

NOTICE

This scan only represents the application as filed. The information contained herein meets the requirements of K.A.R. 5-3-1 or K.A.R. 5-5-1, and has been found acceptable for filing in the office of the Chief Engineer. The application should not be considered to be a complete application as per K.A.R. 5-3-1b or K.A.R. 5-5-2a.

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. 2361-00

RECEIVED
 1:53 PM
 OCT 21 2024

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: Royal Farms Dairy, LLC

3705 F RD HRC, Garden City, KS 67846-9231

Phone Number: (620)335-5454

Email address: _____

Name and address of Water Use Correspondent: Royal Farms Dairy, LLC

3705 F RD HRC, Garden City, KS 67846-9231

Phone Number: (620)335-5454

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 C6T Fee \$ 200.00 TR # _____ Receipt Date 10-21-24 Check # 035670

5. **Presently authorized point of diversion:**
 One in the NW Quarter of the NW Quarter of the SW Quarter
 of Section 10 , Township 24 South, Range 31 W,
 in Finney 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. 1 GPS 2430 feet North 5207 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 SE Quarter of the SW Quarter of the SW Quarter
 of Section 10 , Township 24 South, Range 31 W,
 in Finney County, Kansas, 61 feet North 4045 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)

downstream and one-half mile upstream from your property lines

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

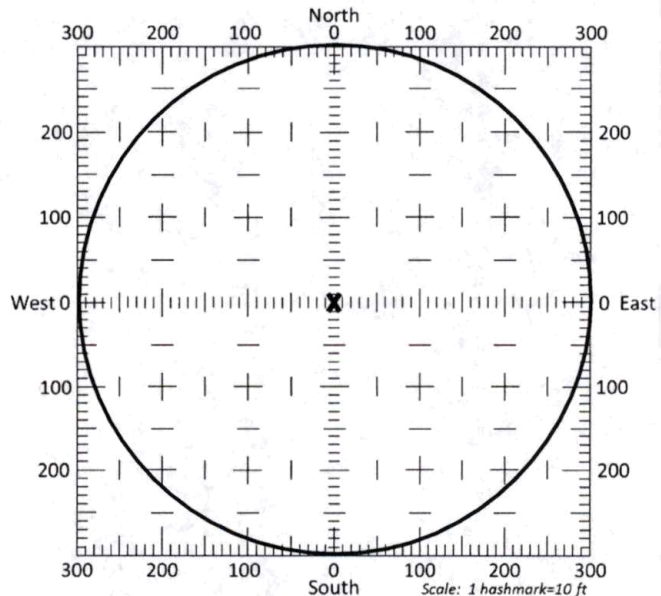
9. The change(s) (was)(will be) completed by?

10. If the point of diversion is a well:
(a) What are you going to do with the old well?
 Potentially move 14342 PD to the old well.
(b) When will this be done? Within 12 months of completion
 of the new PD for 2361.

11. Groundwater Management District recommendation attached?
 Yes No

12. Assisted by JG/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



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.)**

NASH WATER WELL SERVICE, LLC
 PO Box 1388
 710 W AVE A
 CIMARRON KS 67835
 620-277-5657

OWNER: ROYAL DAIRY

LATITUDE: 37.973918
 LONGITUDE: 100.715086

DEPTH OF TEST HOLE DRILLED: 281'
 JOB NAME: TEST HOLE #2 (STRAIGHT S. PIVOT SECTION 10 SW CORNER T24 R31)
 DATE: 7-23-24

LITHOLOGIC LOG INFORMATION:

<u>FROM</u>	<u>TO</u>	<u>LITHOLOGIC LOG</u>	
0'	6'	TOP SOIL	
6'	33'	TAN CLAY AND FINE SAND	
33'	42'	TAN REDISH CLAY AND FINE SAND	
42'	51'	TAN/WHITE CLAY AND FINE SAND AND COLACHIE	
51'	72'	FINE COURSE SAND WITH SMALL TO LARGE GRAVEL WITH SOME COBLE	
72'	76'	CEMENTED SAND ROCK LAYER	
76'	86'	TAN CLAY AND FINE SAND	
86'	100'	FINE COURSE SAND WITH TAN CLAY LAYERS	
100'	120'	FINE COURSE SAND	
120'	140'	TAN/WHITE CLAY WITH COLACHIE AND FINE MEDIUM SAND	
140'	150'	FINE COURSE SAND AND TAN CLAY	
150'	170'	TAN CLAY AND FINE SAND	
170'	200'	FINE COURSE SAND WITH SMALL GRAVEL AND THIN STREAKS OF TAN/BROWN CLAY	
200'	240'	FINE COURSE SAND WITH SMALL GRAVEL STREAKS WITH A COUPLE LAYERS OF CLAY	MEDIUM/LOOSE 95%
240'	260'	FINE COURSE SAND WITH TAN CLAY	MEDIUM 70%
260'	264'	WHITE LOOSE ROCK WITH FINE TO COURSE SAND	LOOSE 90%
264'	272'	TAN/GRAY/BROWN CLAY WITH FINE SAND STREAKS	MEDIUM/TIGHT 40%
272'	281'	BLUE/GRAY CLAY AND SHALE	

ROYAL FARMS

SW 10-24S-31W FINNEY CO.
WR32361

Legend

Royal Farms SW 10-24S-31W Finney Co. WR# 2361 El. 2896

Royal Farms Nash TH#1 SW 10-24S-31W Finney Co. El. 2889 37.974049, -100.716969

Royal Farms / Nash TH#2 SW 10-24S-31W Finney Co. El. 2888, 37.973912, -100.715089

SW 15-24S-31W Finney Co. WR# 5476

Royal Farms / Nash TH#3 NW 15-24S-31W Finney Co.

Google Earth

Image © 2024 Airbus



3000 ft

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 21st day of October, 2024.

<p><u>Kyle S Averhoff, Manager</u> <small>(Owner)</small></p> <p>_____ <small>(Spouse)</small></p> <p><u>Kyle S Averhoff, Manager</u> <small>(Please Print)</small></p> <p>_____ <small>(Please Print)</small></p> <p>_____ <small>(Owner)</small></p> <p>_____ <small>(Spouse)</small></p> <p>_____ <small>(Please Print)</small></p> <p>_____ <small>(Please Print)</small></p> <p>_____ <small>(Owner)</small></p> <p>_____ <small>(Spouse)</small></p> <p>_____ <small>(Please Print)</small></p> <p>_____ <small>(Please Print)</small></p>	<p>_____ <small>(Spouse)</small></p> <p>_____ <small>(Please Print)</small></p> <p>_____ <small>(Please Print)</small></p> <p>_____ <small>(Spouse)</small></p> <p>_____ <small>(Please Print)</small></p> <p>_____ <small>(Spouse)</small></p> <p>_____ <small>(Please Print)</small></p>
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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 21 day of October, 2024.

Victoria Trevino
 Notary Public

My Commission Expires 07/22/2027

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. _____.

- 1. A change application was received on _____ 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, 20_____, 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: _____
Duly Authorized Designee of the Chief Engineer

(Print Name): _____
Division of Water Resources - Kansas Department of Agriculture

Date of Issuance: _____

State of Kansas)
County of _____) SS

Acknowledged before me on _____
by _____

Signature: _____
Notary Public

My commission expires: _____
(Notary Seal)

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 25, 2024

FANSHER INC
811 N MAIN ST STE A
GARDEN CITY, KS 67846-5487

RE: Application for Change
Water Right, File Nos. 2361

Dear Sir or Madam:

This is to advise you that Royal Farms Dairy LLC has filed an application for approval of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, to change the point of diversion under the above referenced applications. An irrigation well is proposed to be relocated to the SW $\frac{1}{4}$ of Section 10, Township 24 South, Range 31 West, Finney County.

You can find the complete applications posted by water right file number as referenced above at:
www.Agriculture.ks.gov/DWRNotices

You are notified on this proposed point of diversion (well) so that you may furnish this office with any comments or other information you want to submit. Such comments or other information must be received in this office within 15 days from the date of this letter.

Should you have any questions, please feel free contact this office. If you would prefer, you could arrange an appointment for additional assistance. Please refer to the file number when you contact us if you wish to discuss a specific file.

Sincerely,

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

Austin J. McColloch
Assistant Water Commissioner

AM:

pc: