

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. 1973

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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: BlackAcres Inc

Attn: Thomas V Black, 306 S Oak ST, Pratt, KS 67124

Phone Number: (620)672-8000 Email address: austinvblack@gmail.com (620) 388-6923 Austin Black

Name and address of Water Use Correspondent: BlackAcres Inc

Attn: Thomas V Black, 306 S Oak ST, Pratt, KS 67124

Phone Number: (620)672-8000 Email address: _____

3. The presently authorized place of use is:

Owner of Land ---- NAME: BlackAcres Inc

ADDRESS: Attn: Thomas V Black, 306 S Oak ST, Pratt, KS 67124

(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	
2	28S	13W										40	28					68	

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: BlackAcres Inc

ADDRESS: Attn: Thomas V Black, 306 S Oak ST, Pratt, KS 67124

(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	
11	28S	13W			24.6				11.3	12.4						26.5		74.8	

For Office Use Only: Code _____	Fee \$ <u>400⁰⁰</u>	TR # _____	Receipt Date _____	Check # <u>364</u>
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5. **Presently authorized point of diversion:**
 One in the SE Quarter of the SW Quarter of the SW Quarter of Section 2, Township 28 South, Range 13 (W), in Pratt County, Kansas, 760 feet North 3229 feet West of Southeast corner of section.
 Authorized Rate 200 GPM Authorized Quantity 55.1 acre-feet Depth of well ~70 (feet)
 (DWR use only: Computer ID No. 7 GPS 733 feet North 3409 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 NE Quarter of the SE Quarter of the NW Quarter of Section 11, Township 28 South, Range 13 (W), in Pratt County, Kansas, 3520 feet North 3270 feet West of Southeast corner of section.
 Proposed Rate no change Proposed Quantity no change Proposed well depth (feet) ~140
 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 relocate the well and irrigate a better piece of land with a pivot system

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

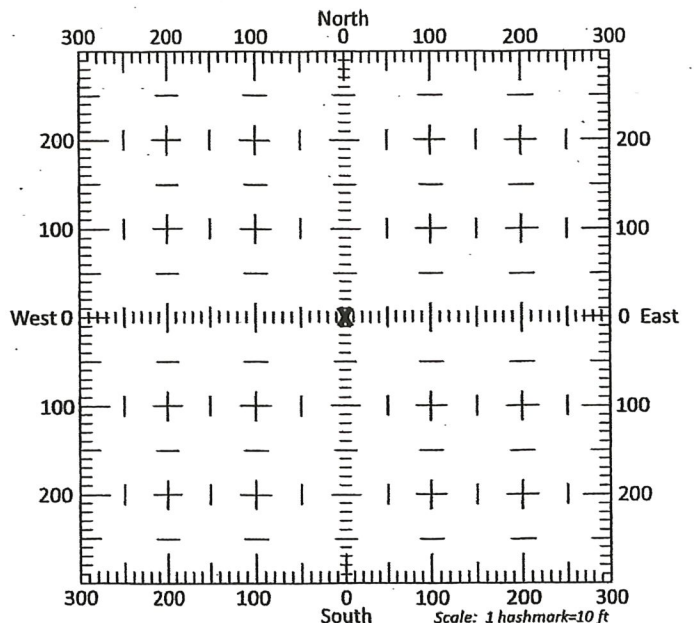
9. The change(s) (was)(will be) completed by?
as soon as possible

10. If the point of diversion is a well:
 (a) What are you going to do with the old well?
keep for domestic use
 (b) When will this be done? when new well is completed

11. Groundwater Management District recommendation attached?
 Yes No

12. Assisted by CRC-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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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 Pratt, Kansas, this 11th day of January, 20 21.

Thomas V. Black, President
Black Acres, Inc. (Owner)
Thomas V. Black, President
 (Please Print)

 (Owner)

 (Please Print)

 (Owner)

 (Please Print)

 (Spouse)

 (Please Print)

 (Spouse)

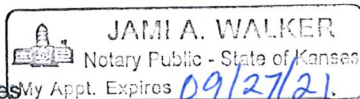
 (Please Print)

 (Spouse)

 (Please Print)

State of Kansas }
 County of Pratt } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 11th day of January, 20 21.

