


Kansas
Department of Agriculture
Division of Water Resources

Garden City Field Office
2508 Johns Street
Garden City, Kansas 67846-2804

Jackie McClaskey, Secretary
David W. Barfield, Chief Engineer
Michael A. Meyer, Water Commissioner

Phone: (620) 276-2901
Fax: (620) 276-9315
www.agriculture.ks.gov
Sam Brownback, Governor

October 25, 2016

SHAFER FAMILY FARMS LLC
PO BOX 7602
HORSESHOE BAY TX 78657-7602

RE: Change in Point of Diversion Water Right, File No 23104

Dear Mr. Shafer:

Enclosed you will find a *Summary Order Approving Application for Change in Point of Diversion* for the above referenced file. This order modifies the authorized well location under the referenced file. This order modifies the original document; it should be recorded at the County Register of Deeds.

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in this order. The diversion works should be completed and reported to the Division of Water Resources by **December 31, 2017**. Enclosed is a form for this purpose, along with other information for reference.

A condition of this order is that an acceptable flow meter must be properly installed on the diversion works authorized under the referenced file number in accordance with the Kansas Administrative Regulations 5-1-4 through 5-1-12. This water flow meter shall be used to provide information required on the annual water use report.

This order shall become final if a request for a hearing is not filed with the Chief Engineer within 15 days of the date of service of this order. The date of service is the date listed on the enclosed *Certificate of Service*.

Should you have any questions, please feel free to call this office. If you would prefer, you could arrange an appointment for additional assistance.

Sincerely,



Thomas P. Makens
Assistant Water Commissioner

TPM:tpm
Enclosures
GMD#3

SCANNED

CERTIFICATE OF SERVICE

On this 26th day of October 2016, I hereby certify that the attached original Approval of Application to Change the Point of Diversion under Water Right, File No. 23104 dated October 25, 2016 was mailed postage prepaid, first class, US mail to the following:

SHAFER FAMILY FARMS LLC
PO BOX 7602
HORSESHOE BAY TX 78657-7602

Copy provided to GMD#3



Division of Water Resources

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.

RECEIVED
 3:33pm
 OCT 14 2016

File No. 23104

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

Garden City Field Office
 Division of Water Resources

2. Name and address of Applicant: SHAHER FAMILY FARMS LLC
PO BOX 7602 HORSESHOE BAY TX 78657-7602
 Phone Number: () Email address: _____
 Name and address of Water Use Correspondent: SHAHER FAMILY FARMS LLC
PO BOX 7602 HORSESHOE BAY TX 78657-7602
 Phone Number: () Email address: _____

3. The presently authorized place of use is:
 Owner of Land ---- NAME: SHAHER FAMILY FARMS LLC
 ADDRESS: PO BOX 7602 HORSESHOE BAY TX 78657-7602
 (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		

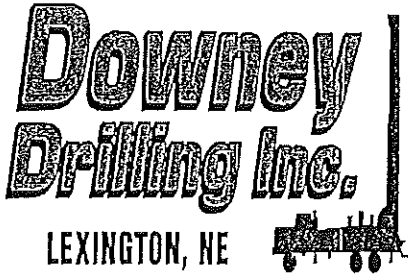
4. If this application is for a change in place of use, it is proposed that the place of use be changed to:
 Owner of Land ---- NAME: no change to acres
 ADDRESS: _____
 (If there is more than one landowner, attach supplemental sheets as necessary.)

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 _____ Fee \$ 200 TR # _____ Receipt Date 10/14/16 Check # 1167

