### Kansas Department of Agriculture Division of Water Resources

CHANGE: pu WORKSHEET

1. File Number:	2. Status Change Date:	3. Change Num:	4. Field Office:	5. GMD:
7729	3-22-2022	C1	04	03
6. Status: ☐ Approved ☐ Deni	ed by DWR/GMD	Dismiss by Reques	t/Failure to Return	7. Filing Date of Change:
				3/4/2022
8a. Landowner, applicant New to system □	Person ID 62826 Add Seq#	8c. applicant,		Person ID
ROCKING HEIFER LLC ATTN: EAST FARM 439 EAST RD 4 ULYSSES, KS 67880				
8b. Landowner(s) New to system   GALL FAMILY TRUST 1618 CARRIAGE ESTATI SHERMAN, TX 75092	Person ID 65276 Add Seq#	1618 C	stem □ E C GALL ARRIAGE ESTAT IIAN, TX 75092	Person ID Add Seq#
9. Documents and Enclosure(s): 🛛 DV	VR Meter(s) Date to Compl	y: <b>12/31/22</b>	N & P Date to	Comply:
☐ Anti-Reverse Meter ☐ Meter	Seal	□ N & P Form	☐ Water Tube ☐ Di	riller Copy
☐ Conservation Plan  Date Require	ed: Da	te Approved:	Date to	Comply:
10. Use Made of Water From:		To: _		
			Date Prepared: <b>3/22/2</b> Date Entered:	<b>022</b> By: <b>MAM</b> By:

File No. <b>7729</b>	11. County: (	GT	Bas	sin: BE	EAR C	REEK	[			S	tream:							Fo	ormation Co	ode:	Special Use:	
12. Points of Diversion CHK MOD DEL PDIV															and Qu	uantity zed		А	dditional			
ENT Qualifier	S	Т	R	ID	í	N	ʻW		Com	ment	(AKA I	Line)		Rate gpm		Quantity af	y	Rate gpm			Overlap PD Files	
CHK 8725																						
13. Storage: Rate	N	F	Quan	ntity					ac/ft	А	ddition	al Rat	e				NF	Addi	tional Quai	ntity		ac/ft
14. Limitation:																						
Limitation:	af/yr at					gpm (_				cfs) w	hen co	mbine	d with	file nu	umber	(s)						
15. 5YR Allocation: Allocation	туре	Star	t Year		_	5 YR	Amou	nt		Amo	ount Ur	nit	_	Base /	Acres		_ Co	mment.				
16. Place of Use CHK			NE	1/4			NV	<b>1</b> 1/4			sv	V¹/4			s	Ε½		Total	Owner	Chg?	Overlap Files	
MOD DEL ENT PUSE S T R	ID	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1⁄4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4					
MOD 21044 16 27 3						24	40	40	40	40	40	40	40					304	8b	NO	11413	
MOD 26431 16 27 3	7W 01	29	18	39	11									30	40	40	33	240	8a	NO	11413	
											,											

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

March 22, 2022

DUANE C GALL 1618 CARRIAGE ESTATES RD SHERMAN, TX 75092

RE:

Field Office Application for Change

Water Right, File No. 7729

Dear Sir:

Enclosed is an 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. Also please note the additional condition attached to the approval.

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,

Water Commissioner

MAM enclosures

pc:

Rocking Heifer LLC

Gall Family Trust

Groundwater Management District No. 3

#### **CERTIFICATE OF SERVICE**

On this 22<sup>nd</sup> day of March 2022, I hereby certify that the foregoing Approval of Application for Change in Place of Use, Water Right, File No. 7,729 dated 22<sup>nd</sup> day of March 2022 was mailed postage prepaid, first class, US mail to the following:

DUANE C GALL 1618 CARRIAGE ESTATES RD SHERMAN, TX 75092

Pc:

ROCKING HEIFER LLC Attn: EAST FARM 439 EAST RD 4 ULYSSES, KS 67880

GALL FAMILY TRUST 1618 CARRIAGE ESTATES RD SHERMAN, TX 75092

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.

