

Kansas Department of Agriculture  
Division of Water Resources  
**PERMIT NEW APPLICATION WORKSHEET**

1. File Number: <p style="text-align: center;"><b>50988</b></p>	2. Status Change Date: <p style="text-align: center;"><b>9/12/2023</b></p>	3. Field Office: <p style="text-align: center;"><b>4</b></p>	4. GMD: <p style="text-align: center;"><b>3</b></p>
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5. Status:     Approved                       Denied by DWR/GMD                       Dismiss by Request/Failure to Return

6. Enclosures:     Check Valve             N of C Form             Water Tube             Driller Copy             Meter

7a. Applicant(s)                      Person ID **63389**  
New to system                       Add Seq# \_\_\_\_\_

**SEED SOWERS LLC  
PO BOX 279  
PLAINS, KS 67869**

7b. Landowner(s)                      Person ID **63389**  
New to system                       Add Seq# \_\_\_\_\_

**SEED SOWERS LLC  
PO BOX 279  
PLAINS, KS 67869**

7c. Landowner(s)                      Person ID \_\_\_\_\_  
New to system                       Add Seq# \_\_\_\_\_

7d. Misc.                                      Person ID \_\_\_\_\_  
New to system                       Add Seq# \_\_\_\_\_

**<- UPDATE OWNERSHIP AND WUC ON  
THIS FILE AND 19536 and 31467.**

8. WUR Correspondent                      Person ID \_\_\_\_\_  
New to system                       Add Seq# \_\_\_\_\_  
Overlap File (s) WUC                      Notarized WUC Form   
Agree  Yes  No  
**7a**

9. Use of Water:    Changing?     Yes     No

Groundwater                       Surface Water

IRR                       REC                       DEW                       MUN

STK                       SED                       DOM                       CON

HYD DRG     WTR PWR                       ART RECHRG

IND    SIC: \_\_\_\_\_                       OTHER: \_\_\_\_\_

10. Completion Date: 12/31/2024            11. Perfection Date: 12/31/2028            12. Exp Date: \_\_\_\_\_

13. Conservation Plan Required?  Yes  No    Date Required: \_\_\_\_\_    Date Approved: \_\_\_\_\_    Date to Comply: \_\_\_\_\_

14. Water Level Measuring Device?  Yes  No    Date to Comply: \_\_\_\_\_    Date WLMD Installed: \_\_\_\_\_

Date Prepared: 9/7/2023                      By: AM  
Date Reviewed: 9/8/2023                      By: KAK  
Date Entered: **9/13/2023**                      By: **KAnderson**

**9/13/2023**  
**LMoody**

File No. **50988**      15. Formation Code:      Drainage Basin: **CIMARRON RIVER**      County: **SW**      Special Use:      Stream:

16. Points of Diversion										17. Rate and Quantity					
MOD	DEL	ENT	PDIV	Qualifier	S	T	R	ID	'N	'W	Authorized		Additional		
											Rate gpm/cfs	Quantity af/mgy	Rate gpm/cfs	Quantity af/mgy	Overlap PD Files
<b>MOD</b>			<b>53535</b>	<b>NW NE SW</b>	<b>26</b>	<b>32S</b>	<b>34W</b>	<b>1</b>	<b>2280</b>	<b>3600</b>	<b>1190</b>	<b>457</b>	<b>155</b>	<b>0</b>	<b>19536</b>

18. Storage: Rate \_\_\_\_\_ NF      Quantity \_\_\_\_\_ ac/ft      Additional Rate \_\_\_\_\_ NF      Additional Quantity \_\_\_\_\_ ac/ft

19. Limitation: **457** af/yr at **1190** gpm (**2.65** cfs) when combined with file number(s) **19536**  
 Limitation: \_\_\_\_\_ af/yr at \_\_\_\_\_ gpm (\_\_\_\_\_ cfs) when combined with file number(s) \_\_\_\_\_

