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



Phone: (620) 276-2901 Fax: (620) 276-9315 www.agriculture.ks.gov

Sam Brownback, Governor

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

March 27, 2017

GARETSON BROTHERS 2394 120TH RD COPELAND KS 67837

RE: Application to Change the Place of Use File Nos. 7942, 14643, 19542, 21985

Dear Mr. Garetson:

Enclosed you will find a Summary Order Approving Application for Change in Place of Use for the above referenced files. Since these orders modify the original documents, it should be recorded at the County Register of Deeds.

These orders modify the authorized acres that can be irrigated by these files. The authorized place of use is as shown on the plats within the change approvals.

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 (including the meter reading at the beginning and end of the report year).

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 or arrange an appointment for additional assistance. Please refer to the file number when you contact us if you wish to discuss a specific file.

Sincerely,

Thomas P. Makens

Assistant Water Commissioner

TPM:tpm Enclosures GMD#3

CERTIFICATE OF SERVICE

On this 27th day of March 2017, I hereby certify that the attached original Approval of Application to Change the Place of Use under Water Right 7942, 14643, 19542, 21985 dated March 27, 2017, was provided to the following:

GARETSON BROTHERS 2394 120TH RD COPELAND KS 67837

Copy provided to GMD3

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) 862-6300 Stafford - (620) 234-5311 Stockton - (785) 425-6787 Garden City -- (620) 276-2901 www.ksda.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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	under t	he wate	er right	which	is the	subje	ct of th	is app	lication						ns des	scribed	l belov	٧.	
•	The so	urce of	supply	is:		Ø	Groun	dwate	г] Sud							••	
2. 1	. Name and address of Applicant: <u>JR GARETSON LIVING TRUST</u>																		
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DWR 1-121 (Revised 01/05/2010)

Page 1

File No. <u>7792</u>

Garden City Field Office Division of Water Resources

APPLICATION FOR APPROVAL TO CHANGE THE PLACE OF USE AND/OR POINT OF DIVERSION SUPPLEMENTAL SHEET

FILE NO. 7942
MAKE ADDITIONAL COPIES AS NECESSARY

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DWR 1-121-2 (Rev. 01/23/2008)

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	of Section	, Township		South, Range	w
	in	County, Kansas,	feet l	North feet West of Sout	neast comer of section.
	Authorized Rate	Authorized Quantity		Depth of well	(feet)
	(DWR use only: Compu	ter ID No GP	S	feet North	feet West)
	☐ This point will not be	changed	be ch	anged as follows:	•
	Proposed point of diver-	sion: (Complete only if chang	e Is re	<u>quested)</u>	
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6.	Presently authorized poi		,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,		
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	Proposed Rate	Proposed Quantity		Proposed well depth (feet)	
	This point is: Additional	Well Geo Center List oth	ner wat	er rights that will use this point	
7.		nt of diversion?	13a	If the proposed point of diversion we feet of the existing point of diversion the diagram below in relation to the expectation (PLEASE NOTE: The "X" In cerepresents presently authorized proposed in North	n, indicate its location on existing point of diversion.
8.	If a well, is the test hole log a	ttached? Yes No			50 100
9,	When do you propose to	complete the new point of	f		1''' 🗎
	diversion?	•			. 4.
				50 + =	+ - 50
10.	If the point of diversion is a w			West 0 =	IIII In Fact
	(a) What are you going to do	with the old well?		E	1111 - 0 - 2001
	•			E	
		- Call National Control of the Contr		50 - + -	+ - 50
	(b) When will this be done?			F =	_
	(5) 111011 1111 0110 00 001101			<u> </u>	1.1.7
11	Groundwater Managemen	t District recommendation			50 100
, ,,	attached? Yes N			South Scale 1" = 100	20 100
			400		
12.	Assisted by		130,	If the proposed point of diversion will 100 feet but within 1320 feet from	n the existing point of
		RECEIVED		diversion, attach a topographic ma For groundwater sources, show all w within one-half mile of the proposed p names and mailing addresses of the water sources, show the names landowner(s) one-half mile downstr	p or aerial photograph, ells (including domestic) coint of diversion and the e owners. For surface and addresses of the
D1	A 4 4M4 JPD D D & 4 JM min m m m			upstream from your property lines.	700
DWR	R 1-121 (Revised 01/05/2010)	FEB 1 4 2099	igė 2		File No. <u>7942</u>

