

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.

RECEIVED

NOV 24 2020
 9:50 AM

Garden City Field Office
 Division of Water Resources

File No. 22317 _____

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: John Borth/JD Borth Farms _____

PO BOX 754 Meade KS 67864 _____

Phone Number: 620-629-1849 _____ Email address: _____

Name and address of Water Use Correspondent: _____

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	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES	
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼		

4. If this application is for a change in place of use, it is proposed that the place of use be changed to:

Owner of Land ---- NAME: _____

ADDRESS: _____

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

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES		
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼			

For Office Use Only: Code _____ Fee \$ 200 TR # _____ Receipt Date 11-24-20 Check # 7306

5. **Presently authorized point of diversion:**
 One in the SE Quarter of the NE Quarter of the NE Quarter of Section 8, Township 31 South, Range 29 (W), in MEADE County, Kansas, 4290 feet North 460 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 SE Quarter of the NE Quarter of the NE Quarter of Section 8, Township 31 South, Range 29 W, in MEADE County, Kansas, 4256 feet North 87 feet West of Southeast corner of section.
 Proposed Rate _____ Proposed Quantity _____ Proposed well depth (feet) 525.
 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 NW Quarter of the SE Quarter of the NW Quarter of Section 9, Township 31 South, Range 29 (W), in MEADE County, Kansas, 3620 feet North 3571 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) _____

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

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

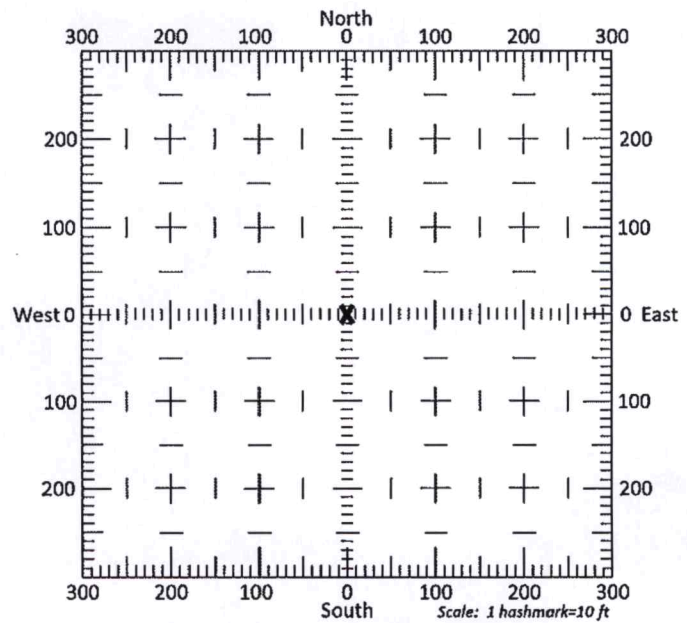
10. If the point of diversion is a well:
 (a) What are you going to do with the old well?

 (b) When will this be done? _____

11. Groundwater Management District recommendation attached?
 Yes No

12. Assisted by Alex Torrance

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 20th day of NOVEMBER, 2020.

[Signature]

(Owner)

(Spouse)

(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 20TH day of NOV, 2020.



[Signature]

Notary Public

My Commission Expires 9-14-2022.

