

Stockton Field Office  
820 S. Walnut  
Stockton, KS 67669-0192



Phone: 785-425-6787  
Fax: 785-425-6842  
www.agriculture.ks.gov

Mike Beam, Secretary

Laura Kelly, Governor

September 29, 2020

LHS GOODLAND FARM LLC  
Attn: MATT DAVIS  
1318 DALE ST  
RALEIGH, NC 27605

Re: Water Rights, File Nos. 28,522 & 36,677

Dear Mr. Davis:

Enclosed are two (2) orders executed by Chris Beightel, Acting Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the applications for change under the above referenced file numbers.

Your attention is directed to the terms, conditions, and limitations specified in these approvals for change.

Since these orders modify the original certificates, they should be recorded with the Register of Deeds as other instruments affecting real estate.

**These documents are summary orders by this agency regarding these matters.** These orders shall become final if requests for hearings are not filed with the Chief Engineer within 15 days of the date of service of these orders.

If 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 "Mark Billinger".

Mark Billinger  
Assistant Water Commissioner

MB:rh  
Enclosures

**CERTIFICATE OF SERVICE**

On this 29<sup>th</sup> day of September, 2020, I hereby certify that the attached **SUMMARY ORDERS APPROVING APPLICATIONS FOR CHANGE in PLACE OF USE** for water rights, File Nos. 28,522 & 36,677, dated on the 29<sup>th</sup> day of September, 2020, were mailed postage prepaid, first class, U.S. mail, to the following:

LHS GOODLAND FARM LLC  
Attn: MATT DAVIS  
1318 DALE ST  
RALEIGH, NC 27605

  
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**

APPLICATION COMPLETE  
 9/29/2020  
 Reviewer MB

**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. 28,522

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

Place of Use       Point of Diversion

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 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: LHS GOODLAND FARM LLC

Matt Davis 1318 Dale Street Raleigh NC 27605

Phone Number: (    )

Email address: \_\_\_\_\_

Name and address of Water Use Correspondent: SAME AS ABOVE

Phone Number: (    )

Email address: \_\_\_\_\_

3. The presently authorized place of use is:

Owner of Land ---- NAME: LHS GOODLAND FARM LLC

ADDRESS: Matt Davis 1318 Dale Street Raleigh NC 27605

(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	
33	13S	41W					40	40	40	40	40	40	40	40	40	40	40	40	480

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: LHS GOODLAND FARM LLC

ADDRESS: Matt Davis 1318 Dale Street Raleigh NC 27605

(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	
33	13S	41W	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640

**For Office Use Only:** Code \_\_\_\_\_ Fee \$ \_\_\_\_\_ TR # \_\_\_\_\_ Receipt Date \_\_\_\_\_ Check # \_\_\_\_\_



5. **Presently authorized point of diversion:**  
 One in the SW Quarter of the SE Quarter of the SW Quarter of Section 33, Township 13S South, Range 41 W, in WA County, Kansas, 100 feet North 3630 feet West of Southeast corner of section.  
 Authorized Rate 1250 GPM Authorized Quantity 297 Depth of well \_\_\_\_\_ (feet)  
**(DWR use only: Computer ID No. 2 GPS 40 feet North 3233 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 SW Quarter of the SE Quarter of the SW Quarter of Section 33, Township 13° South, Range 41 (E/W), in WA County, Kansas, 40 feet North 3233 feet West of Southeast corner of section.  
 Proposed Rate 1250 Proposed Quantity 297 Proposed well depth (feet) \_\_\_\_\_  
 This point is:  Additional Well  Geo Center List other water rights that will use this point \_\_\_\_\_

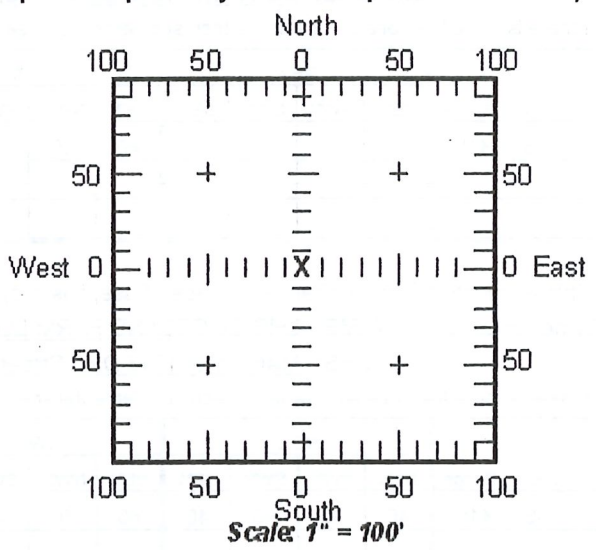
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SEP 25 2020

