

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

1. File Number: <b>32975</b>	2. Status Change Date:	3. Change Num: <b>C1</b>	4. Field Office: <b>4</b>	5. GMD: <b>3</b>
---------------------------------	------------------------	-----------------------------	------------------------------	---------------------

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>11/22/2019</b>
--	--

8a. Applicant(s)/ LANDOWNER/ WUC    Person ID <b>63761</b> New to system <input type="checkbox"/> Add Seq# _____  <b>KMC AG LLC</b> <b>P O BOX 279</b> <b>PLAINS, KS 67869-0279</b>	8c. Landowner(s)    Person ID <b>35935</b> New to system <input type="checkbox"/> Add Seq# _____  <b>STEVEN DAVIS</b> <b>8149 N GIBRALTAR DR</b> <b>TUCSON, AZ 85704</b>
--	---

8b. Landowner(s)    Person ID <b>57020</b> New to system <input type="checkbox"/> Add Seq# _____  <b>CLAWSON LAND PARTNERSHIP</b> <b>PO BOX 279</b> <b>PLAINS, KS 67869</b>	8d. landowner    Person ID <b>67099</b> New to system <input type="checkbox"/> Add Seq# _____  <b>BARBRA MCARTHUR</b> <b>834 OLEANDER ST</b> <b>WICKENBURG, AZ 85390</b>
--	---

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: **3/19/2020**    By: **AM**  
 Date Entered: \_\_\_\_\_    By: \_\_\_\_\_

File No. **32975**      11. County: **SW**      Basin: **CROOKED CREEK**      Stream: \_\_\_\_\_      Formation Code: \_\_\_\_\_      Special Use: \_\_\_\_\_

12. Points of Diversion  
 Rate and Quantity  
 Authorized      Additional  
 Rate      Quantity      Rate      Quantity  
 gpm      af      gpm      af      Overlap PD Files

DEL	PDIV	Qualifier	S	T	R	ID	'N	'W	Comment (AKA Line)	Rate gpm	Quantity af	Rate gpm	Quantity af	Overlap PD Files
DEL	31362													
ENT		NW NE SE	13	31S	31W		2566	766		1460	270	1460	270	NONE

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	14846																									
CHK	18828																									
CHK	22804																									
CHK	29660																									
CHK	33235																									
CHK	69690																									
CHK	69691																									

Base Acres: \_\_\_\_\_ Year: \_\_\_\_\_ Minimum Reasonable Quantity: \_\_\_\_\_  
 Comments: \_\_\_\_\_

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

March 19, 2020

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

RE: Water Right, File No. 32975

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  
Steven Davis  
Barbara McArthur  
GROUNDWATER MANAGEMENT DISTRICT NO. 3



**CERTIFICATE OF SERVICE**

On this 19<sup>th</sup> day of March, 2020, I hereby certify that the foregoing Approval of Application for Change in Point of Diversion, Water Right, File No. 32,975 dated 19<sup>th</sup> day of March, 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

STEVEN DAVIS  
8149 N GIBRALTAR DR  
TUCSON, AZ 85704

BARBRA MCARTHUR  
834 OLEANDER ST  
WICKENBURG, AZ 85390

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.

RECEIVED

NOV 22 2019  
 3:20 PM

Garden City Field Office  
 Division of Water Resources

File No. 32975

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: KMC Ag LLC PO Box 279 Plains KS 67869-0279

Phone Number: (    ) \_\_\_\_\_ Email address: \_\_\_\_\_

Name and address of Water Use Correspondent: KMC Ag LLC PO Box 279 Plains KS 67869-0279

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 TR # \_\_\_\_\_ Receipt Date 11-22-19 Check # 6330



5. **Presently authorized point of diversion:**  
 One in the CW Quarter of the SE Quarter of the \_\_\_\_\_ Quarter  
 of Section 13, Township 31 South, Range 31 W,  
 in Seward County, Kansas, 1365 feet North 2625 feet West of Southeast corner of section.  
 Authorized Rate 1460 GPM Authorized Quantity 270 AF Depth of well \_\_\_\_\_ (feet)  
 (DWR use only: Computer ID No. 03 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 NW Quarter of the NE Quarter of the SE Quarter  
 of Section 13, Township 31 South, Range 31 W,  
 in Seward County, Kansas, 2566 feet North 766 feet West of Southeast corner of section.  
 Proposed Rate 1460 gpm Proposed Quantity 270 AF 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 \_\_\_\_\_ (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

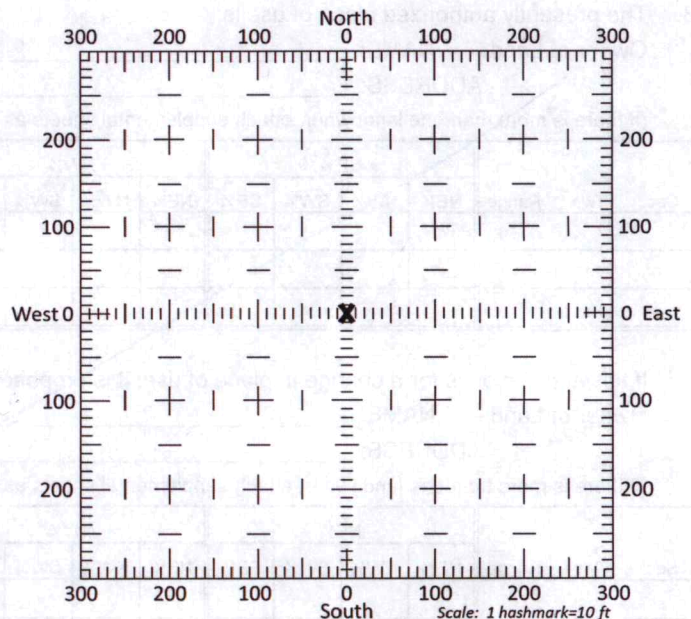
9. The change(s) (was)(will be) completed by?  
 \_\_\_\_\_

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

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.)

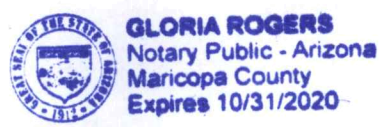
If the application proposes a surface water change in point of diversion, a groundwater change in point of diversion greater than 300 feet, or a change in place of use, the application must be signed by all owners of the currently authorized place of use, or their duly authorized agent (attach notarized 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 1-22-20 ARIZONA, Kansas, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

<p><u>X</u> <u>Barbara Davis McArthur</u>          _____          (Owner)</p> <p><u>BARBARA DAVIS McARTHUR</u>          _____          (Please Print)</p> <p>_____          (Owner)</p> <p>_____          (Please Print)</p> <p>_____          (Owner)</p> <p>_____          (Please Print)</p>	<p>_____          (Spouse)</p> <p>_____          (Please Print)</p> <p>_____          (Spouse)</p> <p>_____          (Please Print)</p> <p>_____          (Spouse)</p> <p>_____          (Please Print)</p>
---	---

State of ~~Kansas~~ ARIZONA }  
 County of MARICOPA } SS



I hereby certify that the foregoing application was signed in my presence and sworn to before me this 22nd day of January, 2020.

Gloria Rogers  
 \_\_\_\_\_  
 Notary Public

My Commission Expires 10-31-2020.

**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**  
**MAR 04 2020**  
 Garden City Field Office  
 DIVISION OF WATER RESOURCES



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. **ARIZONA**

Dated at 02/24/2020 PIMA CO., Kansas, this 24<sup>TH</sup> day of FEB., 20 20.

X STEVEN R DAVIS (Please Print) \_\_\_\_\_ (Owner)  
 \_\_\_\_\_ (Spouse)  
 \_\_\_\_\_ (Please Print)  
 \_\_\_\_\_ (Owner) \_\_\_\_\_ (Spouse)  
 \_\_\_\_\_ (Please Print) \_\_\_\_\_ (Please Print)  
 \_\_\_\_\_ (Owner) \_\_\_\_\_ (Spouse)  
 \_\_\_\_\_ (Please Print) \_\_\_\_\_ (Please Print)

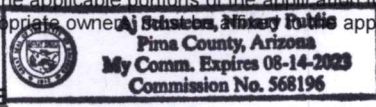
**ARIZONA** (Please Print)  
 State of ARIZONA  
 County of PIMA } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 24<sup>TH</sup> day of FEB., 20 20.

[Signature]  
 Notary Public

My Commission Expires 08/14/2023

**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 of 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

MAR 04 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.)

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 22 day of November, 2019.

Daniel Adams for Chasman Land Partnerships partner \_\_\_\_\_  
(Owner) (Spouse)

(Please Print)

(Please Print)

Daniel Adams for KMC Ag LLC manager \_\_\_\_\_  
(Owner) (Spouse)

(Please Print)

(Please Print)

\_\_\_\_\_  
(Owner) (Spouse)

(Please Print)

(Please Print)

State of Kansas }  
County of FINNEY } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 22ND day of NOV, 2019.



Catherine Reinert  
Notary Public

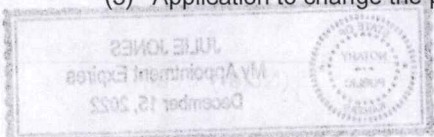
My Commission Expires 9/14-22

ONLY COMPLETE APPLICATIONS WILL BE PROCESSED. To be complete, all of the applicable portions of the application form must be completed with accurate information; maps, if necessary, must be included; signatures of all the appropriate owners' must be affixed to the application and notarized; and the appropriate fee must be paid.

**FEE SCHEDULE**

Each application to change the place of use or the point of diversion under this section shall be accompanied by the application fee set forth in the schedule below: Make checks payable to: Kansas Department of Agriculture

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





**SUMMARY ORDER APPROVING APPLICATION FOR CHANGE AND IMPOSING CONDITIONS**

This Summary Order is issued under authority of K.S.A. 82a-708b, as amended, and K.A.R. 5-5-1, *et seq.* and other applicable provisions of the *Kansas Water Appropriation Law, K.S.A. 82a-701 et seq.*, and rules and regulations promulgated thereunder. With the exception of those conditions expressly contained herein, this Summary Order does not change the terms, conditions and limitations of File No. 32975.

1. A change application was received on November 22, 2019 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 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 2640 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**

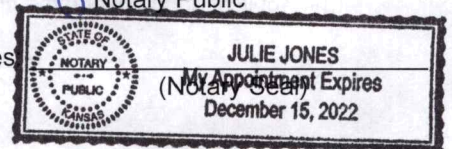
If you are aggrieved by this order, pursuant to K.S.A. 82a-1901, you may request an evidentiary hearing before the Chief Engineer or request administrative review by the Secretary of Agriculture. A request for hearing by the Chief Engineer must be filed within **15 days** of service of this Order and 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: March 19, 2020  
State of Kansas )  
County of Ginney ) SS  
Acknowledged before me on March 19, 2020  
by Austin McColloch  
Signature: Julie Jones  
Notary Public

My commission expires





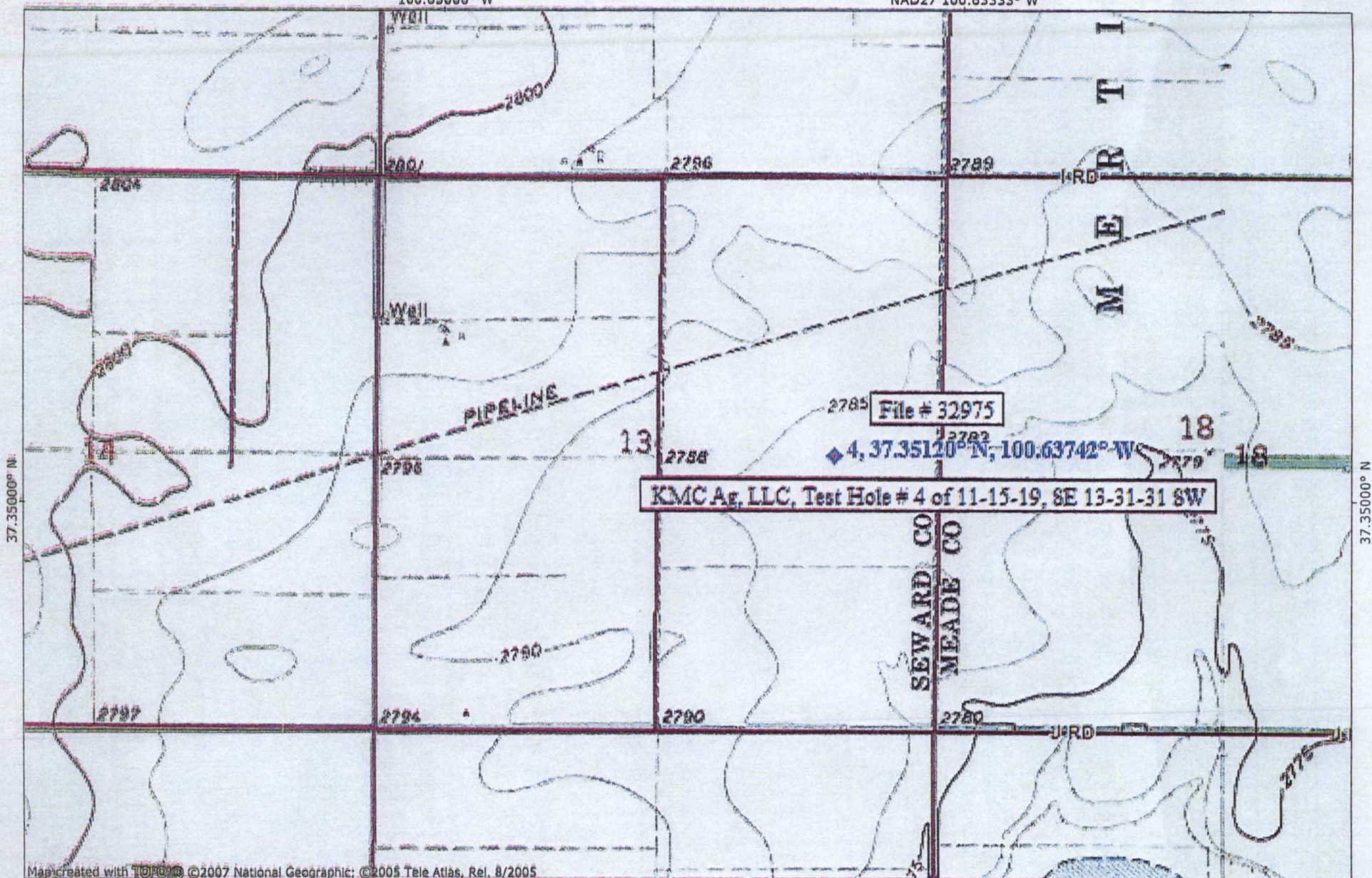




TOPO! map printed on 11/16/19 from "Untitled.tpo"

100.65000° W

NAD27 100.63333° W



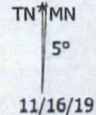
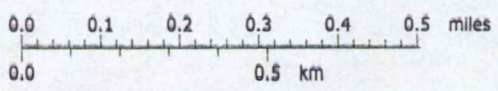
37.35000° N

37.35000° N

Map created with TOPO! ©2007 National Geographic; ©2005 Tele Atlas, Rel. 8/2005

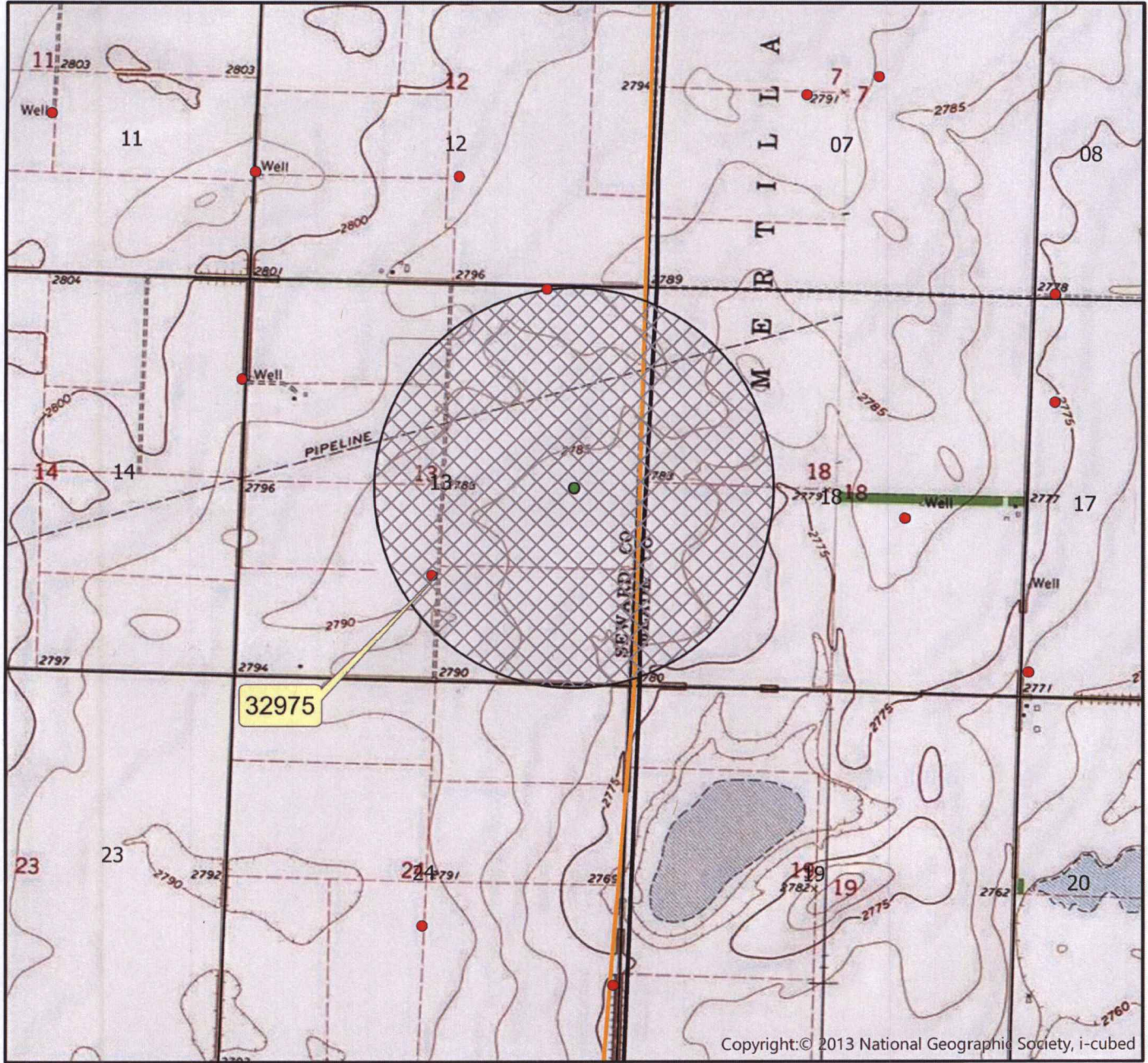
100.65000° W

NAD27 100.63333° W





# CHANGE IN PLACE OF DIVERSION WATER RIGHT, FILE NO. 32975



Township 31 South Range 31 West  
Seward County

- Authorized Point of Diversion
- Proposed Point of Diversion
- 1/2 mile buffer

All wells of any kind within 1/2 mile of the requested place of use have been plotted.



(Signature)

Created by: SZ/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

March 19, 2020

Austin J. McColloch  
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. 32975

Dear Austin:

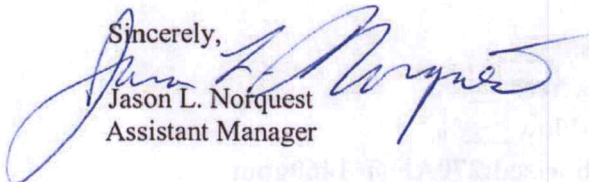
We have completed a review of the application for the above referenced water right. The proposed changes in points of diversion are in accordance with current area rules, K.A.R. 5-23-3, as it pertains to distance moved and minimum spacing to neighboring wells.

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 (3.5 ft in cases where saturated thickness is between 150-200 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 on neighboring wells above the maximum allowable threshold. Our office did not receive any 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



## GMD3 Change Review

---

File No(s): 32975.

DWR office: GC.

App filed to change: PD.

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

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) 03 being changed.

	ft. North	ft. West	
Authorized PD	1365	2625	Sect 13-31-31
Proposed PD	2566	766	
Difference	-1201 n	1859 e	
$a^2 + b^2 = c^2$	1442401	3455881	2213.206 foot move NE

GPS for proposed PD: Lat: 37.35120 Long: -100.63742.

Is proposed PD stacking on existing WRs? No.

Is Proposed PU overlapping existing WRs? No Change.

Neighboring certified well(s) notified:   .

Name Jerome & Evelyn Eakes Trusts (4628).

Address 3206 Foxfire Dr.

Zip Dodge City, KS 67801.

Name Lila M Holmes (8097).

Address PO Box394

Zip Cimarron, KS 67835.

Name Todd D Stanton (17856 & 24725).

Address 24363 Road 26.

Zip Plains, KS 67869.

Domestic well(s) notified:   .

Name   .

Address   .

Zip   .

Base Acres:   .

Perfected Acres:   .

Irr. Return-Flow   %

**32975 authorized:270AF @ 1460gpm**

**Ten year legal usage:199.8AF/Year.**

**2016 GMD3 inspection showed 367gpm timed rate.**

## GMD3 Change Review

---

Is a waiver needed: Move is less than half mile and minimum spacing is met to all neighboring wells .

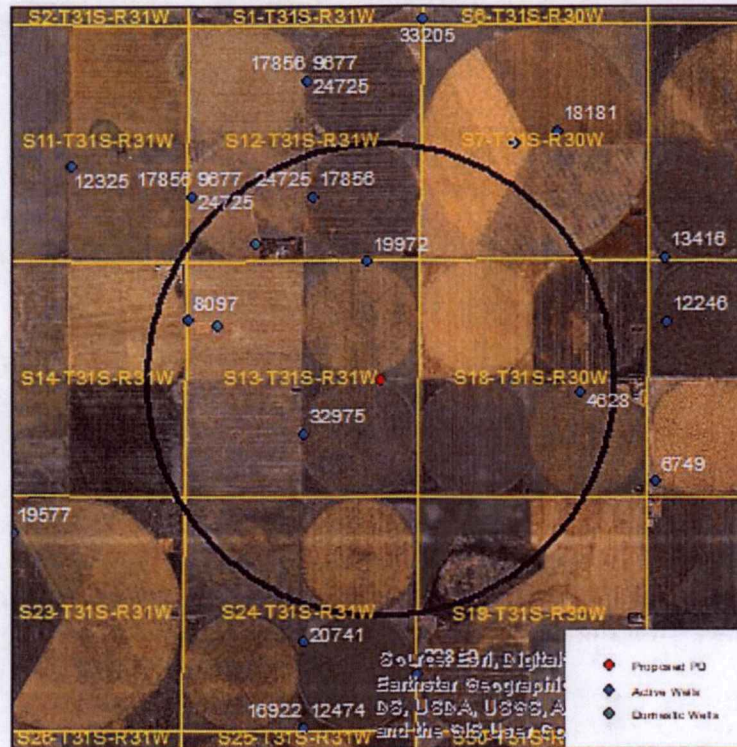
Recommendation: No response from neighboring notices. The analysis shows any possible effects are within the criteria for the area aquifer. Staff therefore recommends approval of the application.





**Evaluation of proposed move for Water Right No 32975**

Proposed: Move water right no. 32975 a distance of 2110 ft to the northeast.



Wells within 1 mile: 8097, 19972, 17856 & 24725, 4628, a domestic well in section 12-31-31, and a domestic well in section 13-31-31.

The saturated thickness at the proposed well location is estimated to be 162 ft, based upon the GMD3 model. For saturated thickness between 150 and 200 ft, the drawdown allowance is 3.5 ft.

**50 year Theis Analysis:** The following values were used to run the analysis:

$S = 0.1069$ ,  $T = 3639.7 \text{ ft}^2/\text{day}$ ,  $t_{p\text{current}} = 123 \text{ days}$  (based upon average use and observed rate),  $Q_{\text{current}} = 367 \text{ gpm}$  (based upon 2016 field inspection),  $t_{p\text{proposed}} = 42 \text{ days}$ ,  $Q_{\text{proposed}} = 1460 \text{ gpm}$

Theis drawdowns were calculated as follows:

8097: Drawdown from current location = 2.66 ft  
 Drawdown from proposed location = 3.19 ft  
 Net drawdown = 0.5 ft

19972: Drawdown from current location = 2.46 ft  
 Drawdown from proposed location = 4.66 ft  
 Net drawdown = 2.2 ft



17856 & 24725: Drawdown from current location = 2.11 ft  
Drawdown from proposed location = 3.27 ft  
Net drawdown = **1.2 ft**

4628: Drawdown from current location = 1.89 ft  
Drawdown from proposed location = 3.18 ft  
Net drawdown = **1.3 ft**

Domestic 12-31-31: Drawdown from current location = 2.35ft  
Drawdown from proposed location = 3.38 ft  
Net drawdown = **1.0 ft**

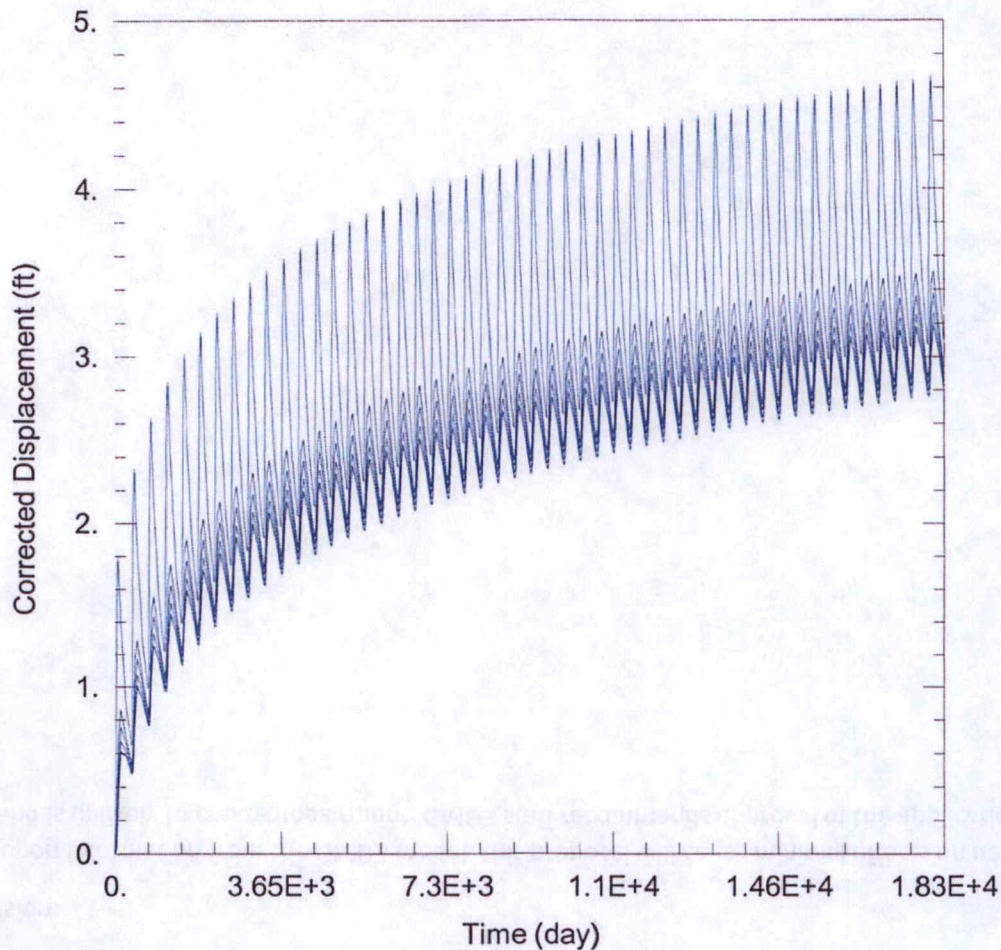
Domestic 13-31-31: Drawdown from current location = 2.92 ft  
Drawdown from proposed location = 3.51 ft  
Net drawdown = **0.6 ft**

Net drawdown does not exceed the drawdown allowance of 3.5 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 impairment. GMD3 staff recommends approval of the application.





### WELL TEST ANALYSIS

Data Set: C:\Users\trevora\Documents\2020\_moves\32975\32975 Proposed.aqt

Date: 03/05/20

Time: 14:32:19

### PROJECT INFORMATION

Company: GMD 3

Project: 32975

Location: Seward County

Test Well: 32975

### WELL DATA

#### Pumping Wells

Well Name	X (ft)	Y (ft)
32975	47098	173423

#### Observation Wells

Well Name	X (ft)	Y (ft)
□	47098	173423
□ 8097	42776	174741
□ 19972	46791	176044
□ 17856 & 24725	45574	177501
□ 4628	51620	173138
□ Domestic 12-31-31	44307	176452
□ Domestic 13-31-31	43423	174609

### SOLUTION

Aquifer Model: Unconfined

Solution Method: Theis

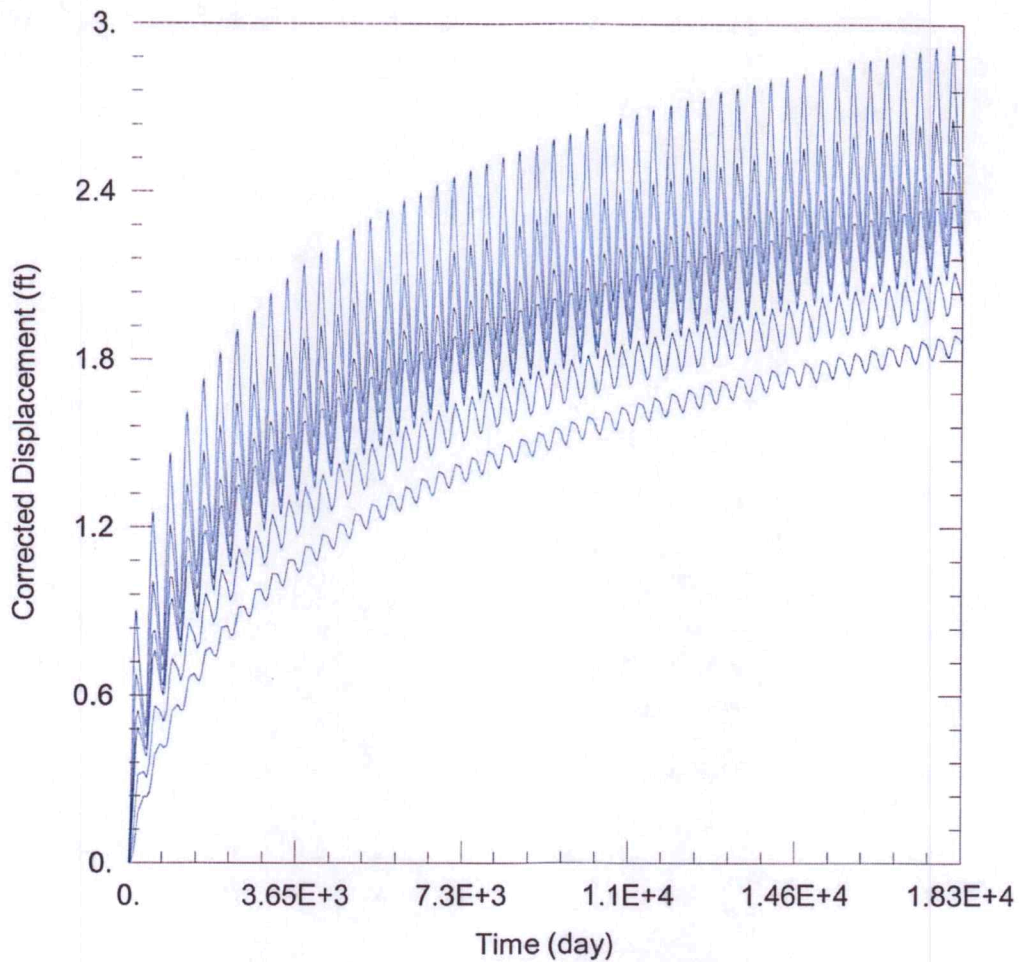
T = 3639.7 ft<sup>2</sup>/day

S = 0.1069

Kz/Kr = 1.

b = 162. ft





WELL TEST ANALYSIS

Data Set: C:\Users\trevora\Documents\2020\_moves\32975\32975 Current.aqt

Date: 03/05/20

Time: 14:32:27

PROJECT INFORMATION

Company: GMD 3

Project: 32975

Location: Seward County

Test Well: 32975

WELL DATA

Pumping Wells

Well Name	X (ft)	Y (ft)
32975	45370	172211

Observation Wells

Well Name	X (ft)	Y (ft)
□	45370	172211
□ 8097	42776	174741
□ 19972	46791	176044
□ 17856 & 24725	45574	177501
□ 4628	51620	173138
□ Domestic 12-31-31	44307	176452
□ Domestic 13-31-31	43423	174609

SOLUTION

Aquifer Model: Unconfined

Solution Method: Theis

T = 3639.7 ft<sup>2</sup>/day

S = 0.1069

Kz/Kr = 1.

b = 162. ft



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](http://www.agriculture.ks.gov)

Mike Beam, Secretary

Laura Kelly, Governor

March 4, 2020

GROUNDWATER MANAGEMENT DISTRICT #3  
2009 E SPRUCE ST  
GARDEN CITY KS 67846

Change Application,  
File No. 32975

Dear Sir or Madam:

We are enclosing a copy of the referenced application, which was submitted by KMC Ag LLC and appears to be in proper form, for your review.

We are delaying any further action for a period of 15 days from the date of this letter to allow you time to submit your recommendation concerning this application. Please submit your recommendation within the allotted time, or any authorized extension of time thereof.

If you have any questions, please contact me at (620) 276-2901. If you wish to discuss a specific file, please have the file number ready to that I may help you more efficiently.

Sincerely,

A handwritten signature in blue ink, appearing to read "Austin McColloch".

Austin McColloch  
Assistant Water Commissioner

Enclosure  
pc:



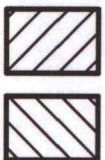
CHANGE IN POINT OF DIVERSION / PLACE OF USE FILE NO. XX



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

Township XX South Range XX West  
XX County

620-563-6112  
office.com  
Jeannae Clawson



AUTHORIZED PLACE OF USE

● POINT OF DIVERSION

PROPOSED PLACE OF USE



Created By: AM/GCFO



## McColloch, Austin [KDA]

---

**From:** McColloch, Austin [KDA]  
**Sent:** Friday, December 13, 2019 3:46 PM  
**To:** dan@clawsonoffice.com  
**Subject:** 32975 Change Application KDA-DWR  
**Attachments:** 32975 Change App.pdf; 32975 Map.pdf; Signature Page.pdf

Dan,

Attached is the change application you have submitted with the Division of Water Resources. Also attached is a map that I have added landownerships to. Please review both items for accuracy. I have also attached a blank signature page for both Stephen Davis and Barbara McArthur to sign. We need all landowners involved with a water right to sign an application to move a point of diversion greater than 300'. These water rights are authorized 69.38 acers in the NW¼ of Section 19. I do not have phone numbers for these two individuals but here are the address I could find on the county appraisers website.

STEVEN DAVIS  
8149 N GIBRALTAR DR  
TUCSON, AZ 85704

BARBRA MCARTHUR  
834 OLEANDER ST  
WICKENBURG AZ 85390

Let me know if you need any more information.

Thanks,

**Austin J. McColloch**  
Assistant Water Commissioner  
Kansas Department of Agriculture- DWR  
Garden City Field Office  
<http://agriculture.ks.gov/>  
Ph: (620) 276-2901



1241



KIRBY#2-SW12

Entered in Transfer Record in my office this 20 day of June A.D. 2012  
Kathy Tomens Deputy  
County Clerk

STATE OF KANSAS } FEE \$ 89/4.00  
SEWARD COUNTY }  
This instrument was filed for record  
June 19 20 12  
at 10:05 o'clock A. M. and recorded  
in Vol. 648 at page 527  
KAREN J. WARDEN, Register of Deeds  
Karen J. Warden

GENERAL WARRANTY DEED

THIS DEED, Made this 15<sup>th</sup> day of June, 2012, between Kirby B. Clawson and Mary R. Clawson, husband and wife, of Haskell County, in the State of Kansas, of the first part, and KMC AG, LLC, of Meade County, in the State of Kansas, of the second part,

WITNESSETH, That party of the first part, in consideration of the sum of TEN DOLLARS AND OTHER VALUABLE CONSIDERATION and NO/100 DOLLARS (\$10.00), the receipt of which is hereby acknowledged, do by these presents convey and warrant unto party of the second part, its successors and assigns, all the following described real estate situated in the County of Seward, and State of Kansas, to-wit:

\*\*\*\*\*The Southeast Quarter (SE/4) of Section One (1), Township Thirty-one (31) South, Range Thirty-one (31) West of the 6<sup>th</sup> P.M.;

The Southwest Quarter (SW/4) of Section One (1), Township Thirty-one (31) South, Range Thirty-one (31) West of the 6<sup>th</sup> P.M.;

The East Half (E/2) of Section Thirteen (13), Township Thirty-one (31) South, Range Thirty-one (31) West of the 6<sup>th</sup> P.M.;

The Southeast Quarter (SE/4) of Section Twenty-four (24), Township Thirty-one (31) South, Range Thirty-one (31) West of the 6<sup>th</sup> P.M.;

The Southeast Quarter (SE/4) of Section Thirty-six (36), Township Thirty-one (31) South, Range Thirty-one (31) West of the 6<sup>th</sup> P.M.;

The South Half (S/2) of Section Nineteen (19), and the Northwest Quarter (NW/4) of Section Nineteen (19); all in Township Thirty-one (31) South, Range Thirty-three (33) West of the 6<sup>th</sup> P.M.\*\*\*\*\*

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

And party of the first part, for themselves, their heirs, executors and administrators, do hereby covenant, promise and agree to and with party of the second part that at the delivery of these presents they are lawfully seized in their own right, of an absolute and indefeasible estate of inheritance, in fee simple, of and in all and singular the above granted and described premises, with the appurtenances; that the same are free, clear, discharged, and unincumbered of and from all former and other grants, title, charges, estates, judgments, taxes, assessments and incumbrances of what nature or kind soever except;

existing easements, rights of way, oil and gas leases, and other restrictions of record, if any;

and that they will warrant and forever defend the same unto party of second part, its successors and assigns, against party of the first part, their heirs, and all and every person or persons whomsoever, lawfully claiming or to claim the same.

IN WITNESS WHEREOF, party of the first part has hereunto subscribed their names, the day and year first above written.

NO S.V.Q. K.S.A. 79-1437 e(a) (4)

Kirby B. Clawson  
KIRBY B. CLAWSON

Mary R. Clawson  
MARY R. CLAWSON

RECEIVED

NOV 22 2019

BOOK 648 PAGE 527

Garden City Field Office  
Division of Water Resources



STATE OF KANSAS, COUNTY OF MEADE, ss:

BE IT REMEMBERED, That on this 1<sup>st</sup> day of June, 2012, before me, the undersigned, a notary public in and for the County and State aforesaid, came Kirby B. Clawson and Mary R. Clawson, husband and wife, who are personally known to me to be the same persons who executed the foregoing deed, and duly acknowledged the execution of the same.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my official seal on the day and year last above written.

Ryan Reimer  
Notary Public

(My Appt. Expires: 5-19-2016)



RECEIVED

NOV 22 2019

Garden City Field Office  
Division of Water Resources