

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

November 14, 2022

ARCHIE & KATHRYN LOWE
PO BOX 774427
STEAMBOAT SPRINGS CO 80477

RE: Filed Office Application for Change
Water Right, File No. 25379

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.

The abandoned well must be plugged in accordance with the requirements of Article 30 of the Rules and Regulations as adopted by the Kansas Department of Health and Environment.

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 black ink, appearing to read "Austin J. McColloch".

Austin J. McColloch
Assistant Water Commissioner

AM:
enclosures

pc:
Grant Webber
GMD 3

CERTIFICATE OF SERVICE

On this 14th day of November, 2022, I hereby certify that the foregoing Approval of Application for Change in Point of Diversion, Water Right, File No. 25,379 dated 14th day of November, 2022 was mailed postage prepaid, first class, US mail to the following:

ARCHIE & KATHRYN LOWE
PO BOX 774427
STEAMBOAT SPRINGS CO 80477

Pc:

GRANT WEBBER
PO BOX 339
SUBLETTE, KS 67877

GMD 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. 25379

RECEIVED
 12:05 PM
 SEP 27 2022

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

Garden City Field Office
 Division of Water Resources

2. Name and address of Applicant: GRANT WEBBER

PO BOX 339 SUBLETTE KS 67877

Phone Number: () _____

Email address: grfarmz@gmail.com

Name and address of Water Use Correspondent: _____

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 9-27-22 Check # 10886

5. **Presently authorized point of diversion:**
 One in the _____ Quarter of the _____ CE _____ Quarter of the _____ SW _____ Quarter
 of Section _____ 8 _____, Township _____ 29 _____ South, Range _____ 33 _____ (W),
 in HASKELL _____ County, Kansas, _____ 1300 _____ feet North _____ 2700 _____ feet West of Southeast corner of section.
 Authorized Rate _____ Authorized Quantity _____ Depth of well _____ (feet)
(DWR use only: Computer ID No. 02 _____ 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 _____ SW _____ Quarter of the _____ SW _____ Quarter of the _____ SE _____ Quarter
 of Section _____ 8 _____, Township _____ 29 _____ South, Range _____ 33 _____ (W),
 in HASKELL _____ County, Kansas, _____ 144 _____ feet North _____ 2036 _____ feet West of Southeast corner of section.
 Proposed Rate _____ Proposed Quantity _____ Proposed well depth (feet) _____ 660' _____
 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 _____ (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) LOSS OF PRODUCTION

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

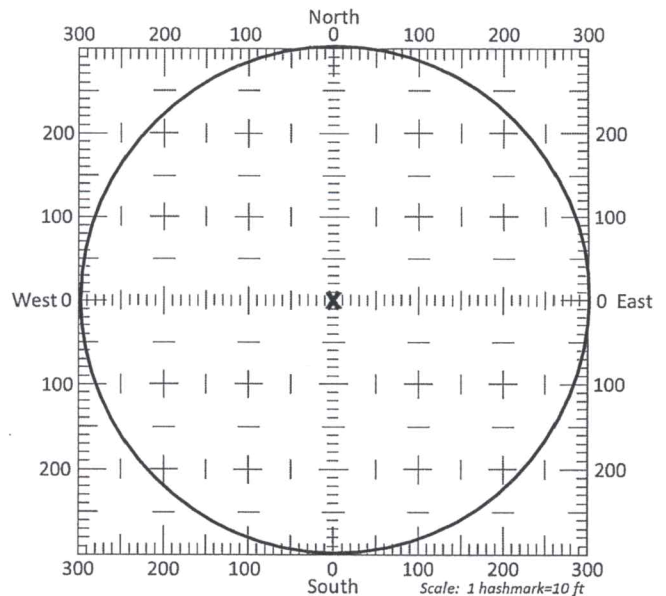
9. The change(s) (was)(will be) completed by?
UPON APPROVAL

10. If the point of diversion is a well:
 (a) What are you going to do with the old well?
PLUG / CAP
 (b) When will this be done? UPON COMPLETION

11. Groundwater Management District recommendation attached?
 Yes No

12. Assisted by AM / 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 a 300 foot radius of the existing point of diversion, indicate its location on the diagram shown above in relation to the existing point of diversion. The proposed point of diversion must be located within the circle shown above. (PLEASE NOTE: The "X" in center of diagram above represents the presently authorized point of diversion.)

