

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

1. File Number: 27342-D2	2. Status Change Date:	3. Change Num: C3	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: 4/3/2023
8a. Applicant(s) New to system <input type="checkbox"/> QUALITY HAY LLC Attn: DARIN SMITH 1707 ROAD 45 LAKIN, KS 67860		Person ID 67267 Add Seq# _____		
8b. Landowner(s) New to system <input type="checkbox"/> 8a *SEE ATTACHED DEED FOR SW/4*		Person ID _____ Add Seq# _____		
8c. Landowner(s) New to system <input type="checkbox"/> GLENN D & LORNA M JOHNSON 1194 ROAD V5 LAKIN, KS 67860-6230		Person ID 35308 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 type="checkbox"/> Water Tube <input type="checkbox"/> Driller Copy <input 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: 4/14/2023 By: AM Date Entered: _____ By: _____				

File No. **27342-D2** 11. County: **KE** Basin: **ARKANSAS RIVER** Stream: Formation Code: **211/331** Special Use:

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

CHK	89992																			

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				
ENT	19090	7	25S	35W	1	34	34	34	34											136	8c	N	27342-D1		
MOD	39217	7	25S	35W	5					34	34	34	34	34	34	34				272	8a	Y	27342-D1		

Base Acres: Year: Minimum Reasonable Quantity:

Comments: **PUSE ID 19090 IS DROPPING THE NW/4 (CHANGE OWNERSHIP) AND MOVING THOSE ACRES ONTO PUSE ID 39217**

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 14, 2023

QUALITY HAY LLC
Attn: DARIN SMITH
1707 ROAD 45
LAKIN, KS 67860

RE: Filed Office Application for Change
Water Right, File Nos. 27342-D1 & 27342-D2

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 numbers. **Note:** this approval does not allow any single point of diversion to exceed its annual authorized quantity.

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/or 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 that reads "Austin J. McColloch".

Austin J. McColloch
Assistant Water Commissioner

AM:
enclosures

pc: Glenn & Lorna Johnson
GMD 3

CERTIFICATE OF SERVICE

On this 14th day of April, 2023, I hereby certify that the foregoing Approval of Application for Change in Place of Use, Water Right, File Nos. 27,342-D1 and 27,342-D2 dated 14th day of April, 2023 was mailed postage prepaid, first class, US mail to the following:

QUALITY HAY LLC
Attn: DARIN SMITH
1707 ROAD 45
LAKIN, KS 67860

Pc:

GLENN D & LORNA M JOHNSON
1194 ROAD V5
LAKIN, KS 67860-6230

GMD 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. 27342-D2

RECEIVED
 1:41pm
APR 03 2023

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: GLENN D & LORNA M JOHNSON

1194 ROAD V5, LAKIN, KS 67860-6230

Phone Number: (620)355-1947 Email address: None

Name and address of Water Use Correspondent: Same

Phone Number: ()

Email address: _____

3. The presently authorized place of use is:

Owner of Land ---- NAME: Same

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	
7	25	35W									34	34	34	34					136

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: Same Quality Hay LLC

ADDRESS: 1 2

(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	
7	25	35W	34	34	34	34	34	34	34	34	34	34	34	34					408 136
2	7	25 35W					34	34	34	34	34	34	34	34					272

For Office Use Only: Code _____ Fee \$ 200.00 TR # _____ Receipt Date 4-3-23 Check # 6111

5. **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 _____

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) Make better use of irrigation resources