thar	100 fee	t, or if pl	ace of	use wi	t be c	omple nange	ted. (d, inclu	Compl de a to	l <b>ete al</b> opogra	l othe	r <b>appl</b> i nap or	i <b>cable</b> detaile	portion	ns. If showir	chang g the	ge in p author	oint of ized ar	diversi	on is greater osed point(s)
or a	iversion	and/or p	lace of	ruse.				7700				-						RE!	CEIVED 30 pm R 4 2022
						1	-ile No	. 7729										MA	R 4 ZUZZ
1.	Applicat	tion is he	ereby n	nade f	or appı	-	f the C		nginee		nange Point			ne or b	oth):		Divi	arden ision o	City Field Office f Water Resources
	under th	ne water	right v	vhich is	the s	ubject	of this	applic	ation i	n acco	rdance	e with t	he cor	ndition	s desc	ribed I	pelow.		
	The sou	rce of s	upply i	s:		⊠ G	round	water			Surfac	ce wate	er						
2.	Name a	nd addr	ess of	Applica	ant: <u>R</u>	OCKIN	IG HE	IFER L	LC. 4	39 EA	ST RD	. 4 UL	YSSES	S, KS.	67880				
	Phone N	Number:	( )						Email	addres	ss:								
																			75092
	Phone N	Number:	(903	1436-2	474				Email	addres	ss'								
3.	The pre		-						Lillaii	addic									
		of Land -					Y TRU	JST											
		,	ADDRI	ESS:	1618 (	CARRI	AGE E	STAT	ES RD	, SHE	RMAN	I, TX. 7	75090						
	(If there i	s more th	an one	landov	ner, at	tach su	ppleme	ntal sh	eets as	neces	sary.)								
				NE	1/4			NV	V1/4			SV	V1/4			SI	=1/4		TOTAL
Se	c. Twp.	Range	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE¼	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW¼	SW1/4	SE1/4	ACRES
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4.	If this ap								ropose	ed that	the pl	ace of	use be	e chan	ged to	:			
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	(If there i	is more th										1, 170.	10000						
				NE	1/4			NV	V1/4			SV	V1/4			SI	Ε1/4		TOTAL
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1	6 27	37W					24	40	40	40	40	40	40	40					304
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			J	L									<u> </u>	L	L	L			
	For Off	ice Use	Only:	Code		Fe	e \$_ <b>&gt;</b>	.0 O·	<b>V</b> ∇TR	#		Re	ceipt	Date_	3-4	22	Chec	k#_	.889

5.	Presently authorized point of diversion:			
	One in the Quarter of the		Quarter of the	Quarter
	of Section, Township			(E/W),
	in County, Kansas, fe			
	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: $\square$ N	lo change, point better d	escribed with GPS as follows:
	Proposed point of diversion: (Complete only if change is			
- 1	One in the Quarter of the			
	of Section, Township			
	in County, Kansas, fee	et North	feet West of 9	Southeast corner of section
- 1	Proposed Rate Proposed Quantity			
	This point is: Additional Well Geo Center List other			
L	This point is. Additional Well Geo Center List other	water rights	that will use this point	·
Г	Propertly sytherized point of diversions			
).	Presently authorized point of diversion:		0	Overstan
	One in the Quarter of the			
	of Section, Township		South, Range	(E/W),
	in County, Kansas, fee	et North	feet West of S	Southeast corner of section.
	Authorized Rate Authorized Quantity		Depth of well	(feet)
	(DWR use only: Computer ID No GPS			
	This point will not be changed This point will be changed as			
	Proposed point of diversion: (Complete only if change is			
	One in the Quarter of the		Quarter of the	Quarter
	of Section, Township		South, Range	(E/VV),
	in County, Kansas,fee			
	Proposed Rate Proposed Quantity			
L	This point is: Additional Well Geo Center List other	water rights	that will use this point	
7	The share having a share of the fall of the fall of the same of th			
	The changes herein are desired for the following reasons? (please be specific)		M	
	(produce be opecinio)	300	200 100 North	100 200 // 300
		E		
2	If a well, is the test hole log attached? Yes No			
).	if a well, is the test hole log attached: Thes I No	200	A 1 + 1 =	1 + 1 + 200
9.	The change(s) (was)(will be) completed by?	-/	' ㅡ ㅡ 틀	<i>≠</i> - \=
		100	+ + + =	100
			' ' <u> </u>	
0.	If the point of diversion is a well:	F		
	(a) What are you going to do with the old well?	West 0		0 East
		#	- <del> </del> =	
		100	+ 1/+ 1 =	+   +   ≠ 100
	(b) When will this be done?	<b>E</b> \		
1.	Groundwater Management District recommendation attached?  Yes No	200	X   +   =	200
	Y Yes I No		-\-\- <u>-</u>	
2.	Assisted by	Kull		
	/-	300	200 100 0 South	100 200 300 Scale: 1 hashmark=10 ft
3a	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	13h If the pro	onesed point of diversion	n will be relocated within a 300
	a topographic map or aerial photograph. For groundwater	foot radio	us of the existing point of	of diversion, indicate its location
	sources, show all wells (including domestic) within one-half mile	on the di	iagram shown above in	relation to the existing point of
	of the proposed point of diversion and the names and mailing addresses of the owners. For surface water sources, show the	within th	e circle shown above.	t of diversion must be located (PLEASE NOTE: The "X" in
	names and addresses of the landowner(s) one-half mile	center	of diagram above	represents the presently
	downstream and one-half mile upstream from your property	authoriz	ed point of diversion.	)