14. If the proposed groundwater point of diversion is 300	o or iewer reef ii	om existii	ng point o	i aiversion, complete	e the following:
(a) Does the undersigned represent all owners of the ☐ Yes ☐ No (If no, all owners mu	he currently auth	norized pla	ace(s) of u	use identified in this	application?
 (b) Will the ownership interest of any owner of the affected if this application is approved as reques ☐ Yes ☐ No (If yes, all owners means the content of the affected in the content of the content of the affected in the content of the content of the affected in the content of the c	currently authorsted?	rized plac	ce(s) of us	se identified in this a	application be adversely
(c) If this application is not approved expeditiously, ☐ Yes ☐ No (If no, all owners must	will there be sul st sign this appli	ostantial d cation.)	amage to	property, public hea	alth or safety?
If the application proposes a surface water change in policy or a change in place of use, the application must be signed agent (attach notarized statement authorizing representation)	ed by all owners	a groundw of the cu	ater chan rrently au	ge in point of divers thorized place of use	ion greater than 300 feet e, or their duly authorized
I hereby verify, being first duly sworn upon my age and the owner, the spouse of the owner, or their behalf, in regard to the water right(s) to we contained in this application are true, correct and	a duly author hich this app d complete.	ized age lication	nt of the pertains	owner(s) to make. I further verify	te this application on that the statements
Dated at Sublette	_, Kansas, this	In Ja	_ day of ₋	Purch	, 20 <u>/3</u>
Lan to Bestien In Can't Street De	ulse				
(Owner)				(Spouse)	
Gardion Brothers by Jarvis Garcison, par	Iner_				
				(Please Print)	-
Martha Duretion				(0,,,,,,,)	
(Owner)				(Spouse)	
Martha Garetson (Please Print)				(Please Print)	
	t			(
James R. Haretson Jestamento Tr (Owner)	usic _		··-	(Spouse)	
James R Gartson Testament Tru (Please Print)	st				
(Please Print)				(Please Print)	
State of Kansas County of / f û 5 / c / / SS					
I hereby certify that the foregoing application was	signed in my	presence	and sw	orn to before me	this $\frac{21}{2}$ day of
,	/	The second second	The State of the Local Division in the Local	Elect o	
10.27 12	自由 CLI 超越的 Notary <u>Pu</u> My April Expires	blic - State c	Kansas	Notary Public	red
My Commission Expires 10-27-13.	The state of the s		<u></u>	•	
ONLY COMPLETE APPLICATIONS WILL BE PROCESSED. To be accurate information; maps, if necessary, must be included; signate the appropriate fee must be paid.	pe complete, all of ures of all the app	the applica ropriate ow	able portion ners' must	s of the application for be affixed to the applic	m must be completed with cation and notarized; and
	FEE SCHEDUL	Ē			
Each application to change the place of use or the point of	diversion under	 this sectio	n shall be	accompanied by th	e application fee set
forth in the schedule below: Make checks payable to: Kans (1) Application to change a point of diversion 300 f	eet or less				\$100
(2) Application to change a point of diversion more(3) Application to change the place of use	than 300 feet.				\$200
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14. If t	he proposed groundwater point of diversion is 300 or fewer fe	eet from existing point of divorcion, complete the C. II.
(a)	Does the undersigned represent all owners of the currently	authorized place(s) of use identified in this applications
	— (in the fall of the sign tills	application.)
(a)	will the ownership interest of any owner of the currently a affected if this application is approved as requested? ☐ Yes ☐ No (If yes, all owners must sign this	uthorized place(s) of use identified in this application be adversely
(c)	If this application is not approved expeditiously, will there be ☐ Yes ☐ No (If no, all owners must sign this a	Substantial damage to proporty, public health and the
If the ap	plication proposes a surface water change in point of diversion nge in place of use, the application must be signed by all ow	on, a groundwater change in point of diversion greater than 300 fee ners of the currently authorized place of use, or their duly authorize