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

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

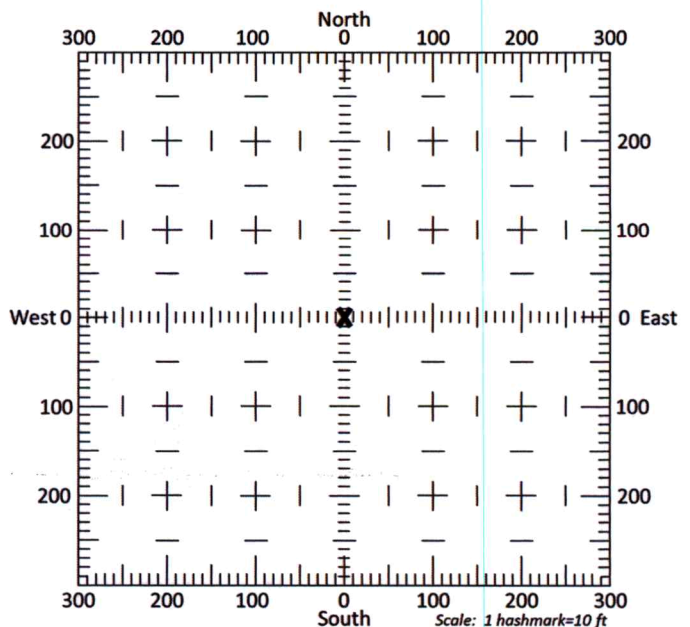
10. If the point of diversion is a well:
 (a) What are you going to do with the old well?

 (b) When will this be done? _____

11. Groundwater Management District recommendation attached?
 Yes No

12. Assisted by 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 3rd day of April, 20 23.

Glen D Johnson
 (Owner)

Lorna Johnson
 (Spouse)

Glen D Johnson
 (Please Print)

Lorna Johnson
 (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 3rd day of April, 20 23.



My Commission Expires _____

Julie Jones
 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

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.)

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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 3rd day of April, 20 23.

Quality Hay LLC by Dan Smith
 (Owner)

 (Spouse)

Darin T Smith
 (Please Print)

 (Please Print)

 (Owner)

 (Spouse)

 (Please Print)

 (Please Print)

 (Owner)

 (Spouse)

 (Please Print)

 (Please Print)

State of Kansas }
 County of Finney } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 3rd day of April, 20 23.