WELL LOG

DATE: 9/27/2016



CUSTOMER NAME: SHAFER FARMS

LEGAL: NWNE 24-30S-31W

COUNTY: HASKELL

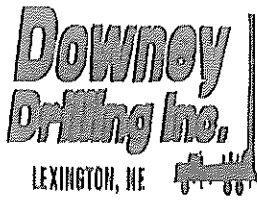
GPS: 37 25' 51.8" N

-100 39' 42.0" W

OTHER: BY THE OLD WELL

TW	FROM	TO	TYPE	HARDNESS	COLOR	SPEED	PULL DOWN	OTHER / DRILLING ACTION
	0	10	CLAY		RED			SMOOTH
	10	20	LIMEY CLAY AND MAG CLAY		WHITE / RED			SMOOTH
	20	60	MAG AND LIME		RED / WHITE			SMOOTH
	60	73	CLAY WITH A TRACE OF COARSE SAND			FAST		
	73	80	FINE-MEDIUM GRAVEL			FAST		
	80	95	FINE GRAVEL AND CLAY STRINGERS			FAST		
	95	100	FINE-MEDIUM GRAVEL			FAST		CHATTER
	100	120	COARSE SAND, FINE GRAVEL, AND SOME LIME		WHITE	FAST		VIBRATION
	120	127	COARSE SAND AND FINE GRAVEL			FAST		
	127	130	CLAY		TAN			SMOOTH
	130	140	COARSE SAND AND FINE GRAVEL			FAST		VIBRATION
	140	160	FINE-MEDIUM GRAVEL			FAST		CHATTER
	160	180	FINE-MEDIUM GRAVEL			FAST		CHATTER
	180	195	CLAY		TAN	FAST		SMOOTH
	195	200	CLAY, COARSE SAND, AND LIME		TAN	SEMI FAST		SMOOTH
	200	220	COARSE SAND AND FINE GRAVEL			FAST		CHATTER
	220	260	COARSE SAND AND FINE-SOME MEDIUM GRAVEL			FAST		CHATTER
	260	277	COARSE SAND AND FINE GRAVEL			FAST		
	277	280	CLAY					SMOOTH
	280	284	LIME	FIRM				
	284	288	CLAY					SMOOTH
	288	300	COARSE SAND AND FINE GRAVEL <i>Start 292' +</i>	8		FAST		CHATTER
	300	320	COARSE SAND WITH A LIME LAYER AT 315	20		FAST		
	320	340	COARSE SAND	20		FAST		CHATTER
	340	360	COARSE SAND AND SOME FINE GRAVEL WITH A LIME LAYER AT 357	20		FAST		CHATTER
	360	380	COARSE SAND	20		FAST		CHATTER
	380	386	MEDIUM-COARSE SAND	16		FAST		CHATTER
	386	400	MEDIUM COARSE SAND (CEMENTED) WITH SOME SANDSTONE / CLAY STRINGERS	10	RED	SEMI FAST		VIBRATION CHATTER / VIBRATION
	400	415	FINE SAND, SANDSTONE, AND LIME LAYERS	15		FAST		
	415	420	CLAY		BROWN / RED			SMOOTH
	420	440	SANDY CLAY AND LIMEY CLAY		PINK / WHITE			STEADY
	440	460	SANDY CLAY (LIME)		PINK / GRAY			
	460	475	CLAY		PINK / GRAY			
	475	478	MEDIUM SAND	3		FAST		CHATTER
	478	480	CLAY		BROWN / TAN			CHATTER