Sec. 8-T29 -Blk R33

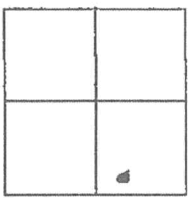
Survey _____ Co. HASKEIL

N. 37.53344° W. 100.95090°



No. 29804

P.O. Box 784
Sunray, Texas 79086
(806) 948-4421



WL 380'

GRANT WEBBER

DATE 8/12/22

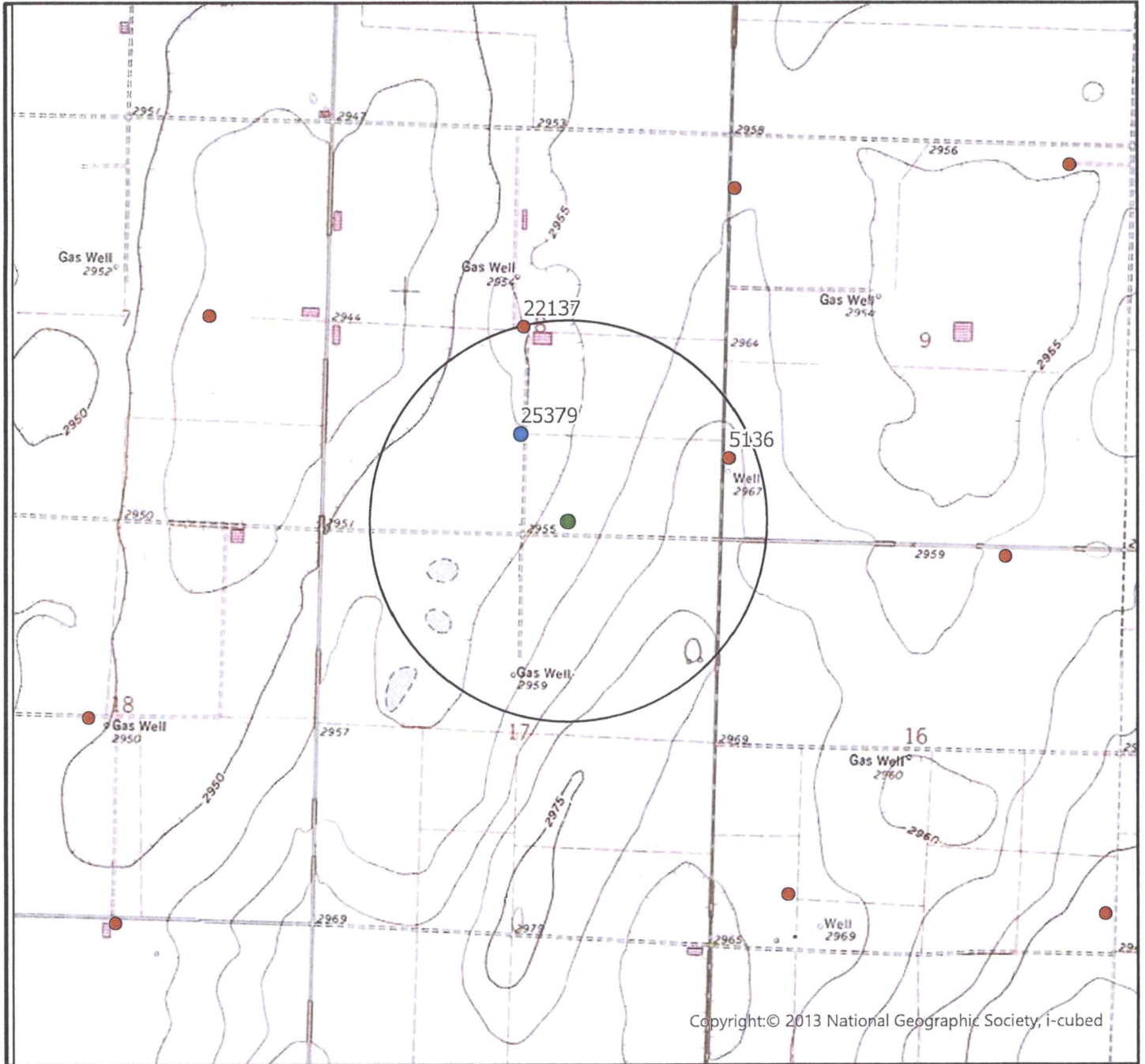
Test Waterwell

NO. 3-22 -A"

FROM	TO	DESCRIPTION	SAND
		Lost Circulation 630'	Lost Circulation 660'
0	60	top soil + brown clay w/ caliche strips	
60	280	med and coarse sand w/ big gravel strips ← used lot water 60' to 280'	
280	360	gray sticky clay w/ sand strips	
360	380	fine, med + coarse sand w/ clay strips	
380	400	fine to med to coarse fairly loose to little tight sand w/ clay strip	11
400	420	fine to med fairly tight sand w/ clay strips + shale strips	12
420	440	fine, med + coarse fairly loose sand	20
440	460	fine, med + coarse fairly loose sand w/ small gravel + clay strips	18
460	480	fine to med, fairly loose to little tight sand w/ clay strips	13
480	500	med fine fairly loose sand w/ clay strips	14
500	520	fine to med fairly tight sand w/ clay strips	15
520	540	fine to med to coarse fairly tight sand w/ gravel strips	20
540	560	fine, med + coarse fairly loose sand w/ gravel	20
560	580	med + coarse fairly loose to little tight sand w/ gravel to brown clay w/ shale	11
580	600	brown clay w/ hard shale + tight sand stone	16
600	620	fairly tight sand stone w/ clay strips	14
620	640	little tight sand stone ← Lost Circulation - 630"	20
640	660	little tight to tight sand stone ← Lost Circulation 660"	used lot water 630"-660"
660	680	1 dragbit	
