

NOTICE

This scan only represents the application as filed. The information contained herein meets the requirements of K.A.R. 5-3-1 or K.A.R. 5-5-1, and has been found acceptable for filing in the office of the Chief Engineer. The application should not be considered to be a complete application as per K.A.R. 5-3-1b or K.A.R. 5-5-2a.

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. 22860

RECEIVED
 11:00 AM
 APR 26 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.

The source of supply is: Groundwater Surface water

Garden City Field Office
 Division of Water Resources

2. Name and address of Applicant: NOBLE DAIRY LLC

3705 F ROAD GARDEN CITY, KS. 67846

Phone Number: (620)335 5454

Email address: _____

Name and address of Water Use Correspondent: JEFF GIGOT

5250 E TV ROAD GARDEN CITY, KS 67846

Phone Number: (620)276 6347

Email address: _____

3. The presently authorized place of use is:

Owner of Land ---- NAME: RAYMOND WHITHERS

ADDRESS: RT 1 BOX 365 B BAGWELL TX 75412

(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		
9	26	32W	34	34	40	40	34	34	34	40	40	34	34	34	40	40	40	34	34	580

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 *Noble Dairy LLC*

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 \$ 200.00 TR # _____ Receipt Date 4-26-19 Check # 008006

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

One in the SW Quarter of the SE Quarter of the NE Quarter of Section 9, Township 26 South, Range 32 (W), in FINNEY County, Kansas, 2780 feet North 1070 feet West of Southeast corner of section.

Authorized Rate 1045GPM Authorized Quantity 260AF Depth of well _____ (feet)

(DWR use only: Computer ID No. 2 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 SW Quarter of the SW Quarter of the NE Quarter of Section 9, Township 26 South, Range 32 (W), in FINNEY County, Kansas, 2897 feet North 2184 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 SW Quarter of the SE Quarter of the NW Quarter of Section 9, Township 26 South, Range 32 (W), in FINNEY County, Kansas, 2700 feet North 3860 feet West of Southeast corner of section.

Authorized Rate 830GPM Authorized Quantity 260AF Depth of well _____ (feet)

(DWR use only: Computer ID No. 1 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) lack of production on current PD

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

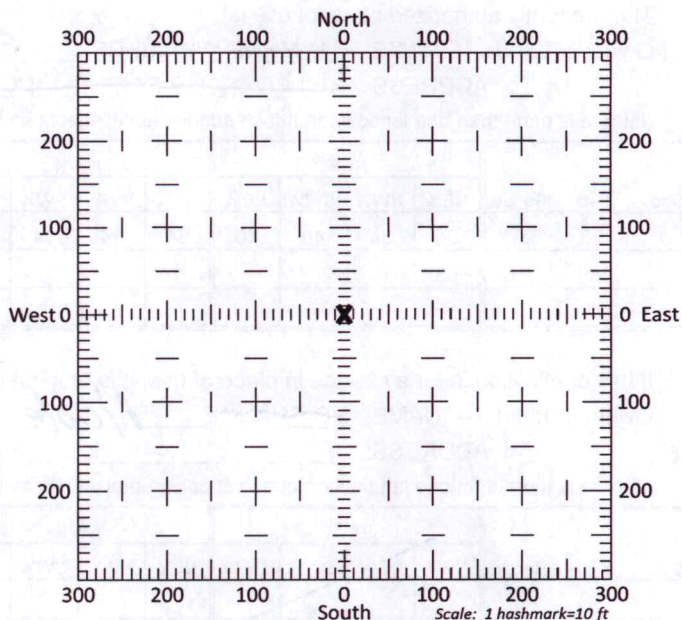
9. The change(s) (was)(will be) completed by?
MAY 24 2019

10. If the point of diversion is a well:
(a) What are you going to do with the old well?
To be plugged
(b) When will this be done? MAY 24 2019

11. Groundwater Management District recommendation attached?
 Yes No

12. Assisted by CAC

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.)