SCANNED



Well Design & Construction

Customer Name: SHAHER FAMILY FARMS, LLC

Legal: NW/NW 24-30S-31W **County:** HASKELL

G.P.S.: 37 25' 46.6" N **Date:** _____

100 40' 18.0" W **WO #:** _____

DRILLER: _____ **WATER SUPPLY:** CUSTOMERS WELL

HELPER(S): _____ **DRILLING RIG:** M-100

BOREHOLE DIAMETER: 30" / 28" **DRILLING METHOD:** REVERSE CIRCULATION

CASING DIAMETER: 16" **QUIKGEL:** TBD **HOLE PLUG:** 20' +

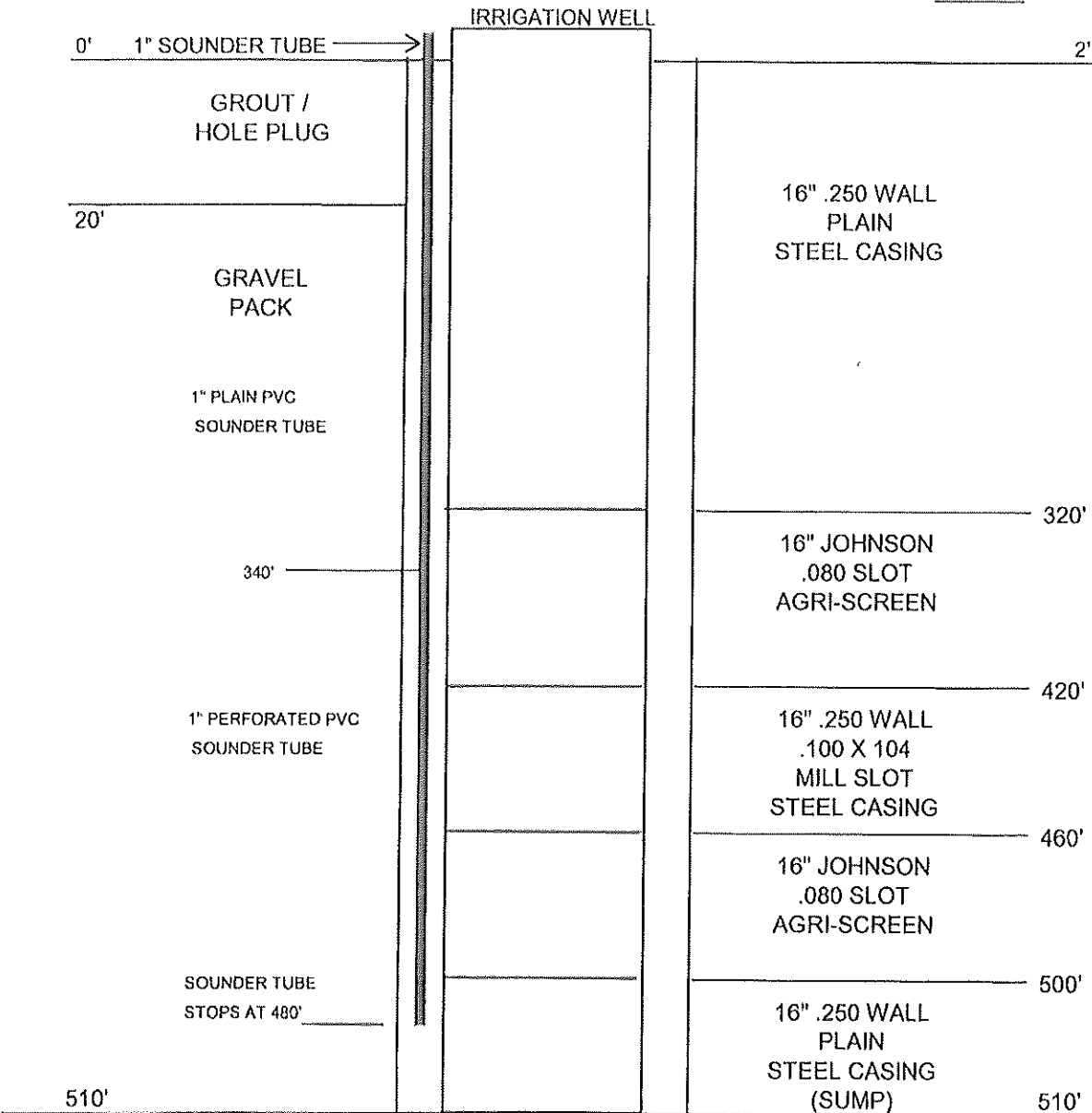
TOTAL WELL DEPTH: 510' **GRAVEL:** 106 TONS #1 COARSE

