

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

1. File Number: 20266	2. Status Change Date:	3. Change Num: C1	4. Field Office: 4	5. GMD: 3
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: 12/9/2022
8a. Applicant(s) New to system <input type="checkbox"/> BC FARMS PARTNERSHIP 2150 RD 220 DEERFIELD, KS 67838		Person ID 63205 Add Seq# _____		
8b. Landowner(s) New to system <input type="checkbox"/> 8a		Person ID _____ Add Seq# _____		
		8c. Landowner(s) New to system <input type="checkbox"/> **CHANGE IN OWNERSHIP**		
		Person ID _____ Add Seq# _____		
		8d. WUC New to system <input type="checkbox"/> 8a		
		Person ID _____ Add Seq# _____		
9. Documents and Enclosure(s): <input checked="" type="checkbox"/> DWR Meter(s) Date to Comply: 12/31/2023 <input checked="" type="checkbox"/> N & P Date to Comply: 3/1/2024				
<input type="checkbox"/> Anti-Reverse Meter <input type="checkbox"/> Meter Seal <input checked="" type="checkbox"/> Check Valve <input checked="" type="checkbox"/> N & P Form <input checked="" type="checkbox"/> Water Tube <input type="checkbox"/> Driller Copy <input checked="" 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: 12/19/2022 By: AM Date Entered: _____ By: _____				

File No. **20266** 11. County: FI Basin: **ARKANSAS RIVER** Stream: Formation Code: **211** Special Use:

12. Points of Diversion
 Rate and Quantity
 Authorized Additional
 Rate Quantity Rate Quantity
 gpm af gpm af Overlap PD Files

DEL 4834
ENT **NE NW NE** **5** **24S 34W** **5225** **1950** **1000** **200** **0** **200** **20266**

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
						NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼				
CHK 12104	5				24S34W	2	L-1 40	L-2 40	L-7 10	L-8 12											102	8a	Y	20266	
MOD 32624	4				24S34W	2	L-1 18	L-2 33			L-3 22	L-4 40.05	L-5 12								125.05	8a	Y	20266	
DEL 39176																									

Base Acres: Year: Minimum Reasonable Quantity: **ADDITIONAL CONDITIONS ATTACHED**
 Comments: **COMBINE PUSED IDs 32624 (KEEP) & 39176 (DELETE) AS THEY ARE THE SAME OWNER NOW**

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

December 19, 2022

BC FARMS PARTNERSHIP
2150 RD 220
DEERFIELD, KS 67838

RE: Filed Office Application for Change
Water Right, File No. 762 & 20266

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.

The abandoned well must be plugged in accordance with the requirements of Article 30 of the Rules and Regulations as adopted by the Kansas Department of Health and Environment.

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 that reads "Austin J. McColloch".

Austin J. McColloch
Assistant Water Commissioner

AM:
enclosures


pc:

CERTIFICATE OF SERVICE

On this 19th day of December, 2022, I hereby certify that the foregoing Approval of Application for Change in Point of Diversion, Water Right, File Nos. 762 and 20,266 dated 19th day of December, 2022 was mailed postage prepaid, first class, US mail to the following:

BC FARMS PARTNERSHIP
2150 RD 220
DEERFIELD, KS 67838

Pc:



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.

RECEIVED
 1:47 pm
 DEC 09 2022

File No. 20266

1. Application is hereby made for approval of the Chief Engineer to change the (check one or both):

Place of Use Point of Diversion

Garden City Field Office
 Division of Water Resources

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: BC FARM PARTNERSHIP

2150 RD 220, DEERFIELD, KS 67838

Phone Number: (620)272-3074 Email address: cweatherred@gmail.com

Name and address of Water Use Correspondent: BC FARM PARTNERSHIP

2150 RD 220, DEERFIELD, KS 67838

Phone Number: (620)272-3074 Email address: cweatherred@gmail.com

3. The presently authorized place of use is:

Owner of Land ---- NAME: BC FARM PARTNERSHIP

ADDRESS: 2150 RD 220, DEERFIELD, KS 67838

(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 \$ 100.00 TR # _____ Receipt Date 12-9-22 Check # 2427

5. **Presently authorized point of diversion:**
 One in the NE Quarter of the NW Quarter of the NE Quarter of Section 5, Township 24 South, Range 34 W, in FI County, Kansas, 5094 feet North 1650 feet West of Southeast corner of section.
 Authorized Rate No change Authorized Quantity No change 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: 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 NW Quarter of the NE Quarter of Section 5, Township 24 South, Range 34 W, in FI County, Kansas, 5225 feet North 1950 feet West of Southeast corner of section.
 Proposed Rate No change Proposed Quantity No change Proposed well depth (feet) 370
 This point is: Additional Well Geo Center List other water rights that will use this point 762

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) _____

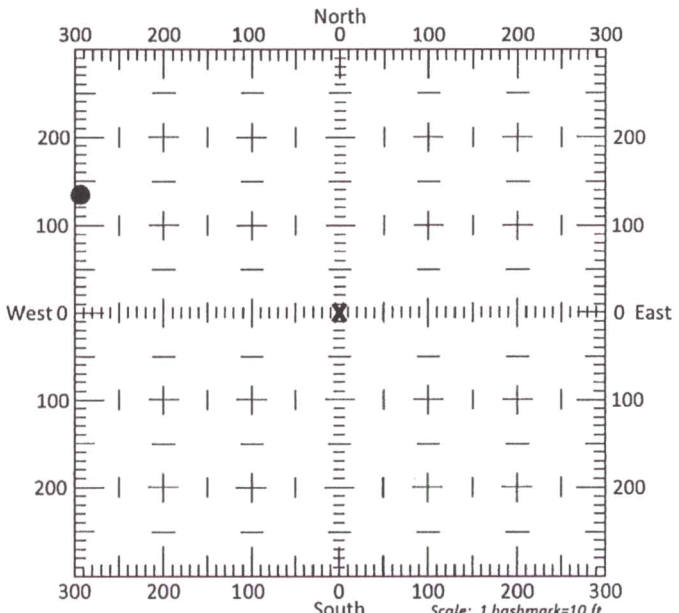
8. If a well, is the test hole log attached? Yes No

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?
Plug / cap
 (b) When will this be done? _____

11. Groundwater Management District recommendation attached?
 Yes No

12. Assisted by mdf/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 9th day of December, 20 22.

BC Farms by Cory
(Owner)

(Spouse)

BC Farms by Cory Weathered
(Please Print)

(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

State of Kansas }
County of FENNELLY } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 9th day of Dec, 20 22.



My Commission Expires _____

Kevin Salter
Notary Public

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. 20266.

- 1. A change application was received on December 9, 2022 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, 2023**, 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, 2023**, or within any authorized extension of time. By March 1, 2024 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: December 19, 2022

State of Kansas)

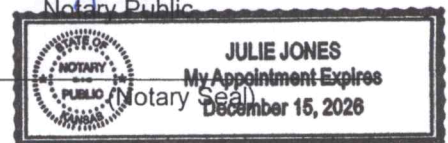
) SS

County of Finney)

Acknowledged before me on December 19, 2022
by Austin McColloch

Signature: Julie Jones
Notary Public

My commission expires:



ADDITIONAL CONDITIONS TO
SUMMARY ORDER APPROVING APPLICATION FOR CHANGE
AND IMPOSING CONDITIONS,
Water Right, File Nos. 20,226

The effective date of the change shall be the date this order is executed by the Chief Engineer, after which the following condition is included as a condition of the approval of this application for change in point of diversion.

That the applicant shall set surface casing through any shallow groundwater aquifers, and shall cause the well under this appropriation to be constructed so that the source of supply will be restricted to withdrawal of water from the Ogallala aquifer system, thereby precluding withdrawal of water from any overlying water-bearing strata and ensure that an adequate seal is placed between the Ogallala aquifer system, and all overlying water-bearing strata so as to prevent any movement of water between formations.

That the gravel pack shall not extend more than two feet above the top of the well screen, and shall be properly sealed (e.g. bentonite pellets) so as to prevent any movement of water between formations along the well annulus.

By: Austin McCulloch
(Duly Authorized Designee of the Chief Engineer)

(Print Name): Austin McCulloch
Division of Water Resources Kansas Department of Agriculture

Dated of Issuance: December 19, 2022

State of Kansas)
) SS
County of Finney)

Acknowledged before me on the 19th day of December, 2022

By Austin McCulloch

Signature Julie Jones
Notary Public

My Commission expires:



RECEIVED
DEC 09 2022

MIDWEST

WELL & PUMP

Garden City Field Office
Division of Water Resources

PO BOX 692, Garden City, Kansas 67846
(620)275-1920

Owner Name: Graham Farms
Address: 2150 Rd. 220
City, St. Zip: Deerfield, KS 67838
GPS: N.38.00308 W.101.07307
Contact #: Cory 620-272-3074
Location: NE ¼ 5-24-34 Finney County
From Old Well: About 280' West

Date: 12/22
Test Hole: 1-22
Driller: Soukup
Dig Safe#22572808
Static Water Level About:135
Total Depth: 370' Black Shale

FROM: TO: STRATA:

FROM:	TO:	STRATA:
0	2	Top Soil
2	37	Brown Clay
37	50	Light Brown Clay (Sticky)
50	60	Medium To Coarse Sand Small to Medium Gravel
60	74	Light Brown Clay (Sticky)
74	112	Brown Clay Few Small Fine To Medium Sand Streaks
112	128	Brown Clay With Fine To Medium Sand Mix 50/50
128	134	Medium To Coarse Sand Small To Medium Gravel
134	145	Brown Clay
145	162	Medium Sand Some Small Gravel Few Brown Clay Streaks
162	181	Medium To Coarse Sand Small Gravel (Loose)
181	187	Brown Clay
187	192	Medium Sand Small Gravel
192	202	Medium Sand Small Gravel Few Small Brown Clay Streaks
202	207	Brown Clay
207	215	Fine To Medium Sand Small Gravel Few Small Cemented Sand Streaks
215	219	Medium To Coarse Sand Small Grave With Brown Clay Streaks
219	226	Medium To Coarse Sand Some Small Gravel
226	236	Fine To Medium Sand Some Small Gravel With Brown Clay Streaks (60/40)
236	242	Fine Sand
242	262	Medium To Coarse Sand Small Gravel White Broken Rock Few Small Cemented Sand & Brown Clay Str.
262	272	Fine To Medium Sand Some Small Gravel With Cemented Sand Streaks
272	282	Fine To Medium Sand Few Small Cemented Sand Streaks
282	310	Fine To Medium Sand With Brown Clay Streaks
310	322	Medium To Coarse Sand Small Gravel White Broken Rock (Loose)
322	332	Medium To Coarse Sand Small Gravel White Broken Rock Few Small Brown Clay Streaks (80/20)
332	370	Medium To Coarse Sand Small Gravel White Broken Rock (Loose)
370	376	Black Shale