My Commission Expires _____



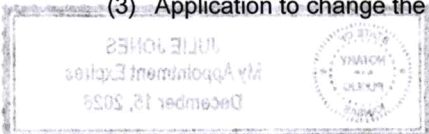
Julie Jones
 Notary Public

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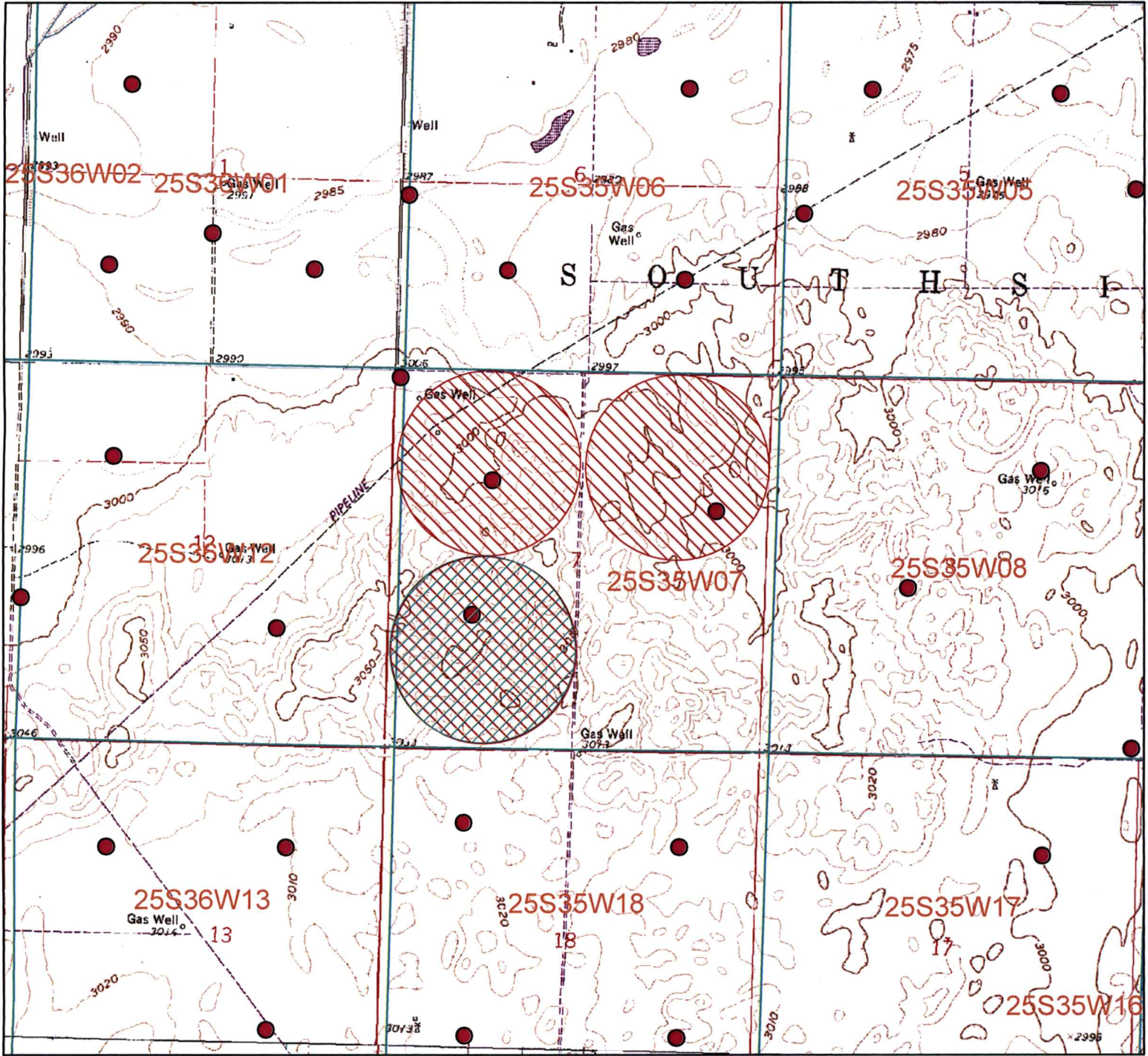
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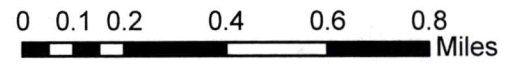
- (1) Application to change a point of diversion 300 feet or less \$100
- (2) Application to change a point of diversion more than 300 feet \$200
- (3) Application to change the place of use \$200



Change in Place of Use for water right 27342-D2

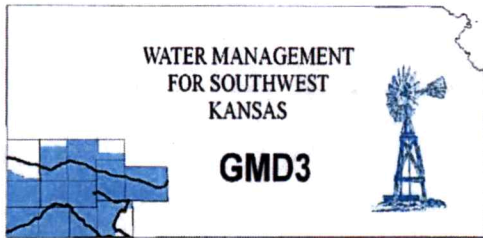


-  Authorized point of diversion
-  Authorized place of use
-  Proposed place of use



All wells within 1/2 mile are on this map.

X _____



**Southwest Kansas
Groundwater Management District No. 3**
2009 E. Spruce Street
Garden City, Kansas 67846
(620) 275-7147 phone
www.gmd3.org

April 14, 2023

Austin McColloch
Division of Water Resources
4532 W Jones Ave., Suite B
Garden City, Kansas 67846

RECEIVED

APR 14 2023

**Garden City Field Office
Division of Water Resources**

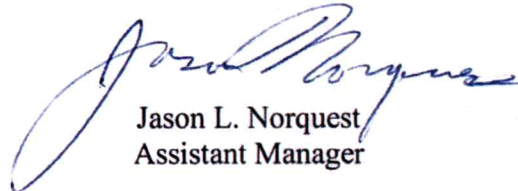
RE: Applications for Change in Place of Use
Water Right, File Nos. 27342 D1 & 27342 D2

Dear Austin:

We have reviewed the applications for the above referenced water rights. The proposals are 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 in accordance with K.A.R. 5-5-11(b). No new acres being proposed. It is therefore recommended that the applications 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

GMD3 Change Review

File No(s): 27342D1 & 27342D2.

