

Kansas Department of Agriculture
 Division of Water Resources
CHANGE: P/U WORKSHEET

1. File Number: 5784	2. Status Change Date: 9/10/18	3. Change Num: c3	4. Field Office: 04	5. GMD: 03
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6. Status: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied by DWR/GMD <input type="checkbox"/> Dismiss by Request/Failure to Return	7. Filing Date of Change: 8/6/18
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8a. Applicant(s) New to system <input type="checkbox"/>	Person ID <u>55420</u> Add Seq# <u>1</u>
J & L SMITH FARMS INC BRYAN SMITH 9170 E ROAD 2 ULYSSES KS 67880-8151	

8c. Landowner(s) New to system <input type="checkbox"/>	Person ID _____ Add Seq# _____
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8b. Landowner(s) New to system <input type="checkbox"/>	Person ID <u>55420</u> Add Seq# _____
J & L SMITH FARMS INC BRYAN SMITH 9170 E ROAD 2 ULYSSES KS 67880-8151	

8d. WUC New to system <input type="checkbox"/>	Person ID <u>55420</u> Add Seq# _____
J & L SMITH FARMS INC BRYAN SMITH 9170 E ROAD 2 ULYSSES KS 67880-8151	

9. Documents and Enclosure(s): <input checked="" type="checkbox"/> DWR Meter(s) Date to Comply: <u>12/31/18</u> <input type="checkbox"/> N & P Date to Comply: _____	
<input type="checkbox"/> Anti-Reverse Meter <input type="checkbox"/> Meter Seal <input type="checkbox"/> Check Valve <input type="checkbox"/> N & P Form <input type="checkbox"/> Water Tube <input type="checkbox"/> Driller Copy <input type="checkbox"/> H & E Letter	
<input type="checkbox"/> Conservation Plan Date Required: _____ Date Approved: _____ Date to Comply: _____	

10. Use Made of Water From: _____	To: _____
--------------------------------------	-----------

Date Prepared: 9/4/18	By: TPM
Date Entered: _____	By: _____

12. Points of Diversion

CHK	MOD	DEL	ENT	Qualifier	S	T	R	ID	'N	'W	Comment (AKA Line)	Rate gpm	Quantity af	Authorized	Rate gpm	Quantity af	Additional	Rate gpm	Quantity af	Overlap PD Files
				PDIV																

nc

13. Storage: Rate _____ NF _____ Quantity _____ ac/ft Additional Rate _____ NF _____ Additional Quantity _____ ac/ft

14. Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) _____
 Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) _____

15. 5YR Allocation: Allocation Type _____ Start Year _____ 5 YR Amount _____ Amount Unit _____ Base Acres _____ Comment _____

Place of Use	CHK	MOD	DEL	ENT	PUSE	S	T	R	ID	NE¼			NW¼			SW¼			SE¼			Total	Owner	Chg?	Overlap Files							
										NE¼	SW¼	SE¼	NW¼	SW¼	SE¼	NE¼	SW¼	SE¼	NW¼	SW¼	SE¼											
MOD	7804	18	27	36W						40	40	40				35					35			10	35	35	10	160	8b	n	5784	9281
ENT	5426	19	27	36W						40	40	40													160	8b	n	5784	9281			

Base Acres: _____ Year: _____ Minimum Reasonable Quantity: _____

Comments: _____

STATE OF KANSAS



DEPARTMENT OF AGRICULTURE
DIVISION OF WATER RESOURCES
GARDEN CITY FIELD OFFICE
2508 JOHNS STREET
GARDEN CITY, KS 67846-2804

PHONE: (620) 276-2901
FAX: (620) 276-9315
www.agriculture.ks.gov

GOVERNOR JEFF COLYER, M.D.
JACKIE McCLASKEY, SECRETARY OF AGRICULTURE

September 10, 2018

J & L SMITH FARMS INC
BRYAN SMITH
9170 E ROAD 2
ULYSSES KS 67880-8151

RE: Change the Place of Use, File Nos; 5784 9281

Dear Mr. Smith;