6. **Presently authorized point of diversion:**  
 One in the SW Quarter of the SW Quarter of the SW Quarter of Section 33, Township 13 South, Range 41 W, in WA County, Kansas, 100 feet North 5115 feet West of Southeast corner of section.  
 Authorized Rate 1320 GPM Authorized Quantity 628 AF Depth of well \_\_\_\_\_ (feet)  
**(DWR use only: Computer ID No. 1 GPS 11 feet North 4990 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 SW Quarter of the SW Quarter of the SW Quarter of Section 33, Township 13 South, Range 41 (E/W), in WA County, Kansas, 11 feet North 4990 feet West of Southeast corner of section.  
 Proposed Rate 1320 Proposed Quantity 628 Proposed well depth (feet) \_\_\_\_\_  
 This point is:  Additional Well  Geo Center List other water rights that will use this point \_\_\_\_\_

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7. The changes herein are desired for the following reasons?  
 (please be specific) TO OVERLAP PLACE OF USE  
WITH FILE 36,677

13a. If the proposed point of diversion will be relocated within 100 feet of the existing point of diversion, indicate its location on the diagram below in relation to the existing point of diversion. (PLEASE NOTE: The "X" in center of diagram below represents presently authorized point of diversion.)



8. If a well, is the test hole log attached?  Yes  No
9. The change(s) (was)(will be) completed by?  
UPON APPROVAL
10. If the point of diversion is a well:  
 (a) What are you going to do with the old well?  
NA  
 (b) When will this be done? NA
11. Groundwater Management District recommendation attached?  Yes  No
12. Assisted by M BILLINGER

13b. If the proposed point of diversion will be relocated more than 100 feet but within 1320 feet from 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.



14. If the proposed groundwater point of diversion is 300 or fewer feet from existing point of diversion, complete the following:

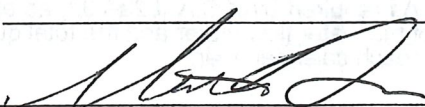
- (a) Does the undersigned represent all owners of the currently authorized place(s) of use identified in this application?  
 Yes     No    (If no, all owners must sign this application.)
- (b) Will the ownership interest of any owner of the currently authorized place(s) of use identified in this application 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.

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SEP 25 2020

Dated at \_\_\_\_\_, Kansas, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

  
 \_\_\_\_\_  
 (Owner)  
 Matt Davis (POA)  
 \_\_\_\_\_  
 (Please Print)

Stockton Field Office  
 Division of Water Resources  
 \_\_\_\_\_  
 (Spouse)  
 \_\_\_\_\_  
 (Please Print)

\_\_\_\_\_  
 (Owner)  
 \_\_\_\_\_  
 (Please Print)

\_\_\_\_\_  
 (Owner)  
 \_\_\_\_\_  
 (Please Print)

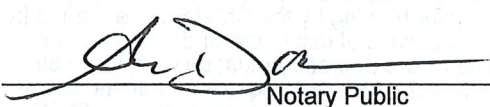
\_\_\_\_\_  
 (Spouse)  
 \_\_\_\_\_  
 (Please Print)

\_\_\_\_\_  
 (Spouse)  
 \_\_\_\_\_  
 (Please Print)

State of ~~Kansas~~ Arkansas }  
 County of Craighead } SS

ANDREA D MCGOWAN  
 NOTARY PUBLIC - STATE OF ARKANSAS  
 CRAIGHEAD COUNTY  
 MY COMMISSION EXPIRES 10-26-2028  
 COMMISSION # 12705830

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 24 day of September, 2020.

  
 \_\_\_\_\_  
 Notary Public

My Commission Expires 10-26-2028

**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. 28,522.

1. A change application was received on 9-25-2020 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 authorized herein shall not actually be located more than \_\_\_\_\_ feet from the previously authorized point(s) of diversion.  Applicable  Not Applicable
5. 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
6. **The owner of the authorized place(s) of use shall properly install an acceptable water flow meter on or before December 31, 20\_\_\_\_, 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
7. **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
8. **The completed well log shall be submitted with the required notice.**  Applicable  Not Applicable
9. 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
10. Additional Conditions are attached.  Yes  No
11. 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**

