

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 To: CHIEF ENGINEER
Division of Water Resources
Kansas Department of Agriculture
1320 Research Park Drive
Manhattan, Kansas 66502
http://agriculture.ks.gov/dwr

**APPLICATION FOR APPROVAL TO
CHANGE THE PLACE OF USE, THE
POINT OF DIVERSION OR THE USE
MADE OF THE WATER UNDER AN
EXISTING WATER RIGHT**



State of Kansas

Filing Fee Must Accompany the Application
(Please refer to Fee Schedule on signature page of application form.)

Paragraph Nos. 1, 2, 3, 4 & 8 must be completed. Complete all other applicable portions. A topographic map or detailed plat showing the authorized and proposed points(s) of diversion and /or place of use must accompany this application.

1. Application is hereby made for approval of the Chief Engineer to change the

- Place of Use
- (Check one or more) Point of Diversion
- Use Made of Water

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KS DEPT OF AGRICULTURE

File No. 47816

2. Name of applicant: 4D Zeus LLC

Address: Dale Miller, 9000 Choctaw St

City, State and Zip: Union City OK 73090-6644

Phone Number: (405)206-3444 E-mail address: millerexcavation@gmail.com

What is your relationship to the water right; owner tenant agent other? If other, please explain. _____

Name of water use correspondent: 4D Zeus LLC

Address: Dale Miller, 9000 Choctaw St

City, State and Zip: Union City OK 73090-6644

Phone Number: (405) 206-3444 E-mail address: millerexcavation@gmail.com

3. The change(s) proposed herein are desired for the following reasons (please be specific): Add different acres to the place of use and create a place of use overlap with a proposed new application.

The change(s) (will be) completed by Spring 2022 (Date)

For Office Use Only:																	
F.O. Code	<u>2</u>	GMD	<u>GMD</u>	Meets K.A.R. 5-5-1	(YES / NO)	Use	<u>IRR</u>	Source	<u>G/S</u>	County	<u>BA</u>	By	<u>BMM</u>	Date	<u>2/7/22</u>	Check #	<u>1007</u>
			<u>CPU</u>			Fee \$	<u>200</u>	TR #		Receipt Date	<u>2-7-22</u>						

2/8/2022
LMoody

4. The presently authorized place of use is:

Owner of Land — NAME: 4D Zeus LLC

ADDRESS: Dale Miller, 9000 Choctaw St, Union City OK 73090-6644

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	
21	34S	11W	3			8													11
22	34S	11W					3	22	36	6									67
Total																	78		

List any other water rights that cover this place of use. none

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	

List any other water rights that cover this place of use. _____

(If there are more than two landowners, attach additional sheets as necessary.)

5. It is proposed that the place of use be changed to:

Owner of Land — NAME: 4D Zeus LLC

ADDRESS: Dale Miller, 9000 Choctaw St, Union City OK 73090-6644

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	
21	34S	11W	20.5	1	0.5	22.5													44.5
22	34S	11W					9.5	27	39	13									88.5
Total																	133		

List any other water rights that cover this place of use. proposed new application for permit to proceed File No.

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	

List any other water rights that cover this place of use. _____

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

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- 6. The presently authorized point(s) of diversion is a groundwater pit and diversion works
(Provide description and number of points)
- 7. The proposed point(s) of diversion (is) (are) No Change
(Provide description and number of points)

List all presently authorized point(s) of diversion:

8. **Presently authorized point of diversion:**
 One in the SW Quarter of the NE Quarter of the NE Quarter of Section 21, Township 34 South, Range 11 W, in Barber County, Kansas, 4,140 feet North 812 feet West of Southeast corner of section.
 Authorized Rate 1,000 gpm Authorized Quantity 94 AF
 (DWR use only: Computer ID No. 3 GPS N/A feet North N/A feet West)
 This point will not be changed This point will be changed 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 _____
 This point is: Additional Well Geo Center List other water rights that will use this point None

9. **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 _____
 (DWR use only: Computer ID No. _____ GPS _____ feet North _____ feet West)
 This point will not be changed This point will be changed 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 _____
 This point is: Additional Well Geo Center List other water rights that will use this point _____

10. **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 _____
 (DWR use only: Computer ID No. _____ GPS _____ feet North _____ feet West)
 This point will not be changed This point will be changed 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 _____
 This point is: Additional Well Geo Center List other water rights that will use this point _____

- 11. Describe the current condition of and future plans for any point(s) of diversion which will no longer be used. N/A

12. The presently authorized use of water is for Irrigation purposes.

It is proposed that the use be changed to No Change purposes.

13. If changing the place of use and/or use made of water, describe how the consumptive use will not be increased.

The increase in acres proposed will not increase consumptive use if the associated new application for additional quantity is approved.

(Please show any calculations here.)