20. Meter Required?  Yes     No      To be installed by **12/31/2023**      Date Acceptable Meter Installed \_\_\_\_\_

21. Place of Use										NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg?	Overlap Files
MOD	DEL	ENT	PUSE	S	T	R	ID	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼						
<b>CHK</b>	<b>9499</b>		<b>35</b>	<b>32S</b>	<b>34W</b>	<b>1</b>						<b>34</b>	<b>34</b>	<b>34</b>	<b>34</b>										<b>136</b>	<b>7a</b>	<b>N</b>	<b>19536; 31467</b>	
<b>CHK</b>	<b>19015</b>		<b>26</b>	<b>32S</b>	<b>34W</b>	<b>1</b>						<b>34</b>	<b>34</b>	<b>34</b>	<b>34</b>	<b>34</b>	<b>34</b>	<b>34</b>	<b>34</b>						<b>272</b>	<b>7a</b>	<b>N</b>	<b>19536; 31467</b>	

Comments: **15% RATE INCREASE ONLY**  
**Update ownership and WUC on this file and 19536 and 31467 to Person ID 63389.**



**KANSAS DEPARTMENT OF AGRICULTURE**  
**Division of Water Resources**  
**M E M O R A N D U M**

**TO:** Files

**DATE:** September 7, 2023

**FROM:** Austin McColloch

**RE:** Application, File No. 50,988

David Clawson, on behalf of Seed Sowers LLC, has filed the referenced application to appropriate 457 acre-feet of groundwater for irrigation use, to be diverted at a rate of 1,190 gallons per minute, from an existing well located in the Southwest Quarter of Section 26, Township 32 South, Range 34 West, Seward County, Kansas. The new application is requesting an **increase in rate of diversion only**, with no additional quantity. The well is currently authorized under Water Right, File No. 19,536. The applicant has signed the application form stating that he has access to the point of diversion.

The current well with Water Right, File No. 19,536 has appropriated a total of 457 acre-feet at a rate of diversion of 1,035 gallons per minute. Based on the application's request for 1,190 gallons per minute, an increase of 155 gallons per minute does equal a 15 percent increase in the authorized maximum rate of diversion. There has also been no significant physical enlargement of the capacity of the diversion works to divert water. This allows the application to be exempt from meeting safe yield requirements within the boundaries of Groundwater Management District No. 3.

The place of use also overlaps with Water Right, File Nos. 19,536 and 31,467 which consists of a total of 408 acres in Sections 26 and 35, both in Township 32 South, Range 34 West. The applicant owns all of the place of use.

The applicant identified one non-domestic well, operated by the applicant, located within one-half mile of this existing well. Nearby well owner letter was sent out on August 7, 2023 for this application. No replies have been received as of this date. As noted above, this new application is requesting only an increase in rate of diversion from an existing well that has been in place for many years. Any nearby well owner would certainly be aware of this well and related irrigation use. No physical changes will be occurring at the well. The nearest irrigation well, not owned by the applicant, is over 2,488 feet away. Therefore the application does comply with minimum spacing criteria to all other owners.

The quantity of water and rate of diversion will be limited to the quantity and rate which combined with Water Right, File No. 19,536, will provide a total not to exceed 457 acre-feet of water per calendar year to be diverted at a maximum diversion rate not in excess of 1,190 gallons per minute.

In a letter dated August 22, 2023, a copy of the application along with a request to submit a recommendation was sent to GMD No. 3. In a letter dated September 7, 2023, Jason Norquest, Assistant Manager, Groundwater Management District No. 3, recommended approval of the referenced application for rate only.

In an email dated August 8, 2023, Mike Meyer, Water Commissioner, Garden City Field Office, recommended approval of the application.

In accordance with K.S.A. 82a-706c, the Chief Engineer retains full authority to require any water user to install meters, gages, or other measuring devices, which devices he or she or his or her agents may read at any time. Water flowmeter requirements are further described in K.A.R. 5-1-4 through K.A.R 5-1-12. If any chemical or foreign substance is injected into the water pumped under this permit, a check valve will also need to be installed.