680	700	2 SKS HULLS. - 1/2 SK GGHV	
		5 BKTS Hydro pack - 2 BKTS Hydro VLS.	

CHANGE IN POINT OF DIVERSION WATER RIGHT, FILE NO. 25379

SE 1/4 of Section 8 Township 29 South Range 33 West Haskell County



Copyright: © 2013 National Geographic Society, i-cubed

- Authorized Point of Diversion
- Proposed Point of Diversion
- Permitted Water Right
- ★ Domestic Well within 1/2 mile
- 1/2 mile buffer

List of owner name and addresses within 1/2 mile:

WR 22137: CURTIS E HUITT
PO BOX 402 PRATT KS 67124

WR: 5136: *Owned by Applicant*



By signing below I agree that all wells, including domestic, and owners names and addresses within 1/2 mile of the proposed point of diversion have been shown on the map

(Signature)

Date

Date AM/GCFO
1:24,000 Scale

SCANNED

14. If the proposed groundwater point of diversion is 300 or fewer feet from existing point of diversion, complete the following:

- (a) Does the undersigned represent all owners of the currently authorized place(s) of use identified in this application?
 Yes No (If no, all owners must sign this application.)
- (b) Will the ownership interest of any owner of the currently authorized place(s) of use identified in this application be adversely affected if this application is approved as requested?
 Yes No (If yes, all owners must sign this application.)
- (c) If this application is not approved expeditiously, will there be substantial damage to property, public health or safety?
 Yes No (If no, all owners must sign this application.)