agem (a	ttach notarized statement authorizing representation).	, which is a place of doc, of their duty authorize
their be	ehalf, in regard to the water right(s) to which this a ed in this application are true, correct and complete	1. 7 oth 1. 1.
Λ		nls 30 day of Narch 20 13
· —/3	In Elamin	Jet stat Omm Vara
Δ	(Owner)	(Spouse)
	Plyn C. Converge (Please Print)	- Pebra B, Converse
	,,	(Please Print)
	(Owner)	(Spouse)
	(Please Print)	(Please Print)
	(Owner)	(Spouse)
	(Please Print)	(Please Print)
State of Ka	· · · · · · · · · · · · · · · · · · ·	(reason rank)
	Tolynson ss	
I hereby	certify that the foregoing application was signed in n	ny presence and sworn to before me this 30th day of
	A NOTARY PUBLIC - State of Kansas	VI ANT DE D
	DAVID F. VIEBROCK	Havid J. Ylllork
My Commis	sion Expires My Appt. Expires 9-1-3014	Notary Public
ONLY COMP	LETE APPLICATIONS WILL BE PROCESSED. To be complete, all	of the applicable portions of the application form must be completed with
the appropriat	mation; maps, it necessary, must be included; signatures of all the a te fee must be paid.	of the applicable portions of the application form must be completed with appropriate owners' must be affixed to the application and notarized; and
	<u>FEE.SCHEDU</u>	N F
Each applica	ation to change the place of use or the point of divorcion under	nu Atalana and a su a
(1)	Application to change a point of diversion 300 feet or less	eur of Aductifule
(2) (3)	Application to change a point of diversion more than 300 feet Application to change the place of use	\$100
(0) /	Application to change the place of use	\$200
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14. 15 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 author ☐ Yes ☐ No (If no, all owners must sign this applica	zed place(s) of use identified in this application?
 (b) Will the ownership interest of any owner of the currently authoriz 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 substaction ☐ Yes ☐ No (If no, all owners must sign this application)	antial damage to property, public health or safety? ion.)
If the application proposes a surface water change in point of diversion, a g or a change in place of use, the application must be signed by all owners of agent (attach notarized statement authorizing representation).	roundwater change in point of diversion greater than 300 feet, the currently authorized place of use, or their duly authorized
I hereby verify, being first duly sworn upon my oath or affirmati age and the owner, the spouse of the owner, or a duly authorize their behalf, in regard to the water right(s) to which this applic contained in this application are true, correct and complete.	d agent of the owner(s) to make this application on ation pertains. I further verify that the statements
Dated at <u>Event Bend</u> , Kansas, this	11th day of <u>February</u> , 2017.
L Carele-Ruth Converse	·
Larde Ruth Converse X (Owner) Carole Ruth Converse	(Spouse)
_ Carole Ruth Converse	
(Please Print)	(Please Print)
(Owner)	(Spouse)
(Please Print)	(Please Print)
(Owner)	(Spouse)
(Please Print) State of Kansas County of State of Kansas SS NOTARY PUBLIC - STACY B. POL	KINGHORNE
I hereby certify that the foregoing application was signed in my pro-	
My Commission Expires 5 22-5	Maccy Self Control Notary Prioric
ONLY COMPLETE APPLICATIONS WILL BE PROCESSED. To be complete, all of the accurate information; maps, if necessary, must be included; signatures of all the appropriate fee must be paid.	applicable portions of the application form must be completed with iate owners' must be affixed to the application and notarized; and
FEE SCHEDULE	
Each application to change the place of use or the point of diversion under this forth in the schedule below: Make checks payable to: Kansas Department of (1) Application to change a point of diversion 300 feet or less (2) Application to change a point of diversion more than 300 feet (3) Application to change the place of use	*Agriculture
(3) Application to change the place of use	RECEIVED
	FEB 1 4 2017
	and Office