Based on the above discussion, this is for additional rate only, well spacing regulations are met to all other landowners, the application is not subject to safe yield criteria, and approval of the application will not impair senior water rights nor prejudicially or unreasonably affect the public interest, it is recommended that the referenced application be approved.

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

Austin McColloch  
Assistant Water Commissioner  
Garden City Field Office

3473

Entered in Transfer Record in my office  
this 19 day of MAY 20 21  
Stacia D. Long  
County Clerk

STATE OF KANSAS } FEE \$ 30<sup>00</sup>/<sub>100</sub>  
SEWARD COUNTY }  
This instrument was filed for record  
May 18 20 21  
at 1:45 o'clock P. M. and recorded  
in Vol. 726 at page 200  
KAREN J. WARDEN, Register of Deeds  
Karen J. Warden



RECEIVED

FEB 16 2023

Garden City Field Office  
Division of Water Resources

### TRUSTEES' DEED

This Trustees' Deed is made the 13<sup>th</sup> day of May, 20 21 between **Matthew D. Mills and Kyla R. Mills, Trustees of the Matthew D. Mills Living Trust dated February 17, 2010, and any amendments thereto, and Kyla R. Mills and Matthew D. Mills, Trustees of The Kyla R. Mills Living Trust dated February 17, 2010, and any amendments thereto,** hereinafter called **Grantors**, and **Seed Sowers, LLC**, a Kansas limited liability company, having an address at PO Box 279, Plains, KS 67869, hereinafter called **Grantee**.

The Grantors, in accordance with the terms and provisions of said trust instrument, and in consideration of the sum of Ten and No/100 Dollars (\$10.00) and other valuable consideration, receipt of which is hereby acknowledged, does hereby grant, bargain, sell and convey to Grantee the following described real estate in the County of **Seward** and the State of **Kansas**:

WR  
19536  
31467

The surface and surface rights only, including all water rights, in and to the Northwest Quarter (NW4) of Section Twenty-six (26), Township Thirty-two (32) South, Range Thirty-four (34) West of the Sixth P.M., Seward County, Kansas; and,

The surface and surface rights only, including all water rights, in and to the Southwest Quarter (SW4) of Section Twenty-six (26), Township Thirty-two (32) South, Range Thirty-four (34) West of the Sixth P.M., Seward County, Kansas;

The surface and surface rights only, including all water rights, in and to the Northwest Quarter (NW/4) of Section Thirty-five (35), Township Thirty-two (32) South, Range Thirty-four (34) West of the Sixth P.M., Seward County, Kansas;

Except and subject to: all covenants, restrictions and easements of record or apparent on the ground.

Grantors covenant that Grantors have good right to convey Grantors' interest in the property conveyed by this Deed (the "Property") and warrants the quiet possession of the Property against the claims of those claiming any right, interest or title through Grantors, except as may be described above, and further covenants that the Property is free from all encumbrances created by Grantors, except as may be described above, and Grantors will warrant and defend the Property against all lawful claims of those claiming a right, interest or title that arose prior to, or separate from, Grantors' interest in the Property. Grantors execute this Deed as trustees and not in an individual capacity. By the acceptance hereof, it is agreed that Grantors are not and

2/18  
1:45  
RTS

Trustees' Deed  
1

BOOK 726 PAGE 200

shall not be personally liable upon any covenant or warranty herein, whether express or implied, and that Grantors' liability as trustees shall be limited to the assets held by Grantors as trustees at the time any such liability may be determined.

Grantors certify that Grantors are duly appointed, qualified and acting Trustee(s) of the Matthew D. Mills Living Trust dated February 17, 2010 and the Kyla R. Mills Living Trust dated February 17, 2010 as amended and has full power and authority to convey Grantors' interest in the Property, and has made this conveyance pursuant to the power and authority granted to Grantors in the respective Trust Agreements, which agreements are in full force and effect and have not been amended or revoked.

