

File No. **25503** 11. County: FI Basin: **ARKANSAS RIVER** Stream: Formation Code: **211/331** Special Use:

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

DEL	54759																			
ENT		NE SW NE	31	26S	33W			3775	1434			775	260	775	260	NONE				
MOD	5306	SW NE SW	31	26S	33W	03		1355	3818			700	260	700	260	NONE				
MOD	23528	SE NW SE	31	26S	33W	04		1344	1323			750	260	750	260	NONE				
MOD	82630	SE SE NW	31	26S	33W	05		2735	2795			785	260	785	260	NONE				

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 9371																				

Base Acres: Year: Minimum Reasonable Quantity:
 Comments: **NO CHANGES TO RATE/QUANTITY; SHORT MOVE ON ONE WELL; OTHER WELLS UPDATING BASED ON GPS**

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

April 19, 2021

J B CIRCLE LAND INC
9520 S HANDS RD
GARDEN CITY, KS 67846-8921

RE: Water Right, File No. 25503

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 19th day of April, 2021, I hereby certify that the foregoing Approval of Application for Change in Point of Diversion, Water Right, File No. 25,503 dated 19th day of April, 2021 was mailed postage prepaid, first class, US mail to the following:

J B CIRCLE LAND INC
9520 S HANDS RD
GARDEN CITY, KS 67846-8921

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. 25503

RECEIVED
 10:40 AM
 APR 16 2021

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 B CIRCLE LAND INC

9520 S HANDS RD GARDEN CITY KS 67846-8921

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: NO CHANGE

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 \$ <u>100.00</u>	TR # _____	Receipt Date <u>4-16-21</u>	Check # <u>4694</u>
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5. **Presently authorized point of diversion:**
 One in the _____ Quarter of the _____ NC Quarter of the _____ NE Quarter
 of Section _____ 31 _____, Township _____ 26 _____ South, Range _____ 33 _____ (W),
 in FI _____ County, Kansas, _____ 3960 _____ feet North _____ 1345 _____ feet West of Southeast corner of section.
 Authorized Rate _____ Authorized Quantity _____ Depth of well _____ (feet)
(DWR use only: Computer ID No. 0401 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 _____ NE Quarter of the _____ SW Quarter of the _____ NE Quarter
 of Section _____ 31 _____, Township _____ 26 _____ South, Range _____ 33 _____ (W),
 in FI _____ County, Kansas, _____ 3775 _____ feet North _____ 1434 _____ 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 _____ NC Quarter of the _____ SW Quarter
 of Section _____ 31 _____, Township _____ 26 _____ South, Range _____ 33 _____ (W),
 in FI _____ County, Kansas, _____ 1320 _____ feet North _____ 3935 _____ feet West of Southeast corner of section.
 Authorized Rate _____ Authorized Quantity _____ Depth of well _____ (feet)
(DWR use only: Computer ID No. 03 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 _____ NE Quarter of the _____ SW Quarter
 of Section _____ 31 _____, Township _____ 26 _____ South, Range _____ 33 _____ (W),
 in FI _____ County, Kansas, _____ 1355 _____ feet North _____ 3818 _____ 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?

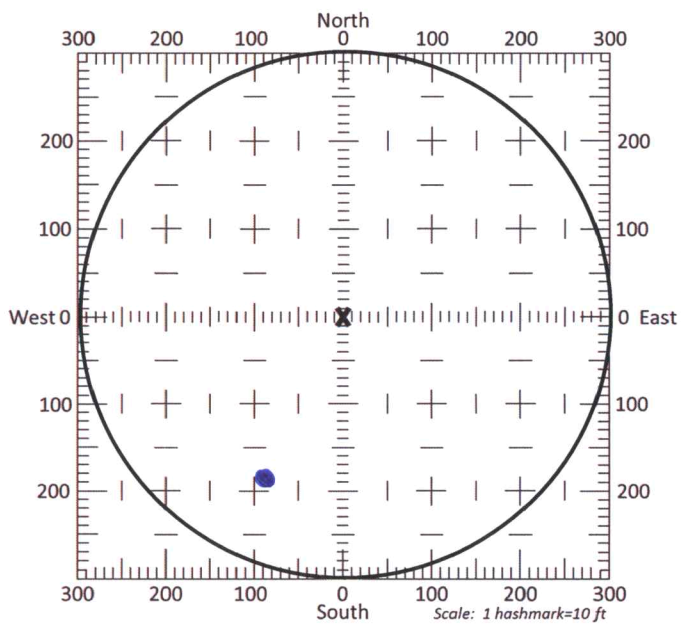
10. If the point of diversion is a well:
 (a) What are you going to do with the old well?

 (b) When will this be done? _____

11. Groundwater Management District recommendation attached?
 Yes No

12. Assisted by _____

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 a 300 foot radius of the existing point of diversion, indicate its location on the diagram shown above in relation to the existing point of diversion. The proposed point of diversion must be located within the circle shown above. **(PLEASE NOTE: The "X" in center of diagram above represents the presently authorized point of diversion.)**

APPLICATION FOR APPROVAL TO CHANGE
THE PLACE OF USE AND/OR POINT OF DIVERSION
SUPPLEMENTAL SHEET
FILE NO. 25503

Presently authorized point of diversion:

One in the _____ Quarter of the NC Quarter of the SE Quarter
of Section 31, Township 26 South, Range 33 (W),
in FI _____ County, Kansas, 1320 feet North 1295 feet West of Southeast corner of section.

Authorized Rate _____ Authorized Quantity _____ Depth of well _____ (feet)

(DWR use only: Computer ID No. 04 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)

One in the SE Quarter of the NW Quarter of the SE Quarter
of Section 31, Township 26 South, Range 33 (W),
in FI _____ County, Kansas, 1344 feet North 1323 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 SE Quarter of the SE Quarter of the NW Quarter
of Section 31, Township 26 South, Range 33 (W),
in FI _____ County, Kansas, 2739 feet North 2722 feet West of Southeast corner of section.

Authorized Rate _____ Authorized Quantity _____ Depth of well _____ (feet)

(DWR use only: Computer ID No. 05 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)

One in the SE Quarter of the SE Quarter of the NW Quarter
of Section 31, Township 26 South, Range 33 (W),
in FI _____ County, Kansas, 2735 feet North 2795 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: No change, point better described with GPS 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 _____

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 15 day of April, 2021.

Janet S. Hands
(Owner)

Samuel L. Hands
(Spouse)

Janet S. Hands
(Please Print)

Samuel L. Hands
(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 15th day of April, 2021.



Leslie L. Morgan
Notary Public

My Commission Expires 1/22/2025

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. 25503.

1. A change application was received on April 16, 2021 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, 2021**, 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, 2021**, or within any authorized extension of time. By March 1, 2022 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: April 19, 2021

State of Kansas)

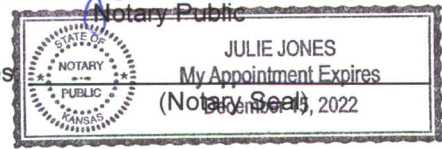
County of Finney) SS

Acknowledged before me on April 19, 2021

by Austin McColloch

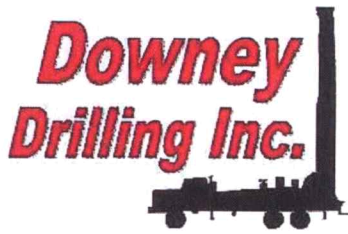
Signature: Julie Jones
(Notary Public)

My commission expires _____ My Appointment Expires _____
(Notary Seal)



WELL LOG

DATE: 3/15/2021



CUSTOMER NAME: JB CIRCLELAND, INC. TH#2 J3-7 25503

LEGAL: NE 31-26S-33W

COUNTY: FINNEY CO, KS

GPS: N 37.747132

W -100.967149

LOGGER:

DRILLER: DIEGO VALLE

WO: 20-1351

TW	FROM	TO	TYPE	HARDNESS	COLOR	SPEED	PULL DOWN	OTHER / DRILLING ACTION
	0	4	TOPSOIL	SOFT	DARK BROWN	FAST		SMOOTH
	4	8	SILTY SANDY CLAY	SOFT	BROWN	FAST		SMOOTH
	8	37	SILTY CLAY W/ FINE SAND	SOFT	BROWN	FAST		SMOOTH & VIBRATION
	37	47	SILTY CLAY W/ WHITE CLAY & FINE SAND	SOFT	BROWN & WHITE	FAST		SMOOTH & VIBRATION
	47	91	MED-COARSE W/ FINE-MED GRAVEL	SOFT	RED / TAN	FAST		CHATTER
	91	96	SANDY CLAY	SOFT	TAN	FAST		SMOOTH
	96	113	MED-COARSE SAND W/ FINE GRAVEL	SOFT	RED / TAN	FAST		CHATTER
	113	116	SAND, SANDY CLAY	SOFT	BROWN	FAST		SMOOTH
	120	138	MED-COARSE SAND W/ FINE GRAVEL	SOFT	RED / TAN	FAST		FAST CHATTER
	138	149	SANDY CLAY	SOFT	TAN	FAST		SMOOTH
	149	163	MED-COARSE SAND	SOFT	BROWN / TAN	FAST		FAST CHATTER
	163	173	GRAY & BROWN CLAY W/ CEMENTED SAND LAYERS	SOFT & FIRM	GRAY & BROWN	FAST		SMOOTH & CHOPPY
	173	204	MED-COARSE SAND W/ FINE GRAVEL	SOFT	RED / TAN	FAST		FAST CHATTER
	204	217	SANDY CLAY	SOFT	TAN	FAST		SMOOTH
	217	231	MED-COARSE SAND W/ FINE GRAVEL	SOFT	RED / TAN	FAST		FAST CHATTER
	231	242	CLAY, SANDY CLAY	STICKY	BROWN	FAST		SMOOTH
	242	260	CLAY	STICKY	BLUE	FAST		SMOOTH
	260	279	MED-COARSE SAND, FINE GRAVEL	SOFT	RED / TAN	FAST		FAST CHATTER
	279	284	CLAY	STICKY	BLUE & BROWN	FAST		SMOOTH
	284	299	FINE-MED-COARSE SAND	SOFTER	TAN / BROWN	FAST		FAST CHATTER
	299	329	MED-COARSE SAND, FINE GRAVEL	SOFT	RED / TAN	FAST		FAST CHATTER
	329	334	CLAY	STICKY	BROWN	FAST		SMOOTH
	334	349	MED-COARSE SAND	SOFT	TAN / BROWN	FAST		FAST CHATTER
	349	352	SANDYCLAY	STICKY	BROWN	FAST		SMOOTH
	352	374	MED-COARSE SAND, TR. FINE GRAVEL	SOFT	RED / TAN	FAST		FAST CHATTER
	374	396	SANDY CLAY	STICKY	BROWN	FAST		SMOOTH
	396	398	FINE-MED-COARSE SAND	SOFT	TAN	FAST		FAST CHATTER
	398	408	SANDY CLAY W/ FINE SAND	SOFT	TAN	FAST		SMOOTH & VIBRATION
	408	415	FINE SAND	SOFT	TAN	FAST		VIBRATION
	415	445	SANDY CLAY W/ FINE SAND & CEMENTED SAND LAYERS	SOFT & FIRM	TAN	FAST		SMOOTH & CHOPPY
	445	481	FINE-MED-COARSE SAND W/ LIMEROCK LAYERS	SOFTER	TAN / BROWN	FAST		FAST CHATTER
	481	489	WEATHERED SHALE	STIFF	YELLOW	FAST		SMOOTH
X	489	530	BROWN ROCK W/ SANDSTONE, MED SAND	SOFTER	BROWN	FAST		FAST CHATTER
	530	542	SHALE	STIFF	BLUE	SLOW		SMOOTH
	542	546	SANDSTONE	SOFTER	TAN	FAST		FAST CHATTER
	546	564	SHALE	STIFF	BLUE	SLOW		SMOOTH

EST. STATIC 292'

7

30

15

22

2

7

36

119

41

4