If the application proposes a surface water change in point of diversion, a groundwater change in point of diversion greater than 300 feet, or a change in place of use, the application must be signed by all owners of the currently authorized place of use, or their duly authorized agent (attach notarized statement authorizing representation).

I hereby verify, being first duly sworn upon my oath or affirmation and under penalty of perjury, that I am of lawful age and the owner, the spouse of the owner, or a duly authorized agent of the owner(s) to make this application on their behalf, in regard to the water right(s) to which this application pertains. I further verify that the statements contained in this application are true, correct and complete.

Dated at Steamboat Springs, Routt County, ^{Colorado} Kansas, this 6 day of October, 2022.

Archie H. Lowe

(Owner)

Kathryn E. Lowe

(Spouse)

Archie H. Lowe

(Please Print)

Kathryn E. Lowe

(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

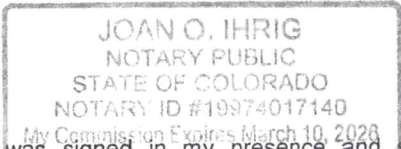
(Owner)

(Spouse)

(Please Print)

(Please Print)

State of ~~Kansas~~ ^{Colorado} }
County of Routt } SS



I hereby certify that the foregoing application was signed in my presence and sworn to before me this 6 day of October, 2022.

Joan O. IHRIG

Notary Public

My Commission Expires 3-10-2026.

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
OCT 07 2022

WATER USE CORRESPONDENT CHANGE FORM

ATTENTION LANDOWNER(S): COMPLETE ONLY IF A NON-OWNER IS TO REPORT WATER USE

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

Re: Water Use Correspondent for

File No(s) 5136; 15798; 25379

I am aware that Kansas law (K.S.A. 82a-732) requires the owner of a water right or permit to appropriate water for beneficial use, except for domestic use, to file an annual water use report with the Division of Water Resources, Kansas Department of Agriculture on or before March 1 following the end of the previous calendar year. I understand that the law provides that failure to file the report or submission of an incomplete or inaccurate report could subject me, as owner (or part owner) of the above file number(s) to a civil penalty not to exceed \$1,000 and that any person falsifying the report could be charged with a class C misdemeanor.

I further understand that as water use correspondent my designee will be the only person who will receive an annual water use report from the Division of Water Resources concerning my water use reporting requirement.

RECEIVED

OCT 07 2022

Information of the new water use correspondent:

Name: Grant Webber

Garden City Field Office
Division of Water Resources

Address: PO Box 339

City, State, Zip: Sublette KS 67877

E-mail: grfarm2@gmail.com

Telephone: 620-353-4282

I designate the above as the water use correspondent for the above file number(s) until I rescind this authority in writing.

[Signature]
Owner/Agent Signature

Archie H. Lowe — Kathryn E. Lowe
Print Name

P.O. Box 774427
Address

970-819-9263 email: lowe80477@gmail.com
Telephone

Steamboat Springs, CO. 80477
City, State, Zip

State of Colorado)
~~Kansas~~)
County of Roott)

I hereby certify that the foregoing instrument was signed in my presence and sworn to before me this 10 day of October, 2022.

[Signature]
Notary Public

My Commission Expires: 3-10-26

JOAN O. IHRIG
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID #19974017140
My Commission Expires March 10, 2026

DWR Initials

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).

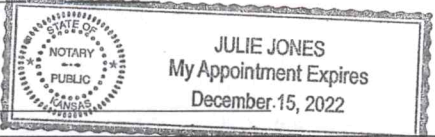
I hereby verify, being first duly sworn upon my oath or affirmation and under penalty of perjury, that I am of lawful age and the owner, the spouse of the owner, or a duly authorized agent of the owner(s) to make this application on their behalf, in regards to the water right(s) to which this application pertains. I further verify that the statements contained in this application are true, correct and complete.

Dated at Warden City, Kansas, this 27th day of September, 20 22.

