

Kansas Department of Agriculture / Division of Water Resources
Stockton Field Office

TO: HEADQUARTERS

RE Vested Right; Water Right; Appropriation of Water; Application

File No(s). MP21, 613, 4835-DL, 2901, 9221, 26275, County MP

29247, 76308

Enclosed are the following checked items:

A FIR Full Partial Inspection Return to Field Office
 Proposed Certificate to deliver to Certificate Unit

Meter Order: GMD#4
 Lower Smoky
 Other

A Compliance Check Inspection on
 Meter Install New App Chg App Other
 In Compliance Not in Compliance, why
 Modify Point of Diversion No Yes, document attached

Indicate all overlapping p/d files

- An application and judgment sheet with recommendation.
- A memorandum dated
- A request for an extension of time to perfect or complete.
- A verified report.
- A closure request.
- A field investigation report.
- Notice of Non-Compliance

Violation Date

- An ownership change (name(s) and address(es) below).
- A water use report for
- A letter dated

A copy of an Approval to Change the place of use and/or point of diversion,
 Filing Fee attached. Filing Fee sent 4-6-18 per advanced copy

An Advanced copy of a change application and the filing fee, to be processed at the field office.

An original field office change application and the filing fee needing headquarters office review and further processing.

Other: ADVANCE COPY SENT IN WITH PAYMENTS PREVIOUSLY

Upuk Bell
 Assistant Water Commissioner

4-25-18
 Date

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

1. File Number: 26275	2. Status Change Date:	3. Change Num: C2	4. Field Office: 03	5. GMD:
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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: 4/4/18
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8a. Applicant(s) Person ID **65045**
 New to system Add Seq# _____

**THE TERRY OAKLEAF REV TR
 AGREEMENT
 10030 DELMAR LN
 OVERLAND PARK, KS 66207**

8c. Landowner(s) Person ID **NEW1**
 New to system Add Seq# _____

**TERRY R OAKLEAF TRUST
 10030 DELMAR LN
 OVERLAND PARK, KS 66207**

8b. Landowner(s) Person ID **NEW2**
 New to system Add Seq# _____

**ERICSON OAKLEAF FARMS LLC
 5425 W 100TH TER
 OVERLAND PARK, KS 66207**

8d. WUC Person ID **10209**
 New to system Add Seq# _____

**RONALD W & KELLY L LARSON
 421 S BRIDGE ST
 MARQUETTE, KS 67464**

9. Documents and Enclosure(s): DWR Meter(s) Date to Comply: _____ N & P Date to Comply: _____

Anti-Reverse Meter Meter Seal Check Valve N & P Form Water Tube Driller Copy H & E Letter

Conservation Plan Date Required: _____ Date Approved: _____ Date to Comply: _____

10. Use Made of Water From: _____ To: _____

Date Prepared: **4/25/18** By: **BILLINGER**
 Date Entered: _____ By: _____

File No. **26275** 11. County: **MP** Basin: **SMOKY HILL RIVER** Stream: **SMOKY HILL RIVER** Formation Code: Special Use:

12. Points of Diversion										Rate and Quantity							
CHK	MOD	DEL	ENT	PDIV	Qualifier	S	T	R	ID	'N	'W	Comment (AKA Line)	Authorized		Additional		Overlap PD Files
													Rate gpm	Quantity af	Rate gpm	Quantity af	
DEL				30183	NW NE SE	27	17S	05W	9	2190	840		845	36	845	36	9221, 29247, 36308
ENT				30095	SW NW NE	27	17S	05W	1	4010	2354		845	36	845	36	613, 7901, MP21

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																		Total	Owner	Chg?	Overlap Files								
CHK	MOD	DEL	ENT	PUSE	S	T	R	ID		NE¼				NW¼								SW¼				SE¼			
										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				6065	27	17S	05W	1		10	10	39	18				32									109	NEW1	YES	MP21, 613, 4835-D2, 7901
CHK				38739	27	17S	05W	5									39	40	23	38	11	35	38	36	260	NEW2	YES	9221, 26275, 29247, 36308	

