

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

1. File Number: 7362	2. Status Change Date: <i>12-18-2023</i>	3. Change Num: C4	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: 12/08/2023
8a. Landowner, applicant New to system <input type="checkbox"/> MILLER FARMS OF DEERFIELD INC Attn: MONTE R MILLER 2413 ROAD Y DEERFIELD, KS 67838		8c. Landowner(s) New to system <input type="checkbox"/> Person ID <u>29267</u> Add Seq# _____		
8b. Landowner(s) New to system <input type="checkbox"/> SHIRLEY A TILLOTSON REV TRUST PO BOX 366 ULYSSES, KS 67880-0366		8d. WUC New to system <input type="checkbox"/> 8a Person ID <u>29267</u> Add Seq# _____		
9. Documents and Enclosure(s): <input checked="" type="checkbox"/> DWR Meter(s) Date to Comply: <u>12/31/2024</u> <input type="checkbox"/> N & P Date to Comply: _____ <input type="checkbox"/> Anti-Reverse Meter <input type="checkbox"/> Meter Seal <input checked="" type="checkbox"/> Check Valve <input 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: 12/18/2023 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 18, 2023

MILLER FARMS OF DEERFIELD INC
Attn: MONTE R MILLER
2413 ROAD Y
DEERFIELD, KS 67838

RE: Field Office Application for Change
Water Right, File Nos. 6609, 7362, 21239, 23453, 26249, 27703

Dear Sir:

Enclosed are orders executed by the designee of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the applications for change under the above referenced file numbers.

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in this approval for change. Conditions of these approvals are that an acceptable water flow meter must be installed on the diversion works authorized under the referenced file numbers 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. Please note the additional condition attached to File No. 26,249 that effectively reduced the annual authorized quantity as requested.

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 "Michael A. Meyer".

Michael A. Meyer
Water Commissioner

MAM:
enclosures

pc:
SHIRLEY A TILLOTSON REV TRUST
GMD3

CERTIFICATE OF SERVICE

On this 18th day of December 2023, I hereby certify that the foregoing Approvals of Application for Change in Place of Use, Water Right, File Nos. 6609, 7362, 21239, 23453, 26249, 27703 dated 18th day of December 2023 was mailed postage prepaid, first class, US mail to the following:

MILLER FARMS OF DEERFIELD INC
Attn: MONTE R MILLER
2413 ROAD Y
DEERFIELD, KS 67838

Pc:

SHIRLEY A TILLOTSON REV TRUST
PO BOX 366
ULYSSES, KS 67880-0366

GMD3



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. 7362

RECEIVED
 10:41 AM
 DEC 08 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: Miller Farms of Deerfield Inc. %Monte Miller

2413 Road Y, Deerfield, KS 67838

Phone Number: (620)271-2134

Email address: _____

Name and address of Water Use Correspondent: SAME

Phone Number: () _____

Email address: _____

3. The presently authorized place of use is:

Owner of Land --- NAME: Miller Farms of Deerfield Inc. %Monte Miller

ADDRESS: 2413 Road Y, 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	
20	23s	35w	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	640.0
21	23s	35w												34.0	34.0	34.0	34.0	34.0	272.0
27	23s	35w					40.0	40.0	40.0	40.0	40.0	40.0	40.0						320.0

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: Miller Farms of Deerfield Inc. %Monte Miller

ADDRESS: 2413 Road Y, 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		
20	23s	35w	31.25	31.25	31.25	31.25	31.25	31.25	31.25	31.25	31.25	31.25	31.25	31.25	31.25	31.25	31.25	31.25	31.25	500.0
21	23s	35w												31.25	31.25	31.25	31.25	31.25	250.0	
27	23s	35w					40.0	40.0	40.0	40.0	40.0	40.0	40.0						320.0	

For Office Use Only: Code _____ Fee \$ 200.00 TR # _____ Receipt Date 12-8-23 Check # 002225

APPLICATION FOR APPROVAL TO CHANGE
THE PLACE OF USE AND/OR POINT OF DIVERSION
SUPPLEMENTAL SHEET
FILE NO. 7362
MAKE ADDITIONAL COPIES AS NECESSARY

3. *Continued:* The presently authorized place of use is:
Owner of Land — NAME: Miller Farms of Deerfield Inc. %Monte Miller
ADDRESS: 2413 Road Y, Deerfield, KS 67838