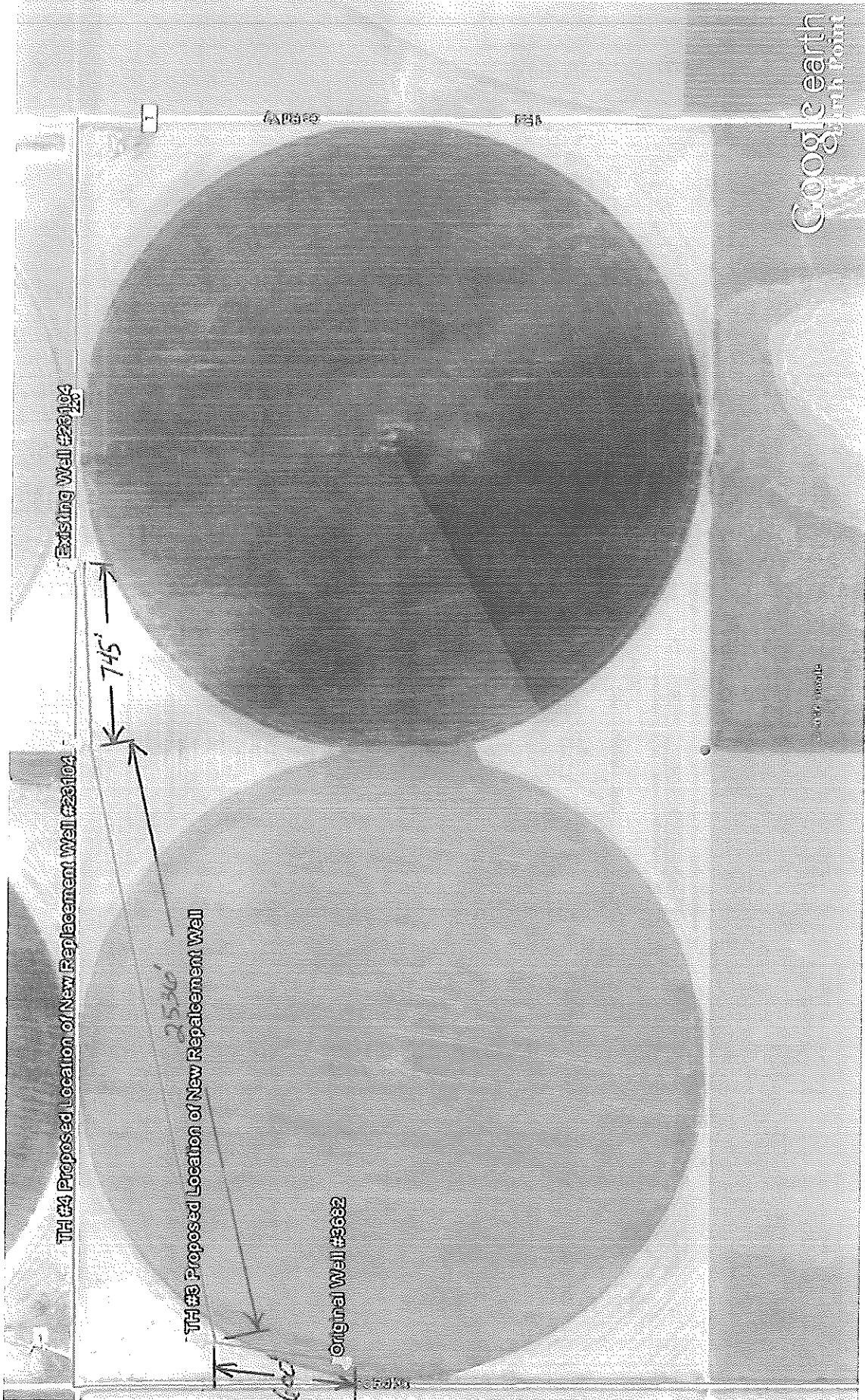
DRILLING FLUID: TBD **GRAVEL SUPPLIER:** HUBER

ADDITIONAL INFO: SWL - 299'

GROUT
AND
GRAVEL

SCREEN AND
CASING





Google earth



SHAFER FAMILY FARMS LLC

SUMMARY ORDER APPLICATING APPLICATION FOR CHANGE IMPOSING CONDITIONS

This Summary Order is issued under authority of K.S.A. 82a-708b, as amended, and K.A.R. 5-14-3 and other applicable provisions of the *Kansas Water Appropriation Law, K.S.A. 82a-701 et. seq.*, and rules and regulations promulgated thereunder, K.A.R. 5-1-1 et. seq. With the exception of those conditions expressly contained herein, this Summary Order does not change the terms, conditions and limitations of File No. 23104.