To have and to hold the Property, together with the appurtenances and hereditaments and every part thereof, unto the Grantee, its successors, and assigns.

Witness the following signature and seal:



Matthew D. Mills, Trustee  
The Matthew D. Mills Living Trust dated February 17, 2010



Kyla R. Mills, Trustee  
The Matthew D. Mills Living Trust dated February 17, 2010



Kyla R. Mills, Trustee  
The Kyla R. Mills Living Trust dated February 17, 2010



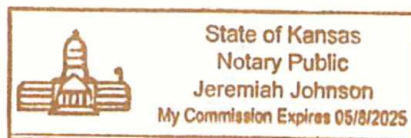
Matthew D. Mills, Trustee  
The Kyla R. Mills Living Trust dated February 17, 2010

STATE OF KANSAS  
COUNTY OF STEVENS

This instrument was acknowledged before me on this 13<sup>th</sup> day of May, 2021, by Matthew D. Mills and Kyla R. Mills, Trustees of The Matthew D. Mills Living Trust dated February 17, 2010 and Kyla R. Mills and Matthew D. Mills, Trustees of The Kyla R. Mills Living Trust dated February 17, 2010.



Notary Public  
My appointment expires: 5/18/25



After Recording Return To:  
Seed Sowers LLC, PO Box 279, Plains, KS 67869

Trustees' Deed  
2

BOOK 726 PAGE 201

3473

Water Rights and Points of Diversion Within 2 miles of point defined as:  
 2280 Feet N and 3600 Feet W of the Southeast Corner of Section 26 Twp 32S Rng 34W  
 Located at: 100.989554 West Longitude and 37.234115 North Latitude  
 GROUNDWATER ONLY

File Number	Use	ST	SR	Dist (ft)	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Twp	Rng	ID	Batt	Auth_Quan	Add_Quan					
A__ AF	1400	00	IRR	NK	G				7591	--	NW	NE	SW	-----	-----	22	32	34W	1		749.00	749.00
A__ AF	9224	00	IRR	NK	G				5644	--	NC	N2	SW	1925	3986	27	32	34W	1		1120.00	1120.00
A__ AF	10576	00	IRR	NK	G				10014	--	NE	NE	NW	5170	2800	33	32	34W	1		729.00	729.00
A__ AF	19536	00	IRR	NK	G				14	--	NW	NE	SW	2280	3600	26	32	34W	1		457.00	457.00
A__ AF	20986	00	IRR	NK	G				4277	--	--	NC	NE	3950	1320	35	32	34W	1		260.00	260.00
A__ AF	20990	00	IRR	NK	G				8485	--	--	NC	NW	4000	4000	24	32	34W	1		260.00	260.00
A__ AF	20991	00	IRR	NK	G				4810	--	--	NC	SE	1250	1300	23	32	34W	1		260.00	260.00
A__ AF	20992	00	IRR	NK	G				2488	--	--	NC	SE	1300	1300	26	32	34W	2		260.00	260.00
A__ AF	22214	00	IRR	NK	G				5983	--	--	NC	NW	3950	4050	36	32	34W	1		260.00	260.00
Same AF									8322	--	--	NC	NE	3950	1350	36	32	34W	2		260.00	260.00
A__ AF	22215	00	IRR	NK	G				2886	--	--	NC	NE	4043	1326	26	32	34W	3		260.00	260.00
Same AF									5026	--	--	NC	SW	1300	3900	25	32	34W	2		260.00	260.00
Same AF									7406	--	NC	S2	NE	3349	1518	25	32	34W	6		260.00	260.00
A__ AF	22216	00	IRR	NK	G				3503	--	SE	SE	SW	450	2930	23	32	34W	4		260.00	260.00
Same AF									7004	--	NW	SE	NW	3998	3870	23	32	34W	8		260.00	260.00
Same AF									7199	--	NW	SE	NE	3838	1300	23	32	34W	7		260.00	260.00
A__ AF	22218	00	IRR	NK	G				5629	--	--	CW	SW	1297	5170	24	32	34W	2		130.00	130.00
A__ AF	24267	00	IRR	NK	G				9187	--	--	--	--	4310	100	2	33	34W	2		339.00	339.00
A__ AF	28114	00	IRR	NK	G				9916	--	SW	SW	SW	350	5150	34	32	34W	1		450.00	450.00
A__ AF	28115	00	IRR	NK	G				8834	--	NE	NE	SE	2560	390	33	32	34W	4		443.00	443.00
A__ AF	28117	00	IRR	NK	G				5386	--	NE	NE	NW	5160	2900	27	32	34W	2		450.00	450.00
A__ AF	28407	00	IRR	NK	G				9407	--	--	NC	SE	1300	1340	21	32	34W	2		260.00	260.00
A__ AF	31467	00	IRR	NK	G				3594	--	--	NC	NW	3960	3940	35	32	34W	3		250.00	250.00
A__ AF	31468	00	IRR	NK	G				6631	--	--	NC	SE	1320	1340	35	32	34W	4		250.00	250.00
A__ AF	31469	00	IRR	NK	G				5019	--	NE	NE	SW	2560	3030	35	32	34W	8		260.00	260.00
A__ AF	39707	00	IRR	NK	G				9187	--	--	--	--	4310	100	2	33	34W	2		310.00	.00
A__ AF	50988	00	IRR	AY	G				14	--	NW	NE	SW	2280	3600	26	32	34W	1		457.00	457.00