Base Acres: Year: Minimum Reasonable Quantity:

Comments: **SWAPPING PUMPSITES WITH 4835-D2 TO PROVIDE HIGHER PUMPING RATE AT NORTH SITE**

DEPARTMENT OF AGRICULTURE
DIVISION OF WATER RESOURCES
STOCKTON FIELD OFFICE
820 S. WALNUT
STOCKTON, KS 67669-0192

STATE OF KANSAS



PHONE: (785) 425-6787
FAX: (785) 425-6842
www.agriculture.ks.gov

GOVERNOR JEFF COLYER, M.D.
JACKIE MCCLASKEY, SECRETARY OF AGRICULTURE

April 25, 2018

Ericson-Oakleaf Farms LLC
Shannon Ericson Mgr
5425 W. 100th Terr.
Overland Park, KS 66207

Re: Water rights, File Nos. MP21, 613, 4835-D2, 7901, 26275, 9221, 29247, 36308

Dear Sir or Madam:

Enclosed are eight (8) orders executed by David W. Barfield, 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 terms, conditions, and limitations specified in these approvals for change. Also, the approval of the orders does require the installation of a water flow meter(s) on the point(s) of diversion authorized under the above file numbers by **December 31, 2018**. Please complete and return the enclosed Notice(s) of Completion of Diversion Works when a water flow meter has been installed. A copy of the Chief Engineer's specifications for the water flow meters is found in K.A.R. 5-1-4 through K.A.R. 5-1-12, along with a partial list of those flow meters found to be acceptable for installation in Kansas can be found on our website at the following web address: <http://agriculture.ks.gov/meters>

Please note that all meters must be installed and maintained in accordance with the specifications for water flow meters referenced above.

The abandoned water well must be plugged in accordance with the requirements of Article 30 of the Rules and Regulations as adopted by the Kansas Department of Health and Environment (KDHE). If the well is to be retained by the landowner for other purposes, a copy of the legal transfer of responsibility for maintenance of the well must be forwarded to KDHE Geology Section, 1000 SW Jackson, Suite 420, Topeka, Kansas 66612, telephone number (785) 296-5524. More information is available online at: <http://kdheks.gov/waterwell>

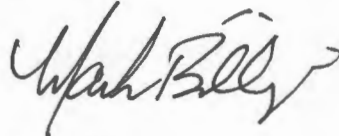
Since these orders modify the original certificates, they should be recorded with the Register of Deeds just as other legal documents affecting real estate. Such records are maintained at the Register of Deeds Office in the county wherein the place of use is located.

These documents are summary orders by this agency regarding this matter. These orders shall become final if a request for a hearing is not filed with the Chief Engineer within 15 days of the date of service of this order.

(over)

If you have any questions, please feel free to contact this office at (785)425-6787. If you wish to refer to a specific file, please reference it when you contact us.

Sincerely,



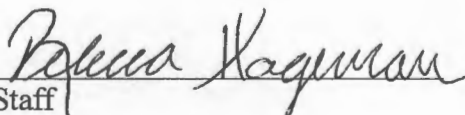
Mark Billinger
Assistant Water Commissioner

MB:rfh
Enclosures

CERTIFICATE OF SERVICE

On this 4th day of April, 2018, I hereby certify that the attached **SUMMARY ORDERS APPROVING APPLICATIONS FOR CHANGE in PLACE OF USE AND/OR POINT OF DIVERSION** for water rights, File Nos. MP21, 613, 4835-D2, 7901, 26275, 9221, 29247, 36308, dated on the 4th day of April, 2018, were mailed postage prepaid, first class, U.S. mail, to the following:

Ericson-Oakleaf Farms LLC
Shannon Ericson Mgr
5425 W. 100th Terr.
Overland Park, KS 66207


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

APPLICATION COMPLETE
4/25/18
 Reviewer MB

WATER METER REQUIRED

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.

