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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File No. <u>43819</u>													(OCT 2	6 2021				
1.	Applicati	ion is he	ereby r	nade f	or app	roval c	of the C	Chief E	ngine	er to ch	nange i	the (ch	neck or	ne or b	oth):			Topeka I	BO AM Field Office
	Application is hereby made for approval of the Chief Engineer to change the (check one or both): Place of Use Point of Diversion												ON OF II	MER at South E					
	under the	e water	right v	vhich is	s the s	ubject	of this	applic	cation i	in acco	ordance	e with 1	the cor	ndition	s desc	ribed I	below.		
	The sour							water			Surfac								
						_							-						
2.	Name ar	Name and address of Applicant: Schwartz Wilke Farms, LLP																	
	32296 19	32296 190 th Street, SE Sleepy Eye MN 56085																	
	Phone N										ss:								
	Name an		ess of '	Water	Use C	orresp	onden	it:											
	AS ABO																		
	Phone N		-						Email	addre	ss:								
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	Owner of			-															
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9	(If there is			-					eets as	neces	sary.)								
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Sec	c. Twp.	Range	NE¼			SE1/4	NE1/4		SW1/4	SE1/4	NE1/4		SW1/4	SE1/4	NE1/4		SW1/4	SE1/4	ACRES
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5.	Presently authorized point of diversion: SEE SUPPLE	MENTAL SHEET					
	One in theQuarter of the	Quarter of the	Quarter				
	of Section, Township	South, Range	(E/W),				
	in County, Kansas, fee	t North feet West of Southeast corn	er of section.				
	Authorized Rate Authorized Quantity	Depth of well (fe	et)				
	(DWR use only: Computer ID No GPS	feet North feet W	'est)				
	☐This point will not be changed ☐This point will be changed as	follows: 🔲 No change, point better described with Gl	PS as follows:				
	Proposed point of diversion: (Complete only if change is						
	One in the Quarter of the						
	of Section, Township	South, Range	(E/W),				
	in County, Kansas, fee	t North feet West of Southeast come	er of section.				
	Proposed Rate Proposed Quantity						
	This point is: Additional Well Geo Center List other	water rights that will use this point	-				
6.	Presently authorized point of diversion: SE	SEE SUPPLEMENTAL SHEET					
٠.	One in theQuarter of the	Quarter of the	Quarter				
	of Section, Township						
	in County, Kansas, fee						
	Authorized Rate Authorized Quantity						
	(DWR use only: Computer ID No GPS	feet North feet W	est)				
	☐This point will not be changed ☐This point will be changed as	follows: No change, point better described with GP	'S as follows:				
	Proposed point of diversion: (Complete only if change is	requested or if existing point is better describ	ed by GPS)				
	One in the Quarter of the	Quarter of the	Quarter				
	of Section, Township	South, Range	(E/W),				
	in County, Kansas, fee	t North feet West of Southeast corn	er 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)	GEOCENTER WILL MOVE 239'S and 80'E OF A	UTHORIZED				
	Failure of two of the three wells in the battery	North 300 200 100 0 100 200	300				
		Endrafundar Amthul Androl	mind e				
8.	If a well, is the test hole log attached?	200	=======================================				
9.	The change(s) (was)(will be) completed by?	= =	\ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \				
	following approval		\ <u>_</u>				
10	If the point of diversion is a well:		100				
	(a) What are you going to do with the old well?		1				
	(a) What are you going to do with the old well:	West 0 Hankon bul man was as for a formal a	fiii 0 East				
	plug them						
	(b) When will this be done? at completion of new wells		月100				
			/ 直				
11.	Groundwater Management District recommendation attached?		/				
	☐ Yes ⊠ No	200	200				
12	Assisted by Lloyd Hemphill		4				
	•	500 200 100 0 100 200	infind				
13a	a. If the proposed point of diversion will be relocated more than 300	South Scale: Lhashe					

feet but within 2,640 feet of the existing point of diversion, attach a topographic map or aerial photograph. For groundwater 13b.lf the proposed point of diversion will be relocated within a 300 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

foot radius of the existing point of diversion, indicate its location on the diagram shown above in relation to the existing point of diversion. The proposed point of diversion must be located within the circle shown above. (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. <u>43819</u>