T\_20227147 MF IRR GY G 9407 -- -- NC SE 1300 1340 21 32 34W 2 1265.00 .00
AF

Table with 3 columns: Category, Direct, Storage. Rows include Total Net Quantities Authorized, Total Requested Amount (AF), Total Permitted Amount (AF), Total Inspected Amount (AF), Total Pro\_Cert Amount (AF), Total Certified Amount (AF), Total Vested Amount (AF), and TOTAL AMOUNT (AF).

An \* after the source of supply indicates a pending application for change under the file number.
An \* after the ID indicates a 15 AF exemption was granted under the file number.
A "G" in the Batt column indicates the GEO CTR of a battery. A "B" indicates a well in the battery.
The number in the Batt column is the number of wells in the battery.

Water Rights and Points of Diversion Within 2 miles of point defined as:
2280 Feet North and 3600 Feet West of the Southeast Corner of Section 26 Twp 32S Rng 34W
Located at: 100.989554 West Longitude and 37.234115 North Latitude

GROUNDWATER ONLY
WATER USE CORRESPONDENTS:

- List of water use correspondents including: HITCH LAND & CATTLE CO, PO BOX 76, GUYMON OK 73942; NIX BROTHERS, DAVID NIX, 2279 ROAD M, HUGOTON KS 67951; CLAWSON LAND PARTNERSHIP, PO BOX 279, PLAINS KS 67869.

> PO BOX 279  
> PLAINS KS 67869  
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> CLAWSON LAND PARTNERSHIP  
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> CLAWSON LAND PARTNERSHIP  
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> PO BOX 279  
> PLAINS KS 67869  
>-----  
> TOM L LAHEY  
>  
> 2711 ROAD Z  
> MOSCOW KS 67952  
>-----  
> HITCH LAND & CATTLE CO  
>  
> PO BOX 76  
> GUYMON OK 73942  
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> HITCH LAND & CATTLE CO  
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> PO BOX 76  
> GUYMON OK 73942  
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> HITCH LAND & CATTLE CO  
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> PO BOX 76  
> GUYMON OK 73942  
>-----  
> SEED SOWERS LLC  
> DANIEL F CLAWSON  
> PO BOX 279  
> PLAINS KS 67869  
>-----  
> NIX BROTHERS  
> DAVID NIX  
> 2279 ROAD M  
> HUGOTON KS 67951  
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> CLAWSON LAND PARTNERSHIP  
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> PO BOX 279  
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> DAVID NIX  
> 2279 ROAD M