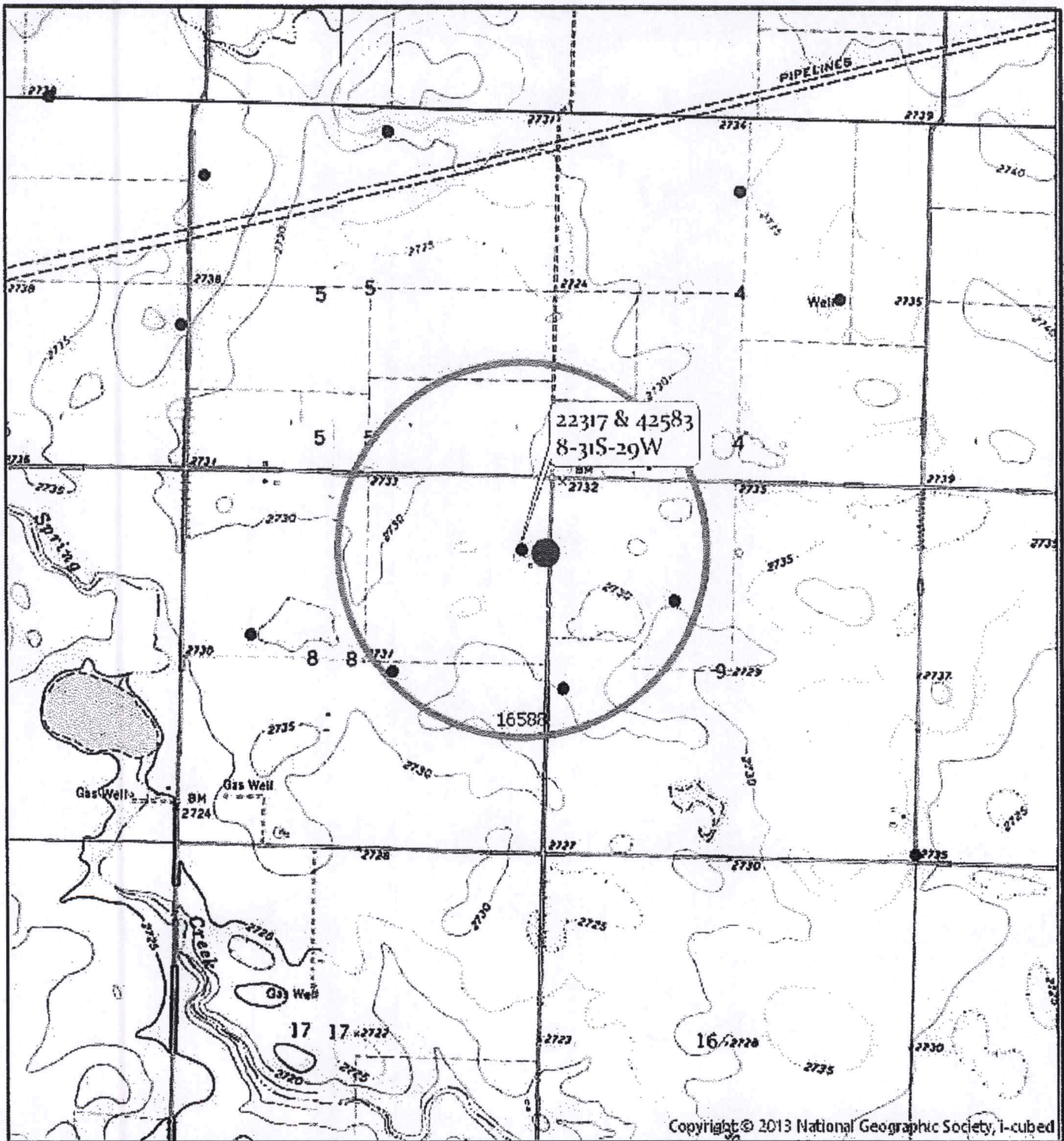
ONLY COMPLETE APPLICATIONS WILL BE PROCESSED. To be complete, all of the applicable portions of the application form must be completed with accurate information; maps, if necessary, must be included; signatures of all the appropriate owners' must be affixed to the application and notarized; and the appropriate 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

CHANGE IN POINT OF DIVERSION #22317 & 42583



Township 31 South Range 29 West
ME County

All wells of any kind within a half mile of the proposed point of diversion are shown:

