

File No. 23384	13. County: GY Basin: BUCKNER CREEK Stream:		
Structures File No:	Aquifer Code:	Special Use Area:	

14. Points of Diversion, Rates & Quantities

PDIV	Qualifier	S	T	R	ID	'N	'W	Comment (AKA Line)	Qty		Rate		Storage Qty		Storage Rate		Overlaps	
									Auth	Add	Auth	Add	Auth	Add	Auth/Add			
CHK	25677																	

15. Limitations Type: Quantity: Rate: combined with file no(s):
 Type: Quantity: Rate: combined with file no(s):

16. Metering Metering Required Anti-Reverse Required Seal Required Compliance Date: 12/31/2025

17. Place of Use		NE¼				NW¼				SW¼				SE¼				Total	Owner(s)	Chg?	Overlaps
PUSE	ID	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE				
ENT	32570 32 24S 27W 1	31.5	31.5	31.5	31.5					31.5	31.5	31.5	31.5	31.5	31.5	31.5	31.5	378	5a	<input type="checkbox"/>	**
ENT	8073 29 24S 27W 2			6.4	3.7	4	35	40	12	6.4			3.7	35.6	39.5	35.6	29.1	251	5a	<input type="checkbox"/>	**
DEL	40622																			<input type="checkbox"/>	
																				<input type="checkbox"/>	
CHK		STK PUSE IDs 20459; 30505; 70045 & 70046																		<input type="checkbox"/>	
																				<input type="checkbox"/>	

18. Point of Diversion and Place of Use Overlaps

* + # ^	** 21114; 23384; 29068; 29113; 31670; 51252 (PENDING) ++ ## ^^
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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

October 31, 2024

HEMINK FARMS LTD
2635 CR 521
HART, TX 79043

RE: Filed Office Application for Change
Water Right, File Nos. 21114; 23384; 29068; 29113 & 31670

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, appearing to read "Austin J. McColloch".

Austin J. McColloch
Assistant Water Commissioner

AM:
enclosures

pc: Arch & Michelle Frink
GMD 3

CERTIFICATE OF SERVICE

On this 31st day of October, 2024, I hereby certify that the foregoing Approval of Application for Change in Place of Use, Water Right, File Nos. 21,114, 23,384, 29,068, 29,113 and 31,670 dated 31st day of October, 2024 was mailed postage prepaid, first class, US mail to the following:

HEMINK FARMS LTD
2635 CR 521
HART, TX 79043

Pc:

ARCH B & MICHELLE FRINK
PO BOX 1088
CIMARRON, KS 67835-1088

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. 23384

RECEIVED

OCT 29 2024

11:31 am

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: HEMINK FARMS LTD

2635 CR 521 HART TX 79043

Phone Number: (806) 240-5852

Email address: lars@spandetdairy.com

Name and address of Water Use Correspondent: ARCH B & MICHELLE FRINK

PO BOX 1088 CIMARRON KS 67835 - 1088

Phone Number: (620) 338-3514

Email address: afrink14@hotmail.com

3. The presently authorized place of use is:

Owner of Land ---- NAME: HEMINK FARMS LTD

ADDRESS: 2635 CR 521 HART TX 79043

(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	
29	24S	27W					4	35	40	12									91

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: HEMINK FARMS LTD

ADDRESS: 2635 CR 521 HART TX 79043

(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	
32	24S	27W	31.5	31.5	31.5	31.5					31.5	31.5	31.5	31.5	31.5	31.5	31.5	31.5	378
29	24S	27W			6.4	3.7	4	35	40	12	6.4			3.7	35.6	39.5	35.6	29.1	251

For Office Use Only: Code CPU Fee \$ 200.00 TR # _____ Receipt Date 10-29-24 Check # 016549

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) CREATE A COMPLETE OVERLAP
IN PLACE OF USE WR 21114; 23384; 29068; 29113 &
31670 – REMOVE 50 ACRES IN NW/4 SECTION 32