 JAMI A. WALKER
 Notary Public - State of Kansas
 My Commission Expires 09/27/21

Jami A. Walker
 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 **RECEIVED** \$200

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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. 1973

1. A change application was received on January 14, 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 300 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 2640 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, 2021, or within any authorized extension of time. By March 1, 2022 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

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FOR OFFICE USE ONLY
**APPLICATION APPROVED AND
 SUMMARY ORDER ISSUED**

By: _____
 Duly Authorized Designee of the Chief Engineer
 (Print Name): _____
 Division of Water Resources - Kansas Department of Agriculture
 Date of Issuance: _____
 State of Kansas)
) SS
 County of _____)
 Acknowledged before me on _____
 by _____
 Signature: _____
 Notary Public
 My commission expires: _____
 (Notary Seal)

ADDITIONAL CONDITION TO
SUMMARY ORDER APPROVING APPLICATION FOR CHANGE
AND IMPOSING CONDITIONS

The effective date of the change shall be the date this order is executed by the Chief Engineer, after which the following condition is included as a condition of the approval of this application for change in point of diversion.

- 11.a. That the completed well authorized by the application for change in point of diversion shall be located as authorized, and will not be located more than 2640' from the well previously authorized by Water Right, File No. 1973.

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**NEARBY WELL OWNER LIST SHOWING NAMES AND ADDRESS FOR ALL OWNERS OF DOMESTIC
WELLS THAT ARE LOCATED WITHING ½ MILE OF THE PROPOSED POINT OF DIVERSION AS
SHOWN ON THE APPLICATION MAP (attach additional pages as needed):**

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1. Eldon Ford
10111 Country Club Rd.
Pratt, KS 67124
2. Jim Lewis
10131 Country Club Rd.
Pratt, KS 67124
3. Larry Myers
10141 Country Club Rd.
Pratt, KS 67124
4. Kenny Roberts
10151 Country Club Rd.
Pratt, KS 67124
5. Allen Schnittker
10161 Country Club Rd.
Pratt, KS 67124
6. Greg Pelland
10264 Country Club Rd.
Pratt, KS 67124
7. Kelley Simon
10250 Country Club Rd.
Pratt, KS 67124
8. Lisa Reh
10202 Country Club Rd.
Pratt, KS 67124
9. Mitch Withers
10150 Country Club Rd.
Pratt, KS 67124
10. Warren Hatzenbuehler
10126 Country Club Rd.
Pratt, KS 67124
11. Bob Eastes
10074 Country Club Rd.
Pratt, KS 67124

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12. Dale Withers
10026 Country Club Rd.
Pratt, KS 67124
13. Ryan Mass
10025 Lake Rd.
Pratt, KS 67124
14. Frank Meisenheimer
10085 Lake Rd.
Pratt, KS 67124
15. Michael Johnston
10109 Lake Rd.
Pratt, KS 67124
16. Mike Patton
10147 Lake Rd.
Pratt, KS 67124
17. Lois Kennedy
10157 Lake Rd.
Pratt, KS 67124
18. Danny Lynch
10177 Lake Rd.
Pratt, KS 67124
19. Martha Kramer
10185 Lake Rd.
Pratt, KS 67124
20. Ryan Eubank
10213 Lake Rd.
Pratt, KS 67124
21. Richard Rohling
10235 Lake Rd.
Pratt, KS 67124
22. Korey Neuhold
10255 Lake Rd.
Pratt, KS 67124

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23. Brad Bortz
10293 Lake Rd.
Pratt, KS 67124

