

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.

RECEIVED
 8:03 AM
 MAR 06 2024

File No. 44912

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: Ryan Schmidt, Schmar Farms, LLC

21827 W. Dutch Ave., Buhler, KS 67522

Phone Number: (620) 200-1556

Email address: schmarfarms@gmail.com

Name and address of Water Use Correspondent: Schmar Farms, LLC, Attn: Ryan Schmidt

21827 W. Dutch Ave., Buhler, KS 67522

Phone Number: (620) 200-1556

Email address: schmarfarms@gmail.com

3. The presently authorized place of use is:

Owner of Land ---- NAME: Bernard W. & Dorothy L. Harder Trusts

ADDRESS: 3056 Ivy Ct., Apt. 24, North Newton, KS 67117

(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	
7	22S	2W					38	35	34	38									145

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: NO CHANGE

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 CLT Fee \$ 100.00 TR # _____ Receipt Date _____ Check # 1183

5. **Presently authorized point of diversion: (Geo Center of Well Battery)**

One in the _____ Quarter of the _____ Quarter of the Lot 1 (SE-NW) Quarter of Section 7, Township 22 South, Range 2W (E/W), in Harvey County, Kansas, 3707 feet North 3289 feet West of Southeast corner of section. Authorized Rate 680 GPM (LTD) Authorized Quantity 165 AF (LTD) Depth of well N/A (feet) (DWR use only: Computer ID No. 710 GPS 3703 feet North 3287 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 Lot 1 (SE-NW) Quarter of Section 7, Township 22 South, Range 2W (E/W), in Harvey County, Kansas, 3708 feet North 3397 feet West of Southeast corner of section. Proposed Rate 680 GPM (LTD) Proposed Quantity 165 AF (LTD) Proposed well depth (feet) NA -Geo-center. This point is: Additional Well Geo Center List other water rights that will use this point 12275.

6. **Presently authorized point of diversion: (Existing Middle Well of Battery)**

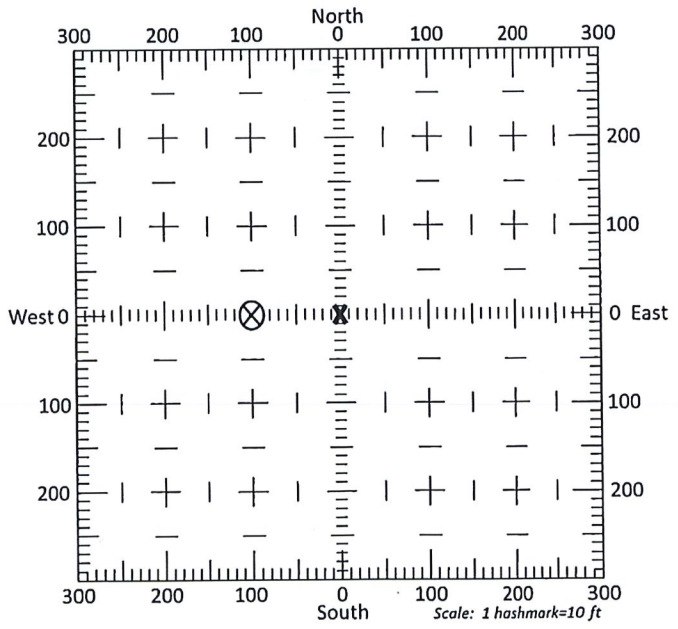
One in the _____ Quarter of the _____ Quarter of the Lot 1 (SE-NW) Quarter of Section 7, Township 22 South, Range 2W (E/W), in Harvey County, Kansas, 3735 feet North 3284 feet West of Southeast corner of section. Authorized Rate See Geo-Center Authorized Quantity See Geo-Center Depth of well 96 (feet) (DWR use only: Computer ID No. 511 GPS 3731 feet North 3282 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 Lot 1 (SE-NW) Quarter of Section 7, Township 22 South, Range 3W (E/W), in Harvey County, Kansas, 3738 feet North 3609 feet West of Southeast corner of section. Proposed Rate See Geo-center Proposed Quantity See Geo-center Proposed well depth (feet) ~ 95. This point is: Additional Well Geo Center List other water rights that will use this point None.

