansas)

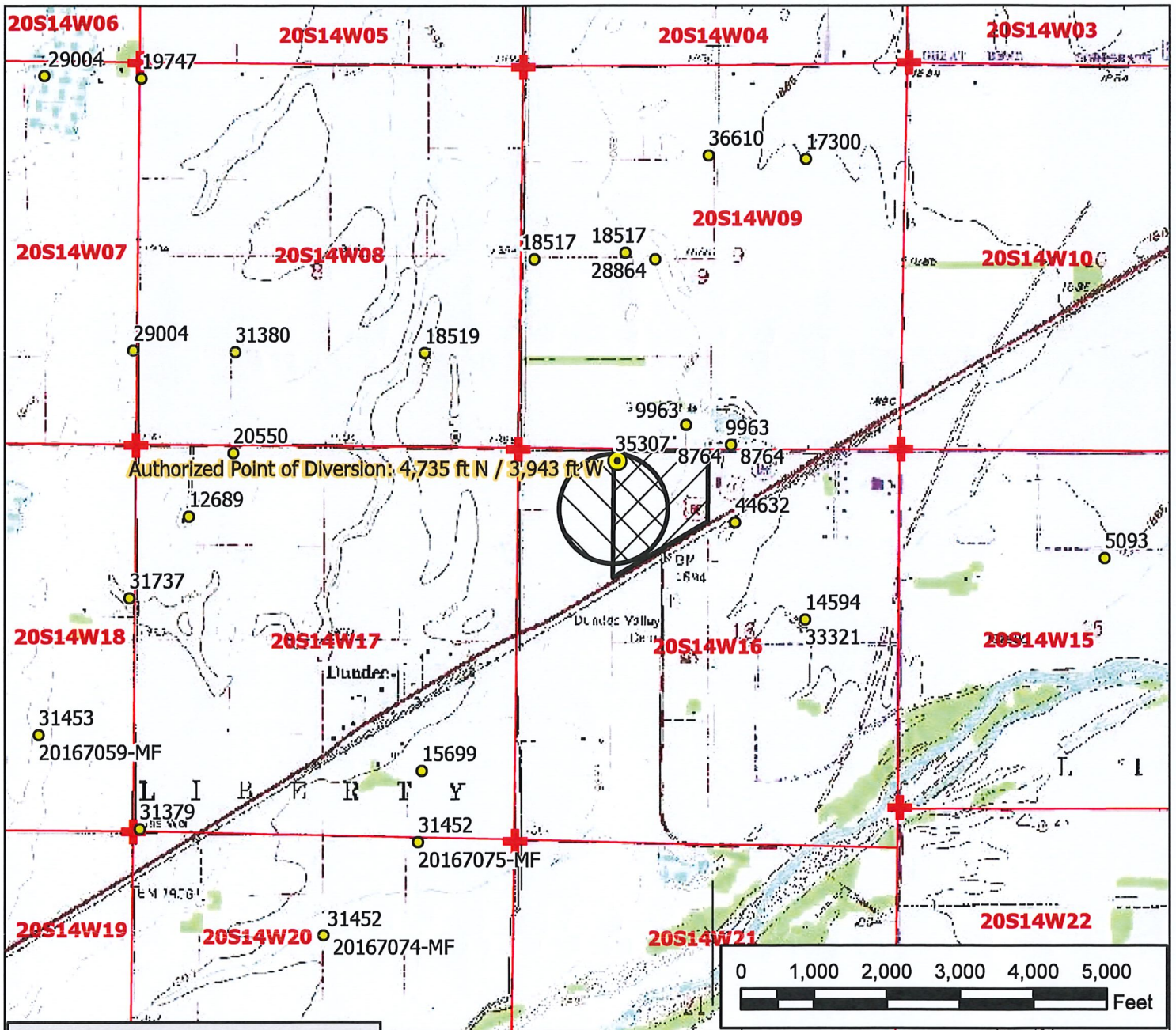
County of Stafford) SS

Acknowledged before me on 4/8/2021
by Faith Curtis

Signature: Faith Curtis
Notary Public

My commission expires: _____ (Notary Seal)





Legend

- Water Appropriation
- Proposed Point of Diversion
- Authorized Point of Diversion
- ★ Domestic Well
- ⊕ Section Corner
- ▭ Section Line
- ▭ Half Mile Circle
- ▭ Authorized
- ▭ Proposed

Water Right, File No. 35307

**Change in Place of Use Application Map
16-20-14W
Barton County**



3/16/2021 EKF/SFFO 1:24,000 scale

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MAR 22 2021

Stafford Field Office
DIVISION OF WATER RESOURCES



KANSAS DEPARTMENT OF AGRICULTURE

Division of Water Resources

Stafford Field Office

MEMORANDUM

TO: File

DATE: March 25, 2021

FROM: Elizabeth Fitch

RE: File No. 35307

This is a memorandum regarding surrounding well owner notification for applications to change the place of use for irrigation water rights and the decisions made during the Water Commissioner meeting which took place on 11/16/2016 with directive from Lane Letourneau, Program Manager.