1. A change application was received on OCTOBER 14, 2016 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 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, 2017, 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, 2017, or within any authorized extension of time.** By March 1, 2018 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.

Administrative Appeal and Effective Date of Order

You have the right to a hearing in accordance with K.A.R. 5-14-3 before this Summary Order becomes final action of the Kansas Department of Agriculture. Any request for a hearing must be filed with the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, 1320 Research Park Drive, Topeka, Kansas 66502, within 15 days after the date shown on the Certificate of Service attached hereto. If a hearing is not requested in accordance with K.A.R. 5-14-3, this Summary Order will become effective on the 15th day after the date shown on the Certificate of Service.

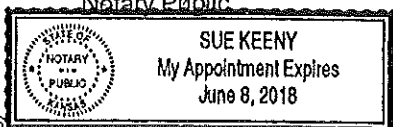
For Use by Register of Deeds

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

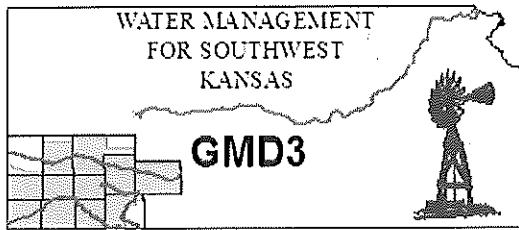
By: [Signature]
Duly Authorized Designee of the Chief Engineer
(Print Name): THOMAS P. MAKENS
Division of Water Resources - Kansas Department of Agriculture
Date of Issuance: OCTOBER 25, 2016

State of Kansas)
County of Finney) SS
Acknowledged before me on OCTOBER 25, 2016
by Thomas P Makens

Signature: [Signature]
Notary Public



My commission expires _____
(Notary Seal)



Southwest Kansas
Groundwater Management District No. 3
2009 E. Spruce Street
Garden City, Kansas 67846
(620) 275-7147 phone (620) 275-1431 fax
www.gmd3.org

October 20, 2016

RECEIVED

Thomas P. Makens
Division of Water Resources
2508 N Johns Street
Garden City, Kansas 67846

OCT 21 2016

Garden City Field Office
Division of Water Resources

RE: Application for Change in Point of Diversion
Water Right, File No. 23,104

Dear Thomas:

We have completed a review of the application for the above referenced water right. The proposal is not in conflict with the Management Program of the Southwest Kansas Groundwater Management District No. 3 (GMD3). The proposed distance moved and well spacing is in accordance with K.A.R. 5-23-3. It is therefore recommended that the application be approved at this time.

Thank you for the opportunity to review the applications and to provide a recommendation. If you have any questions, please don't hesitate to contact us.

Sincerely,

Jason L. Norquest
Assistant Manager



Garden City Field Office
2508 Johns Street
Garden City, Kansas 67846-2804
Jackie McClaskey, Secretary
David W. Barfield, Chief Engineer
Michael A. Meyer, Water Commissioner

Phone: (620) 276-2901
Fax: (620) 276-9315
www.agriculture.ks.gov
Sam Brownback, Governor

October 18, 2016

Southwest Kansas Groundwater
Management District No 3
409 Campus Drive, Suite 106
Garden City KS 67846

Re: Water Right file number 23104

Dear Mr. Norquest;

Shafer Family Farms has applied to relocate the well authorized by the above water right number. There is one neighboring well within ½ mile of the requested.

We are delaying action for 15 days on the change application to allow you time to review and provide a recommendation if you feel one is warranted.

Thank you and as always feel free to call or write us at any time.

Sincerely;

A handwritten signature in black ink, appearing to read "T. Makens".

Thomas P Makens

TPM:tpm
enc

SCANNED