> HUGOTON KS 67951

>-----

> SEED SOWERS LLC

> DANIEL F CLAWSON

> PO BOX 279

> PLAINS KS 67869

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**From:** Meyer, Mike [KDA]  
**Sent:** Fri 9/8/2023 10:34 AM  
**To:** McColloch, Austin [KDA]  
**Subject:** RE: Recommendation New App File No. 50988

I recommend approval  
thanks

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**From:** McColloch, Austin [KDA] <Austin.McColloch@ks.gov>  
**Sent:** Friday, September 8, 2023 10:25 AM  
**To:** Meyer, Mike [KDA] <Mike.Meyer@ks.gov>  
**Subject:** Recommendation New App File No. 50988

Mike,

Attached is my draft memo for the above referenced file along with the GMD 3 recommendation. This is a 15% rate increase only application. Let me know if you have any questions.

Thanks,

Austin McColloch  
Garden City Field Office  
Ph: (620) 276-2901

# THE STATE OF KANSAS



**KANSAS DEPARTMENT OF AGRICULTURE**  
Mike Beam, Secretary of Agriculture

**DIVISION OF WATER RESOURCES**  
Earl D. Lewis Jr., Chief Engineer

## APPROVAL OF APPLICATION and PERMIT TO PROCEED

(This Is Not a Certificate of Appropriation)

This is to certify that I have examined Application, **File No. 50,988** of the applicant

**SEED SOWERS LLC  
PO BOX 279  
PLAINS, KS 67869**

for a permit to appropriate water for beneficial use, together with the maps, plans and other submitted data, and that the application is hereby approved and the applicant is hereby authorized, subject to vested rights and prior appropriations, to proceed with the construction of the proposed diversion works (except those dams and stream obstructions regulated by K.S.A. 82a-301 through 305a, as amended), and to proceed with all steps necessary for the application of the water to the approved and proposed beneficial use and otherwise perfect the proposed appropriation subject to the following terms, conditions and limitations:

1. That the priority date assigned to such application is **March 6, 2023**.
2. That the water sought to be appropriated shall be used for irrigation use on land described in the application, as follows:

Sec. Twp. Range	NE¼				NW¼				SW¼				SE¼				TOTAL
	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
26 - 32S - 34W					34	34	34	34	34	34	34	34					272
35 - 32S - 34W					34	34	34	34									136

3. That the authorized source from which the appropriation shall be made is groundwater from the Cimarron River basin, to be withdrawn by means of one (1) well located in the Northwest Quarter of the Northeast Quarter of the Southwest Quarter (NW¼ NE¼ SW¼) of Section 26, more particularly described as being near a point 2,280 feet North and 3,600 feet West of the Southeast corner of said section, in Township 32 South, Range 34 West, Seward County, Kansas located substantially as shown on the topographic map accompanying the application.

4. That the appropriation sought shall be limited to a maximum diversion rate not in excess of **1,190 gallons per minute (2.65 c.f.s.)** and to a quantity not to exceed **457 acre-feet** of water for any calendar year.

5. That installation of works for diversion of water shall be completed on or before **December 31, 2024**, or within any authorized extension thereof. The applicant shall notify the Chief Engineer and pay the statutorily required field inspection fee of \$400.00 when construction of the works has been completed. Failure to timely submit the notice and the fee will result in revocation of the permit. Any request for an extension of time shall be submitted prior to the expiration of the deadline and shall be accompanied by the required statutory fee of \$100.00.

6. That the proposed appropriation shall be perfected by the actual application of water to the proposed beneficial use on or before **December 31, 2028**, or any authorized extension thereof. Any request for an extension of time shall be submitted prior to the expiration of the deadline and shall be accompanied by the required statutory fee of \$100.00.

7. That the applicant shall not be deemed to have acquired a water appropriation for a quantity in excess of the amount approved herein nor in excess of the amount found by the Chief Engineer to have been actually used for the approved purpose during one calendar year subsequent to approval of the application and within the time specified for perfection or any authorized extension thereof.