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

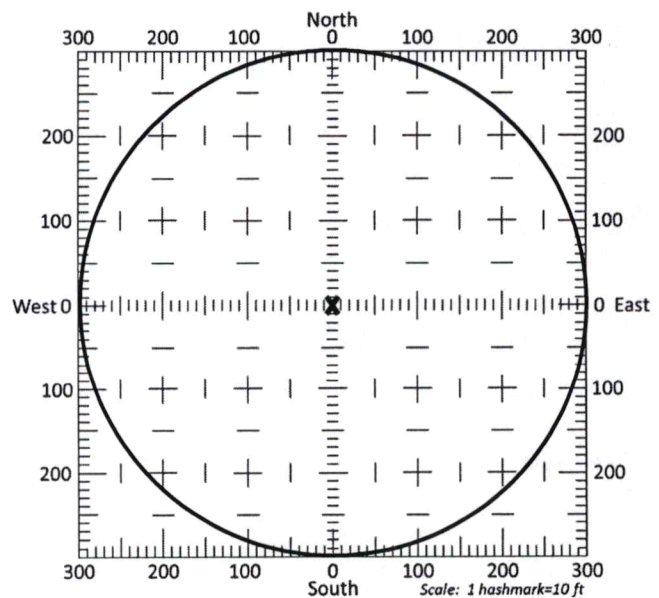
9. The change(s) (was)(will be) completed by?
UPON APPROVAL

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

11. Groundwater Management District recommendation attached?
 Yes No

12. Assisted by AM / 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.)**

APPLICATION FOR APPROVAL TO CHANGE
THE PLACE OF USE AND/OR POINT OF DIVERSION
SUPPLEMENTAL SHEET
FILE NOS. 21114; 23384; 29068; 29113 & 31670
MAKE ADDITIONAL COPIES AS NECESSARY

3. *Continued:* The presently authorized place of use is:

Owner of Land ---- NAME: HEMINK FARMS LTD

ADDRESS: 2635 CR 521 HART TX 79043

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	
31	24S	27W					DAIRY & LIVESTOCK (NE) & (NW SE)												
32	24S	27W					DAIRY & LIVESTOCK (NW)												
30	24S	27W					DAIRY & LIVESTOCK (S2 SE)												
29	24S	27W					DAIRY & LIVESTOCK (S2 SW)												

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: HEMINK FARMS LTD

ADDRESS: 2635 CR 521 HART TX 79043

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	
31	24S	27W					DAIRY & LIVESTOCK (NE) & (NW SE)												
32	24S	27W					DAIRY & LIVESTOCK (NW)												
30	24S	27W					DAIRY & LIVESTOCK (S2 SE)												
29	24S	27W					DAIRY & LIVESTOCK (S2 SW)												

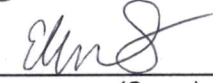
14. If the proposed groundwater point of diversion is 300 or fewer feet from the existing point of diversion, complete the following:

- (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).

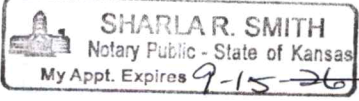
I hereby verify, being first duly sworn upon my oath or affirmation and under penalty of perjury, that I am of lawful age and the owner, the spouse of the owner, or a duly authorized agent of the owner(s) to make this application on their behalf, in regards to the water right(s) to which this application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

Dated at Cimarron, Kansas, this 25th day of October, 2024.

	
(Owner)	(Spouse)
<u>Ellen Schilderink</u> <u>Manager</u>	
(Please Print)	(Please Print)
(Owner)	(Spouse)
(Please Print)	(Please Print)
(Owner)	(Spouse)
(Please Print)	(Please Print)

State of Kansas }
County of Gray } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 25th day of October, 2024.



Sharla R. Smith
Notary Public

My Commission Expires 9-15-26.