<p><u>Grant WEBBER</u> <small>(Owner)</small></p> <p><u>Grant WEBBER</u> <small>(Please Print)</small></p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p>	<p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p>
<small>(Spouse)</small>	<small>(Spouse)</small>
<small>(Please Print)</small>	<small>(Please Print)</small>
<small>(Owner)</small>	<small>(Owner)</small>
<small>(Please Print)</small>	<small>(Please Print)</small>
<small>(Owner)</small>	<small>(Owner)</small>
<small>(Please Print)</small>	<small>(Please Print)</small>

State of Kansas }
 County of Ginnery } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 27th day of September, 20 22.



My Commission Expires _____

 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

SCANNED

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. 25379

- 1. A change application was received on September 27, 2022 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, 2023, 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, 2023, or within any authorized extension of time. By March 1, 2023 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

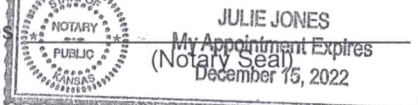
Date of Issuance: November 14, 2022

State of Kansas)

County of Osage) SS

Acknowledged before me on November 14, 2022
by Austin McColloch

Signature: Julie Jones
Notary Public

My commission expires _____


File No. **25379** 11. County: Basin: 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

CHK MOD DEL ENT	PDIV	Qualifier	S	T	R	ID	'N	'W	Comment (AKA Line)	Rate gpm	Quantity af	Rate gpm	Quantity af	Overlap PD Files
DEL	37569													
ENT		SW SW SE	8	29S	33W		144	2036		850	320	850	320	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 _____

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					
MOD	12851	8			29S33W	1									40	40	40	40	40	40	40	40	320	8b	Y	5136; 15798
DEL	22642																									
CHK	3438	9			29S33W	1	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640	8b	Y	5136; 15798

Base Acres: Year: Minimum Reasonable Quantity:

Comments: **8b DOES NOT OWN SE/4 OF SECTION 9 BUT HAS QUIT CLAIM DEED FROM COLLINGWOOD TRUST TO THE WATER RIGHTS SEE INCLUDED DEEDS**



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

November 7, 2022

Austin 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. 25379

Dear Austin:

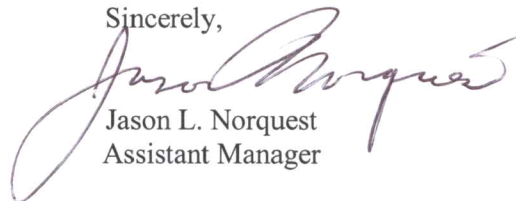
We have completed a review of the application for the above referenced water right. The proposed change in point of diversion is in accordance with current area rules, K.A.R. 5-23-3, as it pertains to minimum spacing to neighboring wells and distance moved.

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 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 with saturated thickness greater than 200ft), 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 needed no further evaluation. No critical wells were determined in the area. We did not receive any comments from neighboring well owners. Therefore, GMD3 sees this move as meeting current area rules and would recommend approval. 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

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 21, 2022~~
October

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

Re: Request for Recommendation,
File No. 28903 & 25379

Dear Sir or Madam:

We are enclosing a copy of the referenced application, which was submitted by Grant Webber 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,

Austin McColloch
Assistant Water Commissioner

Enclosure
pc:

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 29, 2022

CURTIS E HUITT
PO BOX 402
PRATT, KS 67124

RE: Application for Change
Water Right, File No. 25379

Dear Sir or Madam:

This is to advise you that Grant Webber has filed an application for approval of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, to change the point of diversion under the above referenced applications. An irrigation well is proposed to be relocated to the SW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 8, Township 29 South, Range 33 West, Haskell County.

You can find the complete applications posted by water right file number as referenced above at: www.Agriculture.ks.gov/DWRNotices

You are notified on this proposed point of diversion (well) so that you may furnish this office with any comments or other information you want to submit. Such comments or other information must be received in this office within 15 days from the date of this letter.

Should you have any questions, please feel free contact this office. If you would prefer, you could arrange an appointment for additional assistance. Please refer to the file number when you contact us if you wish to discuss a specific file.

