

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). 9938, 23661 County \_\_\_\_\_

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. # 2088  
\$ 400-

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: \_\_\_\_\_

  
Water Commissioner

12-6-19

Date

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

1. File Number: <b>23,661</b>	2. Status Change Date:	3. Change Num: <b>C1</b>	4. Field Office: <b>03</b>	5. GMD:
----------------------------------	------------------------	-----------------------------	-------------------------------	---------

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: <b>12/5/19</b>
--	---

8a. Applicant(s)    Person ID <u><b>22925</b></u> New to system <input type="checkbox"/> Add Seq# _____  <b>TOLL FARMS INC                  ATTN TOM TOLL                  2453 10<sup>TH</sup> AVE                  LINDSBORG, KS 67456-5039</b>	8c. Landowner(s)    Person ID _____ New to system <input type="checkbox"/> Add Seq# _____
--	--

8b. Landowner(s)    Person ID <u><b>22925</b></u> New to system <input type="checkbox"/> Add Seq# _____  <b>TOLL FARMS INC                  ATTN TOM TOLL                  2453 10TH AVE                  LINDSBORG, KS 67456-5039</b>	8d. WUC    Person ID <u><b>22925</b></u> New to system <input type="checkbox"/> Add Seq# _____  <b>TOLL FARMS INC                  ATTN TOM TOLL                  2453 10TH AVE                  LINDSBORG, KS 67456-5039</b>
---	--

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: **12/6/19**                                  By: **BILLINGER**  
 Date Entered: \_\_\_\_\_                                      By: \_\_\_\_\_

File No. **23,661**      11. County: **MP**      Basin: **SMOKY HILL RIVER**      Stream: **SMOKY HILL RIVER**      Formation Code:      Special Use: **038**

12. Points of Diversion      Rate and Quantity  
 CHK      Authorized      Additional  
 MOD      Rate      Quantity      Rate      Quantity  
 DEL      PDIV      gpm      af      gpm      af      Overlap PD Files  
 ENT      Qualifier      S      T      R      ID      'N      'W      Comment (AKA Line)

**NO CHANGE**

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 CHK MOD DEL ENT	PUSE	S	T	R	ID	NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg?	Overlap Files		
						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						
<b>MOD</b>	<b>28655</b>	<b>31</b>	<b>17</b>	<b>S</b>	<b>4W</b>	<b>2</b>					<b>36</b>	<b>13</b>			<b>36</b>	<b>40</b>	<b>6</b>	<b>2</b>	<b>16</b>		<b>20</b>			<b>182</b>	<b>8b.</b>	<b>N</b>	<b>9,938</b>

Base Acres:      Year:      Minimum Reasonable Quantity:  
 Comments:

Stockton Field Office  
820 S. Walnut  
Stockton, KS 67669-0192



Phone: 785-425-6787  
Fax: 785-425-6842  
www.agriculture.ks.gov

Mike Beam, Secretary

Laura Kelly, Governor

December 9, 2019

TOLL FARMS INC  
Attn: TOM TOLL  
2453 10TH AVE  
LINDSBORG, KS 67456-5039

Re: Water Rights, File Nos. 9,938 & 23,661

Dear Mr. Toll:

Enclosed are two (2) 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.

Since these orders modify the original certificates, they should be recorded with the Register of Deeds as other instruments affecting real estate.

**These documents are summary orders by this agency regarding these matters.** These orders shall become final if requests for hearings are not filed with the Chief Engineer within 15 days of the date of service of these orders.

If you have any questions, please feel free to contact this office. If you wish to refer to a specific file, please reference it when you contact us.

Sincerely,

A handwritten signature in black ink that reads "Mark Billinger".

Mark Billinger  
Assistant Water Commissioner

MB:rh  
Enclosures

**CERTIFICATE OF SERVICE**

On this 9<sup>th</sup> day of December, 2019, I hereby certify that the attached **SUMMARY ORDERS APPROVING APPLICATIONS FOR CHANGE in PLACE OF USE** for water rights, File Nos. 9,938 & 23,661, dated on the 6<sup>th</sup> day of December, 2019, were mailed postage prepaid, first class, U.S. mail, to the following:

TOLL FARMS INC  
Attn: TOM TOLL  
2453 10TH AVE  
LINDSBORG, KS 67456-5039

  
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  
12/6/19  
 Reviewer MB

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. 23,661

RECEIVED

DEC 05 2019  
 4:06 pm.  
 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: TOLL FARMS INC