DWR office: GC.

App filed to change: PU.

Is Landowner(s) correct in WRIS: Glenn & Lorna Johnson.

If NO, is documentation included?

Is Water Use Correspondent correct in WRIS? .

If NO, is documentation included?

Regulation(s) Reviewed: KAR 5-5-11

Point of diversion ID No(s) being changed.

	ft. North	ft. West	
Authorized PD			
Proposed PD			
Difference	0	0	
a2 + b2 = c2	0	0	0

GPS for proposed PD: Lat: Long: .

Is proposed PD stacking on existing WRs? No Change.

Is Proposed PU overlapping existing WRs? Making complete overlap.

Neighboring certified well(s) notified: .

Name .

Address .

Zip .

Email: Phone: .

Domestic well(s) notified: .

Name .

Address .

Zip .

Base Acres: .

Perfected Acres: .

Irr. Return-Flow %

Kearney County

27342D1: two wells authorized

ID01: 260AF @ 800gpm

ID07: 260AF @ 800gpm

272 acres N2 7-25-35

27342D2: 258AF @ 800gpm

136 acres SW 7/25/35

Is a waiver needed: No new acres proposed, just making a complete overlap in currently authorized acres.

Recommendation: After review of all available information, it appears current area rules are met. Staff recommends approval of the applicaitons.



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 13, 2023

GROUNDWATER MANAGEMENT DISTRICT #3
2009 E SPRUCE ST
GARDEN CITY KS 67846

Re: Request for Recommendation,
File Nos. 27342-D1 & 27342-D2

Dear Sir or Madam:

We are enclosing a copy of the referenced application, which was submitted by Quality Hay LLC and appears to be in proper form, for your review.

We are delaying any further action for a period of 15 days from the date of this letter to allow you time to submit your recommendation concerning this application. Please submit your recommendation within the allotted time, or any authorized extension of time thereof.

If you have any questions, please contact me at (620) 276-2901. If you wish to discuss a specific file, please have the file number ready to that I may help you more efficiently.

Sincerely,

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

Austin McColloch
Assistant Water Commissioner

Enclosure
pc:

STATE OF KANSAS } SS
KEARNY COUNTY }



INDEXED
RECEPTION ✓
COMPUTER ✓
DIRECT ✓
INDIRECT ✓
NUMERICAL ✓
ORIG. COMP ✓

This instrument was filed for record on the
13th day of March A.D. 2023 at
11:30 o'clock A.M., and duly recorded in
Book 313 of record, at Page 772
Melissa Genitzen
REGISTER OF DEEDS
By _____ Deputy
Rec. Fee \$ 38.00

Entered in Transfer Record in my Office this
13th day of March A.D. 2023
Rosie Yakeel, Deputy
County Clerk

RECORDING INFORMATION

WARRANTY DEED

GLENN DALE JOHNSON (a/k/a Glenn D. Johnson) and LORNA MARGARET JOHNSON, husband and wife, *Grantors*

CONVEY AND WARRANT TO

QUALITY HAY, L.L.C., a Kansas limited liability company, *Grantee*

All of the following described real estate in the County of KEARNY and the State of KANSAS, including all water rights appurtenant thereto, to-wit:

- 1) The Northwest Quarter (NW¼) of Section Seven (7), Township Twenty-five (25) South, Range Thirty-five (35) West of the 6th P.M., Kearny County, Kansas, EXCEPT the following two tracts, described as follows:

27342-01

Tract No. 1: Beginning at the Northwest corner of said Northwest Quarter (NW¼); thence South along the section line a distance of 735 feet; thence Northeasterly a distance of 1039.45 feet to a point on the North section line; thence West 735 feet along the North section line to the point of beginning, containing 6.2 acres, more or less.