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 11th day of September 2018, I hereby certify that the attached original Approval of Application to Change the Place of Use under Water Right File 5784 9281 dated September 10, 2018, was mailed postage prepaid, first class, US mail to the following:

J & L SMITH FARMS INC
BRYAN SMITH
9170 E ROAD 2
ULYSSES KS 67880-8151

Scanned 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
 4:14pm
 AUG 6 2018

File No. 5784

Garden City Field Office
 Division of Water Resources

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

2. Name and address of Applicant: J & L SMITH FARMS INC
9170 E ROAD 2, ULYSSES KS 67880-8151
 Phone Number: (620) 353-4018 Email address: Vortex@pld.com
 Name and address of Water Use Correspondent: J & L SMITH FARMS INC
9170 E ROAD 2, ULYSSES KS 67880-8151
 Phone Number: (620) 353-4018 Email address: Vortex@pld.com

3. The presently authorized place of use is:
 Owner of Land ---- NAME: J & L SMITH FARMS INC
ADDRESS: 9170 E ROAD 2, ULYSSES KS 67880-8151
 (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	
18	27S	36W													30	40	40	40	150

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: J & L SMITH FARMS INC
ADDRESS: 9170 E ROAD 2, ULYSSES KS 67880-8151
 (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	
18	27S	36W									35			35	10	35	35	10	160
19	27S	36W	40	40	40	40													160

For Office Use Only: Code _____ Fee \$ 200 TR # _____ Receipt Date 8/6/18 Check # 001777

5. **Presently authorized point of diversion:**
 One in the NW Quarter of the SW Quarter of the SE Quarter of Section 18, Township 27 South, Range 36 W, in Grant County, Kansas, 1152 feet North 2403 feet West of Southeast corner of section. Authorized Rate 1160 gpm Authorized Quantity 300 AF Depth of well _____ (feet)
 (DWR use only: Computer ID No. 4 GPS 37.69512 feet North -101.29831 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 _____ 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 _____

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: 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 _____ 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. The changes herein are desired for the following reasons?
 (please be specific) TO MOVE PILOT
TO BETTER GROUND & LEAVE
CORNERS FOR CONTINUED FLOOD.
+ AVOIDS HOME STRAP.

8. If a well, is the test hole log attached? Yes No

9. The change(s) (was)(will be) completed by?
FALL 2018

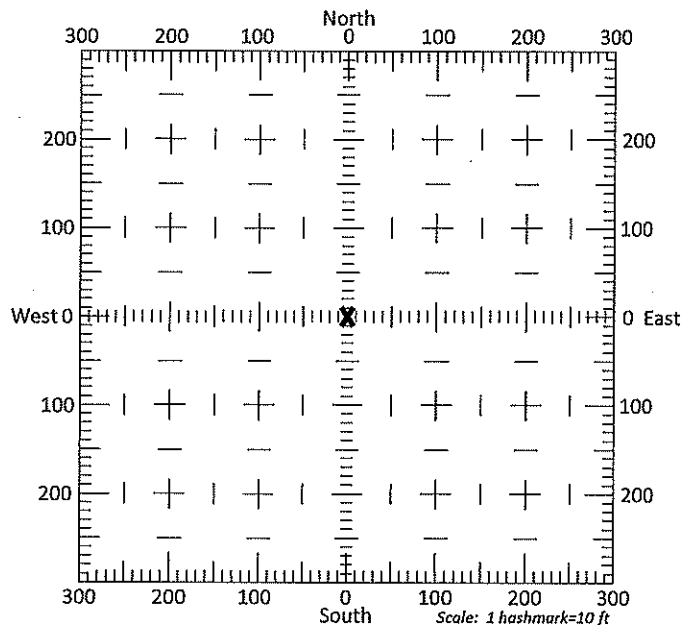
10. If the point of diversion is a well:
 (a) What are you going to do with the old well?

 (b) When will this be done? _____

11. Groundwater Management District recommendation attached?
 Yes No

12. Assisted by Armando Zarco (DWR-GCFO)

13a. If the proposed point of diversion will be relocated more than 300 feet but within 2,640 feet of 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



13b. If the proposed point of diversion will be relocated within 300 feet of the existing point of diversion, indicate its location on the diagram shown above in relation to the existing point of diversion. (PLEASE NOTE: The "X" in center of diagram above represents the presently authorized point of diversion.)