8. That the use of water herein authorized shall not be made so as to impair any use under existing water rights nor prejudicially and unreasonably affect the public interest.

9. That the right of the appropriator shall relate to a specific quantity of water and such right must allow for a reasonable raising or lowering of the static water level and for the reasonable increase or decrease of the streamflow at the appropriator's point of diversion.

10. That this permit does not constitute authority under K.S.A. 82a-301 through 305a to construct any dam or other obstruction; nor does it grant any right-of-way, or authorize entry upon or injury to, public or private property.

11. That all diversion works constructed under the authority of this permit into which any type of chemical or other foreign substance will be injected into the water pumped from the diversion works shall be equipped with an in-line, automatic quick-closing, check valve capable of preventing pollution of the source of the water supply. The type of valve installed shall meet specifications adopted by the Chief Engineer and shall be maintained in an operating condition satisfactory to the Chief Engineer.

12. That all wells with a diversion rate of 100 gallons per minute or more drilled under the authority of this permit shall have a tube or other device installed in a manner acceptable to, and in accordance with specifications adopted by, the Chief Engineer. This tube or device shall be suitable for making water level measurements and shall be maintained in a condition satisfactory to the Chief Engineer.

13. That an acceptable water flow meter shall be installed and maintained on the diversion works authorized by this permit in accordance with the Kansas Administrative Regulations 5-1-4 through 5-1-12 adopted by the Chief Engineer. This water flow meter shall be used to provide an accurate quantity of water diverted as required for the annual water use report (including the meter reading at the beginning and end of the report year).

14. That the applicant shall maintain accurate and complete records from which the quantity of water diverted during each calendar year may be readily determined and the applicant shall file an annual water use report with the Chief Engineer by March 1 following the end of each calendar year. Failure to file the annual water use report by the due date shall cause the applicant to be subject to a civil penalty.

15. That no water user shall engage in nor allow the waste of any water diverted under the authority of this permit.

16. That the right to appropriate water under authority of this permit is subject to any minimum desirable streamflow requirements identified and established pursuant to K.S.A. 82a-703c for the source of supply to which this water right applies.

17. That the quantity of water and rate of diversion approved under this permit is further limited to the quantity and rate which combined with Water Right, File No. 19,536, will provide a total not to exceed **457 acre-feet** of water per calendar year to be diverted at a maximum diversion rate not in excess of **1,190 gallons per minute (2.65 c.f.s.)** from the well described herein.

18. That failure without cause to comply with provisions of the permit and its terms, conditions and limitations will result in the forfeiture of the priority date, revocation of the permit and dismissal of the application.

Ordered this 12 day of September, 2023, in Manhattan, Riley County, Kansas.

Lane P. Letourneau

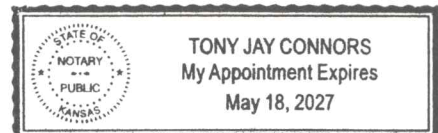
Lane P. Letourneau, P.G.  
Water Appropriation Program Manager  
Division of Water Resources  
Kansas Department of Agriculture

State of Kansas )  
                          ) SS  
County of Riley )

The foregoing instrument was acknowledged before me this 12 day of September, 2023, by Lane P. Letourneau, P.G., Water Appropriation Program Manager, Division of Water Resources, Kansas Department of Agriculture.

Tony Jay Connors

Notary Public



1320 Research Park Drive  
Manhattan, KS 66502  
785-564-6700  
www. agriculture.ks.gov



900 SW Jackson, Room 456  
Topeka, KS 66612  
785-296-3556

Mike Beam, Secretary

Laura Kelly, Governor

September 14, 2023

DANIEL F CLAWSON  
SEED SOWERS LLC  
PO BOX 279  
PLAINS, KS 67869

RE: Appropriation of Water  
File No. 50,988

Dear Mr. Clawson:

Enclosed is a permit authorizing you to proceed with construction of the proposed diversion works and to appropriate water for beneficial use as set forth in the permit. Your attention is directed to the enclosures and to the terms, conditions, limitations, and requirements specified in this permit.