Tract No. 2: Beginning at the Northwest corner of said Section Seven (7); thence on an assumed bearing of North 89°40'08" East, on the North line of said Section Seven (7), for a distance of 735.00 feet to a 1/2" rebar with pink plastic cap "Palmberg PS1382" and the Point of Beginning; thence continuing on a bearing of North 89°40'08" East, on said North line, for a distance of 47.52 feet to a 1/2" rebar with pink plastic cap "Palmberg PS1382"; thence on a bearing of South 44°53'09" West for a distance of 1110.83 feet to the West line of said Section Seven (7) and a 1/2" rebar with pink plastic cap "Palmberg PS1382"; thence on a bearing of North 0°06'09" East, on said West line, for a distance of 47.52 feet to 1/2" rebar with pink plastic cap "Palmberg PS1382"; thence on a bearing of North 44°53'09" East for a distance of 1043.37 feet to the said North line and the Point of Beginning, as prepared by Duane K. Palmberg, PS1382 on March 17, 2022.

- 2) The Southwest Quarter (SW¼) of Section Seven (7), Township Twenty-five (25) South, Range Thirty-five (35) West of the 6th P.M., Kearny County, Kansas.

27342-02

RECEIVED

APR 03 2023

Garden City Field Office
Division of Water Resources

WARRANTY DEED

For the sum of Ten Dollars (\$10.00) and other good and valuable consideration.

EXCEPT AND SUBJECT TO: Oil and gas leases, easements, restrictions, covenants, mineral reservations and rights-of-way of record.

Dated: 3/13/23

Glenn Dale Johnson
GLENN DALE JOHNSON

Lorna Margaret Johnson
LORNA MARGARET JOHNSON

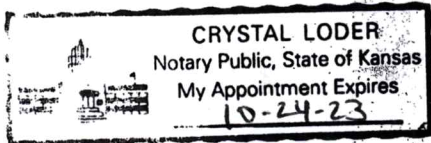
STATE OF KANSAS)
) ss.
COUNTY OF Kearny)

THE FOREGOING INSTRUMENT was acknowledged before me this 13th day of March, 2023, by GLENN DALE JOHNSON and LORNA MARGARET JOHNSON, husband and wife.

Signature: Crystal Loder
[Notary Public]

Name: Crystal Loder
[Printed or Typed]

My Appointment Expires: 10/24/23



RECEIVED
APR 03 2023
Garden City Field Office
Division of Water Resources

Buyer's Settlement Statement

Frazee Abstract & Title, Inc
 301 North Main, PO Box 413
 Syracuse, KS 67878
 Phone: 620-384-7828 Fax: 620-384-6759

Date: 03/08/23 **Time:** 12:36:56PM **Escrow no.:** 23-0105
Close of escrow: 03/13/23 **Escrow officer:** Crystal Loder
Buyer: Quality Hay, L.L.C.
Seller: Glenn Dale Johnson and Lorna Margaret Johnson
Property location: NW/4 7-25-35 except tract; SW/4 7-25-35
 Kearny County, KS 67860

	Buyer	
	Debit	Credit
Financial Consideration		
Contract sales price	599,344.39	
Purchase money note		548,010.32
Escrow Charges		
Closing Fee to Frazee Abstract & Title, Inc	400.00	
Courier Fee to Frazee Abstract & Title, Inc	50.00	- rchd
Title Charges		
Search Fee to Frazee Abstract & Title, Inc	250.00	
Owner's policy premium to Frazee Abstract & Title, Inc	1,323.80	
Policies issued:		
Owners Policy		
Coverage: 599,344.39	1,323.80	
Version: ALTA Owners Policy (06/17/06)		
Recording Charges		
Recording fees to Kearny County Register of Deeds	93.00	
Subtotals	601,461.19	548,010.32
Balance Due FROM Buyer		53,450.87
TOTALS	601,461.19	601,461.19

Buyer

Quality Hay, L.L.C.

BY: *Darin T. Smith*
 Darin T. Smith
 Member

Crystal Loder
 Frazee Abstract & Title, Inc
 Settlement Agent

RECEIVED

APR 03 2023

Garden City Field Office
 Division of Water Resources