Sincerely,

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

Austin J. McColloch
Assistant Water Commissioner

AM:

pc:

SCANNED

RECORDED IN MY OFFICE THE 29th
DAY OF Aug, 2022
Donna Lavin
HASKELL COUNTY CLERK



STATE OF KANSAS, HASKELL COUNTY
This instrument was filed for record on
August 29, 2022 10:10 AM and
Recorded in Book 255 Page 372-372



Fees: \$21.00 202200660
Candy Huffine
Candy Huffine, Register of Deeds

LIMITED WARRANTY DEED

HS GROW LLC, a Colorado limited liability company, grantor, for good and valuable consideration, in hand paid, hereby sells and conveys to ARCHIE H. LOWE and KATHRYN E. LOWE, as Joint Tenants, grantee, whose legal address is: PO Box 774427, Steamboat Springs, CO 80477, all of the following real property (the "Property") in the County of Haskell, and State of Kansas:

WR
5136
15798
25379

- Tract 1: The South Half (S½) of SECTION 8, TOWNSHIP 29 SOUTH, RANGE 33 WEST of the 6th PM, together with all grantor's interest in and to the oil, gas, and other minerals, and
- Tract 2: The North Half (N½) and Southwest Quarter (SW¼) of SECTION 9, TOWNSHIP 29 SOUTH, RANGE 33 WEST of the 6th PM

with all water, water rights, and rights to appropriate water, and all its hereditaments, tenements, and appurtenances, subject to taxes for current year.

Grantor, for Grantor and Grantor's successors, covenants that Grantor is lawfully seized of Grantor's interest in the Property and has good right to convey Grantor's interest in the Property and guarantees the quiet possession of the Property against the claims of those claiming any right, interest, or title through Grantor, and further covenants that the Property is free from all encumbrances created by Grantor, and Grantor will warrant and defend the Property against all lawful claims of those claiming any right, interest, or title through Grantor, but Grantor does not warrant title against those claiming a right, interest, or title that arose prior to, or separate from, Grantor's interest in the Property.

Grantor has executed this deed to be effective as of the 24th day of August, 2022.

HS GROW LLC, a Colorado limited liability company
By: *Jonathan Melvin*
Jonathan Melvin, Manager

STATE OF COLORADO, COUNTY OF ROUTT) ss:

The foregoing deed was acknowledged before me this 24 day of August, 2022, by Jonathan Melvin as Manager for HS GROW LLC, a Colorado limited liability company.

Witness my hand and official seal.

My commission expires: 8/18/2025

Lynne M. Litzau
Notary Public
LYNNE M. LITZAU
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 19974014923
MY COMMISSION EXPIRES AUGUST 18, 2025

Pursuant to KSA 79-1437e, a real estate valuation questionnaire is not required due to Exception 16.

RECORDED IN MY OFFICE, THE
14th
APR 14 2022
HASKELL COUNTY CLERK



STATE OF KANSAS, HASKELL COUNTY

This instrument was filed for record on
April 14, 2022 1:58 PM and
Recorded in Book 254 Page 85-85
Fees: \$21.00 202200300



Candy Huffine
Candy Huffine, Register of Deeds

RECEIVED

OCT 05 2022

Garden City Field Office
Division of Water Resources

GENERAL WARRANTY DEED

THIS DEED, Made this 14th day of April, 2022,

Peter E. York and Roberta J. York, husband and wife, party of the first part, Grantors,

And

HS Grow, LLC, a Colorado limited liability company, party of the second part, Grantee.

WITNESSETH, That party of the first part, in consideration of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, do by these presents convey and warrant to party of the second part, its successors and assigns, all the following described real estate situated in the County of Haskell, and State of Kansas, to-wit:

- TRACT 1: The South Half (S/2) of Section Eight (8), Township Twenty-nine (29) South, Range Thirty-three (33) West of the 6th P.M., Haskell County, Kansas, together with all of Grantors interest in and to the oil, gas and other minerals; and
- TRACT 2: The North Half (N/2) and Southwest Quarter (SW/4) of Section Nine (9), Township Twenty-nine (29) South, Range Thirty-three (33) West of the 6th P.M., Haskell County, Kansas.