TOM TOLL 2453 10<sup>TH</sup> AVE LINDSBORG, KS 67456-5039

Phone Number: (785)826-7863                      Email address: \_\_\_\_\_

Name and address of Water Use Correspondent: TOLL FARMS INC

TOM TOLL 2453 10TH AVE LINDSBORG, KS 67456-5039

Phone Number: (785)826-7863                      Email address: \_\_\_\_\_

3. The presently authorized place of use is:

Owner of Land ----- NAME: TOLL FARMS INC

ADDRESS: TOM TOLL 2453 10TH AVE LINDSBORG, KS 67456-5039

(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		
31	4S	17W			11		36	10		36	40	6	2	16			17			174

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: TOLL FARMS INC

ADDRESS: TOM TOLL 2453 10TH AVE LINDSBORG, KS 67456-5039

(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		
31	4S	17W			13		36	13		36	40	6	2	16			20			182

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

5. **Presently authorized point of diversion:**  
 One in the      NW      Quarter of the      SE      Quarter of the      NW      Quarter  
 of Section      31     , Township      17      South, Range      4      W,  
 in MCPHERSON      County, Kansas,      3675      feet North      3690      feet West of Southeast corner of section.  
 Authorized Rate      855 GPM      Authorized Quantity      120 AF      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      (E/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      (E/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) TO MODIFY PLACE OF USE

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

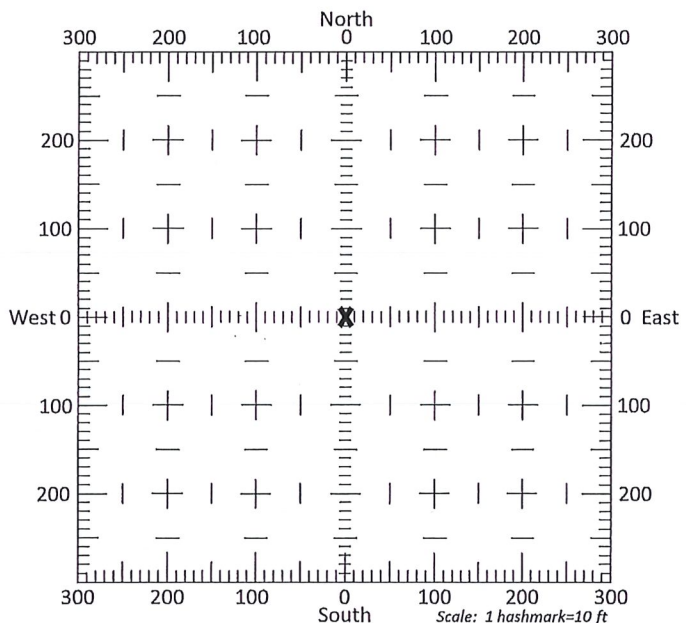
9. The change(s) (was)(will be) completed by?  
UPON APPROVAL

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?     

11. Groundwater Management District recommendation attached?  
 Yes  No

12. Assisted by STEWART/BILLINGER

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 300 feet of the existing point of diversion, indicate its location on the diagram shown above in relation to the existing point of diversion. (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 WENDSBURG, Kansas, this 2 day of DECEMBER, 2019.

<u>TT</u>	
(Owner)	(Spouse)
<u>THOMAS TOLL</u>	
(Please Print)	(Please Print)
(Owner)	(Spouse)
(Please Print)	(Please Print)
(Owner)	(Spouse)
(Please Print)	(Please Print)

State of Kansas }  
 County of McPherson } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 2 day of December, 2019.


**RHONDA J. ANDERSON**  
 Notary Public - State of Kansas  
 My Appt. Expires 10-20-20

Rhonda J. Anderson  
 Notary Public

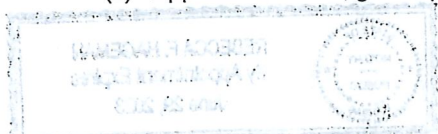
My Commission Expires 10-20-20

**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

DEC 05 2019

Stockton Field Office  
 Division of Water Resources



**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. 23,661.

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): Mark Billington  
Division of Water Resources - Kansas Department of Agriculture