14. It is requested that the maximum annual quantity of water be reduced to --- (acre-feet or million gallons).

15. It is requested that the maximum rate of diversion of water be reduced to --- gallons per minute (--- c.f.s.).

16. The application must include either a topographic map or detailed plat. A U.S. Geological Survey Topographic Map, scale 1:24,000, is available through the Kansas Geological Survey, 1930 Constant Avenue, University of Kansas, Lawrence, Kansas 66047-3726 (www.usgs.gov). The map should show the location of the presently authorized point(s) of diversion. Distances North and West of the Southeast corner of the section must be shown. The presently authorized place of use should also be shown. Identify the center of the section, the section lines and the section corners and show the appropriate section, township, and range numbers on the map. In addition the following information must also be shown on the map.

a. If a change in the location of the point(s) of diversion is proposed, show:

1) The location of the proposed point(s) of diversion. Distances North and West of the Southeast corner of the section must be shown. Please be certain that the information shown on the map agrees with the information shown in Paragraph Nos. 9, 10 and 11 of the application.

2) If the source of supply is groundwater, please show the location of existing water wells of any kind, including domestic wells, within 1/2 mile of the proposed well or wells. Identify each well as to its use and furnish name and mailing address of the property owner or owners. If there are no wells within 1/2 mile, please indicate so on the map.

3) If the source of supply is surface water, the names and mailing addresses of all landowner(s) 1/2 mile downstream and 1/2 mile upstream from your property lines must be shown.

b. If a change in the place of use is desired, show the proposed place of use by crosshatching on the map. Please be certain that the information shown on the map agrees with the information shown in Paragraph No. 5 of the application.

17. Attach documentation to show the change(s) proposed herein will not impair existing water rights and relates to the same local source of supply as to which the water right relates. This information may include statements, plats, geology reports, well logs, test hole logs, and other information as necessary information to show the above. Additional comments may be made below.

18. If the proposed change(s) does not meet all applicable rules and regulations of the Kansas Water Appropriation Act, please identify the rules and regulations for which you request a waiver. State the reason why a waiver is needed and why the request should be granted. Attach documentation showing that granting the request will not impair existing water rights and will not prejudicially and unreasonably affect the public interest.

No waivers are anticipated.

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

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Any use of water that is not as authorized by the water right or permit to authorize water **before** the chief engineer approves this application is a violation of the Kansas Water Appropriation Act for which criminal or civil penalties may be assessed. Such violation is a class C misdemeanor, punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. K.S.A. 82a-728(b). Civil penalties shall be not less than \$100 nor more than \$1,000 per violation. In the case of a continuing violation, each day such violation continues may be deemed a separate violation. In addition to these penalties the water right may be modified or suspended. K.S.A. 82a-737, as amended.

The application must be signed by all owners of the place of use authorized under the water right and his or her spouse, if married. Please indicate if there is no spouse. If land is being purchased under contract, the seller must sign as landowner until such time as the contract is completed.

In the event that all applicants cannot appear before one notary public, they may as necessary sign separate copies of the application before any notary public conveniently available to them. All copies signed in this manner shall be considered to be valid parts of the application.

If the request is signed on behalf of any Owner by someone with legal authority to do so (for example, an agent, one who has power of attorney, or an executor, executrix, conservator), it will be necessary to attach proper documents showing such authority.

I declare that I am an owner of the currently authorized place of use as identified herein, or that I represent all such owners and am authorized to make this application on their behalf, and declare further that the statements contained herein are true, correct, and complete. By filing this application I authorize the chief engineer to permanently reduce the quantity of water and/or rate of diversion as specified in sections 14 and 15 of this application.

Dated at Union City, Oklahoma, ~~Kansas~~, this 4th day of February, 2022.

Dale Miller
(Owner)

Deah Miller
(Spouse)

Dale Miller
(Please Print)

Deah Miller
(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

State of ~~Kansas~~ Oklahoma }
County of Canadian } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 4th day of February, 2022.

Lisa M. Stewart
Notary Public

My Commission Expires 3/15/2024

LISA M. STEWART
Notary Public
State of Oklahoma
Commission #00004282 Exp: 03/15/24

FEE SCHEDULE

Each application to change the place of use, the point of diversion or the use made of the water under this section shall be accompanied by the application fee set forth in the schedule below:

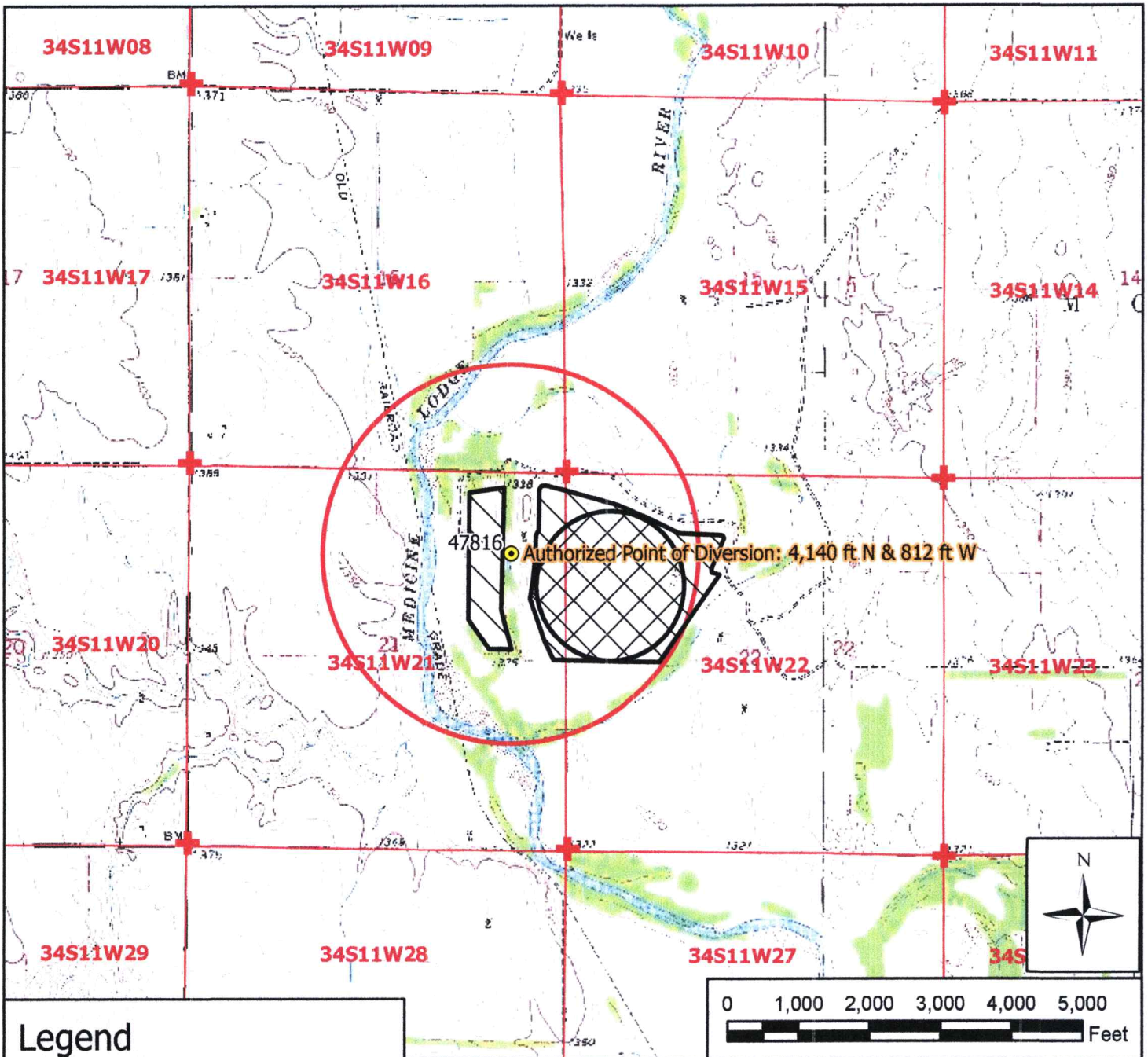
- (1) Application to change a point of diversion 300 feet or less \$100
- (2) Application to change a point of diversion more than 300 feet \$200
- (3) Application to change the place of use \$200
- (4) Application to change the use made of the water \$300

Make check payable to **Kansas Department of Agriculture.**

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Legend

- Water Appropriation
- ⊗ Proposed Point of Diversion
- Authorized Point of Diversion
- ★ Domestic Well
- ⊕ Section Corner
- ▭ Section Line
- ▨ Authorized Place of Use
- ▩ Proposed Place of Use

Water Appropriation, File No. 47816

Change in P/U Application Map
 21 & 22-34S-11W // Barber County

To the best of my knowledge, all wells within one-half mile of the authorized point of diversion have been shown.

John M. ...

Signature / Date

2-4-22

2/2/2022 EKF/SFFO 1:24,000 scale

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KS DEPT. OF AGRICULTURE

Stafford Field Office
300 S. Main Street
Stafford, KS 67578-1521



Phone: 620-234-5311
Fax: 620-234-6900
www.agriculture.ks.gov

Mike Beam, Secretary

Laura Kelly, Governor

February 2, 2022

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4D Zeus LLC
Dale Miller
9000 Choctaw St
Union City OK 73090-6644
millerexcavation@gmail.com

RE: Application Assistance—Change & New Application
File Nos. 47808 & 47816 and New Applications

Dear Mr. Miller,

You will find enclosed with this letter four (4) different applications or forms for the referenced file numbers, which are or are proposed to be in Sections 21-23, Township 34 South, Range 11 West, Barber County Kansas. Each document is outlined below along with what needs done to complete the form. The enclosed applications propose to accomplish the following:

- Close or dismiss File No. 47808
- Modify and expand the authorized acres under File No. 47816 in association with a new application that proposes a horizontal well
- Authorize a second horizontal well to the east of File No. 47816 that will provide water to a second center pivot system.