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File No. _____

APPLICATION FOR APPROVAL TO CHANGE
THE PLACE OF USE AND/OR POINT OF DIVERSION
SUPPLEMENTAL SHEET
FILE NO. 22860

Presently authorized point of diversion:

One in the _____ Quarter of the NC Quarter of the SE Quarter
of Section 9, Township 26 South, Range 32 (W),
in FINNEY County, Kansas, 1300 feet North 1330 feet West of Southeast corner of section.
Authorized Rate 825GPM Authorized Quantity 260AF 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 _____ 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 _____

Presently authorized point of diversion:

One in the _____ Quarter of the NC Quarter of the SW Quarter
of Section 9, Township 26 South, Range 32 (W),
in FINNEY County, Kansas, 1300 feet North 3950 feet West of Southeast corner of section.
Authorized Rate 840GPM Authorized Quantity 260AF Depth of well _____ (feet)
(DWR use only: Computer ID No. 3 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 _____

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 _____

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 _____

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Garden City Public Utilities
Division of Water Resources

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 26th day of APRIL, 2019.

<p><u>[Signature]</u> (Owner) <u>Kyle S Averhoff</u> (Please Print)</p> <p>_____ (Owner) (Please Print)</p> <p>_____ (Owner) (Please Print)</p> <p>_____ (Owner) (Please Print)</p>	<p>_____ (Spouse) (Please Print)</p> <p>_____ (Spouse) (Please Print)</p> <p>_____ (Spouse) (Please Print)</p> <p>_____ (Spouse) (Please Print)</p>
--	---

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 26th day of APRIL, 2019.



[Signature]
 Notary Public

My Commission Expires 7/14/22

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**

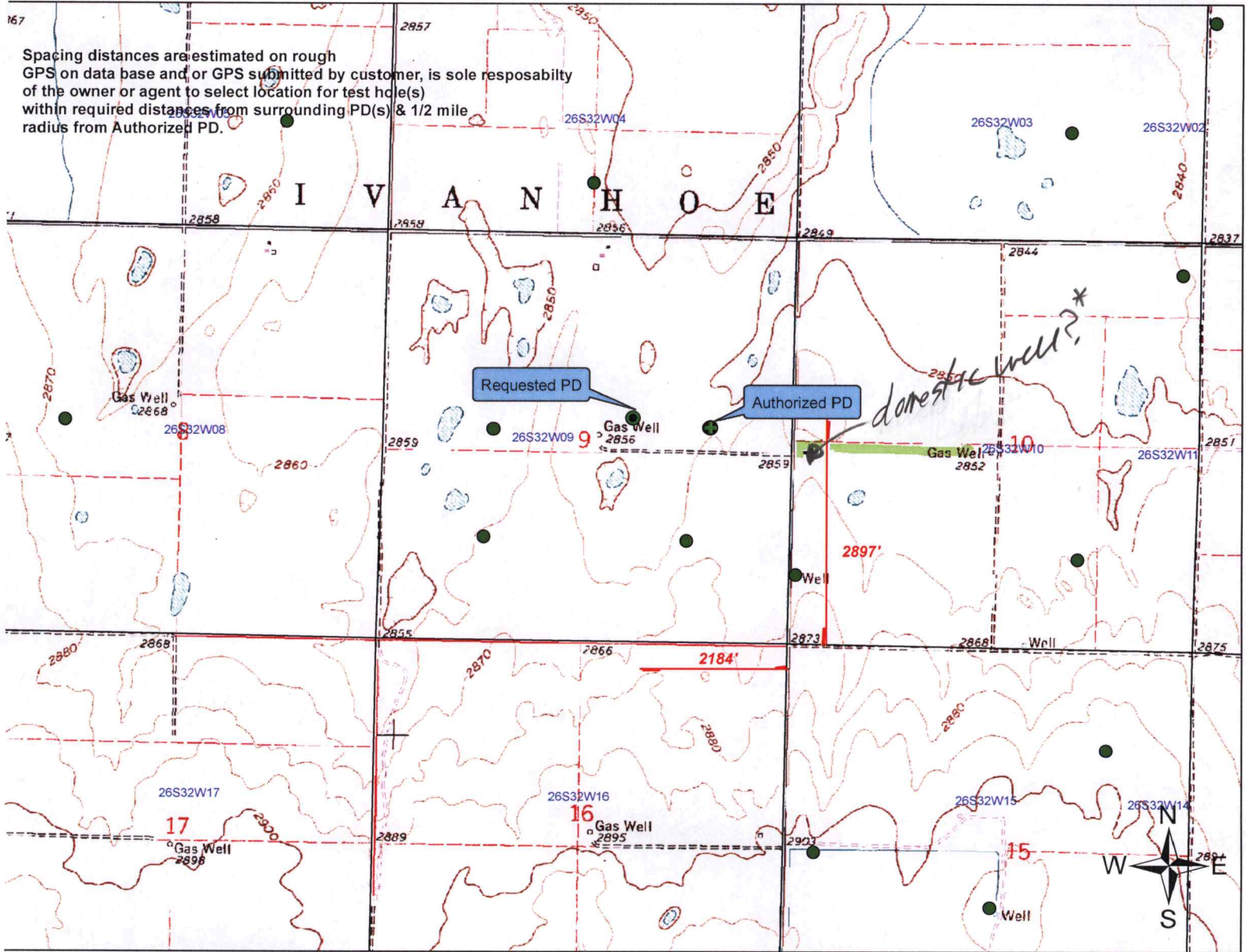
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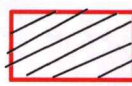
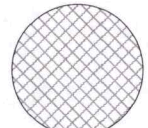

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* possible domestic well
 Richard Lightner
 5175 E. Plymell Rd

Point of Diversion Change
 WR 22860
 Section 9 T26 R32W Finney Co.

Spacing distances are estimated on rough GPS on data base and/or GPS submitted by customer, is sole responsibility of the owner or agent to select location for test hole(s) within required distances from surrounding PD(s) & 1/2 mile radius from Authorized PD.



● Authorized PD	 Authorized PU	 Half Mile Radius	(2006 Scaled air photo) 0 650 1,300 2,600 3,900 5,200 Feet
● Requested PD	 Requested PU		
● Point of Diversion			

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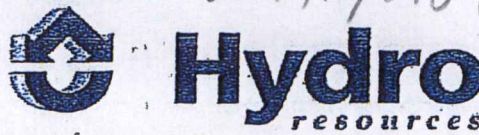
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Applicant Signature

By signing this map the applicant is aware that no other wells (Irrigation, Domestic, Industrial etc) are within the 1/2 mile radius circle.

Garden City Field Office
 Division of Water Resources

3795 W. Jones Ave.
Garden City, KS 67846
PH: 620-277-2389



289 7' N / 2184 S W S W N E

PO Box 639
Garden City, KS 67846
Fax: 620-277-0224

KYLE AUERHOFF 620-335-5454 CELL 620-271-1192

Customer Name: Noble Dairy, LLC WO#: 15389 Date: 4-19-19
Street Address: 3705 F ROAD Test #: 2 E LOG: Yes
City, State: GARDEN CITY, KS 67846 Driller: Dale Guinn
County: Finney Quarter: NE Section: 9 Township: 26 Range: 32
Location: _____ GPS: N 37.80309 W 100.82328
Rig #: 10002 Elevation: 2847' Static WL: 223' Estimated? _____
Proposed Well Depth 504