14. If the proposed groundwater point of diversion is 300 or fewer feet from the 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).

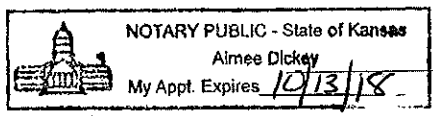
I hereby verify, being first duly sworn upon my oath or affirmation and under penalty of perjury, that I am of lawful age and the owner, the spouse of the owner, or a duly authorized agent of the owner(s) to make this application on their behalf, in regards to the water right(s) to which this application pertains. I further verify that the statements contained in this application are true, correct and complete.

Dated at Ulysses, Kansas, this 30 day of July, 2018.

<p>X <u><i>Bryan Smith</i></u> _____ (Owner)</p> <p><u>Bryan Smith</u> _____ (Please Print)</p> <p>_____ (Owner)</p> <p>_____ (Please Print)</p> <p>_____ (Owner)</p> <p>_____ (Please Print)</p>	<p>_____ (Spouse)</p> <p>_____ (Please Print)</p> <p>_____ (Spouse)</p> <p>_____ (Please Print)</p> <p>_____ (Spouse)</p> <p>_____ (Please Print)</p>
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State of Kansas }
 County of Grant } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 30 day of July, 2018.


 NOTARY PUBLIC - State of Kansas
 Aimee Dickey
 My Appt. Expires 10/13/18

Aimee Dickey

 Notary Public

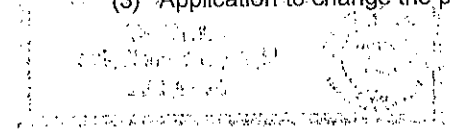
My Commission Expires 10/13/18

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. 5784.

1. A change application was received on August 6, 2018 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 described herein is administratively corrected to be more accurately described using the Global Positioning System (GPS), as described in the application. Applicable Not Applicable
5. 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
6. 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, 2018, 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
8. 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
9. The completed well log shall be submitted with the required notice. Applicable 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. Yes No
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

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: Thomas P. Makons
Duly Authorized Designee of the Chief Engineer

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

Date of Issuance: SEPTEMBER 10, 2018

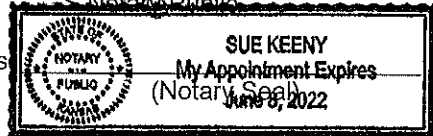
State of Kansas _____)