	zeu ponit o	<u>f diversion:</u>	<u>GEOC</u>	ENIEK		
One in the	NE	Quarter of the	SE	Quarter of the South, Range 189 feet West of S	SE	Quarter
of Section	3	Township	16	South Range	5	FAST
in MORRIS	C	ounty Kansas 739	feet North	189 feet West of S	Southeast com	er of section
Authorized Rate		Authorized Quantity	1000 140141	Donth of well	fo	of)
/DWP use only: (Computer I	Authorized Quantity	CDC	Depth of well	(IE	(e.)
This point will a se	computer i	D NO. 4 (PDIV: 63702)	GP3	reet North	ieet vv	est)
I I I I I I I I I I I I I I I I I I I	t be changed	I nis point will be cha	anged as follows:	No change, point better	described with (SPS as follows:
Proposed point of	f diversion	: (Complete only if char	nge is requeste	d)		
					QE.	Quarter
of Costion	<u> </u>	Quarter of the	<u> </u>	Quarter of the South, Range	<u> </u>	Quarter
in MODDIO	<u>ა</u>	, rownship	10	South, Range	3	EASI,
IN WORKIS		ounty, Kansas, <u>500</u>	теет inortn	109 feet West of S	outneast corn	er of section.
Proposed Rate		Proposed Quantity		Proposed well depth	(feet)	•
This point is: A	dditional We	ell 🛛 Geo Center List	other water righ	Proposed well depth its that will use this point	46351-A	·
Presently authori	zed point o	f diversion: BATT	EDV: 1 OE 3 M	/EIIC		
resently authoriz	zeu point o	I diversion. BATT	LKI, I OF 3 W	<u>ILLU</u>		
One in the	NE	Quarter of the	SE	Quarter of the	SE	Quarter
of Section	3	, Township	16	South, Range	5	EAST,
in MORRIS	C	ounty, Kansas, <u>691</u>	feet North	Quarter of the South, Range 563 feet West of S	Southeast corne	er of section.
Authorized Rate		Authorized Quantity	′	Depth of well	(fe	et)
(DWR use only: 0	Computer II	D No. <u>5 (PDIV: 63703)</u> (GPS	Depth of well feet North	feet W	est)
This point will not	t be changed		anged as follows:	■ No change, point better	described with 0	PS as follows:
Proposed point of	f divorcion	· (Complete only if char	an ic roquesto	d) REMOVE THIS	WE! I	
Proposed point of	i diversion	. (Complete only if char	ige is requeste	di REMOVE ITIS	VAETE	
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of Section		, Township		South, Range		(E/W),
in	C	ounty, Kansas,	feet North _	feet West of S	Southeast corne	er of section.
Proposed Rate		Proposed Quantity		Proposed well depth	(feet)	
This point is: A	dditional We	ell Geo Center List	other water righ	Quarter of the South, Range feet West of S Proposed well depth ts that will use this point	46351-A	
			<u>_</u> _			
Drogonthy authoric		f disconsions DATTI	EDV. 4 OE 2 W	ELLS		
		f diversion: BATT				_
One in the	NE	Quarter of the	<u>SE</u>	Quarter of the South, Range	<u>SE</u>	Quarter
- C O C		Taumahin	16	South Range	5	FAST
of Section	3	, rownsnip	10	500011, 11ange		
in <u>MORRIS</u>	C	ounty, Kansas, <u> 913 </u>	feet North	<u>104</u> feet West of S	Southeast corne	er of section.
in <u>MORRIS</u>	C	ounty, Kansas, <u> 913 </u>	feet North	<u>104</u> feet West of S	Southeast corne	er of section.
in <u>MORRIS</u>	C	ounty, Kansas, <u> 913 </u>	feet North	<u>104</u> feet West of S	Southeast corne	er of section.
in MORRIS Authorized Rate (DWR use only: 0	Computer II	ounty, Kansas, <u>913</u> Authorized Quantity D No. <u>6 (PDIV: 63704)</u> (feet North ' GPS	104 feet West of S Depth of well feet North No change, point better of	Southeast corne (fe feet W	er of section. et) est)
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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. 43819 A change application was received on OCTOBER 26, 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. 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 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 <u>50</u> radius of the authorized point(s) of diversion.

Applicable

Not Applicable foot 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 _____ 5. feet from the previously authorized point(s) of diversion. ☐ Applicable ☒ Not Applicable 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, 2022, 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, 2022, or within any authorized extension of time. By March 1, 2023 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 The completed well log shall be submitted with the required notice. ☐ 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. ПΝο 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 FOR OFFICE USE ONLY APPLICATION APPROVED AND 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 SUMMARY ORDER ISSUED Agriculture. A request for hearing by the Chief Engineer must be filed within 15 days of service of this Order and a request for Duly 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 (Print Name): BRETT L BUNGER review must state a basis for review pursuant to K.S.A. 77-527. Division of Water Resources - Kansas Department of Agriculture File any request with Kansas Department of Agriculture. Legal Division, 1320 Research Park Drive, Manhattan, KS Date of Issuance: **NOVEMBER 10, 2021** 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 Acknowledged before me on **November 10** Signature: auch Notary Public My commission expire **DEBBIE CROUCHER**

(Mys Appoistment) Expires May 20, 2023

File No. 43819

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(b)	Will the ownership interest affected if this application ☐ Yes ☑ No	is approved a		•	ce(s) of use	identified in this applica	tion be adversely
(c)	If this application is not ap ☑ Yes ☐ No	proved exped	•	stantial c	damage to p	roperty, public health or	safety?
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CERTIFICATE OF SERVICE

On this <u>10th</u> day of November, 2021, I hereby certify that the attached <u>APPROVAL OF APPLICATION FOR CHANGE IN POINT OF DIVERSION</u>, Water Right, File No. 43819, dated November <u>10th</u>, 2021 was mailed postage prepaid, first class, US mail to the following:

SCHWART WILKE FARMS LLP 32296 190TH STREET SE SLEEPY EYE, MN 56085

Staff