

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](http://www.agriculture.ks.gov)  
Sam Brownback, Governor

October 10, 2016

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

RE: Change in Point of Diversion Water Right, File No 435

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,

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

Thomas P. Makens  
Assistant Water Commissioner

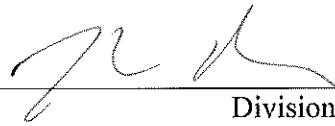
TPM:tpm  
Enclosures  
GMD#3

**CERTIFICATE OF SERVICE**

On this 12<sup>th</sup> 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. 435 dated October 10, 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

A handwritten signature in black ink, appearing to be 'J. D.', is written over a horizontal line.

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.

\_\_\_\_\_   
 File No. 435

RECEIVED  
 3:49pm  
 SEP 29 2016

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

Place of Use                       Point of Diversion

Garden City Field Office  
 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: 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 9/29/16 Check # 1161

*RJA*

5. **Presently authorized point of diversion:**

One in the     nw     Quarter of the     nw     Quarter of the     ne     Quarter of Section     6    , Township     33     South, Range     38     W, in Stevens County, Kansas,     2125     feet North     2590     feet West of Southeast corner of section. Authorized Rate \_\_\_\_\_ Authorized Quantity \_\_\_\_\_ Depth of well \_\_\_\_\_ (feet) (DWR use only: Computer ID No.     4     GPS \_\_\_\_\_ feet North \_\_\_\_\_ feet West)

This point will not be changed  This point will be changed as follows:

**Proposed point of diversion: (Complete only if change is requested)**

One in the     sw     Quarter of the     sw     Quarter of the     se     Quarter of Section     6    , Township     33     South, Range     38     W, in Stevens County, Kansas,     439     feet North     2292     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 \_\_\_\_\_

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:

**Proposed point of diversion: (Complete only if change is requested)**

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 \_\_\_\_\_

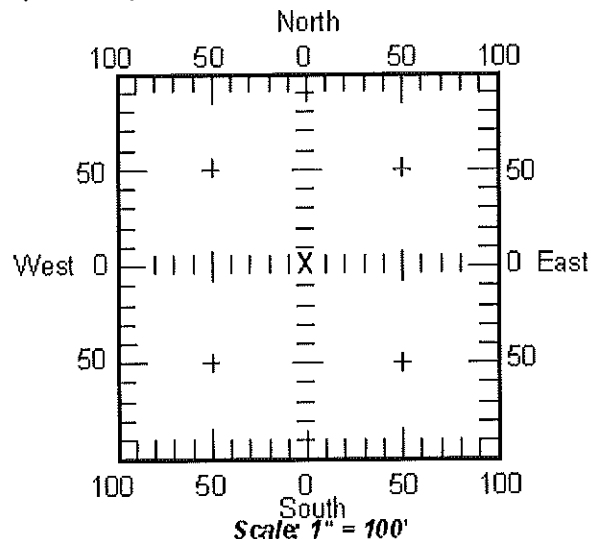
7. Why do you need a new point of diversion? \_\_\_\_\_  
old well needs to be replaced \_\_\_\_\_

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. When do you propose to complete the new point of diversion?  
october 16, 2016

10. If the point of diversion is a well:  
(a) What are you going to do with the old well?  
plug  
(b) When will this be done? 2016



11. Groundwater Management District recommendation attached?  Yes  No

12. Assisted by tpm

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:

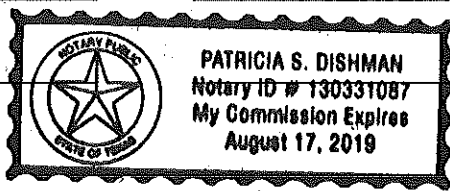
- (a) Does the undersigned represent all owners of the currently authorized place(s) of use identified in this application?  
 Yes     No    (If no, all owners must sign this application.)
- (b) Will the ownership interest of any owner of the currently authorized place(s) of use identified in this application 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 regard 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 Horse Shoe Bay, Texas, Kansas, this 26 day of September, 2016.

x Elder Family Farm LLC by Robert J. Elder (Owner) \_\_\_\_\_ (Spouse) \_\_\_\_\_  
 \_\_\_\_\_ (Please Print) \_\_\_\_\_ (Please Print)  
 \_\_\_\_\_ (Owner) \_\_\_\_\_ (Spouse)  
 \_\_\_\_\_ (Please Print) \_\_\_\_\_ (Please Print)  
 \_\_\_\_\_ (Owner) \_\_\_\_\_ (Spouse)  
 \_\_\_\_\_ (Please Print) \_\_\_\_\_ (Please Print)



State of Texas }  
 County of Llano } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 26<sup>th</sup> day of September, 2016.