SUMMARY ORDER APPROVING APPLICATION FOR CHANGE AND IMPOSING CONDITIONS

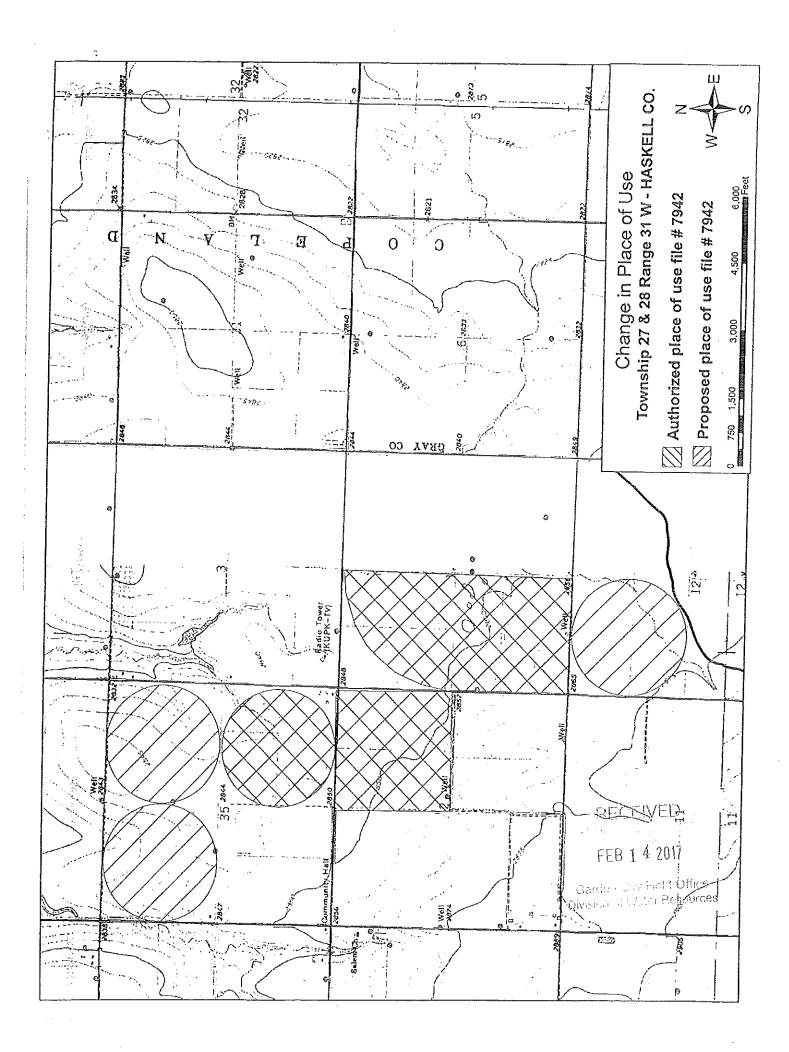
This Summary Order is issued under authority of K.S.A. 82a-708b, as amended, and K.A.R. 5-14-3 and other applicable provisions of the Kansas Water Appropriation Law, K.S.A. 82a-701 et. seq., and rules and regulations promulgated thereunder, K.A.R. 5-1-1 et. seq. With the exception of those conditions expressly contained herein, this Summary Order does not change the terms, conditions and limitations of File No. 7942 A change application was received on <u>February 15, 2017</u> requesting that the place of diversion authorized under the above-referenced file number be changed as described in the application. requesting that the place of use and / or point of On and after the effective date of this summary order, the authorized place(s) of use shall be located substantially as shown ☐ Not Applicable on the topographic map accompanying the application to change the place of use. 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 The point(s) of diversion authorized herein shall not actually be located more than _____ feet from the previously authorized point(s) of diversion. ☐ 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 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. 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. Not Applicable Applicable The completed well log shall be submitted with the required notice. ☐ Applicable Not Applicable 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 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. FOR OFFICE USE ONLY Administrative Appeal and Effective Date of Order APPLICATION APPROVED AND You have the right to a hearing in accordance with K.A.R. 5-14-3 SUMMARY ORDER ISSUED 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 Duly Authorized Designee of the Chief Engineer 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 (Print Name): Thomas P Makens Division of Water Resources - Kansas Department of Agriculture on the Certificate of Service. Date of Issuance: MARCU 20 l For Use by Register of Deeds State of Kansas SS County of Finney Acknowledged before me on M by Thomas Signature: elm Notary Public gii fige SUE KEENY NOTARY PUBLIS My Appointment Explres June 8, 2018 My commission expires (Notary Seal)