7. The changes herein are desired for the following reasons? (please be specific) Re-drilling one well of the battery of 3 wells to reduce stress on existing wells of battery and maintain pumping rate.
8. If a well, is the test hole log attached? Yes No
9. The change(s) (was)(will be) completed by? ASAP
10. If the point of diversion is a well:
 (a) What are you going to do with the old well? Plug it
 (b) When will this be done? When new wells drilled
11. Groundwater Management District recommendation attached? Yes No
12. Assisted by D. Randolph, GMD2



- 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).

APPLICATION FOR APPROVAL TO CHANGE THE PLACE OF USE AND/OR POINT OF DIVERSION SUPPLEMENTAL SHEET FILE NO. 44912

Stafford Field Office Division of Water Resources

Presently authorized point of diversion: (Existing North Well of Battery - No Change)

One in the Quarter of the Quarter of the Lot 1 (SE-NW) Quarter of Section 7, Township 22 South, Range 2W (E/W), in Harvey County, Kansas, 3946 feet North 3290 feet West of Southeast corner of section. Authorized Rate See Geo-center Authorized Quantity See Geo-Center Depth of well (feet) (DWR use only: Computer ID No. 4 GPS 3938 feet North 3279 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 12275

Presently authorized point of diversion: (Existing South Well of Battery - No Change)

One in the Quarter of the Quarter of the Lot 1 (SE-NW) Quarter of Section 7, Township 22 South, Range 2W (E/W), in Harvey County, Kansas, 3440 feet North 3293 feet West of Southeast corner of section. Authorized Rate See Geo-Center Authorized Quantity See Geo-Center Depth of well (feet) (DWR use only: Computer ID No. 6 GPS 3440 feet North 3299 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 12275

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 None

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

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 STAFFORD, Kansas, this 6 day of MARCH, 2024.

[Signature]
 (Owner)
 Ryan Schmidt, Schmar Farms, LLC
 (Please Print)

 (Owner)

 (Please Print)

 (Owner)

 (Please Print)

 (Spouse)

 (Please Print)

 (Spouse)

 (Please Print)


 (Spouse)

 (Please Print)

State of Kansas }
County of STAFFORD } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 6th day of MARCH, 2024.

[Signature]
Notary Public

My Commission Expires 

~~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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MAR 06 2024

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. 44,912.

1. A change application was received on 03/06/2024 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 158 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

APPLICATION APPROVED AND SUMMARY ORDER ISSUED

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.

By: Jeff Lantieri

 (Print Name): Jeff Lantieri
 Division of Water Resources - Kansas Department of Agriculture
 Date of Issuance: 3/6/2024
 State of Kansas)
 County of Stafford) SS
 Acknowledged before me on 3/6/2024
 by Faith Curtis
 Signature: Faith Curtis

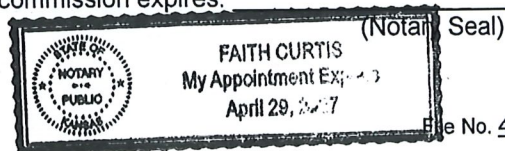
 Notary Public

For Use by Register of Deeds

My commission expires: _____

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MAR 06 2024



FOR OFFICE USE ONLY

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

March 6, 2024

Ryan Schmidt, Schmar Farms, LLC
21827 W Dutch Ave
Buhler, KS 67522

Re: Water Right, File No(s). 44912 & 12275

Dear Water Right Owner:

Enclosed is an order executed by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the application for change under the 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 <http://agriculture.ks.gov/divisions-programs/dwr/water-appropriation/water-flowmeters>. 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.

This order requires that a notice and completion of works form be submitted once the diversion works are completed, including a properly installed flowmeter. This form is available at the referenced website.

Any 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 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. 2

CERTIFICATE OF SERVICE

On this **6th** day of **March, 2024**, I hereby certify that the attached Change in Point of Diversion for Water Right, File No. **44912 & 12275**, dated **March 6, 2024** was mailed via First Class U.S. mail to the following:

Ryan Schmidt, Schmar Farms LLC
21827 W Dutch Ave
Buhler, KS 67522

A copy of the letter was sent via electronic mail to the following:

GMD 2

Faith Curtis

Staff