Patricia S. Dishman  
 \_\_\_\_\_  
 Notary Public

My Commission Expires 08-17-2019

**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. 5-14-3 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. 435.

1. A change application was received on SEPTEMBER 29, 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 15<sup>th</sup> 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: \_\_\_\_\_  
Duly Authorized Designee of the Chief Engineer

(Print Name): THOMAS P. MAKENS  
Division of Water Resources - Kansas Department of Agriculture

Date of Issuance: OCTOBER 10, 2016

State of Kansas )  
County of Lincoln ) SS

Acknowledged before me on October 10, 2016  
by Thomas P. Makens

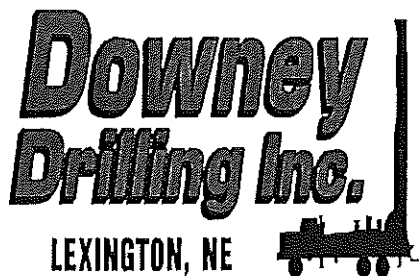
Signature: \_\_\_\_\_  
Notary Public



My commission expires: \_\_\_\_\_  
(Notary Seal)

# WELL LOG

DATE: 9/1/2016



CUSTOMER NAME: SHAFFER FARMS

LEGAL: SE 6-33S-38W

COUNTY: STEVENS

GPS: 37 12' 00.52" N

-101 29' 29.59" W

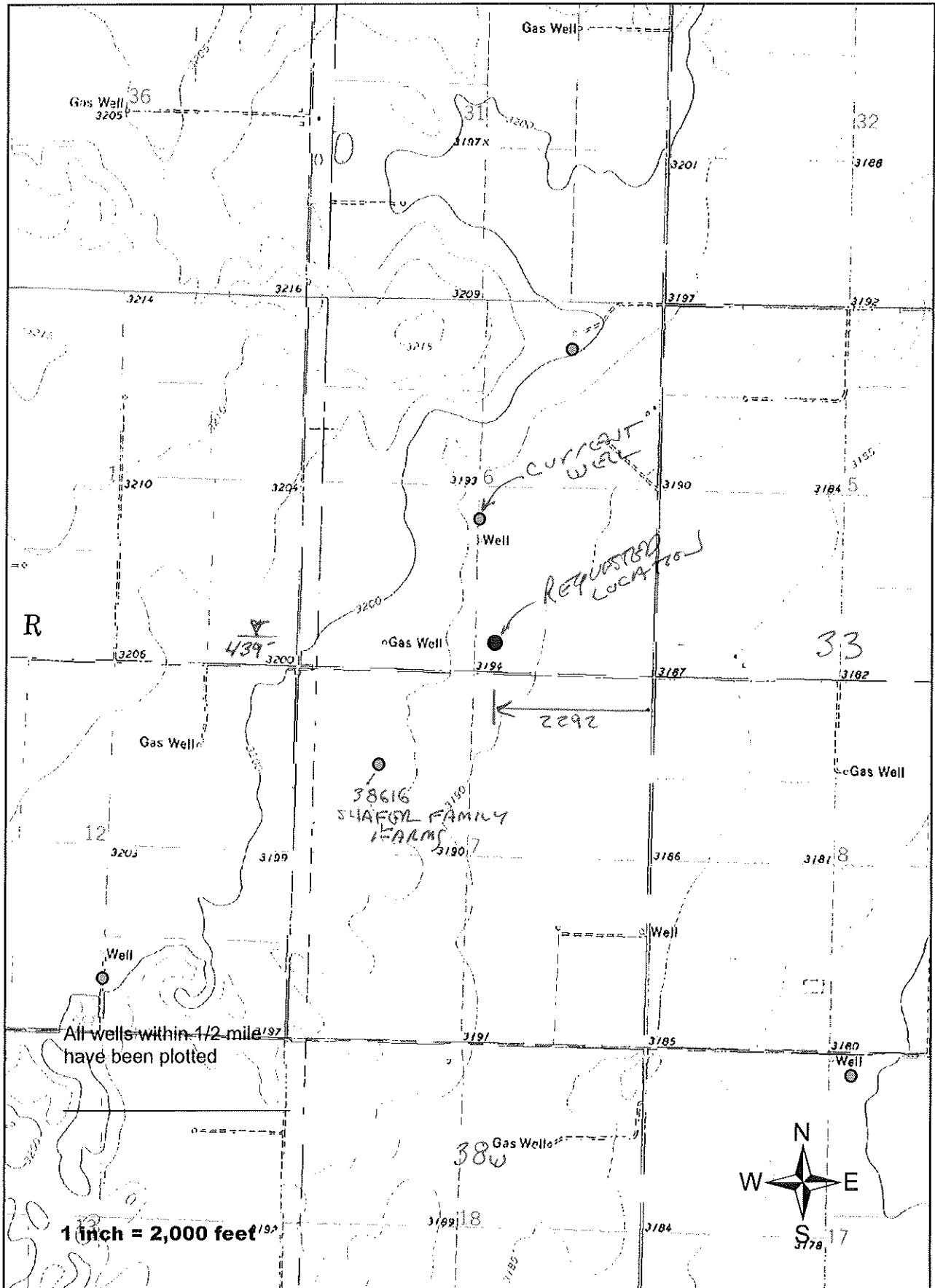
OTHER:

T W	FROM	TO	TYPE	HARDNESS	COLOR	OTHER / DRILLING ACTION
	0	20	CLAY			
	20	40	CLAY		RED	
	40	51	CLAY		RED	
	51	60	CLAY AND FINE GRAVEL MIX			
	60	66	CLAY AND GRAVEL MIX		TAN	
	66	80	CLAY		TAN	
	80	100	CLAY WITH A TRACE OF SANDSTONE		TAN	
	100	120	CLAY AND LIME STRINGERS		RED / WHITE	
	120	140	CLAY WITH A TRACE OF LIME		BROWN	
	140	147	CLAY		TAN	
	147	150	COARSE SAND			
	150	160	CLAY		TAN	
	160	180	CLAY		TAN	
	180	200	CLAY		TAN	
	200	220	CLAY			STICKY (COLLARS)
	220	240	CLAY			STICKY (COLLARS)
	240	260	CLAY <i>SAND LENSES</i>			STICKY
	260	280	CLAY WITH FINE GRAVEL STRINGERS		TAN	
	280	300	CLAY			
	300	314	COARSE SAND AND CLAY MIX			
	314	320	GRAVEL	14		
	320	331	COARSE SAND, SANDSTONE, AND SOME FINE GRAVEL	11		GOOD VIBRATION
	331	340	CLAY AND SAND STRINGERS			SMOOTH
	340	349	GRAVEL AND CLAY MIX	5		SLIGHT VIBRATION
	349	360	GRAVEL	11		GOOD VIBRATION
	360	380	FINE GRAVEL	20		CHATTER
	380	384	FINE GRAVEL	4		
	384	390	CLAY			
	390	400	CLAY AND A TRACE OF GRAVEL	2		
	400	411	FINE GRAVEL, BROKEN ROCK, AND CLAY MIX	6		

# 435











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](http://www.agriculture.ks.gov)  
Sam Brownback, Governor

September 30, 2016

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

Re: Water Right file number 435

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.

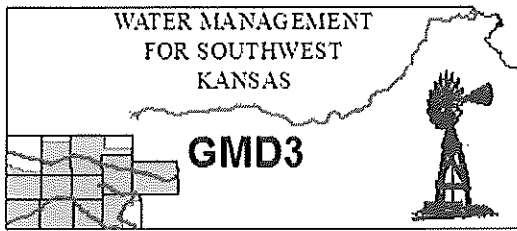
Sincerely;

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

Thomas P Makens

TPM:tpm  
enc





**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 3, 2016

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

RECEIVED

OCT 03 2016

Garden City Field Office  
Division of Water Resources

RE: Application for Change in Point of Diversion  
Water Right, File No. 435

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