All forms and associated maps, if applicable, will need to be carefully reviewed and any corrections made as needed. Each document will need at least one signature from an authorized representative of the landowner, 4D Zeus LLC, and some signatures will need to be notarized. In addition, all of the maps will need to be reviewed in order to ensure all known domestic wells are shown. If any wells are added to the map, please provide the landowner's name and mailing address. The maps will also need to be signed.

1. File No. 47808: The Voluntary Dismissal of a Water Right or Permit & Waiver of Hearing form will close File No. 47808. A notarized signature from is required and there is no fee for this form.
2. File No. 47816: This application is a request to change the water appropriation to add a 23-acre strip of land west of the groundwater pit to the authorized place of use. In addition, the proposed change will create a complete place of use overlap with one of the proposed new applications referenced below. The change application is complete except for a notarized signature from an authorized representative of the water right owner on page 5. There is a \$200 fee for this application.

File No. 47808 & 47816 and
New Applications for Irrigation Use
February 2, 2022
Page 2

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3. Application for Permit to Appropriate Water (West): This application is for a permit to proceed that proposes to authorize a horizontal well in the Northwest Quarter of Section 22-34S-11W. The place of use is proposed to overlap completely with File No. 47816. The application is complete except for item numbers 9 and 13 of the main application. The back page of the supplemental form will also need completed. A signature from the applicant is needed on item number 6 AND number 16. A notary is not required but be sure to sign both places. This application also requires an MDS acknowledgement form that has been included. A notarized signature is required on this form and there is a \$300 fee for this application.
4. Application for Permit to Appropriate Water (East): This application is for a permit to proceed that proposes to authorize a horizontal well in the Southeast Quarter of Section 22-34S-11W. The application is complete except for item numbers 9 and 13 of the main application. The back page of the supplemental form will also need completed. A signature from the applicant is needed on item number 6 AND number 16. A notary is not required but be sure to sign both places. This application also requires an MDS acknowledgement form that has been included. A notarized signature is required on this form and there is a \$300 fee for this application.

The total fee for filing the enclosed applications is \$800. Please include a check made payable to the Kansas Department of Agriculture for the total amount with the signed applications when they are submitted to Manhattan for processing. If I can be of any further assistance, or if there are any questions regarding the enclosed applications, please give me a call at 620.234.5311.

Sincerely,



Elizabeth K. Fitch
Environmental Scientist
elizabeth.fitch@ks.gov

Enclosures

Dale & Deah Miller

9000 Choctaw Street
Union City, OK 73090
Dale 405-206-3444
Deah 405-684-3101
dale@millerexcavationinc.com

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KS DEPT OF AGRICULTURE

February 4, 2022

Ms. Elizabeth Fitch
KS Division of Water Resources
KS Dept of Agriculture
1320 Research Park Drive
Manhattan, KS 66502

Re: 47,816 – Change Form
47,808 – Voluntary Dismissal
West – New Application
East – New Application
East – Domestic Well Spacing Consent Form

Dear Ms. Fitch:

Per our discussions, attached please find the above referenced documents, and three checks for the required fees.

Thank you for all of your help with these changes. Please feel free to contact us if you have any questions or if you need any additional information.

Sincerely,



Dale Miller

1320 Research Park Drive
Manhattan, KS 66502
785-564-6700
www. agriculture.ks.gov



900 SW Jackson, Room 456
Topeka, KS 66612
785-296-3556

Mike Beam, Secretary

Laura Kelly, Governor

February 7, 2022

4D ZEUS LLC
9000 CHOCTAW ST
UNION CITY OK 73090

RE: File No(s). **47816**

Dear Sir or Madam:

The Division of Water Resources (Division) has received your application(s) to change the place of use, point of diversion or use made of water for the file number(s) referenced above. Please be aware that the Division may have a large number of pending applications on hand at times and makes every attempt to process them in the order in which they are received. You will be contacted if additional information is required.

Please note, this letter only acknowledges receipt of your application(s) and does not guarantee approval. In accordance with the provisions of the Kansas Water Appropriation(s) Act, the use of water as proposed prior to approval of the application(s) is unlawful.

Additional information about the process may be found on our website at agriculture.ks.gov/divisions-programs/dwr. If you have any other questions, please contact our office at 785-564-6640 or your local Stafford Field Office at 620-234-5311. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

Kristen Baum
New Applications and Changes Supervisor
Water Appropriation Program