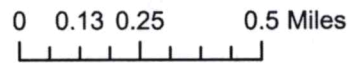
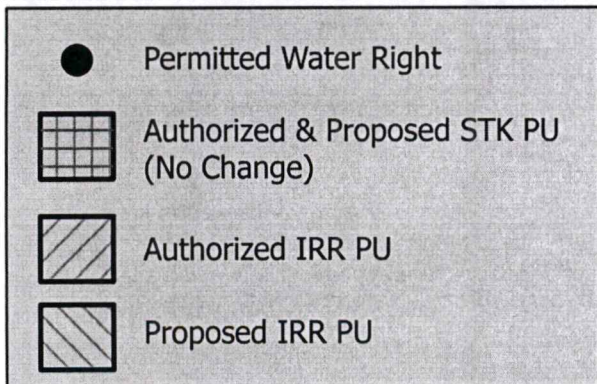
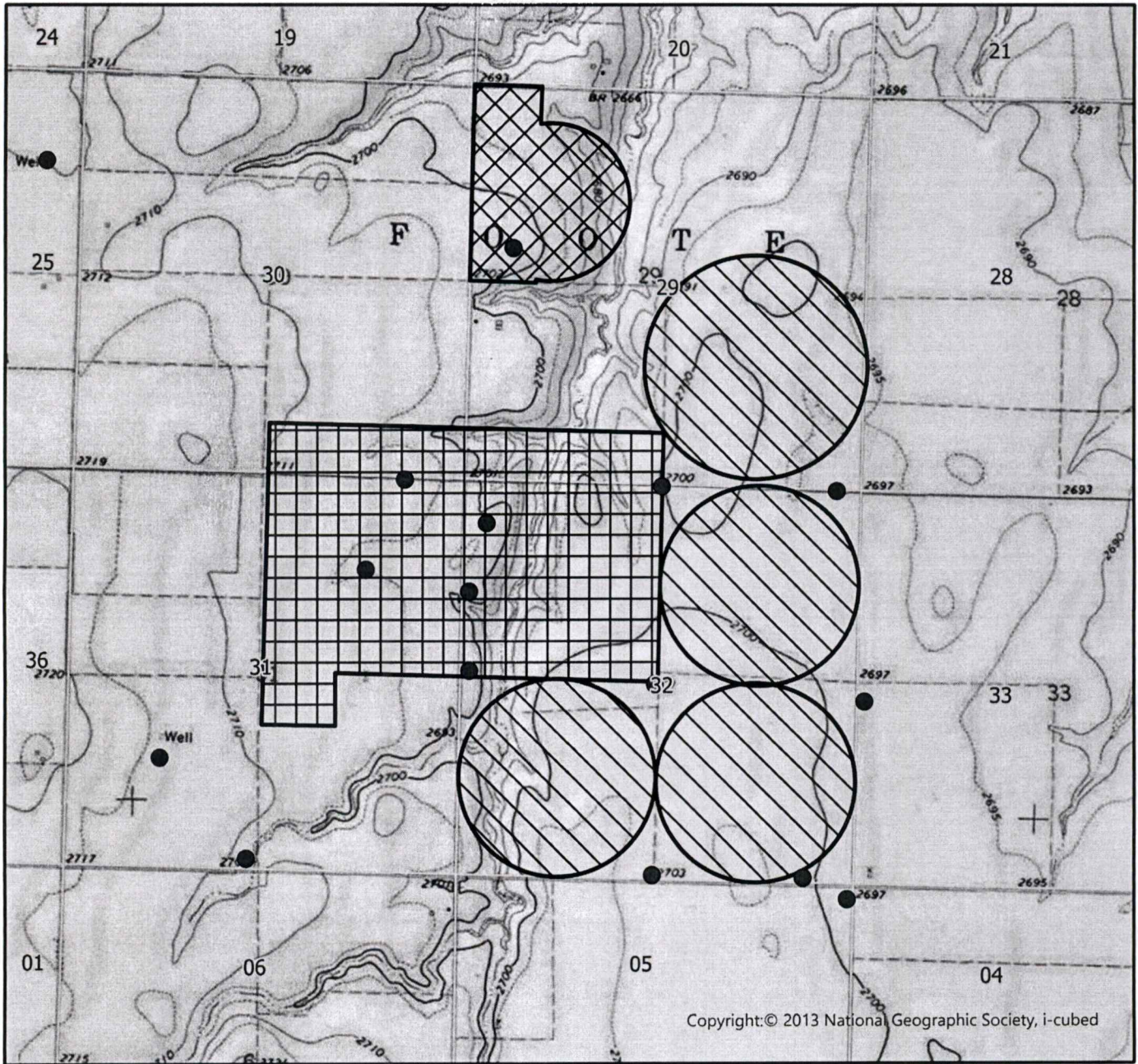
ONLY COMPLETE APPLICATIONS WILL BE PROCESSED. To be complete, all of the applicable portions of the application form must be completed with accurate information; maps, if necessary, must be included; signatures of all the appropriate owners' must be affixed to the application and notarized; and the appropriate 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

CHANGE IN PLACE OF USE WATER RIGHT, FILE NO. 23384



Sections 29 & 32
Township 24 South
Range 27 West
Gray County

McColloch, Austin [KDA]

From: Marsha Shoemaker <mshoemaker@enviroag.com>
Sent: Monday, October 21, 2024 1:39 PM
To: McColloch, Austin [KDA]
Subject: RE: Pending Application 51252

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.

Yes, that is my intention. Should I put both under the WUC section?