RECEIVED

File No. 26275

APR 04 2018
 4:17 A.M.
 Stockton 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: Ericson-Oakleaf Farms, LLC
 Shannon Ericson ^{Manager} 5425 W 100th Terr. Overland Park, KS 66207

Phone Number: (913)754-6104 Email address: _____

Name and address of Water Use Correspondent: Ronald W. & Kelly L. Larson
412 S. Bridge St. Marquette, KS 67464

Phone Number: (620)242-3503 Email address: _____

3. The presently authorized place of use is:

Owner of Land --- NAME: Ericson-Oakleaf Farms, LLC

ADDRESS: Shannon Ericson ^{Manager} 5425 W 100th Terr. Overland Park, KS 66207

(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	
27	17	5 W									39	40	23	38	11	35	38	36	260

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: Willard I. Ericson Living Trust Ericson-Oakleaf Farms, LLC *see 12-16*

ADDRESS: Shannon Ericson ^{Manager} 5425 W 100th Terr. Overland Park, KS 66207

(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	
27	17	5 W									39	40	23	38	11	35	38	36	260

For Office Use Only: Code _____ Fee \$ _____ TR # _____ Receipt Date _____ Check # _____

5. **Presently authorized point of diversion:**
 One in the NW Quarter of the NE Quarter of the SE Quarter of Section 27, Township 17 South, Range 5 WEST, in McPherson County, Kansas, 2190 feet North 840 feet West of Southeast corner of section. Authorized Rate 845 gpm Authorized Quantity 36 AF Depth of well n/a (feet) (DWR use only: Computer ID No. 9 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 SW Quarter of the NW Quarter of the NE Quarter of Section 27, Township 17 South, Range 5 WEST, in McPherson County, Kansas, 4010 feet North 2354 feet West of Southeast corner of section. Proposed Rate 845 gpm Proposed Quantity 36 AF Proposed well depth (feet) n/a
 This point is: Additional Well Geo Center List other water rights that will use this point MP21, 613. 7901

6. **Presently authorized point of diversion:**
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter of Section _____, Township _____ South, Range _____ WEST, 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:
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 _____ WEST, 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. Why do you need a new point of diversion? swapping
pd with 4835.D2 to allow the North pumpsite to pump at a
higher rate.

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

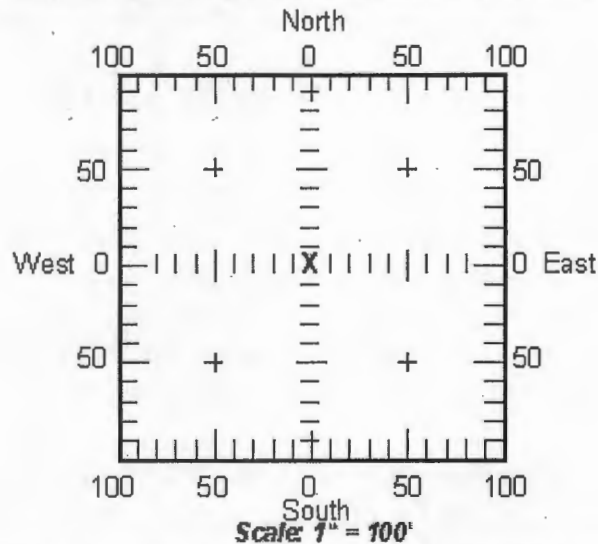
9. When do you propose to complete the new point of diversion?
n/a

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 DLM

13a. If the proposed point of diversion will be relocated within 100 feet of the existing point of diversion, indicate its location on the diagram below in relation to the existing point of diversion. (PLEASE NOTE: The "X" in center of diagram below represents presently authorized point of diversion.)



13b. If the proposed point of diversion will be relocated more than 100 feet but within 1320 feet from 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.

14. If the proposed groundwater point of diversion is 300 or fewer feet from 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 regard 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 Overland Park, Kansas, this 30th day of March, 20 18.