County of Finnery _____) SS

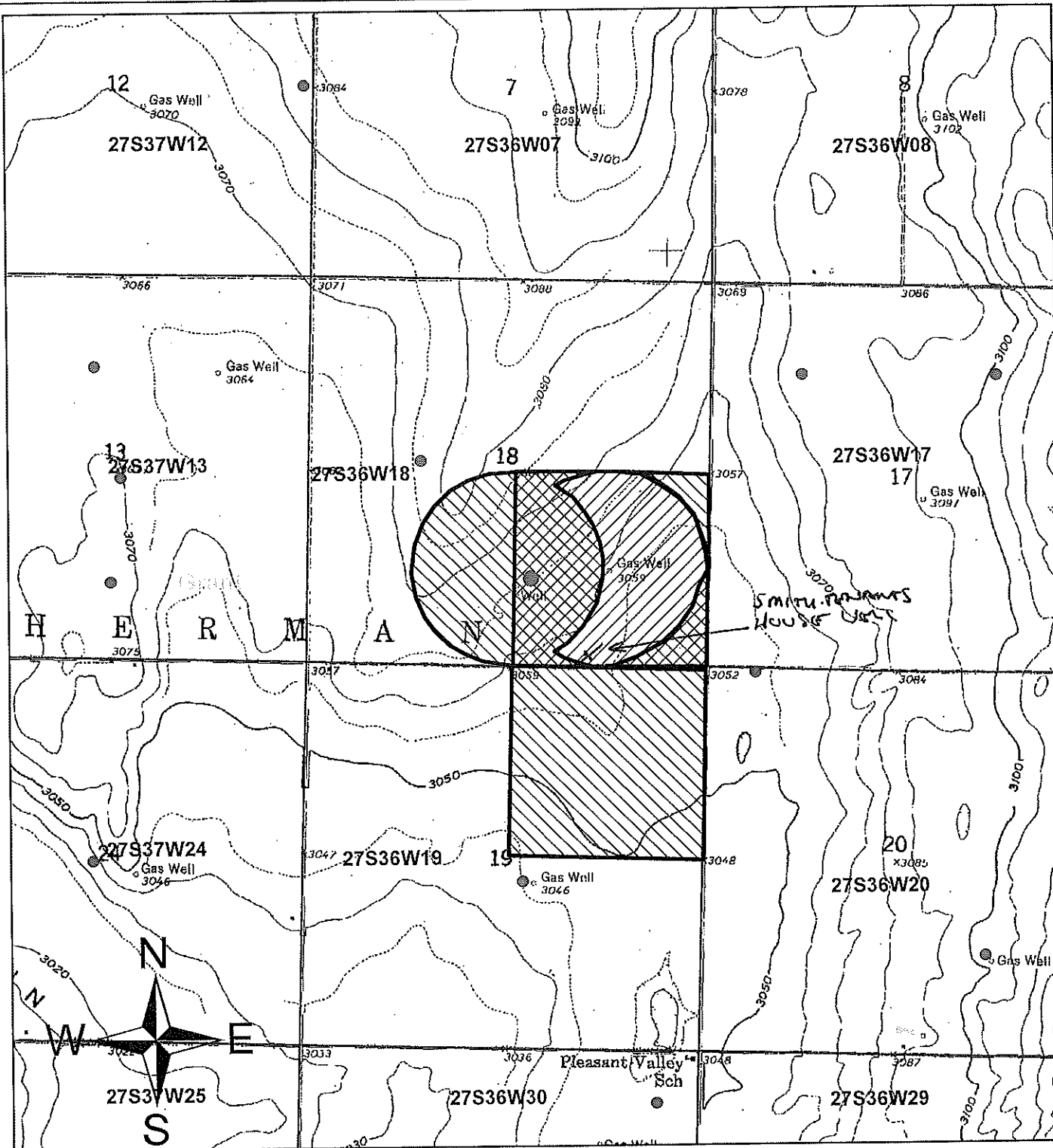
Acknowledged before me on September 10, 2018

by Thomas P. Makons

Signature: Sue Keeny

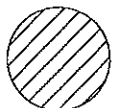
My commission expires _____


Change in Place of Use: WR #5784

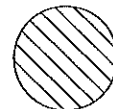


Legend

0 0.125 0.25 0.5 0.75 1 Miles



Current Place of Use



Proposed Place of Use

I agree to the best of my knowledge that all known water wells (IRR, DOM, IND, etc) are shown within green circle(s) on the map. If not, I have edited the map indicating the location of other wells, type, & owner information.

Signature(_____)

DEPARTMENT OF AGRICULTURE
1320 RESEARCH PARK DRIVE
MANHATTAN, KS 66502
PHONE: (785) 564-6700
FAX: (785) 564-6777

STATE OF KANSAS



900 SW JACKSON, ROOM 456
TOPEKA, KS 66612
PHONE: (785) 296-3556
www.agriculture.ks.gov

GOVERNOR JEFF COLYER, M.D.
JACKIE McCLASKEY, SECRETARY OF AGRICULTURE

August 6, 2018

CAROL L SWAYZE
12525 STATE HIGHWAY 34
BUCKLIN KS 67834-8828

RE: Water Right 5784, 9281

Dear Ms. Swayze:

This is to advise you that the Bryan Smith has filed an application for approval of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, to change the place of use under the above referenced application.

You are notified on this proposed change in place of use so that you may furnish this office with any comments or other information you may want to submit.