By: Mark Billinger  
Duly Authorized Designee of the Chief Engineer  
(Print Name): MARK BRUNBKA  
Division of Water Resources - Kansas Department of Agriculture  
Date of Issuance: 9/29/2020  
State of Kansas )  
County of Look ) SS  
Acknowledged before me on 9-29-20  
by Mark Billinger  
Signature: Rebecca F. Hageman  
Notary Public



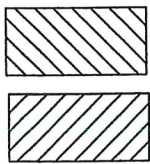
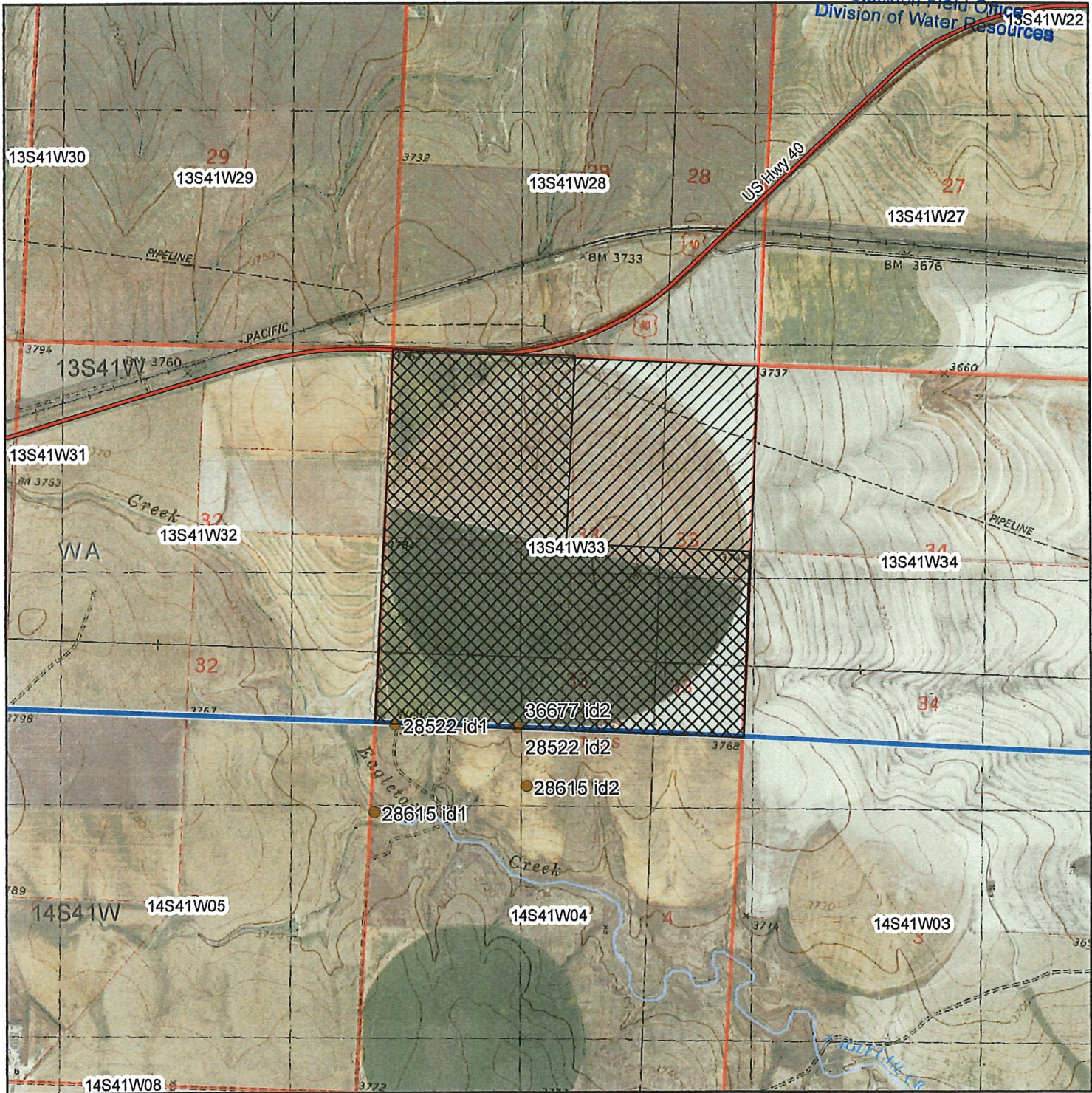
My commission expires 6-29-23



# Application to Change the Place of Use For Water Right File # 28,522

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Division of Water Resources



Authorized Place of Use  
Proposed Place of Use

- ▲ Surface Water Point of Diversion
- Groundwater Point of Diversion

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