INCLUDING all water, water rights, and rights to appropriate water.

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 unencumbered of and from all former and other grants, titles, charges, estates, judgments, taxes, assessments and encumbrances of what nature or kind so ever, except:

Oil and Gas Leases, Mineral Reservations, Easements, Rights-of-way, and Restrictions of record, if any

and that they will warrant and forever defend the same unto party of the 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, parties of the first part have hereunto subscribed their names, the day and year first above written.

Peter E. York
Peter E. York

Roberta J. York
Roberta J. York

STATE OF Kansas, COUNTY OF Haskell, ss.

BE IT REMEMBERED, That on this 14th day of April, 2022, before me, the undersigned, a Notary Public in and for the County and State aforesaid, came Peter E. York and Roberta J. York, who is/are personally known, or satisfactorily proven, to me to be the same person(s) 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.



Suzan Kimball
Suzan Kimball, Notary Public
My Commission Expires: March 3, 2024

HASKELL COUNTY
RECORDED IN MY OFFICE THE 31
DAY OF March, 2022
Cherie Can
HASKELL COUNTY CLERK



STATE OF KANSAS, HASKELL COUNTY
This instrument was filed for record on
March 31, 2022 1:04 PM and
Recorded in Book 253 Page 880-880
Fees: \$21.00 202200264



Candy Huffine
Candy Huffine, Register of Deeds

RECEIVED

OCT 04 2022

Garden City Field Office
Division of Water Resources

GENERAL WARRANTY DEED

THIS DEED, Made this 31st day of March, 2022,

Peter E. York and Roberta J. York, husband and wife, party of the first part, Grantors,

And

EDWARD M. BANNING and WILLIAM L. ENGLER, Trustees, and their successors in trust
of THE EDNA E. COLLINGWOOD TRUST established by trust agreement dated December
27, 1971, party of the second part, Grantee.

WITNESSETH, That party of the first part, in consideration of Ten Dollars (\$10.00) and other good and
valuable consideration, the receipt of which is hereby acknowledged, do by these presents convey and warrant
parties of the second part, their successors and assigns, all the following described real-estate situated in the County
of Haskell, and State of Kansas, to-wit:

- THE SURFACE AND SURFACE RIGHTS ONLY IN AND TO:
The Southeast Quarter (SE/4) of Section Nine (9), Township Twenty-nine (29) South, Range Thirty-three (33)
West of the 6th P.M., Haskell County, Kansas, EXCEPTING AND RESERVING unto the Grantors, their
successors and assigns, all water, water rights and rights to appropriate water.

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
unencumbered of and from all former and other grants, titles, charges, estates, judgments, taxes, assessments and
encumbrances of what nature or kind so ever, except:

**Oil and Gas Leases, Mineral Reservations, Easements, Rights-of-way, and Restrictions of
record, if any**

and that they will warrant and forever defend the same unto party of the second part, their 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, parties of the first part have hereunto subscribed their names, the day and year
first above written.

Peter E. York
Peter E. York

Roberta J. York
Roberta J. York

STATE OF Kansas, COUNTY OF Haskell, ss.

BE IT REMEMBERED, That on this 31st day of March, 2022, before me, the undersigned, a Notary
Public in and for the County and State aforesaid, came Peter E. York and Roberta J. York, who is/are personally
known, or satisfactorily proven, to me to be the same person(s) 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.

SUZAN KIMBALL
Notary Public - State of Kansas
My Aopt. Expires

Suzanne Kimball
Suzanne Kimball, Notary Public
My Commission Expires: March 3, 2024

SCANNED

Owners of land
Not water rights
WR
5136
15798
25379