

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

1. File Number: 18253	2. Status Change Date:	3. Change Num: C2	4. Field Office: 4	5. GMD: 3
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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: 10/14/2019
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8a. Applicant(s) <input type="checkbox"/> New to system Person ID 41058 Add Seq# _____ FRY FAMILY FARMS LC Attn: AG MANAGEMENT CONSULTANTS PO BOX 1013 GARDEN CITY, KS 67846	8c. Landowner(s) <input type="checkbox"/> New to system Person ID _____ Add Seq# _____
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8b. Landowner(s) <input type="checkbox"/> New to system Person ID _____ Add Seq# _____ 8a	8d. WUC <input type="checkbox"/> New to system Person ID _____ Add Seq# _____ 8a
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9. Documents and Enclosure(s): DWR Meter(s) Date to Comply: **12/31/20** N & P Date to Comply: **12/31/21**

Anti-Reverse Meter Meter Seal Check Valve N & P Form Water Tube Driller Copy H & E Letter
 Conservation Plan Date Required: _____ Date Approved: _____ Date to Comply: _____

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

Date Prepared: **10/17/19** By: **AM**
 Date Entered: _____ By: _____

File No. **18253** 11. County: **HS** Basin: **CROOKED CREEK** Stream: _____ Formation Code: **211/331** Special Use: _____

12. Points of Diversion
 CHK
 MOD
 DEL
 ENT

Rate and Quantity

Authorized Additional

PDIV Qualifier S T R ID 'N 'W Comment (AKA Line) Rate gpm Quantity af Rate gpm Quantity af Overlap PD Files

DEL 80943

ENT NW NE NW 22 30S 31W 5280 3951 1100 316 1100 316

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 _____

16. Place of Use CHK MOD DEL ENT	PUSE	S	T	R	ID	NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg?	Overlap Files	
						NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼					
CHK 15261																										

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

Comments: **OLD PD FEET DISTANCES CALCULATED FROM GPS ON 3-7-14 COMP INV. MAKING THIS A <300' MOVE**

Garden City Field Office
4532 W. Jones, Suite B
Garden City, KS 67846



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

Mike Beam, Secretary

Laura Kelly, Governor

October 17, 2019

FRY FAMILY FARMS LC
Attn: AG MANAGEMENT CONSULTANTS
PO BOX 1013
GARDEN CITY, KS 67846

RE: Water Right, File No. 18253

Dear Sir or Madam:

Enclosed is the order executed by the designee of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the application for change under the above referenced file number.

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in this approval for change. A condition of this approval is that an acceptable water flow meter must be installed on the diversion works authorized under the referenced file number and meet current specifications. Please return the required notification of completion of the diversion works and installation of the required meter as soon as these actions are completed.

Since the order modifies the original document referred to above, it should be recorded with the Register of Deeds as other instruments affecting real estate.

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

Sincerely,

A handwritten signature in blue ink, appearing to read "Austin J. McColloch".

Austin J. McColloch
Assistant Water Commissioner

AM:
enclosures

pc:
GROUNDWATER MANAGEMENT DISTRICT NO. 3

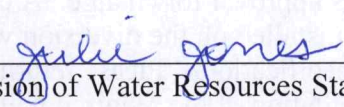
CERTIFICATE OF SERVICE

On this 17th day of October, 2019, I hereby certify that the foregoing Approval of Application for Change in Point of Diversion, Water Right, File No. 18,253 dated 17th day of October, 2019 was mailed postage prepaid, first class, US mail to the following:

FRY FAMILY FARMS LC
Attn: AG MANAGEMENT CONSULTANTS
PO BOX 1013
GARDEN CITY, KS 67846

Pc:

GROUNDWATER MANAGEMENT DISTRICT NO. 3



Division of Water Resources Staff

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. 18253

RECEIVED
 3:15 pm
 OCT 14 2019

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.

Garden City Field Office
 DIVISION OF WATER RESOURCES

The source of supply is: Groundwater Surface water

2. Name and address of Applicant: FRY FAMILY FARMS LC - AG MANAGEMENT CONSULTANTS

PO BOX 1013 GARDEN CITY, KS 67846

Phone Number: () Email address: _____

Name and address of Water Use Correspondent: SAME AS ABOVE

Phone Number: () Email address: _____

3. The presently authorized place of use is:

Owner of Land ---- NAME: _____

ADDRESS: _____

(If there is more than one landowner, attach supplemental sheets as necessary.)

Sec.	Twp.	Range	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTAL ACRES	
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$		

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: _____

ADDRESS: _____

(If there is more than one landowner, attach supplemental sheets as necessary.)

Sec.	Twp.	Range	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTAL ACRES	
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$		

For Office Use Only: Code _____ Fee \$ 100.00 TR # _____ Receipt Date 10-14-19 Check # 13069

5. **Presently authorized point of diversion:**
 One in the NE Quarter of the NW Quarter of the NW Quarter of Section 22, Township 30 South, Range 31 (W), in HASKELL County, Kansas, 4960 feet North 4000 feet West of Southeast corner of section.
 Authorized Rate _____ Authorized Quantity _____ Depth of well _____ (feet)
(DWR use only: Computer ID No. _____ GPS 5229 feet North 4025 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 NW Quarter of the NE Quarter of the NW Quarter of Section 22, Township 30 South, Range 31 (W), in HASKELL County, Kansas, 5280 feet North 3951 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 _____

*Actual PD feet distances (5229'N 4025'W) came from GPS on 3-7-14 comp inv. (distance btw pts ~86')

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) loss of production

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

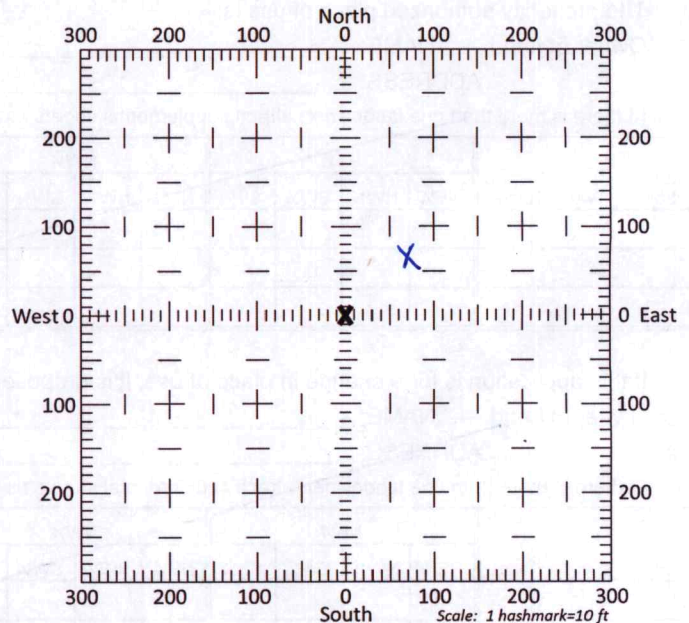
9. The change(s) (was)(will be) completed by?
Upon Completion

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

11. Groundwater Management District recommendation attached?
 Yes No

12. Assisted by AM/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 Garden City, Kansas, this 14th day of October, 20 19.

<u>Ed Banning Agent</u> (Owner)	_____ (Spouse)
<u>Ed Banning</u> (Please Print)	_____ (Please Print)
_____ (Owner)	_____ (Spouse)
_____ (Please Print)	_____ (Please Print)
_____ (Owner)	_____ (Spouse)
_____ (Please Print)	_____ (Please Print)

State of Kansas }
County of Finney } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 14th day of October, 20 19.



Julie Jones
Notary Public

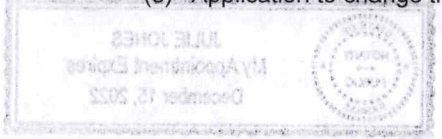
My Commission Expires _____

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. 18253.