<u>Jacques B. Ericson</u> (Owner)	_____ (Spouse)
<u>Shannon B. Ericson</u> (Please Print)	_____ (Please Print)
<u>_____</u> (Owner)	_____ (Spouse)
<u>Terry R Oakleaf</u> (Please Print)	_____ (Please Print)
_____ (Owner)	_____ (Spouse)
_____ (Please Print)	_____ (Please Print)

State of Kansas }
County of Johnson } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 30 day of March, 20 18

DWIGHT E BUTTS
Notary Public - State of Kansas
My Commission Expires 4/20/2020

Notary Public

My Commission Expires 4/20/2020

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

RECEIVED

APR 04 2018

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. 5-14-3 and other applicable provisions of the *Kansas Water Appropriation Law, K.S.A. 82a-701 et. seq.*, and rules and regulations promulgated thereunder, K.A.R. 5-1-1 et. seq. With the exception of those conditions expressly contained herein, this Summary Order does not change the terms, conditions and limitations of File No. 26275.

1. A change application was received on 4-4-18 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 300 foot radius of the authorized point(s) of diversion. Applicable Not Applicable
4. 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
5. 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
6. The owner of the authorized place(s) of use shall properly install an acceptable water flow meter on or before December 31, 2018, 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
7. Installation of the works for diversion of water shall be completed on or before December 31, 2018, or within any authorized extension of time. By March 1, 2019 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
8. The completed well log shall be submitted with the required notice. Applicable Not Applicable
9. 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
10. Additional Conditions are attached. Yes No
11. 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

You have the right to a hearing in accordance with K.A.R. 5-14-3 before this Summary Order becomes final action of the Kansas Department of Agriculture. Any request for a hearing must be filed with the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, within 15 days after the date shown on the Certificate of Service attached hereto. If a hearing is not requested in accordance with K.A.R. 5-14-3, this Summary Order will become effective on the 15th day after the date shown on the Certificate of Service.

For Use by Register of Deeds

FOR OFFICE USE ONLY
**APPLICATION APPROVED AND
SUMMARY ORDER ISSUED**

By: [Signature]
Duly Authorized Designee of the Chief Engineer

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

Date of Issuance: 4-25-18

State of Kansas)
County of Rooks) SS

Acknowledged before me on 4-25-18
by Mark Billinger

Signature: [Signature]
Notary Public



My commission expires: 6-29-19

RECEIVED

APPLICATION FOR APPROVAL TO CHANGE THE PLACE OF USE AND/OR POINT OF DIVERSION SUPPLEMENTAL SHEET FILE NO. 26275 MAKE ADDITIONAL COPIES AS NECESSARY

APR 04 2018

Stockton Field Office Division of water Resources

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

Owner of Land --- NAME: ADDRESS:

Table with columns for Sec., Twp., Range and sub-sections (NE 1/4, NW 1/4, SW 1/4, SE 1/4) and a TOTAL ACRES column.

Owner of Land --- NAME: ADDRESS:

Table with columns for Sec., Twp., Range and sub-sections (NE 1/4, NW 1/4, SW 1/4, SE 1/4) and a TOTAL ACRES column.

Owner of Land --- NAME: ADDRESS:

Table with columns for Sec., Twp., Range and sub-sections (NE 1/4, NW 1/4, SW 1/4, SE 1/4) and a TOTAL ACRES column.

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: The Terry Oakleaf Revocable Trust ADDRESS: 10030 Delmar Ln. Overland Park, KS 66207

Table with columns for Sec., Twp., Range and sub-sections (NE 1/4, NW 1/4, SW 1/4, SE 1/4) and a TOTAL ACRES column. Data: 27 17 5 W, 10 10 39 18, 32, 109.