WELL LOCATION 20' SUMP

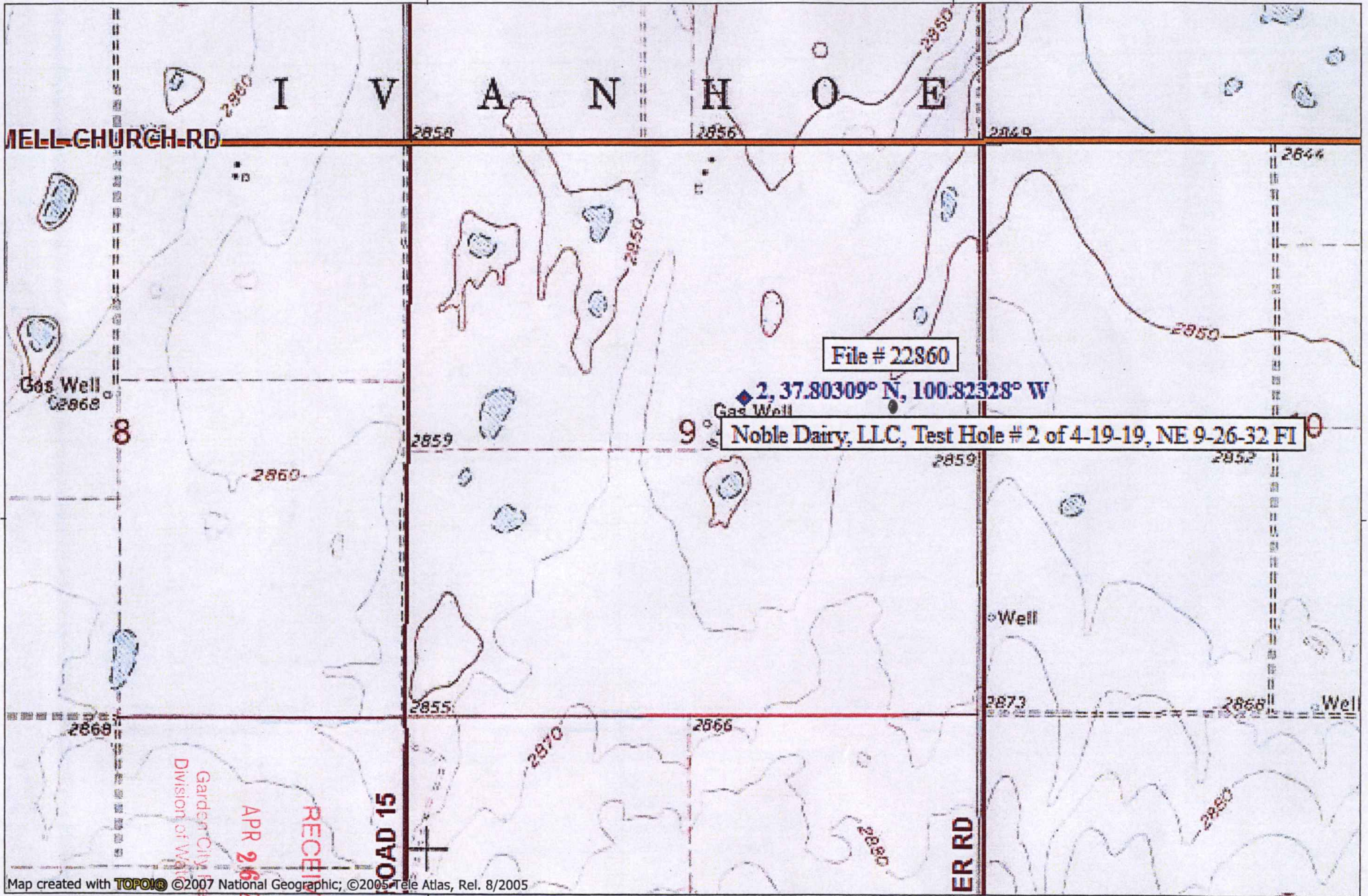
%	Footage			Description of Strata
	From	Pay	To	
	0		2	Top Soil
	2		4	Brown Sandy Clay
	4		8	Fine Sand w/some clay mixed
	8		22	Brown Sandy Clay
	22		35	Sand fine to med course small gravel
	35		41	Gray Sandy Clay
	41		59	Brown Clay
	59		68	Fine Sand w/some clay stringers
	68		96	Sand fine to med course few small gravel
	96		120	Brown Clay w/some fine sand mixed
	120		135	Brown Clay
	135		140	Sand fine to med course
	140		151	Brown + some light blue clay
	151		178	Sand fine to med few course
	178			Blue Clay - Drilled Hard Ledge @ 199' Broke Thru + Lost Circ. mixed
			234	Gel + Bran -
5	234	29	252	Sand fine to med - Blue in color + Hard in places - w/few clay
15	252	8	260	Sand fine to med few course - Blue in color -
25	260	8	268	Sand fine to med course
	268		284	Brown Sandy clay
25	284	15	299	Sand fine to med some course
20	299	29	328	Sand fine to med few course
	328		340	Brown Sandy clay
10	340	12	352	Fine Sand w/few clay stringers
25	352	25	377	Sand fine some med w/few small white rock - Drilled Loose -
	377		395	Brown Sandy clay
15	395	34	429	Fine sand w/coupl- clay ledges
	429		438	Brown Sandy clay
5	438	46	484	Sandstone w/few soapstone ledges
	484		500	Shale
				Super Gel X - 7
				Grout - 5
				Bent. Plug 3/4 - 4
				Perma Plug - 1
				Bran - 5
				4 3/4 Drag Blade - 1