Thanks,
Marsha

From: McColloch, Austin [KDA] <Austin.McColloch@ks.gov>
Sent: Monday, October 21, 2024 1:37 PM
To: Marsha Shoemaker <mshoemaker@enviroag.com>
Subject: RE: Pending Application 51252

I just want to clarify who the water use correspondents will be. Currently Arch is WUC for all IRR portions (except 21114 this is still Hemink Farms Ltd). Do we want Arch as the WUC for all files (IRR portion) and Spandet Dairy LLC as WUC for STK side of things?

Austin McColloch
Garden City Field Office
Ph: (620) 276-2901

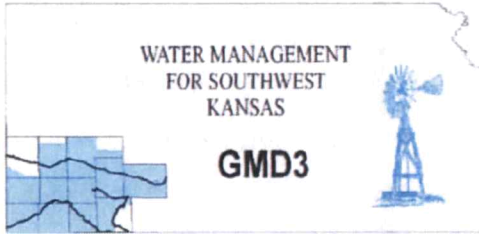
From: Marsha Shoemaker <mshoemaker@enviroag.com>
Sent: Monday, October 21, 2024 8:06 AM
To: McColloch, Austin [KDA] <Austin.McColloch@ks.gov>
Subject: RE: Pending Application 51252

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.

Austin - As we discussed last week, attached is our drafted application to correct the overlaps for your quick review prior to getting them signed.

Thanks,
Marsha

From: McColloch, Austin [KDA] <Austin.McColloch@ks.gov>
Sent: Thursday, October 17, 2024 10:20 AM



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

October 31, 2024

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

RECEIVED

OCT 31 2024

Garden City Field Office
Division of Water Resources

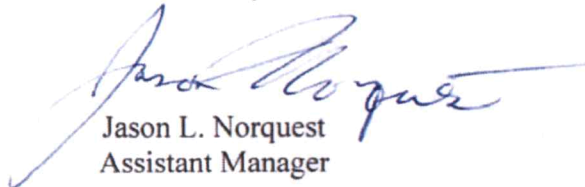
RE: Applications for Change in Place of Use
Water Right, File Nos. 21114, 23384, 29068, 29113 & 31670

Dear Austin:

We have reviewed the applications for the above referenced water rights. The proposal is not in conflict with the Management Program of the Southwest Kansas Groundwater Management District No. 3 (GMD3). In accordance with K.A.R. 5-5-11(b), the proposed acres are within the allowance of the base acres for the water right and will make a complete overlap for both water rights. 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): 21114, 23384, 29068, 29113, 31670.

DWR office: GC.

App filed to change: PU.

Is Landowner(s) correct in WRIS: Hemink Farms LTD.

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	
$a^2 + b^2 = c^2$	0	0	0

GPS for proposed PD: Lat: ___ Long: ___.

Is proposed PD stacking on existing WRs? No Change.

Is Proposed PU overlapping existing WRs? Overlap the WRs & 51252.

Neighboring certified well(s) notified: ___.

Name ___.

Address ___.

Zip ___.

Email: ___. Phone: ___.

Domestic well(s) notified: ___.

Name ___.

Address ___.

Zip ___.

Base Acres: ___.

Perfected Acres: ___.

Irr. Return-Flow ___%

Gray County

Changes to the IRR acres

21114: 240AF @ 900gpm

428acres Mainly in NE, SW &, SE 32-24-27

23384: 180AF @ 475gpm, Limited to 160.74AF dual use

91acres NW, 29-24-27

29068: 240AF @ 1070gpm

Same acres currently as 21114

29113: 240AF @ 1070gpm, Limitation for dual use with other WRs

Same 428acres listed above

160acres in 29-24-27

GMD3 Change Review

**31670: 240AF @ 775gpm, Limitation for dual us with other WRs
Same 428 acres**

Proposed:

378acre in 32-24-27

251acres in 29-24-27

This will make a complete overlap between all the water rights and also bring in complete overlap with 51252.

Is a waiver needed: No, proposal cleans up the PU for the water rights and makes a complete overlap. All within the rules

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



Garden City Field Office
4532 W. Jones, Suite B
Garden City, KS 67846

Mike Beam, Secretary



Phone: 620-276-2901
Fax: 620-276-9315
www.agriculture.ks.gov

Laura Kelly, Governor

October 29, 2024

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

Re: Request for Recommendation,
File Nos. 21114, 23384, 29068, 29113 & 31670

Dear Sir or Madam:

We are enclosing a copy of the referenced application, which was submitted by Hemink Farms LTD 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: