

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

1. File Number: 10871	2. Status Change Date: <i>12-1-2023</i>	3. Change Num: C2	4. Field Office: 04	5. GMD: 03
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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: 11/28/2023
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8a. LANDOWNER,
 New to system

Person ID **57794**
 Add Seq# _____

**MCCLUNG LAND CO LLC
 PO BOX 427
 ELKHART, KS 67450-0427**

8c. Correspondent
 New to system

Person ID _____
 Add Seq# _____

8b. Landowner(s),
 New to system

Person ID _____
 Add Seq# _____

8d. correspondent
 New to system

Person ID **38730**
 Add Seq# _____

**MITCHELL FARMS
 ATTN: HAAR WEST UNIT
 PO BOX 427
 ELKHART, KS 67950-0427**

9. Documents and Enclosure(s): DWR Meter(s) Date to Comply: **12/31/2024** N & P Date to Comply: **3/1/2025**

Anti-Reverse Meter Meter Seal Check Valve N & P Form Water Tube Driller Copy H & E Letter

Conservation Plan Date Required: _____ Date Approved: _____ Date to Comply: _____

10. Use Made of Water From: _____ To: _____

Date Prepared: **12/01/2023** By: **MAM**
 Date Entered: _____ By: _____

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 1, 2023

MITCHELL FARMS
Attn: HAAR WEST UNIT
PO BOX 427
ELKHART, KS 67950-0427

RE: Water Right, File Nos. 10871 & 18827

Dear Sir or Madam:

Enclosed are orders 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 numbers.

Your attention is directed to this enclosure and to the terms, conditions, and limitations specified in this approval for change. A condition of this approval is that acceptable water flowmeter 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 these orders modify the original documents referred to above, they should be recorded with the Register of Deeds as other instruments affecting real estate.

The abandoned wells 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 to call this office. If you would prefer, you could arrange an appointment for additional assistance.

Sincerely,


Michael A. Meyer
Water Commissioner

MAM:
enclosures

pc:
MCCLUNG LAND CO LLC
PO BOX 427
ELKHART, KS 67450-0427

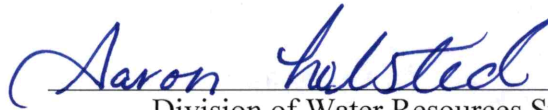
CERTIFICATE OF SERVICE

On this 1st day of December 2023, I hereby certify that the foregoing Approval of Application for Change in Point of Diversion, Water Right, File Nos. 10,871 and 18,827, dated 1st day of December 2023 was mailed postage prepaid, first class, US mail to the following:

MITCHELL FARMS
Attn: HAAR WEST UNIT
PO BOX 427
ELKHART, KS 67950-0427

With photocopies to:

MCCLUNG LAND CO LLC
PO BOX 427
ELKHART, KS 67450-0427

A handwritten signature in blue ink that reads "Aaron Hulsted". The signature is written in a cursive style and is positioned above a horizontal line.

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
 1:05 pm
 NOV 28 2023

File No. 10871

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: McClung Land Co LLC

PO Box 427, Elkhart, KS 67950

Phone Number: () Email address: _____

Name and address of Water Use Correspondent: Mitchell Farms, Haar West Unit

PO Box 427, Elkhart, KS 67950

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 \$ 100.00 TR # _____ Receipt Date 11-28-23 Check # 7838

5. **Presently authorized point of diversion:**
 One in the SW Quarter of the SW Quarter of the SW Quarter of Section 8, Township 35 South, Range 39 West, in Morton County, Kansas, 156 feet North 5250 feet West of Southeast corner of section.
 Authorized Rate 3260 GPM Authorized Quantity 2166 AF 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: 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 NW Quarter of the NW Quarter of the NW Quarter of Section 17, Township 35 South, Range 39 West, in Morton County, Kansas, 5118 feet North 5149 feet West of Southeast corner of section.
 Proposed Rate no change Proposed Quantity no change Proposed well depth (feet) 500
 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 _____ Quarter of the _____ Quarter of Section _____, Township _____ South, Range _____ (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 _____ (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