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Division of Water Resources

o.c.



37.80000° N

37.80000° N

Map created with TOPO! ©2007 National Geographic; ©2005 Tele Atlas, Rel. 8/2005



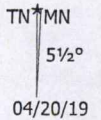
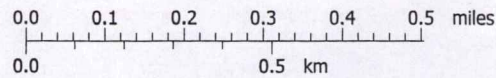
Field Office
Garden City
Division of Water Resources

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ROAD 15

ER RD



State of Kansas, Finney County SS.
This instrument was filed for Record
12/11/2018 at 10:12 AM
& recorded in Book 0336 on Page 761
Fees: \$38.00
2018-04935

DATA ENTRY 336 761
ND INDEX



Ulrike Lappin
ULRIKE LAPPIN,
FINNEY COUNTY REGISTER OF DEEDS

by Cori [Signature]

Entered in Transfer Record in my office this
13th day of Dec. A.D., 2018
[Signature]
Finney County Clerk

**KANSAS WARRANTY DEED
(Individual/Tenants in Common)**

THIS DEED, is made this ^{6TH} day of DEC., 2018 by and between **Back-Bar Farm, Co. of Kansas, a Kansas corporation** as Grantor(s), and **Noble Dairy LLC**, as Grantee(s), whose mailing address is **3705 F Road, Garden City, KS 67846**.

WITNESSETH, that the Grantor(s), for and in consideration of the sum of One Dollar and other good and valuable consideration paid by the Grantee(s), the receipt and sufficiency of which is hereby acknowledged by Grantor(s), do/does by these presents **GRANT, BARGAIN AND SELL, CONVEY AND WARRANT** unto the Grantee(s), the following described Real Estate, situated in the County of **Finney** and State of Kansas, to-wit:

All of Section Nine (9), Township Twenty-six (26) South, Range Thirty-two (32) West of the 6th P.M., Finney County

Subject to all easements, restrictions and reservations, if any, now of record.

TO HAVE TO HOLD the same, together with all rights and appurtenances to the same belonging, unto the Grantee(s), and to the heirs and assigns of such Grantee(s) forever.

The Grantor(s) hereby covenanting that the Grantor(s), and the heirs, executors, administrators and assigns of the Grantor(s), shall and will **WARRANT AND DEFEND** the title to the premises unto the Grantee(s), and to the heirs and assigns of Grantee(s) forever, against the lawful claims of all persons whomsoever, excepting, however, the general taxes for the current calendar year and thereafter, and special taxes becoming a lien after the date of this deed.

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Garden City Field Office
Division of Water Resources

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



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

Mike Beam, Secretary

Laura Kelly, Governor

May 1, 2019

RICHARD LIGHTNER
5175 E PLYMELL RD
GARDEN CITY KS 67846

RE: Water Right, File No. 22860

Dear Sir:

This is to advise you that Noble Dairy LLC has filed an application for approval of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, to point of diversion under the above referenced application.

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

You are notified on this proposed place of use so that you may furnish this office with any comments or other information you may want to submit. Such comments or other information must be received in this office within 15 days from the date of this letter.

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 blue ink that reads "Michael A. Meyer".

Michael A. Meyer
Water Commissioner

MAM

Pc:

Groundwater Management District No. 3