lines

#### APPLICATION FOR APPROVAL TO CHANGE THE PLACE OF USE AND/OR POINT OF DIVERSION SUPPLEMENTAL SHEET

FILE NO. 7729

MAKE ADDITIONAL COPIES AS NECESSARY

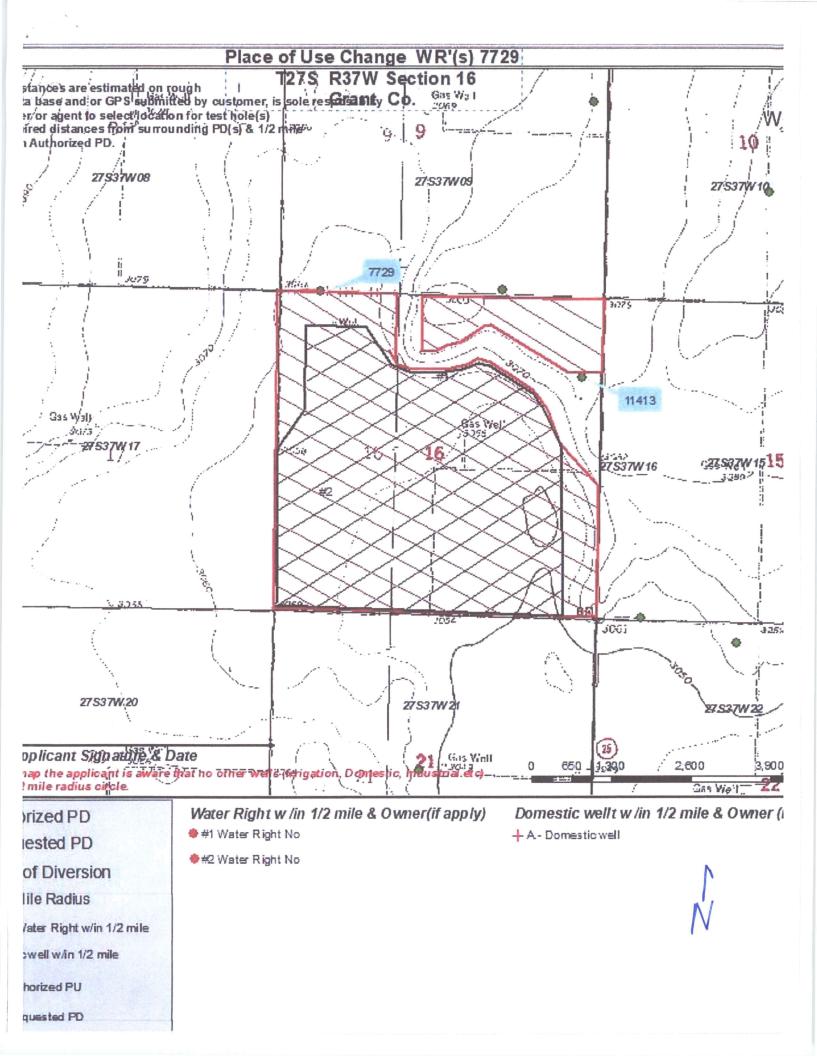
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O Sec. 16	Twp. 27 wner o	Range Range	NE½ 29 N/ADDR NE½ 29 N/ADDR	AME: ESS:  NW//  18  AME: ESS:  NW//  AME: ESS:	ROCK 439 E/4 SW/4 40° .39	SE%	NE%	NW/A	S, KS  V/4  SW/4  SW/4	SE%	NE½	SV NW½	V% SW%	SE¼	NE¼ 30	SI NW% 40 SI NW%	E¼ SW¼ 40	SE¼ 33	TOTAL ACRES
O O O O O O O O O O O O O O O O O O O	Twp. 27 wner o	Range 37 W  Range	NE½ 29 N/ ADDR NE½ ADDR	AME: ESS:  NW//  18  AME: ESS:  NW//  AME: ESS:	ROCK 439 E, 5W/4 39 39	SE%	NE%	NW/A	S, KS V/4 SW/4 SW/4	SE½	NE½	SV NW%	V¼ SW¼	SE1/4	NE¼ 30	SI NW% 40 SI NW%	E¼ SW% 40 SW% SW%	SE½ 33 SE½	ACRES 245
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14. If the proposed groundwater point of diversion is 300 or fewer feet fro	m the existing point of diversion, complete the following:
(a) Does the undersigned represent all owners of the currently authorized (If no, all owners must sign this application)	
(b) Will the ownership interest of any owner of the currently authorized 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 subs	
If the application proposes a surface water change in point of diversion, a or a change in place of use, the application must be signed by all owners agent (attach notarized statement authorizing representation).	
I hereby verify, being first duly sworn upon my oath or affirmage and the owner, the spouse of the owner, or a duly authoritheir behalf, in regards to the water right(s) to which this appropriate in this application are true, correct and complete.	zed agent of the owner(s) to make this application on dication pertains. I further verify that the statements
Dated at GANEN CIFY, Kansas, this	17 th day of MARCH, 20 22.
GALL FAMILY TRUST by DUANE C. GALL	(Spouse)
GALL FAMILY TRUST BY DUANE C. GALL (Please Print)	(Please Print)
(Owner)	(Spouse)
(Please Print)	(Please Print)
(Owner)	(Spouse)
(Please Print)	(Please Print)
State of Kansas ) SS	
I hereby certify that the foregoing application was signed in r	my presence and sworn to before me thisday
JULIE JONES My Appointment Expires December 15, 2022	Notary Public
ONLY COMPLETE APPLICATIONS WILL BE PROCESSED. To be complete, all accurate information; maps, if necessary, must be included; signatures of all the apthe appropriate fee must be paid.	of the applicable portions of the application form must be completed with oppopriate owners' must be affixed to the application and notarized; and
FEESCHEDU	<u>JLE</u>
Each application to change the place of use or the point of diversion under forth in the schedule below: Make checks payable to: Kansas Department (1) Application to change a point of diversion 300 feet or less (2) Application to change a point of diversion more than 300 feet (3) Application to change the place of use	ent of Agriculture \$100 t\$200

14. If the proposed groundwater point of diversion is 300 or fewer feet fro	om the existing point of diversion, complete the following:
<ul><li>(a) Does the undersigned represent all owners of the currently auth</li><li>☐ Yes</li><li>☐ No</li><li>(If no, all owners must sign this applied)</li></ul>	
<ul> <li>(b) Will the ownership interest of any owner of the currently autho affected if this application is approved as requested?</li> <li>☐ Yes</li> <li>☐ No</li> <li>(If yes, all owners must sign this app</li> </ul>	
(c) If this application is not approved expeditiously, will there be sub ☐ Yes ☐ No (If no, all owners must sign this appli	
If the application proposes a surface water change in point of diversion, a or a change in place of use, the application must be signed by all owners agent (attach notarized statement authorizing representation).	a groundwater change in point of diversion greater than 300 feet, s of the currently authorized place of use, or their duly authorized
I hereby verify, being first duly sworn upon my oath or affirm age and the owner, the spouse of the owner, or a duly author their behalf, in regards to the water right(s) to which this appropriate in this application are true, correct and complete.	ized agent of the owner(s) to make this application on
1//	28th day of February, 20 22.  Spouse)
Barthel De Saegher (Please Print)	Elisabeth De Saegher (Please Print)
	Profes
(Owner)	(Spouse)
(Please Print)	(Please Print)
(Owner)	(Spouse) SARAH EWART Notary Public, State of Michigan
(Please Print)	County Offingham
State of Kansas Michigan  County of Gratiot  SS	My Commission Expires 09-26-2024 Acting in the County of Cocation
of February , 20 22 .	my presence and sworn to before me this 28th day
My Commission Expires 9-26-2024	Notary Public
ONLY COMPLETE APPLICATIONS WILL BE PROCESSED. To be complete, all accurate information; maps, if necessary, must be included; signatures of all the all the appropriate fee must be paid.	of the applicable portions of the application form must be completed with ppropriate owners' must be affixed to the application and notarized; and
FEE SCHEDU	<u>JLE</u>
Each application to change the place of use or the point of diversion undeforth in the schedule below: Make checks payable to: Kansas Departme (1) Application to change a point of diversion 300 feet or less (2) Application to change a point of diversion more than 300 feet (3) Application to change the place of use	ent of Agriculture \$100 t \$200

#### SUMMARY ORDER APPROVING APPLICATION FOR CHANGE AND IMPOSING CONDITIONS

pro Wi	ovisions of the Kansas Water Appropriation Law. K.S.A. 82a-	8b, as amended, and K.A.R. 5-5-1, et seq. and other applicable 701 et. seq., and rules and regulations promulgated thereunder, n, this Summary Order does not change the terms, conditions and
1.	A change application was received on	requesting that the place of use and / or point of per be changed as described in the application.
2.	On and after the effective date of this summary order, the aut the topographic map accompanying the application to cha	horized place(s) of use shall be located substantially as shown on nge the place of use. Applicable \sum Applicable
3.	The change in point of diversion shall not impair existing righ previously authorized. The point of diversion authorized be radius of the authorized point(s) of diversion. ☐ Applicable	nts and shall be limited to the same source or sources of water as y this summary order shall be located within a foot le Not Applicable
4.	The point(s) of diversion described herein is administrative Positioning System (GPS), as described in the application	ely corrected to be more accurately described using the Global .   Applicable Not Applicable
5.	The point(s) of diversion authorized herein shall not actually authorized point(s) of diversion.	be located more than feet from the previously of Applicable
6.	As required by K.A.R. 5-3-5d, if the works for diversion is a wor other device suitable for making water level measureme K.A.R. 5-6-13.   Applicable Not Applicable	vell with a diversion rate of 100 gallons per minute or more, a tube nts shall be installed, operated and maintained in accordance with
7.	December 31, 20 22, or before the first use of water, operated and maintained in accordance with K.A.R. 5-1-4 to	operly install an acceptable water flow meter on or before whichever occurs first. The water flow meter shall be installed, through 5-1-12. As required by K.S.A. 82a-732, as amended, and the reading of the water flow meter and the total quantity of watering the end of each calendar year.
8.	Installation of the works for diversion of water shall be authorized extension of time. By March 1, 20 the works for diversion has been completed, on the form provi Applicable Not Applicable	completed on or before December 31, 20, or within any applicant shall notify the Chief Engineer that construction of the ded by the Chief Engineer, as required by K.A.R. 5-8-4e.
9.	The completed well log shall be submitted with the requi	red notice.   Applicable Not Applicable
10.	with an in-line, automatic, quick-closing check valve capat	oreign substance will be injected into the water shall be equipped ole of preventing pollution of the source of the water supply. The n accordance with K.A.R. 5-3-5c. Applicable \( \square\) Not Applicable
11.	Additional Conditions are attached.  Yes	
12.	water appropriated under the above-referenced file numb limitations, as amended and/or supplemented by this Sum Appropriation Law and the Rules and Regulations promu	R. 5-5-14, all of the owners of the authorized place(s) of use of the are responsible for compliance with its terms, conditions and amary Order, and with applicable provisions of the <i>Kansas Water</i> lgated thereunder. Failure to comply with these provisions may ended, and/or the suspension or revocation and dismissal of the ons authorized by law.
	Administrative Appeal and Effective Date of Order	FOR OFFICE USE ONLY
lf vo	ou are aggrieved by this order, pursuant to K.S.A. 82a-1901,	APPLICATION APPROVED AND
you	may request an evidentiary hearing before the Chief	SUMMARY ORDER ISSUED
Agr	nneer or request administrative review by the Secretary of iculture. A request for hearing by the Chief Engineer must be	By: Milul of Mey
tiled adn	d within 15 days of service of this Order and a request for ninistrative review by the Secretary must be filed within 30	Duly Authorized Designee of the Chief Engineer
	s pursuant to K.S.A. 77-531. Any request for administrative lew must state a basis for review pursuant to K.S.A. 77-527.	(Print Name):
File	any request with Kansas Department of Agriculture, gal Division, 1320 Research Park Drive, Manhattan, KS	Date of Issuance: MAACH 22, 2022
665	302. Failure to timely request a hearing or review may clude review under the Kansas Judicial Review Act.	State of Kansas )
pic	For Use by Register of Deeds	County of Jinney ) SS
		Acknowledged before me on March 22, 2022
		by Michael A. Meyer.
		Signature:
		My commission expires:    My Appointment Expires   My Appointment   My Appoint





#### Southwest Kansas Groundwater Management District No. 3 2009 E. Spruce Street

Garden City, Kansas 67846

(620) 275-7147 phone (620) 275-1431 fax www.gmd3.org

March 21, 2022

Michael A. Meyer Division of Water Resources 4532 W Jones Ave., Suite B Garden City, Kansas 67846

RE: Application for Change in Place of Use

Water Right, File No. 7729

Dear Mike:

We have reviewed the application for the above referenced water right. The proposal is not in conflict with the Management Program of the Southwest Kansas Groundwater Management District No. 3 (GMD3). The proposed change in place of use will make a complete overlap in currently authorized place of use with Water Right 11413, in accordance with K.A.R. 5-5-11(b). At the present time these water rights overlap only partially. No new acres are proposed that are not current authorized by one of the water rights. It is therefore recommended that the application be approved at this time.

Thank you for the opportunity to review the applications and to provide a recommendation. If you have any questions, please don't hesitate to contact us.

Sincerely,

Jason L. Norquest Assistant Manager

RECEIVED

MAR 2 1 2022

Garden City Field Office Division of Water Resources

## GMD3 Change Review

File No(s).: <u>7729</u> .	DWR office: <u>GC</u> .						
App filed to change: PU.							
Is Landowner(s) correct in WRIS: <u>Rocking Heifer LLC</u> .							
If NO, is documentation included?							
Is Water Use Correspondent correct in WRIS? <u>Duane Gall</u> .							
If NO, is documentation included?							
Regulation(s) Reviewed: KAR 5-5-11							
Point of diversion ID No(s) being ch	anged.						
ft. North ft. Wes	st						
Authorized PD							
Proposed PD							
Difference 0	0						
a2 + b2 = c2 0	0 0						
	ng:						
Is proposed PD stacking on existing WR							
	Rs? <u>Making a complete overlap with 11413</u> .						
Neighboring certified well(s) notified: _							
Name							
Address							
Zip							
Email: Phone:							
Domestic well(s) notified:							
Name							
Address							
Zip							
Base Acres:							
Perfected Acres:							
Irr. Return-Flow%							
7729 currently has an incomplete over	lap in PU with 11413. This application is						
proposing to make the two water right	ts have a complete overlap in place of use,						
which required adding more acres to							
Is a waiver needed: No new acres prope	osed. Application will make a complete overlap						
in place of use for currently authorized a							
	available information, it appears current area						
rules are met. Staff therefore recommen	ds approval of the application.						

jn

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

March 17, 2022

SOUTHWEST KANSAS GROUNDWATER MANAGEMENT DISTRICT NO. 3 2009 E SPRUCE ST GARDEN CITY KS 67846

Re: Request for Recommendation

Water Right, File No. 7729

Dear Mr. Norquest:

This is to advise you that Rocking Heifer, LLC, has filed an application for approval of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, to change the place of use.

We are delaying action on the change application to allow you time to review and provide a recommendation. Please submit a recommendation within 15 days from the date of this letter.

Thank you and as always feel free to contact this office at any time.

Sincerely,

Michael A. Meyer

Water Commissioner

MAM Enclosures