-  PROPOSED PD
-  POINT OF DIVERSION



Created By: AT/GCFO

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



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

JOHN BORTH 620-629-1849 #22317 x 42583

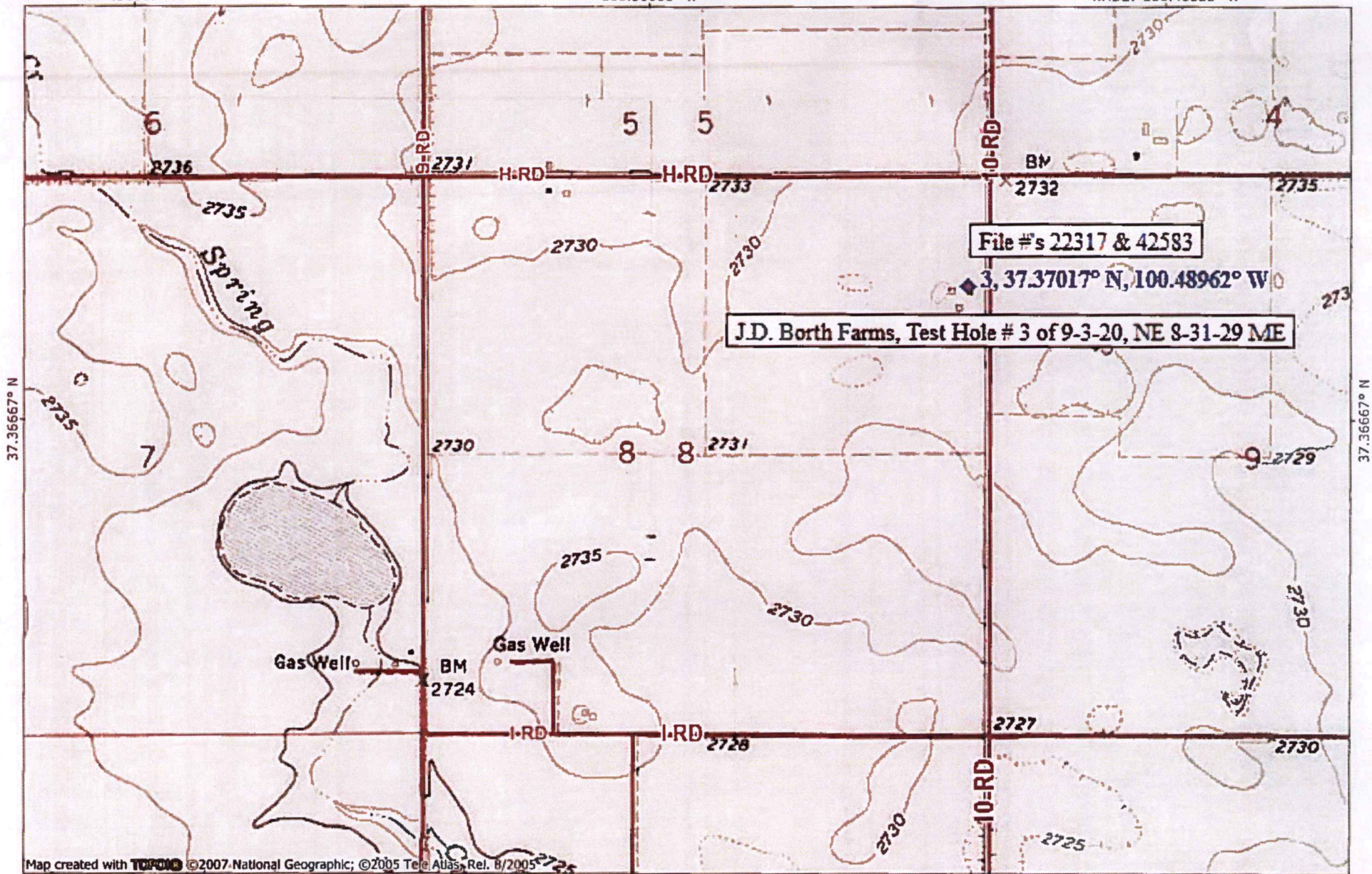
Customer Name: JD Borth Farms WO#: 20814 Date: 09/03/20
 Street Address: P.O Box 754 Test #: 3 E LOG: Yes
 City, State: MEADE KS - 67864 Driller: Dale Guinn/Kevin Frizzell
 County: ME Quarter: NE Section: 8 Township: 31 Range: 29
 Location: GPS: 37.37017, -100.48962
 Rig #: 10002 Elevation: 2733 Static WL: 230 Estimated? Yes
 Proposed Well Depth 525
 WELL LOCATION 20' Sump