24. Jeffrey Koehn
10327 Lake Rd.
Pratt, KS 67124

25. Robert Doolittle
10349 Lake Rd.
Pratt, KS 67124

26. Dave Howard
10359 Lake Rd.
Pratt, KS 67124

27. Walker Family Trust
10415 Lake Rd.
Pratt, KS 67124

28. Jeremy Demuth
10481 Lake Rd.
Pratt, KS 67124

29. Janet Black
10142 Lake Rd.
Pratt, KS 67124

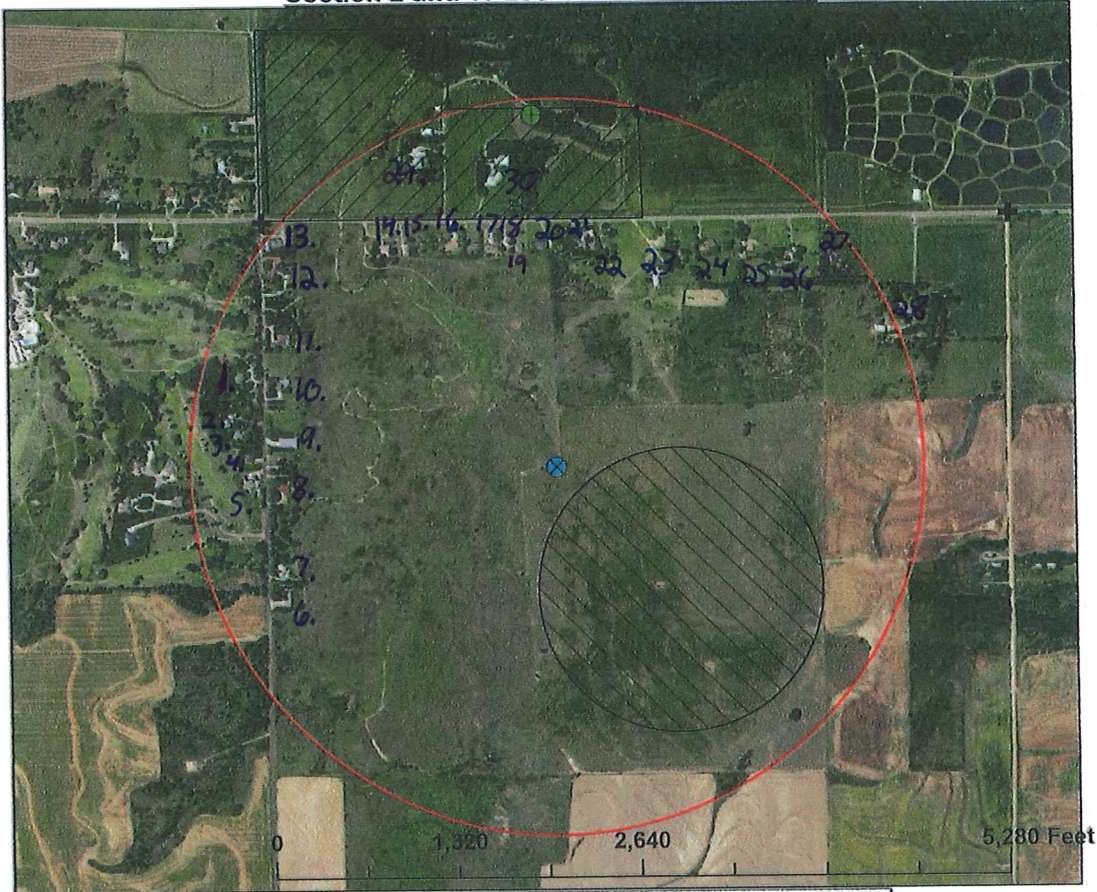
30. Thomas Black
10166 Lake Rd.
Pratt, KS 67124

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Change in Point of Diversion and Place of Use Map
Water Right, File No. 1973
Section 2 and 11-28S-13W in Pratt County



- currently authorized p/d in Sec. 2 (733' N & 3409' W of SE corner)
- proposed p/d located in Sec. 11 (3520' N & 3270' W of SE corner)
- permitted water rights w/in 1/2 mile
- X domestic wells w/in 1/2 mile
- + section corners
- 1/2 mile circle around proposed well

- / / / / currently authorized place of use covering 68 acres
- / / / / proposed place of use covering 74.8 acres

See attached list of owner names and addresses for wells within 1/2 mile of the proposed well:



By signing below I agree that all wells, including domestic, and owners names and addresses within 1/2 mile of the proposed point of diversion have been shown on the map and attached list.