- 1. A change application was received on October 14, 2019 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 50 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 300 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, 2020**, 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, 2020**, or within any authorized extension of time. By March 1, 2021 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: Austin McColloch
Duly Authorized Designee of the Chief Engineer
(Print Name): Austin McColloch
Division of Water Resources - Kansas Department of Agriculture
Date of Issuance: October 17, 2019
State of Kansas)
) SS
County of Finney)
Acknowledged before me on October 17, 2019
by Austin McColloch
Signature: Julie Jones
Notary Public

My commission expires: _____



WELL LOG

DATE: 10/8/2019

Downey Drilling Inc.



2260'
WR 18253

CUSTOMER NAME: FRY FAMILY FARMS

LEGAL: NW 22-30S-31W

COUNTY: HASKELL

GPS: N 37.431185

W 100.702502

TEST HOLE #1

LOGGER: DALE GUINN

DRILLER: ROCKY

WO: 19-921

TW	FROM	TO	TYPE	HARDNESS	COLOR	SPEED	PULL DOWN	OTHER / DRILLING ACTION
0	13		CLAY	SOFT	BROWN			
13	24		SANDY CLAY	SOFT	BROWN			
24	40		CLAY WITH LITTLE LIMEROCK STRIPS	SOFT	TAN			
40	78		SANDY CLAY	SOFT	BROWN			
78	107		FINE-MEDIUM-COARSE SAND WITH FEW THIN CLAY STRINGERS	SOFT				
107	113		FINE-MEDIUM-COARSE, SMALL GRAVEL	SOFT				CHATTER
113	118		SANDY CLAY	SOFT	YELLOW /TAN			
118	135		FINE-MEDIUM-COARSE, SMALL GRAVEL	SOFT				CHATTER
135	140		SANDY CLAY	SOFT	TAN			
140	154		FINE-MEDIUM-COARSE SAND WITH SOME CLAY STRINGERS	SOFT				CHATTER
154	158		MEDIUM-COARSE SAND & BROWN ROCK	SOFT				CHATTER & CHOPPY
158	169		MEDIUM-COARSE SAND, FINE GRAVEL	SOFT				CHATTER
169	175		SANDY CLAY	SOFT	TAN			
175	190		FINE-MEDIUM SAND WITH SOME THIN CLAY STRINGERS	SOFT				
190	195		CLAY	SOFT	TAN			
195	215		MEDIUM-COARSE SAND, FINE GRAVEL	SOFT				CHATTER
215	218		SANDY CLAY	SOFT	TAN			
218	235		MEDIUM-COARSE SAND, FINE GRAVEL	SOFT				CHATTER
235	236		SANDY CLAY		TAN			
236	249		FINE-MEDIUM-COARSE SAND					CHATTER
249	269		FINE-MEDIUM-COARSE SAND, FINE GRAVEL					CHATTER
269	282		FINE - MED SAND WITH SOME CLAY STRINGERS					
282	291		FINE-MEDIUM-COARSE SAND					CHATTER
291	310		MEDIUM-COARSE, V. COARSE, FINE GRAVEL					CHATTER
310	312		SANDY CLAY		TAN			
312	340		FINE-MEDIUM-COARSE, FINE TR MED.GRAVEL	FAST	TAN			CHATTER
340	349		FINE-MEDIUM-COARSE					CHATTER
349	357		SANDY CLAY W/ MED SAND LENSES	SOFT	BLUE			
357	365		FINE-MEDIUM-COARSE, V. COARSE SAND	SOFT	BLUE			
365	376		SANDY CLAY W/ MED SAND LENSES	SOFT	BROWN			
376	420		MEDIUM-COARSE SAND, FINE GRAVEL					CHATTER
420	455		SANDY CLAY, CLAY					
455	488		SANDY CLAY W/COARSE SAND LAYERS		TAN & BROWN			
488	503		SANDY CLAY W/ FEW COARSE SAND STRINGERS		TAN & BROWN			
503	552		SHALE W/FINE SAND, SANDSTONE @514', 529'-531', 538'-540'	DENSE	BLUE			