Page 4

File No. _

DWR 1-121 (Revised 06/16/2014)





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

February 16, 2017

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

Re: Water Right file number 7942, 14643, 19542, 21985

Dear Mr. Norquest;

Garretson Brothers has applied to alter the acres authorized and relocate one pivot and overlap. The base acres are 915 for all files in combo.

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. I have enclosed a copy of the change for your perusal.

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

Sincerely;

Thomas P Makens

encs.



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

February 27, 2017

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

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FEB 2 8 2017

RE: Application for Change in Point of Diversion

Water Right, File No. 7942, 14643, 19542 & 21985

Garde) City Field Office Division of Water Resources

Dear Thomas:

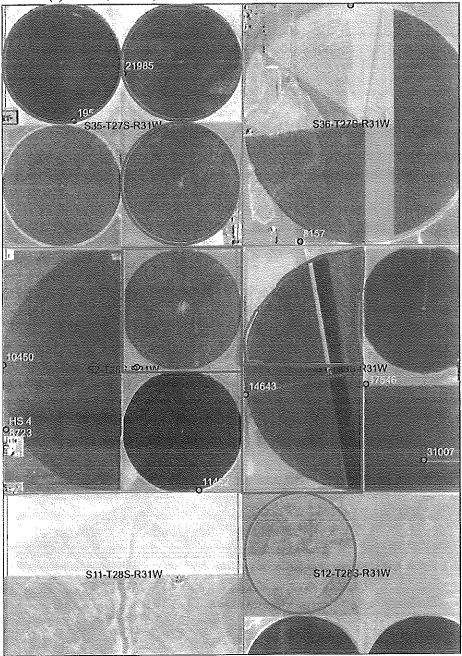
We have completed a review of the applications for the above referenced water rights. The proposal is not in conflict with the Management Program of the Southwest Kansas Groundwater Management District No. 3 (GMD3). The proposed change in place of use is in accordance with K.A.R. 5-5-11(b). It is therefore recommended that the applications 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 Change Application(s); PU

File No(s). 7942, 14643, 19542 & 21985; Garretson Brothers



Red area is the proposed place of use.

Total base acres for all WRs = 915 acres.

Change apps. Propose = 924.59 acres. (falls within the rules)

Eliminating the corners on the 3 quarters in section 35 and making the acres match current pivots and adding new system to the NW of 12.

Neighboring wells: NA Domestic wells: NA

THE SOUTH THE PROPERTY OF THE

GMD3 Change Review

Regulation(s) Reviewed: KAR 5-5-11(b)

Board Review Date: NA

Board Recommendation: NA

Waiver Reason: NA

Final Recommendation: After review of all available information, it appears the area

rules are met. Staff therefore recommends approval of the applications.

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FEB 2 8 2017

Garden City Field Office Division of Water Resources



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

February 27, 2017

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

RECEIVED

MAR 1 6 2017

RE:

Application for Change in Point of Diversion Water Right, File No. 7942, 14643, 19542 & 21985

Garden City Field Office Division of Water Resources

Dear Thomas:

We have completed a review of the applications for the above referenced water rights. The proposal is not in conflict with the Management Program of the Southwest Kansas Groundwater Management District No. 3 (GMD3). The proposed change in place of use is in accordance with K.A.R. 5-5-11(b). It is therefore recommended that the applications be approved at this time.

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Sincerely,

Jason L. Norquest Assistant Manager