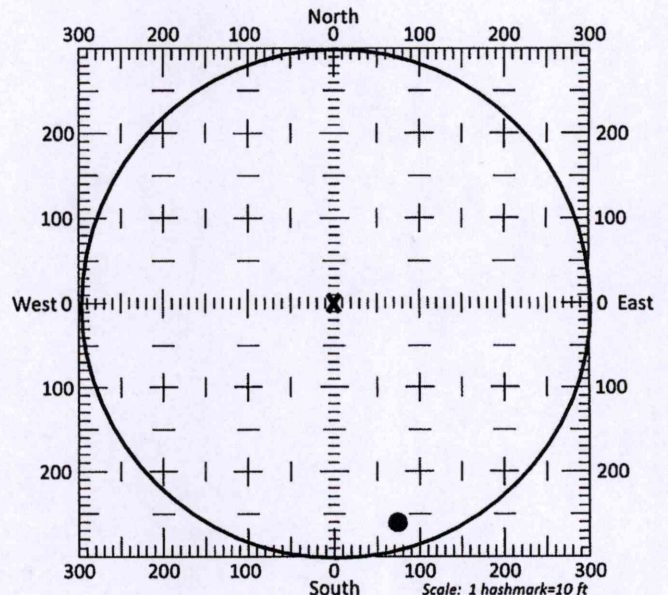
9. The change(s) (was)(will be) completed by?
As soon as possible

10. If the point of diversion is a well:
 (a) What are you going to do with the old well?
plug
 (b) When will this be done? As soon as possible

11. Groundwater Management District recommendation attached? Yes No

12. Assisted by CI, 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 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.)

5. **Presently authorized point of diversion:**
 One in the SW Quarter of the SW Quarter of the Lot 4 (SWSW) Quarter
 of Section 7, Township 35 South, Range 39 West,
 in Morton County, Kansas, 675 feet North 5196 feet West of Southeast corner of section.
 Authorized Rate 3260 GPM Authorized Quantity 2166 AF 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 SW Quarter of the SW Quarter of the Lot 4 (SWSW) Quarter
 of Section 7, Township 35 South, Range 39 West,
 in Morton County, Kansas, 673 feet North 5060 feet West of Southeast corner of section.
 Proposed Rate no change Proposed Quantity no change Proposed well depth (feet) 500.
 This point is: Additional Well Geo Center List other water rights that will use this point _____.

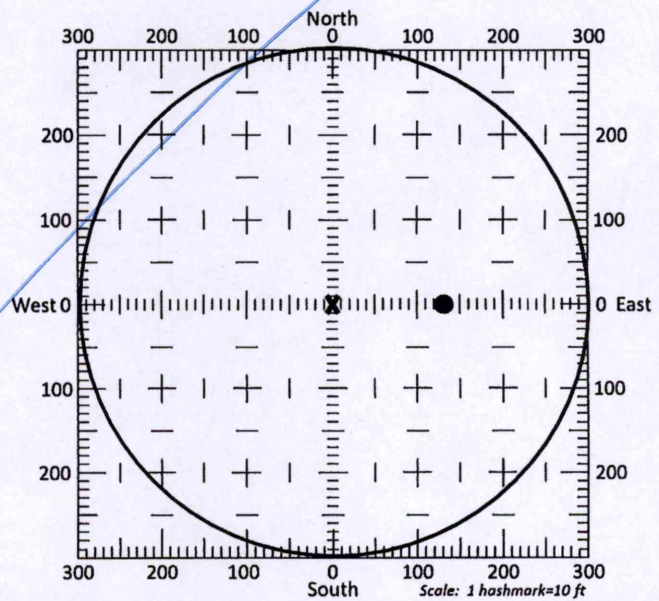
6. **Presently authorized point of diversion:**
 One in the NW Quarter of the _____ Quarter of the LOT 3 (NWSW) Quarter
 of Section 18, Township 35 South, Range 39 West,
 in MT County, Kansas, 1697 feet North 5125 feet West of Southeast corner of section.
 Authorized Rate _____ Authorized Quantity _____ 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 _____ West,
 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 _____
- 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.)