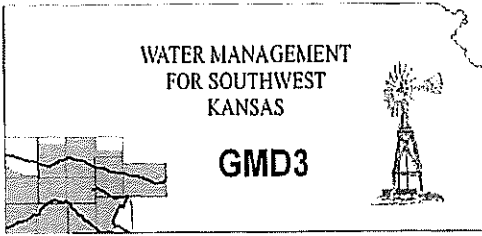
You can find the complete application posted by water right file number as referenced above at www.agriculture.ks.gov/divisions-programs/dwr/water-appropriation/notices Should you have any questions, please feel free to call this office. If you would prefer, an appointment could be arranged for additional assistance. Please refer to the file number when you contact us if you wish to discuss a specific file.

Sincerely,

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

Thomas P. Makens
Environmental Scientist III

pc: GMD#3



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

August 30, 2018

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

RECEIVED

AUG 30 2018

RE: Applications for Change in Place of Use
Water Rights, File Nos. 5784 & 9281

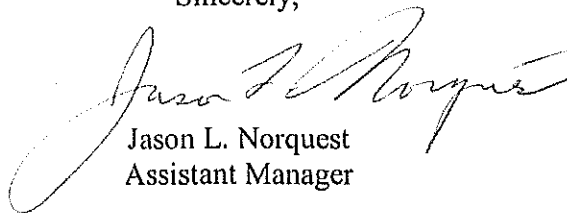
Garden City Field Office
Division of Water Resources

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, to shift the pivot in the SE quarter to the west so the homestead is no longer in the pivot circle, is in accordance with K.A.R. 5-5-11. It is therefore recommended that the applications be approved at this time.

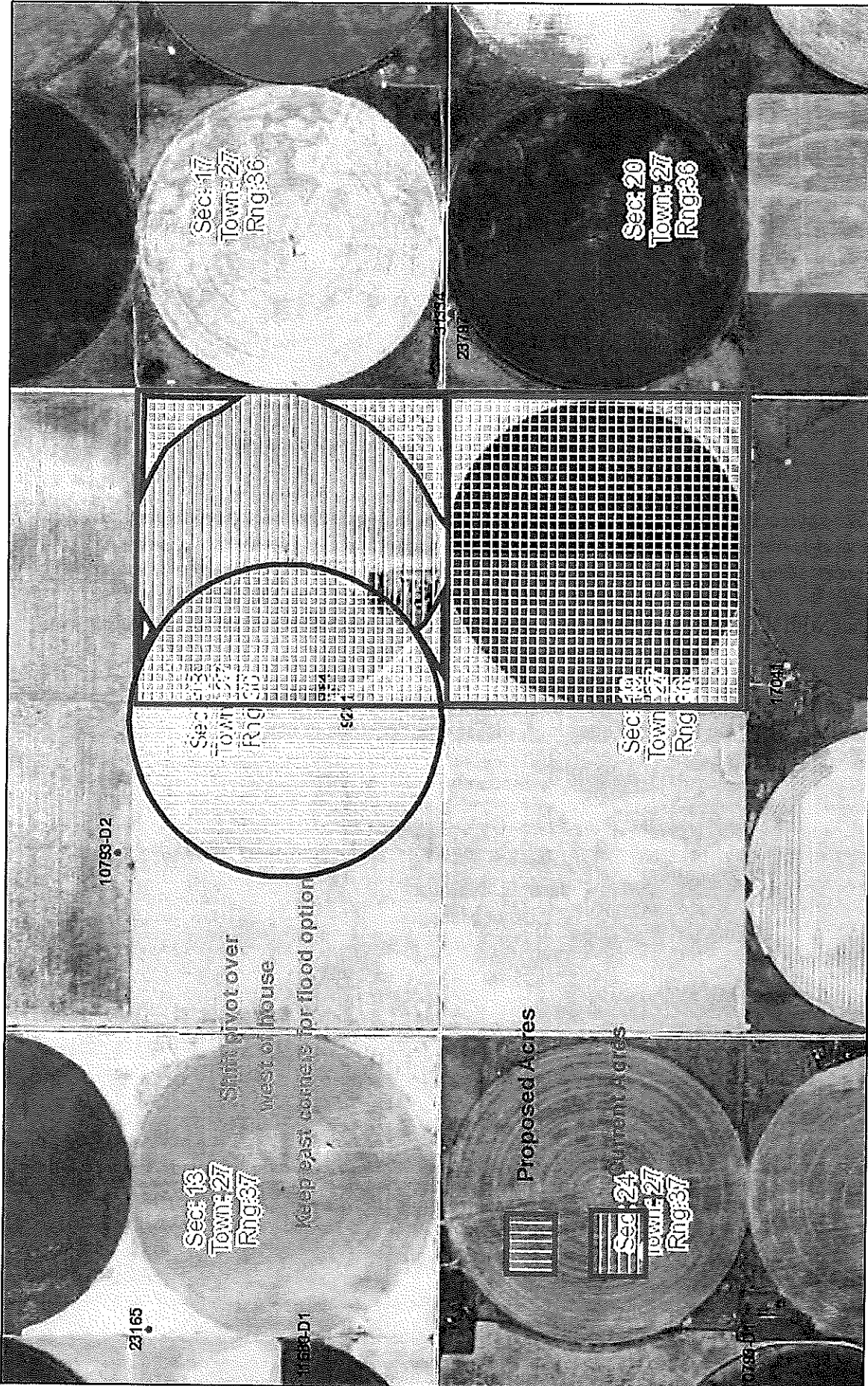
Thank you for the opportunity to review the applications and to provide a recommendation. If you have any questions, please don't hesitate to contact us.

