

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

1. File Number: 17383	2. Status Change Date:	3. Change Num: C1	4. Field Office: 4	5. GMD: 3
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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: 8/18/2020
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8a. Applicant(s)/Landowner(s) Person ID **63761**
 New to system Add Seq# _____

**KMC AG LLC
 P O BOX 279
 PLAINS, KS 67869-0279**

8c. Landowner(s) Person ID **57020**
 New to system Add Seq# _____

**CLAWSON LAND PARTNERSHIP
 PO BOX 279
 PLAINS, KS 67869**

8b. Landowner(s) Person ID **22436**
 New to system Add Seq# _____

**BORTH FARMS INC
 Attn: JERRY BORTH
 7126 L RD
 PLAINS, KS 67869**

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

8a

9. Documents and Enclosure(s): DWR Meter(s) Date to Comply: **12/31/2020** N & P Date to Comply: **3/1/2021**

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: **10/15/2020** By: **AM**
 Date Entered: _____ By: _____

File No. **17383** 11. County: **ME** Basin: **CROOKED CREEK** Stream: _____ Formation Code: **211/331** Special Use: _____

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

DEL 33930
ENT SE SE NE 35 31S 29W 3181 526 1225 453 1225 453 30448

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				
CHK 2315																		8a	Y	MULTIPLE
CHK 6154																		8b	Y	MULTIPLE
CHK 14039																		8a	Y	MULTIPLE
CHK 14451																		8b	N	MULTIPLE
CHK 17312																		8a	Y	MULTIPLE
CHK 26113																		8c	N	MULTIPLE
CHK 38933																		8b	N	MULTIPLE
CHK 69181																		8c	N	MULTIPLE

Base Acres: _____ Year: _____ Minimum Reasonable Quantity: _____

Comments: **OVERLAPPING WR ON PU: 5020; 12331; 17383; 18936; 30139; 30448. OWNERSHIP WORKSHEET WILL BE MADE FOR THE OTHER FILES NOT INVOLVED WITH THIS CHANGE IN PD**

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 16, 2020

KMC AG LLC
P O BOX 279
PLAINS, KS 67869-0279

RE: Water Right, File Nos. 17383 & 30448

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 number.

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 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: Clawson Land Partnership
Borth Farms Inc.
GROUNDWATER MANAGEMENT DISTRICT NO. 3

CERTIFICATE OF SERVICE

On this 16th day of October, 2020, I hereby certify that the foregoing Approval of Application for Change in Point of Diversion, Water Right, File Nos. 17,383 & 30,448 dated 16th day of October, 2020 was mailed postage prepaid, first class, US mail to the following:

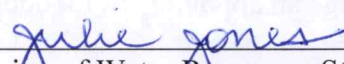
KMC AG LLC
P O BOX 279
PLAINS, KS 67869-0279

Pc:

CLAWSON LAND PARTNERSHIP
PO BOX 279
PLAINS, KS 67869

BORTH FARMS INC
Attn: JERRY BORTH
7126 L RD
PLAINS, KS 67869

GROUNDWATER MANAGEMENT DISTRICT NO. 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. 17383

RECEIVED
 9:26 AM
 AUG 18 2020

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 ~~CLAWSON LAND PARTNERSHIP~~ KMC AG, LLC
 PO BOX 279, PLAINS, KS 67869

Phone Number: () _____ Email address: _____

Name and address of Water Use Correspondent: MCCUNE FARMS INC
12020 13 RD MEADE, KS 67864

Phone Number: () _____ 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 _____ Fee \$ 200.00 TR # _____ Receipt Date 8-18-20 Check # 6518

5. **Presently authorized point of diversion:**

One in the _____ Quarter of the _____ CW Quarter of the _____ NW Quarter of Section _____ 36 _____, Township _____ 31 _____ South, Range _____ 29 _____ W, in _____ Meade _____ County, Kansas, _____ 3980 _____ feet North _____ 5170 _____ feet West of Southeast corner of section. Authorized Rate _____ Authorized Quantity _____ Depth of well _____ ~ 300 (feet)
(DWR use only: Computer ID No. _____ 2 _____ 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 _____ SE Quarter of the _____ SE Quarter of the _____ NE Quarter of Section _____ 35 _____, Township _____ 31 _____ South, Range _____ 29 _____ W, in _____ Meade _____ County, Kansas, _____ 3181 _____ feet North _____ 526 _____ feet West of Southeast corner of section. Proposed Rate _____ Proposed Quantity _____ Proposed well depth (feet) _____ 595' _____

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 _____ (E/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) _____

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

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

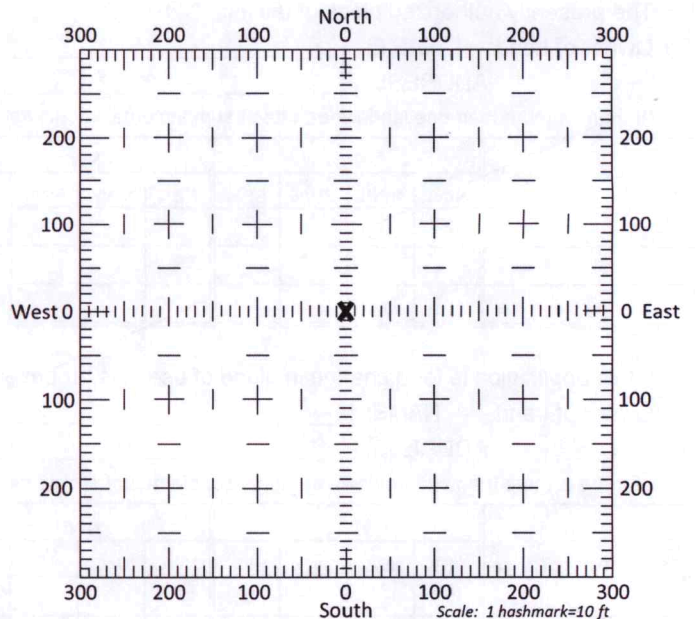
10. If the point of diversion is a well:
 (a) What are you going to do with the old well?

 (b) When will this be done? _____

11. Groundwater Management District recommendation attached?
 Yes No

12. Assisted by SZ/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 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 Plains, Kansas, this 21st day of September, 2020.

Scott N. McCune
 (Owner)

 (Please Print)

 (Owner)

 (Please Print)

 (Owner)

 (Please Print)

 (Spouse)

 (Please Print)

 (Spouse)

 (Please Print)

 (Spouse)

 (Please Print)

State of Kansas }
County of Meade } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 21st day of September, 2020.

My Commission Expires 5-19-2024  Ryan Reimer
 Notary Public

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

SEP 28 2020

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.)

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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 _____, Kansas, this _____ day of _____, 20_____.

KMCag LLC
Kirby B. Clawson Partner
 _____ (Owner) _____ (Spouse)
Kirby B. Clawson
 _____ (Please Print) _____ (Please Print)

Daniel Colano Partner
 _____ (Owner) _____ (Spouse)
Daniel Clawson
 _____ (Please Print) _____ (Please Print)

Boon Farms Inc
 _____ (Owner) _____ (Spouse)
Jerry O Boon
 _____ (Please Print) _____ (Please Print)

State of Kansas }
 County of Meade } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 14th day of August, 2020.

RYAN REIMER
 Notary Public - State of Kansas
 My Appt. Expires 5-19-2024

Ryan Reimer

 Notary Public

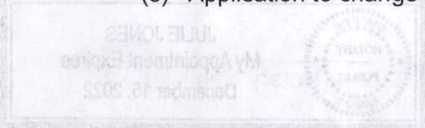
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- (1) Application to change a point of diversion 300 feet or less \$100
- (2) Application to change a point of diversion more than 300 feet \$200
- (3) Application to change the place of use \$200



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. 17,383.

1. A change application was received on August 18, 2020 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 50 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, 2020**, 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, 2020**, or within any authorized extension of time. By March 1, 2021 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: Austin McColloch
Duly Authorized Designee of the Chief Engineer

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

Date of Issuance: October 16, 2020

State of Kansas)

County of Finney) SS

Acknowledged before me on October 16, 2020

by Austin McColloch

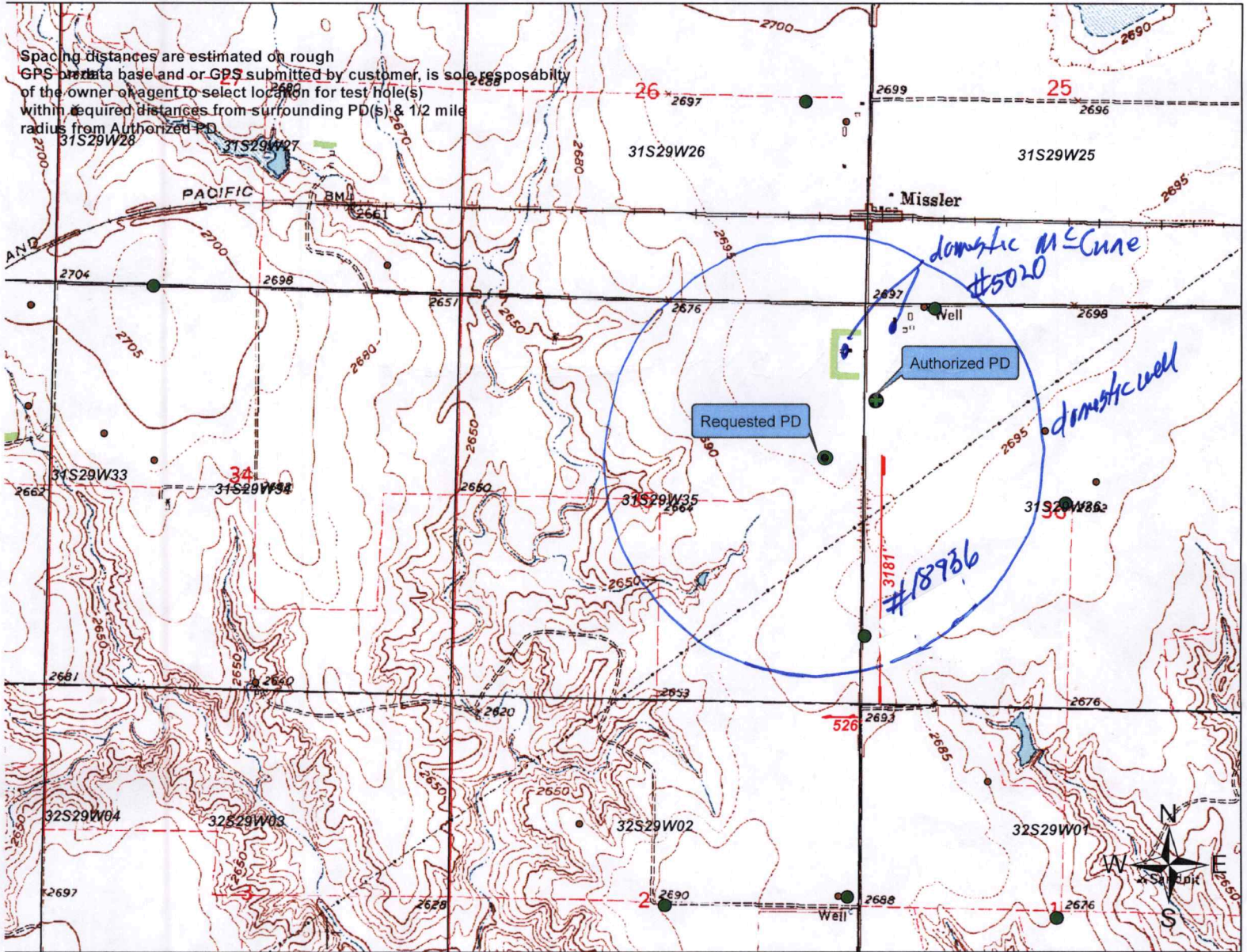
Signature: Julie Jones
Notary Public

My commission expires: _____

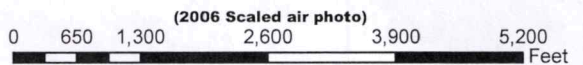


**Point of Diversion Change
WR 17383 / 30448
T31 R29W Section 35
Meade Co.**

Spacing distances are estimated on rough GPS or data base and or GPS submitted by customer, is sole responsibility of the owner or agent to select location for test hole(s) within required distances from surrounding PD(s) & 1/2 mile radius from Authorized PD



- Authorized PD
- Requested PD
- Point of Diversion
- Authorized PU
- Requested PU
- Half Mile Radius



Applicant Signature

By signing this map the applicant is aware that no other wells (Irrigation, Domestic, Industrial etc) are within the 1/2 mile radius circle.

3795 W. Jones Ave.
Garden City, KS 67846
PH: 620-277-2389



PO Box 6:
Garden City, KS 6784
Fax: 620-277-022

DAN CLAWSON OFF 620-563-6112 CELL 620-482-3260

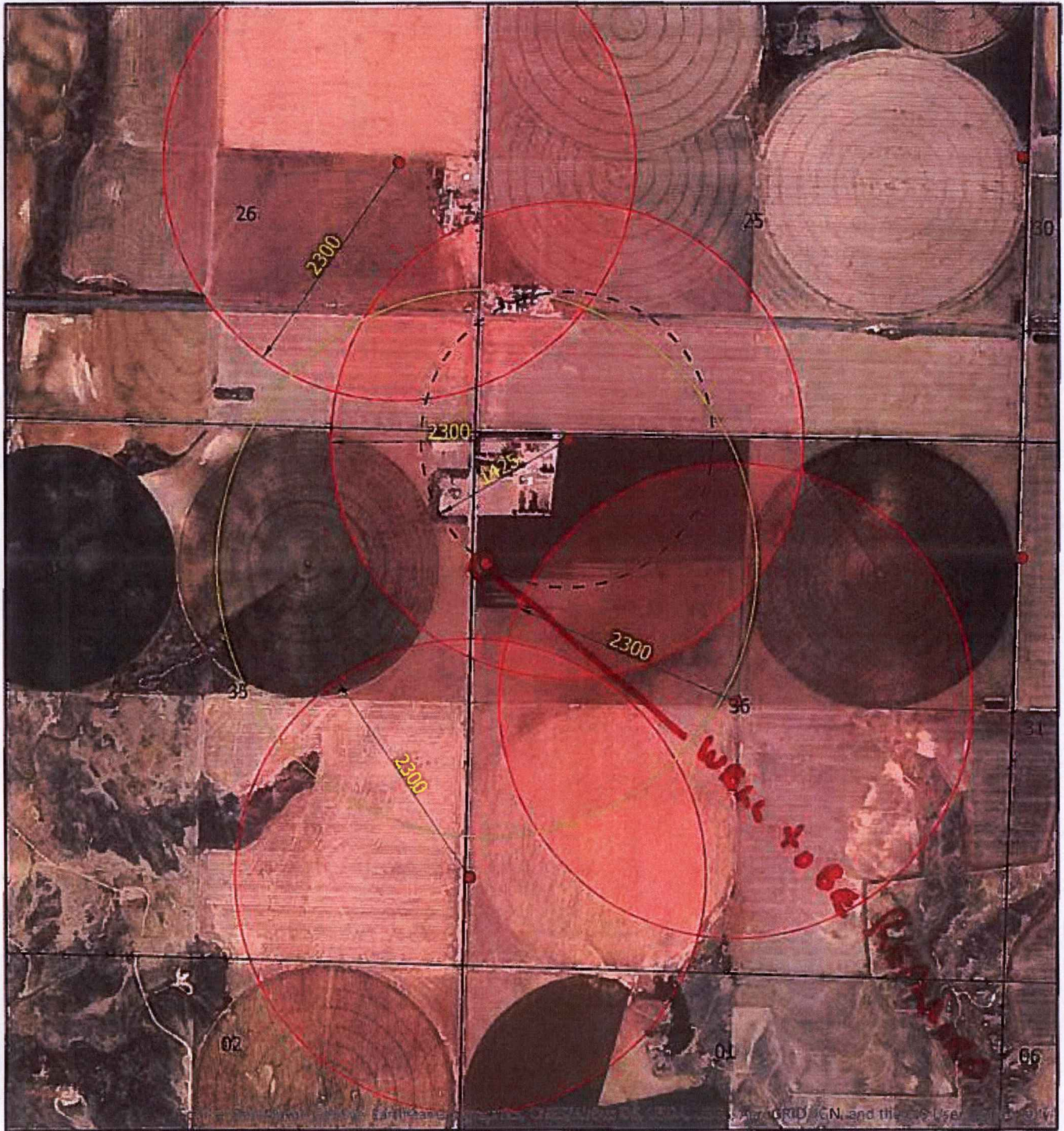
Customer Name: KMC Ag, LLC WO#: 20596 Date: 7-24-21
Street Address: P.O. Box 279 Test #: 2 E LOG: Yes
City, State: PLAINS, KS 67869 Driller: Dale Guinn / Kevin Frizzell
County: Meade Quarter: NE Section: 35 Township: 31 Range: 29
Location: GPS: N 37.30893 W 100.43691
Rig #: 10002 Elevation: 2694' Static WL: 240' Estimated?

Proposed Well Depth 595'
THIS WELL REPLACES WELL IN NW 36-31-29 ME 20' SUMP

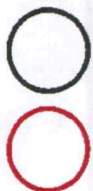
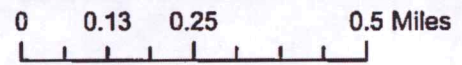
%	Footage			Description of Strata	WELL LOCATION
	From	Pay	To		
	0		2	Top Soil	
	2		8	Brown Sandy Clay	
	8		24	Brown Sandy Clay + Calich	
	24		33	Fine Sand w/some Calich	
	33		45	Calich	
	45		60	Calich + Brown Sandy Clay	
	60		98	Brown Sandy Clay	
	98		144	Fine Med Course Sand Small Med Some Large Gravel	
	144		160	Tan Sandy Clay w/couple Sand ledges "sticky"	
	160		176	Gray + Tan Clay "sticky"	
	176		242	Fine Med Course Sand	
15	242	18	260	Fine Med Course Sand w/Many Brown + Light Blue Clay Layers	
	260		266	Brown Sandy Clay	
20	266	17	283	Fine Med Course Sand w/Some Clay Layers	
15	283	20	303	Fine Med Course Sand w/Many Brown Clay Layers	
20	303	30	333	Fine Med Course Sand w/Some Clay Layers	
25	333	18	341	Fine Med Course Sand	
5	341	7	348	Brown Sandy Clay w/some Sand Mixed	
20	348	14	362	Fine Med Course w/Some clay Layers	
5	362	6	368	Brown Sandy Clay w/some Sand Mixed	
20	368	21	389	Fine Med Some Course Sand w/Few Clay Layers	
	389		394	Blue Clay "sticky"	
15	394	11	405	Fine Med Sand	
	405		410	Blue Clay "sticky"	
25	410	70	480	Fine Med Course Sand Small Gravel w/Few Thin Clay Layers	
20	480	16	496	Fine Med Course Sand Small Gravel w/Some Clay Layers	
25	496	24	520	Fine Med Course Sand Small Gravel	
5	520	15	535	Brown Sandy Clay + Fine Med Some Course Sand Mixed	
10	535	22	557	Fine Some Med Sand w/Few clay stringers	
15	557	18	575	Fine Sand w/Some Thin Brown Rock Layers	
	575		600	Red Bed	
				Super Gel X	-3
				Grout	-5
				Hole Plug	-6
				Perma Plug	-1
				4 3/4 Dig Blade	-1