R. V. Black, President 01-11-2020
 signature Block Acres, Inc. date

1 inch = 1,000 feet
 map created on 1/7/21 scale 1:12,000

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Change in Point of Diversion and Place of Use Map
Water Right, File No. 1973
Section 2 and 11-28S-13W in Pratt County



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- 1/2 mile circle around proposed well

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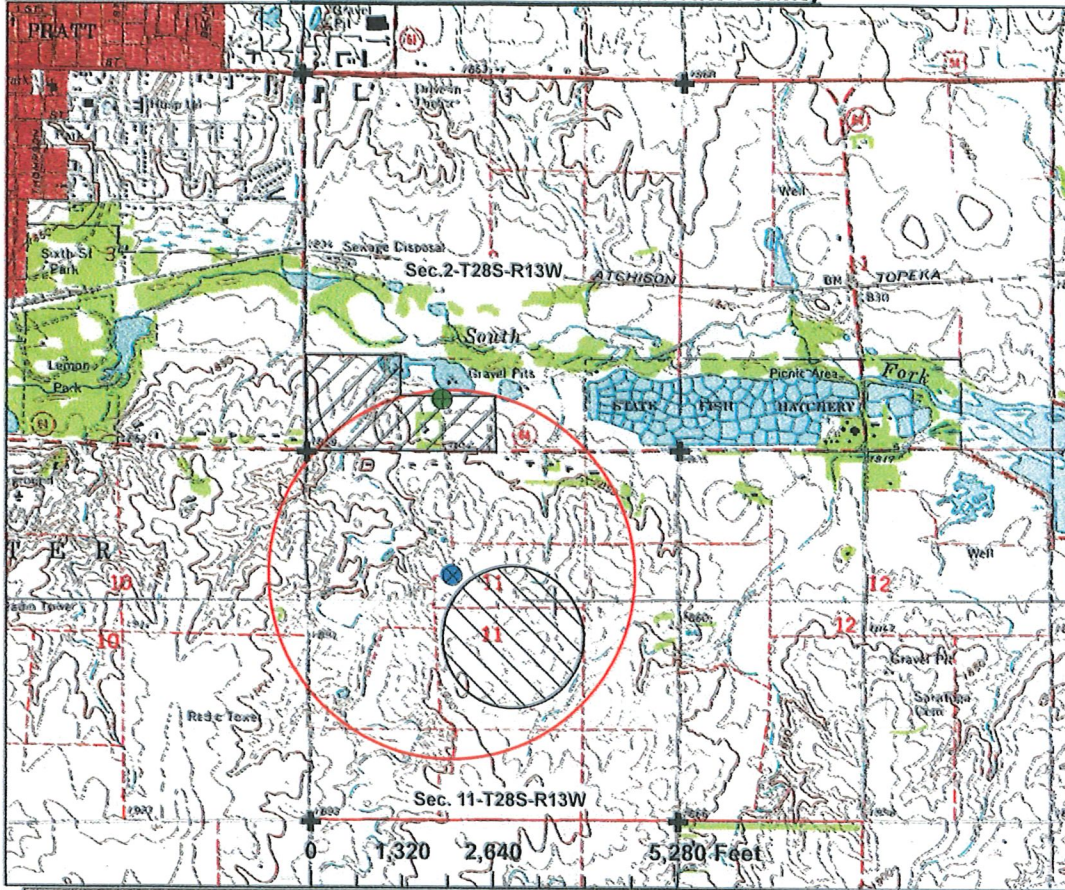
By signing below I agree that all wells, including domestic, and owners names and addresses within 1/2 mile of the proposed point of diversion have been shown on the map and attached list.

T. V. ... Resident
 signature *Black Acres, Inc.* 01-11-2021 date

1 inch = 2,000 feet
 map created on 1/7/21 scale 1:24,000

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Water Right, File No. 1973
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 signature *Black Acres, Inc.* 01-11-2021
 date

1 inch = 2,000 feet
 map created on 1/7/21 scale 1:24,000

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