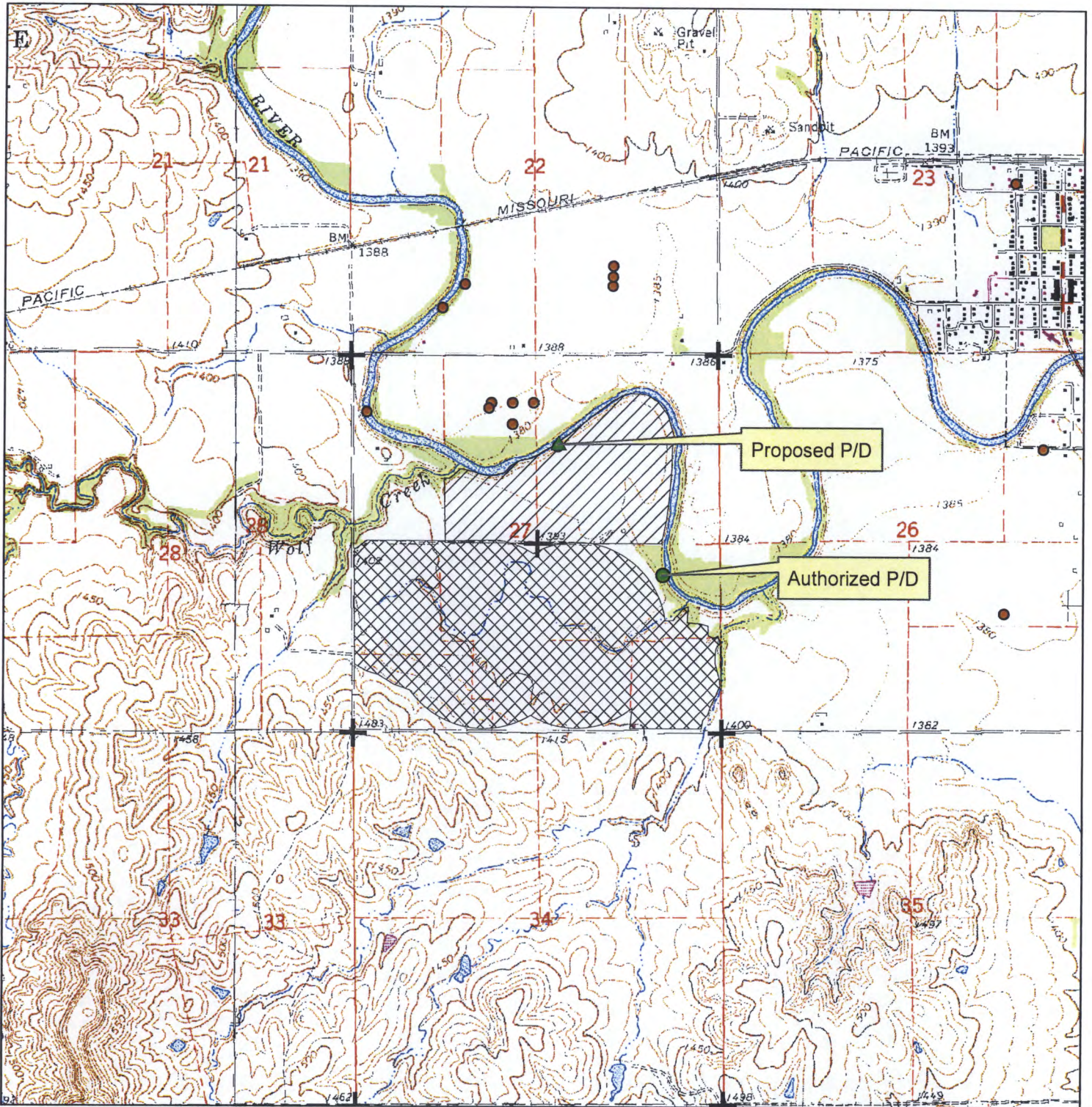
Owner of Land --- NAME: ADDRESS:

Table with columns for Sec., Twp., Range and sub-sections (NE 1/4, NW 1/4, SW 1/4, SE 1/4) and a TOTAL ACRES column.

Owner of Land --- NAME: ADDRESS:

Table with columns for Sec., Twp., Range and sub-sections (NE 1/4, NW 1/4, SW 1/4, SE 1/4) and a TOTAL ACRES column.

Application to Change the Place of Use and Point of Diversion For Water Right File No. 26275



Authorized Place of Use

● Authorized P/D

▲ Proposed P/D

1:24,000



Proposed Place of Use
RECEIVED

The names and addresses of the landowners 1/2 mile downstream and 1/2 mile upstream from my property lines are shown.



APR 04 2018

Stockton Field Office

Signature

Tim R. O'Neil

Date

4-2-2018

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.