THE PLACE OF USE AND/OR POINT OF DIVERSION
SUPPLEMENTAL SHEET
FILE NO. 10871

Presently authorized point of diversion:
One in the NW Quarter of the NW Quarter of the NE Quarter
of Section 18, Township 35 South, Range 39 West,
in Morton County, Kansas, 5090 feet North 2620 feet West of Southeast corner of section.
Authorized Rate 3260 GPM Authorized Quantity 2166 AF 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)
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 SW Quarter of the NW Quarter of the SW Quarter
of Section 17, Township 35 South, Range 39 West,
in Morton County, Kansas, 1570 feet North 5270 feet West of Southeast corner of section.
Authorized Rate 3260 GPM Authorized Quantity 2166 AF 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)
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 SW Quarter of the NW Quarter of the SE Quarter
of Section 18, Township 35 South, Range 39 West,
in Morton County, Kansas, 1352 feet North 2478 feet West of Southeast corner of section.
Authorized Rate 3260 GPM Authorized Quantity 2166 AF 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)
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 SW Quarter of the NW Quarter of the SE Quarter
of Section 13, Township 35 South, Range 39 40 West,
in Morton County, Kansas, 2162 feet North 2404 feet West of Southeast corner of section.
Authorized Rate 3260 GPM Authorized Quantity 2166 AF Depth of well _____ (feet)
(DWR use only: Computer ID No. 4 GPS 2135 feet North 2461 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 Elkhart, Kansas, this 17 day of November, 2023.

Brian Mitchell
 (Owner)
BRIAN MITCHELL
 (Please Print)

 (Owner)

 (Please Print)

 (Owner)

 (Please Print)

Rosa Mitchell
 (Spouse)
ROSA MITCHELL
 (Please Print)

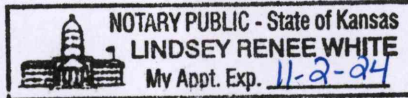
 (Spouse)

 (Please Print)

 (Spouse)

 (Please Print)

State of Kansas }
 County of Morton } SS



I hereby certify that the foregoing application was signed in my presence and sworn to before me this 17 day of November, 2023.

Lindsey Renee White
 Notary Public

My Commission Expires 11-02-2024

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

Sec. 7-35-Blk 39

Survey Co. Morton

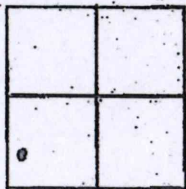
N. 37.01245' W. -101.60914'



#53 ReDRILL
Water Right # 10871
Hydro
resources

No. 31408

P.O. Box 784
Sunray, Texas 79086
(806) 948-4421



WL/308'

Kenny Mitchell Farms

Test Waterwell

DATE 10/25/23

NO. 1-23

FROM	TO	DESCRIPTION	SAND
0	260	top soil + brown clay w/ Caliche strips + sand strips	
260	300	med fine sand w/ clay strips	
300	320	Brown clay w/ fine fairly loose sand strips	6
320	340	med fine fairly loose sand w/ clay strips	14
340	360	fine to med fairly loose sand w/ clay strips	17
360	380	fine to med fairly loose sand	20
380	400	fine, med and coarse fairly loose sand w/ gravel strips + clay	18
400	420	fine, med and coarse fairly loose to little tight sand w/ clay strips	13
420	440	fine, med and coarse little tight sand to Red clay	6
440	460	Red clay w/ shale strips	
460	480	Red clay	
480	500	Red clay	
		1 dragbit	
		1/4 BKT Drapak plus Regular	

WATER Right # 10871

Sec. 8-35-39 Blk _____

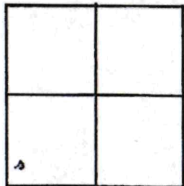
Survey _____ Co. MORISON

N 3701001 W- 101.59122



No. 31387

P.O. Box 784
Sunray, Texas 79086
(806) 948-4421



#89
REARILL

KEDDY MITCHELL FARMS

Test Waterwell

DATE 01/13

NO. 2-33

FROM	TO	DESCRIPTION	SAND
0	10	top soil open clay 1 yard strip	
10	20	fine sand w/ clay strips	
20	270	fine sand clay	
270	300	brown clay w/ thin sand streak	
300	320	fine fairly loose sand w/ clay strips	16
320	340	fine fairly loose sand to open clay	2
340	360	brown clay w/ thin streak fine fairly loose sand strips	10
360	380	brown clay w/ thin fine fairly loose sand strips	6
380	400	fine sand fairly loose sand w/ clay strips	18
400	420	fine med. coarse fairly loose sand	20
420	440	fine med. coarse fairly loose sand w/ clay strips	13
440	460	fine med. coarse fairly loose sand w/ med. w/ clay strips	18
460	480	fine med. coarse fairly loose sand w/ med. w/ clay strips	14
480	500	Red clay	474
		1 dragbit	
		1/4 BKT Durspack plus Regular	