WR #5020 & 30448

Preliminary Map as of 7/1/2020. Using data given to DWR by customer.
Based on best information that was received and in the DWR files as of the above date



Township 31 South Range 29 West
Meade County



1/2 mile radius, maximum distance

Minimum well spacing of neighboring wells

● Point of Diversion

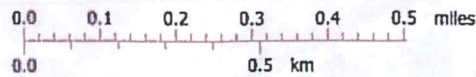
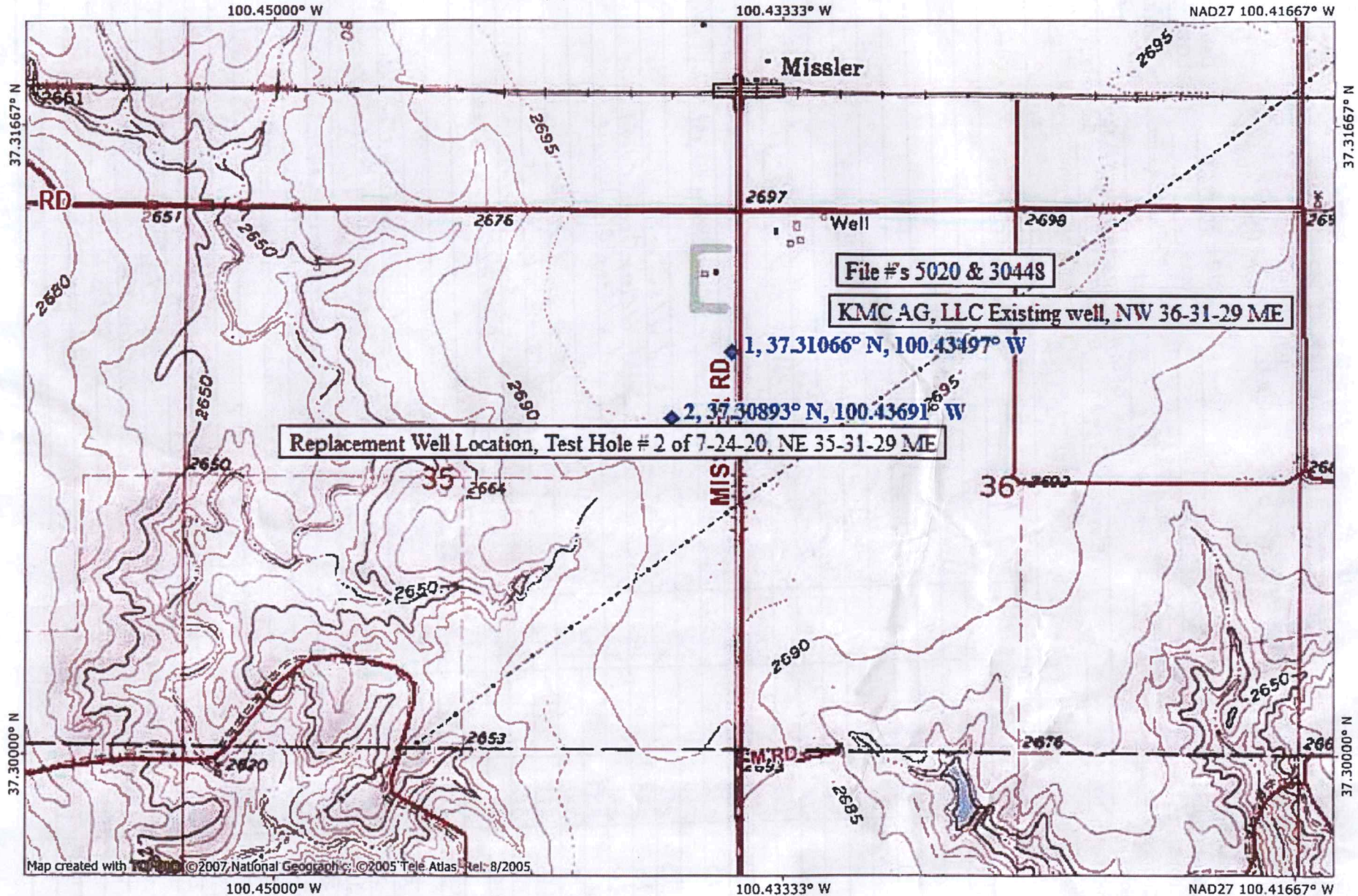
KMcAa, LLC

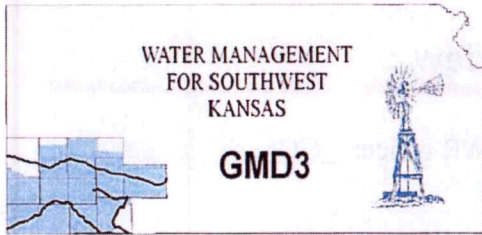
CLAWSON

NW 36-31-29 ME



Created By: AM/GCFO





Southwest Kansas
Groundwater Management District No. 3
2009 E. Spruce Street
Garden City, Kansas 67846
(620) 275-7147 phone (620) 275-1431 fax
www.gmd3.org

October 13, 2020

Michael A. Meyer
Division of Water Resources
4532 W Jones Ave., Suite B
Garden City, Kansas 67846

RE: Application for Change in Point of Diversion
Water Right, File No. 17383 & 30448

Dear Mike:

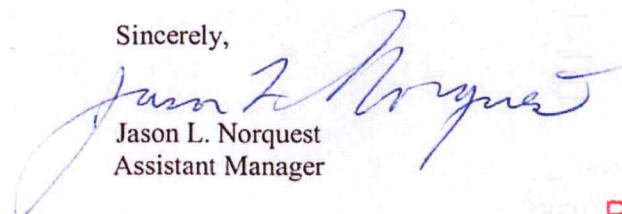
We have completed a review of the applications for the above referenced water rights. The proposed change in point of diversion is in accordance with current area rules, K.A.R. 5-23-3, as it pertains to distance moved and minimum spacing to neighboring wells.