%	Footage			Description of Strata
	From	Pay	To	
	0		2	Top Soil
	2		6	Brown Sandy Clay
	6		20	Brown Sandy Clay w/ Caliche Mixed
	20		29	Cemented Sand w/a Few Clay Layers
	29		34	Caliche w/ Lime Rock
	34		38	Brown Clay
	38		56	Fine to Medium Sand
	56		61	Cemented Sand
	61		79	Brown Sandy Clay
	79		129	Fine to Coarse Sand, Small to Medium and Few Large Gravel, Few Clays
	129		141	Light Green and Brown Clay w/ Many Sand Layers
	141		155	Fine to Medium Sand w/ Many Clay Layers
	155		177	Fine to Medium Sand and Small Gravels
	177		183	Blue Clay
	183		220	Fine to Coarse Sand, Small Gravels, Used Water
30	220	30	260	Fine to Coarse Sand, Small to Medium Gravels, Used Water
25	260	22	282	Fine to Coarse Sand, Few Small Gravels, Used Water
25	282	22	304	Fine to Medium Sand, Few Coarse Sands w/a Few Thin Clay Stringers
	304		338	Blue Clay
10	338	11	349	Fine Blue Sand
20	349	10	359	Fine to Coarse Sand, Small Gravels w/ Many Clay Layers
25	359	6	365	Fine to Coarse Sand, Used Some Water
15	365	14	379	Fine to Coarse Sand w/ Many Clay Layers, Used a Little Water
30	379	12	391	Fine to Coarse Sand, Small Gravels, Used Some Water
20	391	7	398	Fine to Coarse Sand w/ Some Clay Layers, Used a Little Water
25	398	5	403	Fine to Coarse Sand, Used Some Water
	403		412	Brown Sandy Clay
	412		424	Limerock w/ Some Fine Sand and a Few Clay Stringers
	424		443	Limerock and Brown Clay w/a Little Fine Sand
5	443	17	460	Fine and Some Medium Sand, Little Tight and Used a Little Water
20	460	21	481	Fine Sand Some Medium Sand, w/ Very Fine Brown Rock Flakes
20	481	13	494	Fine to Medium Sand w/ Fine Brown Rock Flakes, Used Some Water
25	494	11	505	Fine to Coarse Sand w/ Brown Rock
	505		513	Yellow Soapstone
	513		520	Red Bed
	520			TD

100.51667° W

100.50000° W

NAD27 100.48333° W

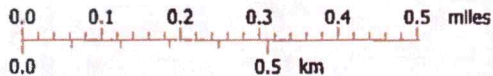


Map created with TOPO! ©2007 National Geographic; ©2005 Terra Atlas, Rel. 8/2005

100.51667° W

100.50000° W

NAD27 100.48333° W



TN MN
5°

09/08/20

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

November 25, 2020

CLAWSON LAND PARTNERSHIP
PO BOX 279
PLAINS, KS 67869

RE: Water Right, File No. 22317 & 42583

Dear Sir or Madam:

This is to advise you that John Borth has filed an application for approval of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, to change the point of diversion under the above referenced applications. An irrigation well is proposed to be relocated to the SE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 8, Township 31 South, Range 29 West, Meade County.

You can find the complete applications posted by water right file number as referenced above at: <https://agriculture.ks.gov/divisions-programs/dwr/water-appropriation/notices>

You are notified on this proposed point of diversion (well) so that you may furnish this office with any comments or other information you 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 contact this office. If you would prefer, you could 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,

A handwritten signature in blue ink that reads "Austin J. McColloch".

Austin J. McColloch
Assistant Water Commissioner

AM:
enclosures

pc:
GROUNDWATER MANAGEMENT DISTRICT NO. 3

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

November 25, 2020

PENNINGTON PARTNERS LP
PO BOX 458
MEADE, KS 67864

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Assistant Water Commissioner

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