Sincerely,



Jason L. Norquest
Assistant Manager

5784 & 9281 PU change review



August 30, 2018
13:41 PM

DISCLAIMER: This map is not intended for conveyances, nor is it a legal survey. The information is presented on a best-efforts basis, and should not be relied upon for making financial, survey, legal or other commitments.

Wells	+	CON	DEW	IRR	Other	?	CON	FPR	MUN	REC	?	STK	Sections
									THX				

RECEIVED
AUG 30 2018

GMD3 Change Review

File No(s): 5784 & 9281.

DWR office: GC.

App filed to change: PU.

Is Landowner(s) correct in WRIS: J&L Smith Farms.

If NO, is documentation included?

Is Water Use Correspondent correct in WRIS? Yes.

If NO, is documentation included?

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

Point of diversion ID No(s) being changed.

RECEIVED

AUG 30 2018

Garden City Field Office
Division of Water Resources

	ft. North	ft. West
Authorized PD		
Proposed PD		
Difference	0	0
$a^2 + b^2 = c^2$	0	0

GPS for proposed PD: Lat: Long: .

Is proposed PD stacking on existing WRs? .

Is Proposed PU overlapping existing WRs? Altering acres and making a complete overlap. Currently not a complete overlap with these WRs.

Land Owner(s) notified: .

Name . Name .

Address . Address .

Zip . Zip .

Neighboring certified well(s) notified: Yes.

Name . Name .

Address . Address .

Zip . Zip .

Domestic well(s) notified: .

Name . Name .

Address . Address .

Zip . Zip .

Base Acres: 320, agree with DWR.

Perfected Acres: .

Irr. Return-Flow %

Applicant shifting one of the pivots to the west to utilize authorized acres and get the homestead out of the pivot circle. Wants to retain the ability to water the corners in the east half if desired.

Currently authorized 320AF and proposes 320AF

Is a waiver needed: No.

Final Recommendation: After review of all available information, it appears the current area rules are met. Staff therefore recommends approval of the applications.

STATE OF KANSAS

DEPARTMENT OF AGRICULTURE
DIVISION OF WATER RESOURCES
GARDEN CITY FIELD OFFICE
2508 JOHNS STREET
GARDEN CITY, KS 67846-2804



PHONE: (620) 276-2901
FAX: (620) 276-9315
www.agriculture.ks.gov

GOVERNOR JEFF COLYER, M.D.
JACKIE McCLASKEY, SECRETARY OF AGRICULTURE

August 24, 2018

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

Re: Water Right file number 5784, 9281

Dear Mr. Norquest;

Bryan Smith has applied to alter the acres authorized due to existing pivot locations. The base acres together are 320. There are two neighboring well within ½ mile.

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;

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

Thomas P Makens

encs.