Well evaluations were conducted to estimate possible effects of the proposal on the supply of other wells with water rights prior to the proposal per K.S.A. 82a-708b, and the draft revised management program. Under K.S.A. 82a-708b, an applicant requesting a change in point of diversion must demonstrate to the chief engineer that any proposed change is reasonable and will not impair. The enclosed report is an analysis performed by the GMD on behalf of our membership. Under this analysis, the proposed change is considered to be reasonable and unlikely to impair if either the net in-season well-to-well effect of the proposed change is less than a strict maximum allowable threshold (4.0 ft in cases where saturated thickness range is greater than 200 ft), or if no well with a net well-to-well effect exceeding the threshold is identified as critical. Critical wells are identified as wells that are expected to either lose or greatly diminish water supply over the next 25 years. The attached review information is based on a Theis analysis using inputs from the GMD3 aquifer model, which is considered to be the best information on well and aquifer data readily and easily available to the public. If either the applicant or the neighbors believe they have better data that might change the result of the analysis, they should contact GMD3. Conclusions of the well analysis may change if better information on well and aquifer data can be made available.

Every neighboring well within 1 mile of the proposed move was evaluated. Evaluations showed that none of the neighboring wells exceeded the net effect above the maximum allowable threshold and were actually well under that threshold. Our office received no comments from neighboring well owners. Therefore, GMD3 sees this move as reasonable and therefore recommend that the application be approved. If aquifer conditions change or there is a change to the water right in the future, we would be happy to evaluate the effects at that 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

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OCT 13 2020

GMD3 Change Review

File No(s): 17383 & 30448.

DWR office: GC.

App filed to change: PD.

Is Landowner(s) correct in WRIS: KMC Ag.

If NO, is documentation included?

Is Water Use Correspondent correct in WRIS? ___.

If NO, is documentation included?

Regulation(s) Reviewed: KAR 5-23-3

Point of diversion ID No(s) 02 being changed.

	ft. North	ft. West	
Authorized PD	3980	5170	Sect 36-31-29
Proposed PD	3181	526	Sect 35-31-29
Difference	799 s	636 w	
a2 + b2 = c2	638401	404496	1021.223 foot move SW

GPS for proposed PD: Lat: 37.30893 Long: -100.43691.

Is proposed PD stacking on existing WRs? No new stacks, both WRs moving.

Is Proposed PU overlapping existing WRs? ___.

Neighboring certified well(s) notified: ___.

Name McCune Farms Inc. (5020, 30134, 17383 & 30448) Applicant.

Address 12020 13 RD.

Zip Meade, KS 67864.

Email: ___. Phone: ___.

Name Dean & Kay Berghaus Living Trust (9982).

Address PO Box 602.

Zip Meade, KS 67864.

Email: ___. Phone: ___.

Name Clawson Land Partnership (18936) Same address of applicant.

Address PO Box 279.

Zip Plains, KS 67869.

Email: ___. Phone: ___.

Domestic well(s) notified: appears domestics in area or applicants or well owners above.

Name ___.

Address ___.

Zip ___.

Base Acres: ___.

Perfected Acres: ___.

Irr. Return-Flow ___%

GMD3 Change Review

Lose of production in current well.

It seems most of the wells in the area are tied to the application.

Is a waiver needed: Move is less than half mile and spacing to neighboring wells has been verified. Analysis showed minimal effects in the area according to our guidelines.

No responses from neighbors.

Recommendation: After review of all available information, current area rules are met.

Staff recommends approval of the application.



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OCT 13 2020

Garden City Field Office
Division of Water Resources

30139: Drawdown from current location = 1.41 ft
Drawdown from proposed location = 2.63 ft
Net drawdown = **1.2 ft**

18936: Drawdown from current location = 1.33 ft
Drawdown from proposed location = 3.20 ft
Net drawdown = **1.9 ft**

Domestic 26-31-29: Drawdown from current location = 1.18 ft
Drawdown from proposed location = 2.18 ft
Net drawdown = **1.0 ft**

Domestic 25-31-29: Drawdown from current location = 1.50 ft
Drawdown from proposed location = 2.65 ft
Net drawdown = **1.2 ft**

Domestic 36-31-29: Drawdown from current location = 1.68 ft
Drawdown from proposed location = 2.89 ft
Net drawdown = **1.2 ft**

Domestic 1-32-29: Drawdown from current location = 0.95 ft
Drawdown from proposed location = 2.07 ft
Net drawdown = **1.1 ft**

Net drawdown does not exceed the drawdown allowance of 4.0 ft for any wells within 1 mile of the proposed location. Therefore, critical well analysis is not necessary.

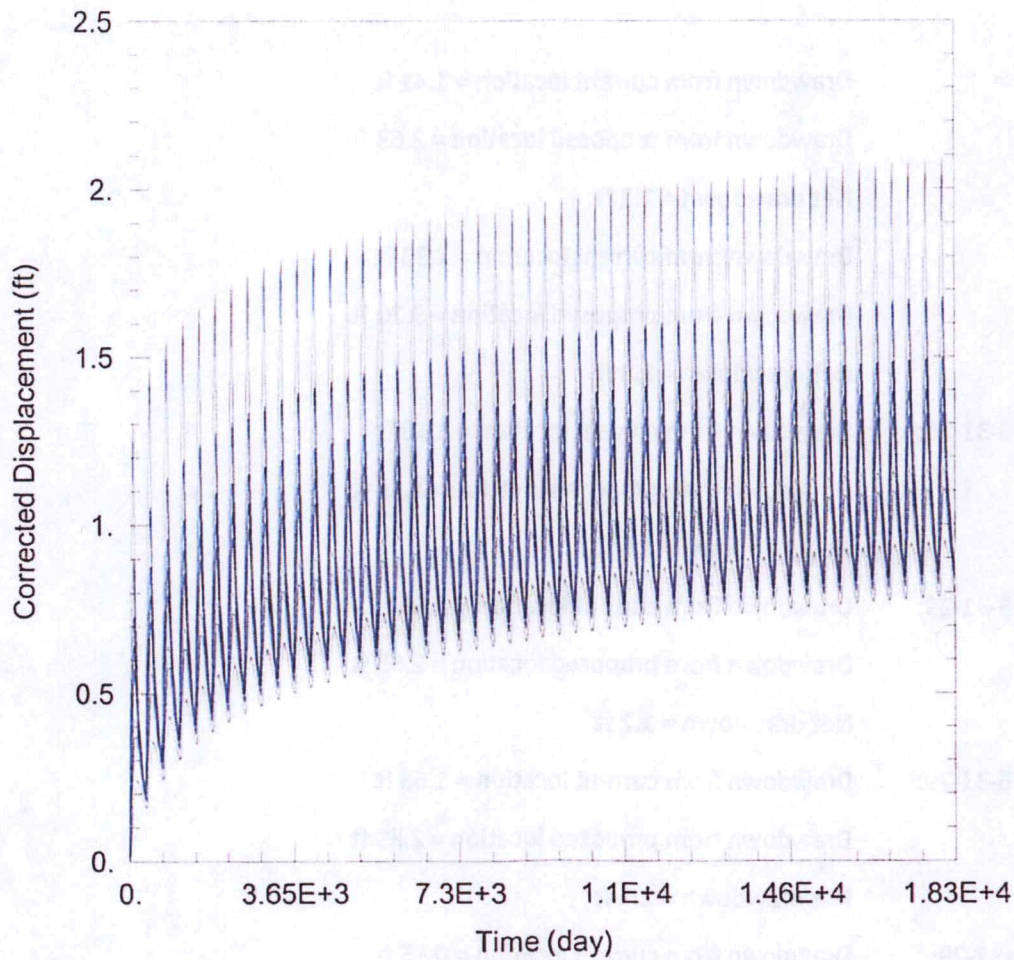
Conclusion:

Based upon information from the GMD3 model, this proposal will cause minimal effects on neighboring wells, and is unlikely to create an impairment. GMD3 staff recommends approval of the application.

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OCT 13 2020

Garden City Field Office
Division of Water Resources



WELL TEST ANALYSIS

Data Set: C:\Users\trevora\Documents\2020_moves\17383_30448\17383 & 30448 Current.aqt
 Date: 09/28/20 Time: 14:12:53

PROJECT INFORMATION

Company: GMD 3
 Project: 17383 & 30448
 Location: Meade County
 Test Well: 17383 & 30448

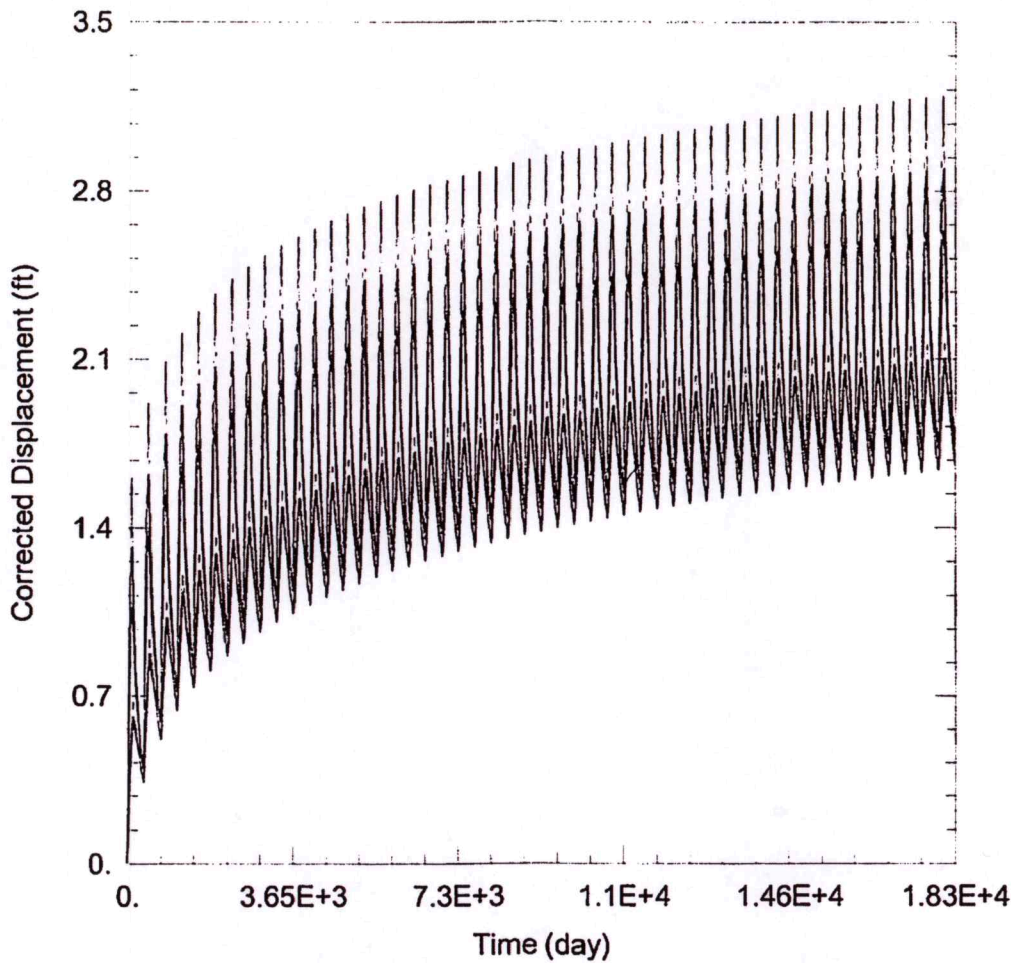
WELL DATA

Pumping Wells			Observation Wells		
Well Name	X (ft)	Y (ft)	Well Name	X (ft)	Y (ft)
17383 & 30448	106217	158920	□	106217	158920
			□ 5020 & 30448	106958	160142
			□ 9982	105244	162784
			□ 30139	108693	157650
			□ 18936	106137	155874
			□ Domestic 26-31-29	105631	162544
			□ Domestic 25-31-29	105981	161411
			□ Domestic 36-31-29	108285	158594
			□ Domestic 1-32-29	107642	154013

SOLUTION

Aquifer Model: Unconfined

Solution Method: Theis



WELL TEST ANALYSIS

Data Set: C:\Users\trevora\Documents\2020_moves\17383_30448\17383 & 30448 Proposed.aqt
 Date: 09/28/20 Time: 14:13:13

PROJECT INFORMATION

Company: GMD 3
 Project: 17383 & 30448
 Location: Meade County
 Test Well: 17383 & 30448

RECEIVED

OCT 13 2020

Garden City Field Office
 Division of Water Resources

WELL DATA

Pumping Wells

Well Name	X (ft)	Y (ft)
17383 & 30448	105442	158195

Observation Wells

Well Name	X (ft)	Y (ft)
□	105442	158195
□ 5020 & 30448	106958	160142
□ 9982	105244	162784
□ 30139	108693	157650
□ 18936	106137	155874
□ Domestic 26-31-29	105631	162544
□ Domestic 25-31-29	105981	161411
□ Domestic 36-31-29	108285	158594
□ Domestic 1-32-29	107642	154013

SOLUTION

Aquifer Model: Unconfined

Solution Method: Theis

Meyer, Mike [KDA]

From: Meyer, Mike [KDA]
Sent: Wednesday, September 23, 2020 7:24 AM
To: 'Norquest, Jason (Norquest@gmd3.org)'
Subject: request for recommendation, File No. 17383 * 30448
Attachments: 20200923071058503.pdf

Good morning

please see the attached applications to change the point of diversion under the referenced file numbers. these meet all regulations. Please review and submit a recommendation within 15 days from the date of the letter

thank you

Mike

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

September 23, 2020

SOUTHWEST KANSAS GROUNDWATER
MANAGEMENT DISTRICT NO. 3
2009 E SPRUCE ST
GARDEN CITY KS 67846

Re: Water Right, File Nos. 17383 & 30448

Dear Mr. Norquest:

This is to advise you that KMC Ag LLC, has filed applications for approval of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, to change the point of diversion for the above referenced files. The applications are proposing a to move the current authorize point of diversion that meets regulations.

We are delaying action on the change applications to allow you time to review and provide a recommendation. Please submit a recommendation within 15 days from the date of this letter.

Thank you and as always feel free to contact this office at any time.

Sincerely,

A handwritten signature in blue ink, appearing to read "Michael A. Meyer".

Michael A. Meyer
Water Commissioner

MAM
Enclosures

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



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

Mike Beam, Secretary

Laura Kelly, Governor

August 19, 2020

MCCUNE FARMS INC
12020 13 RD
MEADE, KS 67864

RE: Water Right, File Nos. 17383 & 30448

Dear Sir or Madam:

Reference is made to applications for approval of the Chief Engineer to change the point of diversion under the referenced file numbers, which was received in this office August 18, 2020. Upon review of the application, we find that additional information is needed.

It is required by K.A.R. 5-5-1(c) Filing an application for change, that the Division of Water Resources, is required to obtain a notarized signature from each landowner and their spouse, or a duly authorized agent that are part of the referenced water rights. All signing must be done with a notary public present. It appears that you own land on section 35 and Section 36, Township 31 South, Range 29 West, Meade County. It appears you are owners of tracts of land involving tracts of ground that residences. If you currently own these tracts, please sign the applications (copies enclosed) for other current water right owners consider re-drilling their irrigation well.

Also, this notice also wants to point out the proposal. As you may have nearby domestic wells, by law we must notify all well owners within one half mile of the proposed well location to be drilled if approved, and if you have any comment or concerns. Please provide any of those comments within the time allowed below with your notarized signatures if submitted.

For the applications to retain their priority of filing, all required signatures (of all landowners of record) must be completed and returned to this office on or before, **September 4, 2020**. According to law, default in returning requested information as outlined above within the time allowed or any authorized extension of time, shall cause dismissal of the applications for change under the above referenced file numbers.

If you have any questions, please contact our office. Please reference the water right file numbers listed above so that we may help you more efficiently.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael A. Meyer".

Michael A. Meyer
Water Commissioner

MAM
Enclosure

More on back

RE: File No. 17383 & 30448

August 19, 2020

Pc:

KMC AG LLC
PO Box 279
Plains KS 67869

BORTH FARMS INC
Attn: JERRY BORTH
7126 L RD
PLAINS, KS 67869

**Kansas Department of Agriculture
Division of Water Resources**

LANDOWNER - WU CORRESPONDENT

1. File No(s) 5020; 12331; 17383; 18936; 30139; 30448	1a. <input type="checkbox"/> Vested Right <input checked="" type="checkbox"/> Water Right <input type="checkbox"/> Appropriation of Water	1b. FO 04	1c. GMD 03
--	---	---------------------	----------------------

2. Computer Only Letter Attached Stamped Document WUC Des Form

3. Informed by **17383 & 30448 CHANGE APPS / DEEDS SUBMITTED WITH CHANGE APPS**

4a. Landowner(s) KMC AG LLC P O BOX 279 PLAINS, KS 67869-0279 New to system <input type="checkbox"/> Person ID 63761 Add Seq# _____ 5. WUR Correspondent 4a New to system <input type="checkbox"/> Person ID _____ Add Seq# _____ Notarized WURC Form <input type="checkbox"/>	4b. Landowner(s) BORTH FARMS INC Attn: JERRY BORTH 7126 L RD PLAINS, KS 67869 New to system <input type="checkbox"/> Person ID 22436 Add Seq# _____ 4c. Landowners(s) CLAWSON LAND PARTNERSHIP PO BOX 279 PLAINS, KS 67869 New to system <input type="checkbox"/> Person ID 57020 Add Seq# _____
---	---

7. Name and person ID code of former WUR correspondent **MCCUNE FARMS INC** **11413**
Name Person ID

8. Place of Use – County **ME**

File No.	PUSE ID	S	T	R	ID#	Owner	Chg?	Overlap Files
5020	2315	35	31S	29W	2	8a	Y	12331; 17383; 18936; 30139; 30448
5020	6154	25	31S	29W	2	8b	Y	12331; 17383; 18936; 30139; 30448
5020	14039	26	31S	29W	4	8a	Y	12331; 17383; 18936; 30139; 30448
5020	17312	36	31S	29W	2	8a	Y	12331; 17383; 18936; 30139; 30448

NO CHANGE TO PUSE IDs # 14451; 26113; 38933; 69181

9. Comments _____

Date Prepared **10/15/2020** by **AM**
Date Entered _____ by _____

County Clerk.

WITNESSETH, That first party, in consideration of the sum of

STATE OF KANSAS)
)ss.
Meade County.)



This instrument was filed for record on the
2 day of Jan.
2020, at 2:40 o'clock P. M.,
and duly recorded in Book 99 of Deeds,
at page 118-119

Stotter Davis
Register of Deeds.

By Photocopied Deputy.

FEES.
Register of Deeds, for recording \$ 38.00
County Clerk, for transfer \$ _____
Total, \$ _____

-----CONTRIBUTION-----

the receipt of which is hereby acknowledged, does by these presents convey and warrant SURFACE RIGHTS ONLY unto second party, its heirs and assigns, all of the following described real estate situated in Meade County, State of KANSAS to-wit:

That part of the Southeast Quarter (SE/4) of Section Twenty-six (26), Township Thirty-one (31) South, Range Twenty-nine (29) West of the 6th P.M., Meade County, Kansas, lying South of the Chicago, Rock Island & Pacific Railroad right of way;

North Half (N/2) of Section Thirty-five (35), Township Thirty-one (31) South, Range Twenty-nine (29) West of the 6th P.M., Meade County, Kansas, LESS AND EXCEPT a tract of land in the Northeast Quarter (NE/4) of said Section 35, Township 31 South, Range 29 West of the 6th P.M., said tract of land being more particularly described as follows: Beginning at the Northeast corner of the Northeast Quarter (NE/4) of said Section 35; Thence South 01°04'32" West along the East line of said Northeast Quarter (NE/4) a distance of 913.18 feet; Thence North 87°24'26" West a distance of 384.69 feet; Thence North 22°36'59" West a distance of 74.00 feet; Thence North 10°01'40" West a distance of 70.00 feet; Thence North 02°19'28" East a distance of 769.96 feet to a point on the North line of said Northeast Quarter (NE/4); Thence South 88°28'09" East along said North line a distance of 411.00 feet to the Point of Beginning;

Northeast Quarter (NE/4) of Section Thirty-six (36), Township Thirty-one (31) South, Range Twenty-nine (29) West of the 6th P.M., Meade County, Kansas.

TO HAVE AND TO HOLD THE SAME, Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in any wise appertaining, forever.

And said first party, for itself, its successors and assigns, does hereby covenant, promise and agree to and with said second party that at the delivery of these presents it is lawfully seized in its own right of an absolute and indefeasible estate of inheritance, in fee simple, to the surface rights to the above-described real estate, with the appurtenances; that the same are free, clear, discharged and unencumbered of and from all former and other grants, titles, charges, estates, judgments, taxes, assessments and encumbrances of whatever nature and kind soever, except: any and all easements, rights-of-way, and reservations of record and that it will warrant and forever defend the same unto said second party, its heirs and assigns, against said first party, its successors and assigns, and all and every person or persons whomsoever lawfully claiming or to claim the same.

IN WITNESS WHEREOF, First party has caused this Deed be signed on its behalf by Scot McCune, President thereunto duly authorized so to do, the day and year first above written.

McCUNE FARMS, INC.

By Scot N. McCune
Scot N. McCune, President

Jean L. Cole, a single person and Terry R. Osborne, a single person,

CONVEY AND WARRANT TO

KMC AG, LLC, a Kansas limited liability company,

SURFACE RIGHTS ONLY in the following described REAL ESTATE in the County of MEADE and the State of KANSAS to-wit:

Grantors' interest in and to the Northwest Quarter (NW/4) of Section Thirty-six (36), Township Thirty-one (31) South, Range Twenty-nine (29) West of the 6th P.M., Meade County, Kansas, LESS AND EXCEPT a tract of land being more particularly described as follows: Beginning at the Northwest corner of the Northwest Quarter (NW/4) of said Section 36; Thence South 89°32'35" East along the North line of said Northwest Quarter (NW/4) a distance of 804.00 feet; Thence South 04°53'59" West a distance of 817.43 feet; Thence North 89°24'11" West a distance of 749.46 feet to a point on the West line of said Northwest Quarter (NW/4); Thence North 01°04'32" East along said West line a distance of 813.19 feet to the Point of Beginning; together with all and singular, the appurtenances and improvements located thereon, including all water rights, irrigation wells, irrigation pumps, irrigation gearheads, irrigation water meters, center-pivot irrigation sprinkler systems, gas meters, and all underground lines located upon and about the above described real estate

for the sum of-----TEN DOLLARS (\$10.00) and other good and valuable consideration -----

EXCEPT AND SUBJECT TO: Any and all easements, rights-of-way, and reservations of record

Dated: 12-21-19

Jean L. Cole

Jean L. Cole

STATE OF KANSAS)
)
COUNTY OF Meade)

ss:

BE IT REMEMBERED, That on this 31 day of December A.D. 2019, before me, the undersigned, a Notary Public in and for the County and State aforesaid, came Jean L. Cole, a single person, who is personally known to me to be the same person who executed the within instrument in writing and such person duly acknowledged the execution of the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal, the day and year last above written.



Richelle Axtell

Notary Public.

Term Expires: 3-18, 2020

COUNTY OF COOK)

ss:

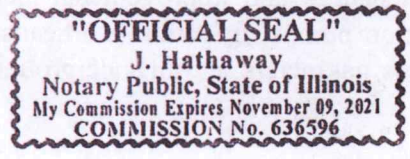
BE IT REMEMBERED, That on this 21 day of DEC A.D. 2019, before me, the undersigned, a Notary Public in and for the County and State aforesaid, came Terry R. Osborne, a single person, who is personally known to me to be the same person who executed the within instrument in writing and such person duly acknowledged the execution of the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal, the day and year last above written.



Notary Public.

Term Expires: Nov 9, 2021



IN TESTIMONY WHEREOF, I have hereunto
subscribed my name and affixed my official
Seal the day and year last above mentioned.



Richelle Axtell
Notary Public

My Appointment Expires 3-18, 20 20

Meyer, Mike [KDA]

Subject: FW: ownership

Subject: RE: ownership

PU ID	Owner
2315	KMC AG LLC
6154	BORTH FARMS INC
14039	KMC AG LLC
14451	BORTH FARMS INC
17312	KMC AG LLC
26113	CLAWSON LAND PARTNERSHIP
38933	BORTH FARMS INC
69181	CLAWSON LAND PARTNERSHIP

section 25 and 30 south of railroad is BORTH FARMS INC now not BERGHAUS.