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		
28	23s	35w									1.0				9.0	36.0	36.0	40.0	40.0	162.0
34	23s	35w					40.0	40.0	40.0	40.0									160.0	

Owner of Land — NAME: Shirley A Tillotson Rev Trust
ADDRESS: PO Box 366, Ulysses, KS 67880

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	
28	23s	35w	34.0	34.0	34.0	34.0	34.0	34.0	34.0	34.0									272.0

Owner of Land — NAME: _____
ADDRESS: _____

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. *Continued:* 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: Miller Farms of Deerfield Inc. %Monte Miller
ADDRESS: 2413 Road Y, Deerfield, KS 67838

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	
28	23s	35w									22.5	22.5	22.5	22.5	31.5	31.5	31.5	31.5	216.0
34	23s	35w					31.5	31.5	31.5	31.5									126.0

Owner of Land — NAME: Shirley A Tillotson Rev Trust
ADDRESS: PO Box 366, Ulysses, KS 67880

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	
28	23s	35w	34.0	34.0	34.0	34.0	34.0	34.0	34.0	34.0									272.0

Owner of Land — NAME: _____
ADDRESS: _____

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	

5. **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 _____

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) Rearrange the acres to better
describe the acres on some of the pivot and
add 90acre pivot in SW of 28

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

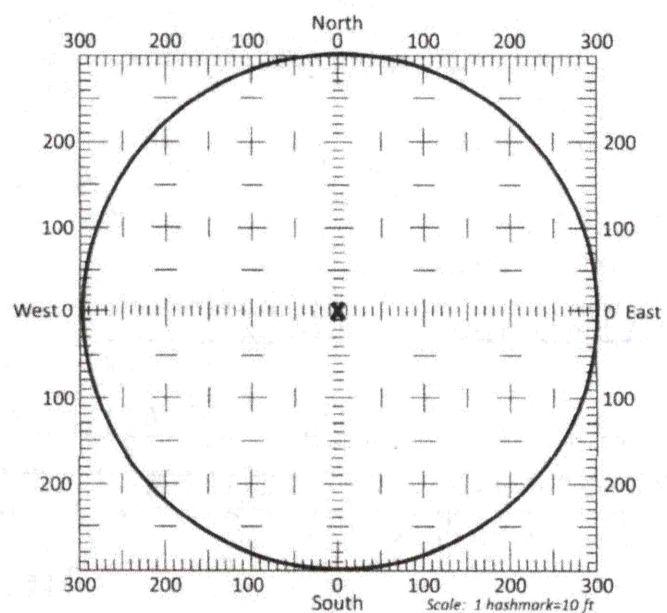
9. The change(s) (was)(will be) completed by?
NA

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

11. Groundwater Management District recommendation attached?
 Yes No

12. Assisted by GMD3/JLN

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.)

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).

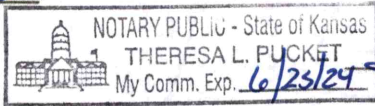
I hereby verify, being first duly sworn upon my oath or affirmation and under penalty of perjury, that I am of lawful age and the owner, the spouse of the owner, or a duly authorized agent of the owner(s) to make this application on their behalf, in regards to the water right(s) to which this application pertains. I further verify that the statements contained in this application are true, correct and complete.

Dated at Ulysses, Kansas, this 8th day of December, 20 23.

<u>Monte Miller</u>	
(Owner)	(Spouse)
<u>Monte Miller</u>	
(Please Print)	(Please Print)
<u>Shirley A. Jellison</u>	
(Owner)	(Spouse)
<u>Shirley A. Tillotson</u>	
(Please Print)	(Please Print)
(Owner)	(Spouse)
(Please Print)	(Please Print)

State of Kansas }
 County of Grant } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 8th day of December, 20 23.



Theresa L. Pucket
 Notary Public

My Commission Expires 6/25/24

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. 7362.

1. A change application was received on December 8, 2023 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 _____ 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 _____ 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, 2024, 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, 20_____, or within any authorized extension of time. By March 1, 20____ 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: Michael A. Meyer
Duly Authorized Designee of the Chief Engineer
(Print Name): MICHAEL A. MEYER
Division of Water Resources - Kansas Department of Agriculture
Date of Issuance: December 18, 2023
State of Kansas)
County of Linney) SS
Acknowledged before me on December 18, 2023
by Michael A. Meyer
Signature: Aaron Holsted

My commission expires: _____


Change App. PU, File No. 7362



S18-T23S-R35W

S17-T23S-R35W

16123 ID 6

S16-T23S-R35W

S15-T23S-R35W

S14-T23S

18570 ID 5

28356 ID 2 6607 ID 2

28846 ID 4

20220315 ID 1 345 ID 1

21239 ID 3

25417 ID 5

25417 ID 7

25417 ID 6

20220037 ID 11

25417 ID 11

27276 ID 8

1588 ID 8

18123 ID 8

9672 ID 1

S19-T23S-R35W

S20-T23S-R35W

S21-T23S-R35W

S22-T23S-R35W

S23-T23S

23453 ID 9

23453 ID 10

20730 ID 4

11450 ID 2

851
112

S30-T23S-R35W

S29-T23S-R35W

S28-T23S-R35W

S27-T23S-R35W

S26-T23S

23453 ID 1

23453 ID 2

18274 ID 4

KE 6 ID 3

7362 ID 5

6809 ID 6

Authorized
Proposed

KE 8 ID 7 KE 9 ID 7
KE 10 ID 7 KE 11 ID 7

KE 7 ID 1

5462 ID 2

15837 ID 3 KE 13 ID 3

27703 ID 5

S31-T23S-R35W

S32-T23S-R35W

S33-T23S-R35W

S34-T23S-R35W

S35-T23S

28219 ID 2

11246 ID 8 1856 ID 8

20220002 ID 3 KE 12 ID 3

28219 ID 1

7987 ID 7

9941 ID 2

27911 ID 7

272

27967 ID 4

S6-T24S-R35W

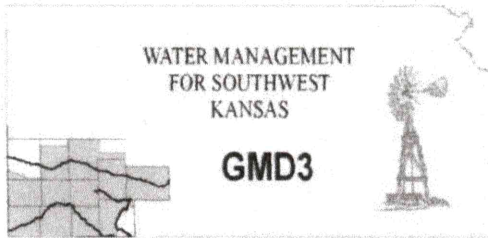
S5-T24S-R35W

S4-T24S-R35W

Scale: 1"=2000'

S3-T24S-R35W

S2-T24S



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

December 7, 2023

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

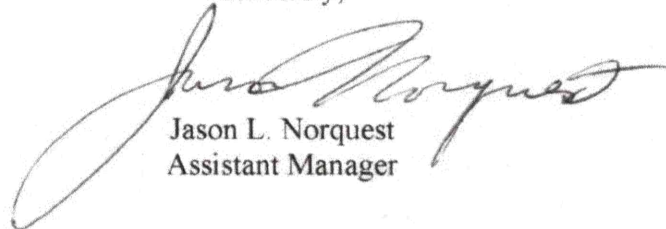
RE: Applications for Change in Place of Use
Water Right, File Nos. 6609, 7362, 21239, 23453, 26249, & 27703

Dear Mike:

We have assisted with 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 rearrange the acres to more accurately describe the wetted acres and bring in a new reduced pivot while maintaining a complete overlap in authorized place of use in accordance with K.A.R. 5-5-11(b). 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

RECEIVED

DEC 08 2023

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

Meyer, Mike [KDA]

To: Jason Norquest; McColloch, Austin [KDA]
Subject: RE: Miller

See below Bro

From: Jason Norquest <norquest@gmd3.org>
Sent: Friday, December 1, 2023 1:38 PM
To: Meyer, Mike [KDA] <Mike.Meyer@ks.gov>; McColloch, Austin [KDA] <Austin.McColloch@ks.gov>
Subject: Miller

EXTERNAL: This email originated from outside of the organization. Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Afternoon gentlemen (and I say that with a straight face).

Got thrown some possible change apps for Monte Miller. Wanting to add a small pivot on a quarter he just bought. When you get a chance, could you get me the base acres for:

6609 - **307**

7362 - **312**

21239 - **275**

23453 - **520**

26249 – 315 but only **260** acres additional to File No. 21239 when combined.

27703 – 152 but **0** additional, same acres under File No. 7362

Total base = **1674 total base combined acres.**

He had change apps approved on these in 2020, but that was just for a complete overlap at the time.

Thank you much.

Jason Norquest

Assistant Manager, GMD3

Cell: 620-271-1289