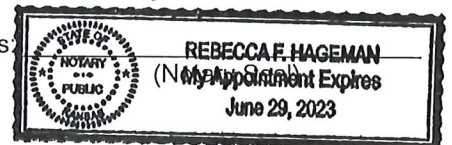
Date of Issuance: 12/6/19

State of Kansas )  
County of ROCKS ) SS

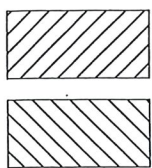
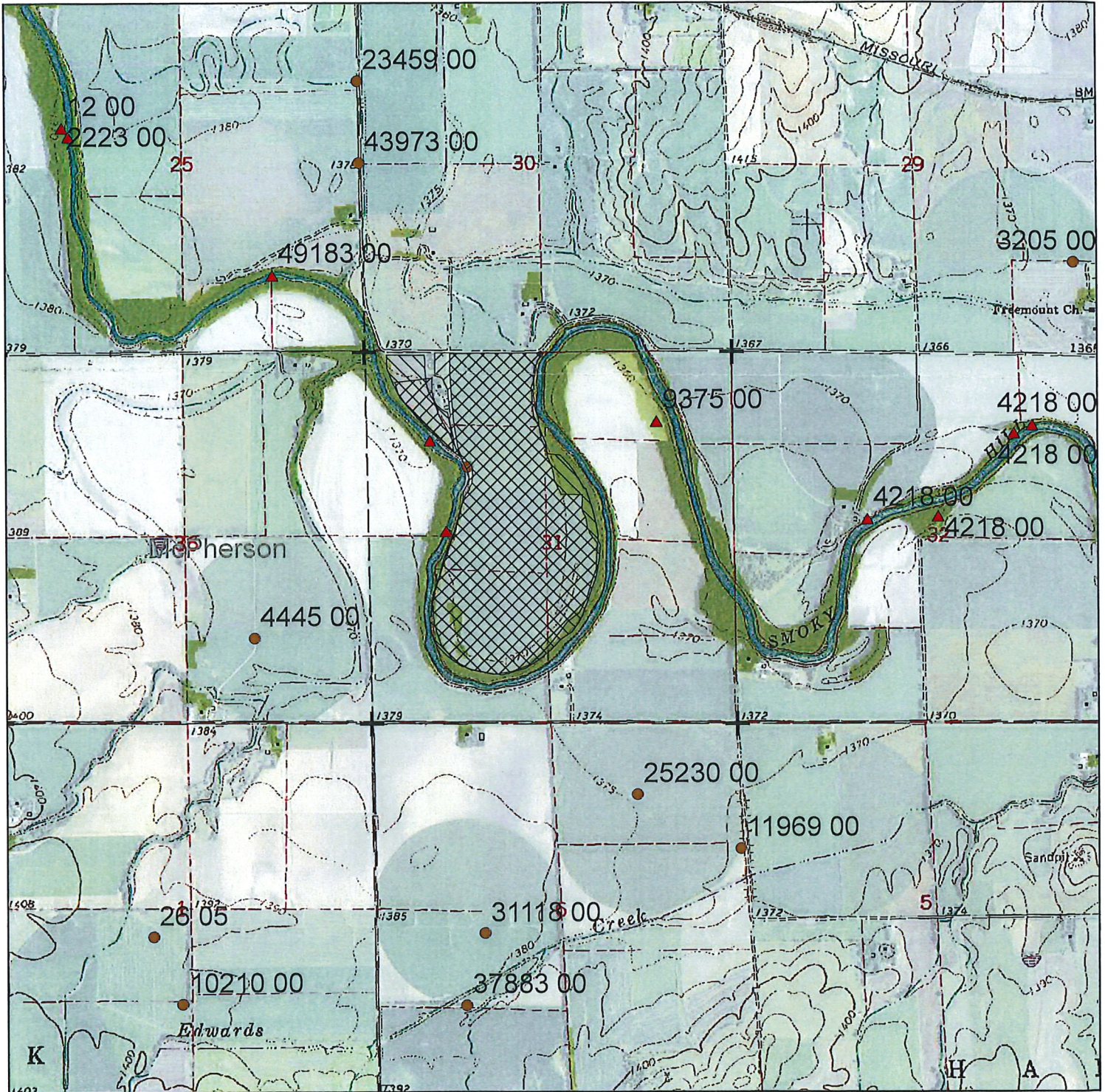
Acknowledged before me on 12-6-19  
by Mark Billington

Signature: Rebecca F. Hageman  
Notary Public

My commission expires: 6-29-19



Application to Change the Place of Use  
For Water Right File # 9,938 & 23,661



Authorized Place of Use

Proposed Place of Use

▲ Surface Water Point of Diversion

● Groundwater Point of Diversion

1:24,000



**RECEIVED**

DEC 05 2019

Stockton Field Office  
Division of Water Resources