This is applicable to field office changes to increase the place of use by 10 acres or 10% (whichever is less) or a change in place of use to create a complete overlap in which no new acres are being irrigated.

During that meeting it was determined that no surrounding well owner notification will be sent under this type of place of use change application. All well rates and quantities will remain unchanged and the referenced change should not cause impairment or impact surrounding well owners.

The application to change the place of use filed on 3/22/2021 for the above referenced files meets this criterion, therefore, well owners surrounding the authorized point of diversion will not be notified.

SCANNED

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: April 7, 2021

FROM: Elizabeth K Fitch

RE: Water Right, File No. 35307

Bronson Smith, on behalf of ILS Land LLC, the owner of the referenced water right authorized for irrigation use, has applied for approval to change the authorized place of use. An authorized representative of the owner signed the application. A copy of a deed showing ILS Land LLC as the landowner was received by email on March 10, 2021.

The referenced file appears to be in compliance with 82a-732 (Annual water use report required). A review of the application found that it complies with K.A.R. 5-5-1, *Filing an application for change*. The referenced file does not appear abandoned as per K.S.A. 82a-718.

The referenced file authorizes 40 acres in the East Half of the Northwest Quarter (E $\frac{1}{2}$ NW $\frac{1}{4}$) of Section 16, Township 20 South, Range 14 West, Barton County. There are no overlapping water rights on the place of use or the point of diversion.

File No. 35307 authorizes one (1) well in the Northwest Quarter of the Northeast Quarter of the Northwest Quarter (NW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 16, more specifically described as 4,375 feet North and 3,943 feet West of the Southeast corner of said section, in Township 20 South, Range 14 West, Barton County. A field visit conducted on October 13, 2011 by personnel from Big Bend Groundwater Management District No. 5 (GMD5) found the water right to not be in compliance due to the meter installation. No modifications are being made to the point of diversion description.

File No. 35307 authorizes 60 acre-feet (AF) at 755 gallons per minute. The file is certified.

The change application, received on March 22, 2021, proposes to change the authorized place of use to allow for the installation of a center pivot system. The place of use is currently set up for flood irrigation. A review of the files determined that there are 40 'base acres' as defined by K.A.R. 5-5-11(a)(1). *Applications for change in place of use for irrigation purposes*. The proposed 40.5 acres complies with part (b) of K.A.R. 5-5-11 and the 10 percent increase above the *Base Acres* is allowed by the regulation.

The proposed change will result in a quantity of 40 AF irrigating 40.5 acres, resulting in an irrigation ratio of 1.48 AF per acre. It would appear this irrigation ratio is reasonable as the ratio is less than the pre-2000 maximum quantity per acre of 1.5 AF for Barton County found in K.A.R. 5-3-19, *Maximum reasonable annual quantity for water for irrigation use*, thus complying with K.A.R. 5-3-23, *Maximum reasonable annual quantity approvable for irrigation use for an application for change in place of use and a request to reduce a water right*. The generally accepted minimum quantity per acre for Barton County is 1.18 AF per acre, so the proposed quantity also meets this threshold.

File Nos. 35307
Change in P/D & P/U Memo
April 7, 2021

The referenced application to change the place of use does not propose to add more than 10 acres or 10% of the base acres to the authorized place of use. Therefore, water well owners within one-half mile of the authorized point of diversion were not notified of the proposed change in place of use (EKF Memo dated 3/2/2021).

The referenced water appropriation is not in a special use area.

Water Right, File No. 35307 is in GMD5, so a recommendation request was sent to the District on March 25, 2021. A response was received from GMD5 Manager, Orrin Ferril on April 6, 2021. In his response, Mr. Ferril recommended approval for the change application.

No structures permit appears to be needed.

A water flow meter is required for the authorized point of diversion. A check valve is required if any chemical or foreign substance is injected into the water through the diversion works.

Based on the above discussion, that the change is reasonable, that impairment to existing water rights is unlikely, and that no change in the local source of supply will occur, it has been recommended that application be approved.

Elizabeth K Fitch
Environmental Scientist - SFFO

Property Details for PID: 0052451600003003000

Shareable link to Property Information : <https://www.kansasgis.org/orka/permalinkprop.cfm?parcelid=0052451600003003000>

Shareable link to Map: <https://www.kansasgis.org/orka/permalink.cfm?parcelid=0052451600003003000>

QuickRef ID : R17059

Owner Name : ILS LAND LLC

Location: 000 SW 30 RD, Great Bend, KS 67530

Abbreviated Boundary Description: S16, T20, R14W, W/2 W/2 N OF RR LESS TR COM NWCOR TH E165,S2380,SWLY185,N2450 POB & LESS R/W

Owner Information:

Owner ILS LAND LLC

Mailing Address PO BOX 1506 GREAT BEND, KS 67530

Property Information:

Type Agricultural Use

Status Active

Taxing Unit 285-LIBERTY TWP

Neighborhood Code 055.0

No Secondary Address Details found