Notice must be filed on the enclosed form once the diversion works have been completed. Failure to complete the diversion works within the time allowed, or within any authorized extension of time thereof, will result in dismissal of this permit. If you need an extension of time, you must request it before the deadline for completion set forth in the permit. Any request for an extension of time must be accompanied by the statutorily required fee, which is currently \$100.00.

An acceptable water flowmeter must be installed on the diversion works authorized by this permit prior to using water. An annual water use report must be filed with the Chief Engineer by March 1, following the end of each calendar year. If a complete annual water use report is not received by the deadline, then a fine may be assessed and all water use under such permit or right may be suspended. Reports submitted in paper form will be assessed a \$20 per file number paper filing fee. In order to avoid this filing fee, you may submit your report online at [www.kswaterusereport.org](http://www.kswaterusereport.org).

The approval of your application constitutes a permit to appropriate water. It does not give authority to construct any dam or other stream obstruction regulated by K.S.A. 82a-301 through 305a. It does not give authority to access any right-of-way or authorize trespassing upon or injury to public or private property. It may also be necessary for you to comply with other local, state or federal requirements.

Enclosed is an informational sheet that sets forth the procedure to obtain a Certificate of Appropriation which will establish the extent of your perfected water right. Additional information and applicable forms may be found on our website at [agriculture.ks.gov/dwr](http://agriculture.ks.gov/dwr). If you have any questions or need assistance with any of these requirements, please contact our office at 785-564-6640 or your local Garden City Field Office at 620-276-2901. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

Kristen A. Baum  
New Application Unit Supervisor  
Division of Water Resources

KAB:kak:am  
Enclosure(s)

pc: Garden City Field Office  
Southwest Kansas GMD No. 3



## RIGHT TO A HEARING AND TO ADMINISTRATIVE REVIEW

If you are aggrieved by this Order, then pursuant to K.S.A. 82a-1901, you may:

- 1) request an evidentiary hearing before the Chief Engineer, or
- 2) request administrative review by the Secretary of Agriculture.

Failure to request an evidentiary hearing before the Chief Engineer does not preclude your right to administrative review by the Secretary.

To obtain an evidentiary hearing before the Chief Engineer, a written request for hearing must be filed within 15 days after service of this Order as provided in K.S.A. 77-531 (**i.e., within a total of 18 days after this Order was mailed to you**), with: Kansas Department of Agriculture, Attn: Legal Section, 1320 Research Park Drive, Manhattan, KS 66502, FAX (785) 564-6777.

If you do not file a request for an evidentiary hearing before the Chief Engineer, you may petition for administrative review of the Order by the Secretary of Agriculture. A petition for review shall be in writing and state the basis for requesting administrative review. The request for hearing may be denied if the request fails to clearly establish factual or legal issues for review. See K.S.A. 77-527. The petition must be filed within 30 days after service of this Order as provided in K.S.A. 77-531 (**i.e., within a total of 33 days after this Order was mailed to you**), and be filed with: Secretary of Agriculture, Attn: Legal Division, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, KS 66502, FAX (785) 564-6777.

If neither a request for an evidentiary hearing nor a petition for administrative review is filed as set forth above, then this Order shall be effective and become a final agency action as defined in K.S.A. 77-607(b). Failure to timely request either an evidentiary hearing or administrative review may preclude further judicial review under the Kansas Judicial Review Act.

Any request for hearing or petition for administrative review shall be in writing and shall be submitted to the attention of: Chief Legal Counsel, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, Fax: (785) 564-6777.

## CERTIFICATE OF SERVICE

On this 14 day of September, 2023, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 50,988, dated September 12, 2023, was mailed postage prepaid, first class, US mail to the following:

DANIEL F CLAWSON  
SEED SOWERS LLC  
PO BOX 279  
PLAINS KS 67869

With photocopies to:

KDA-DWR Garden City Field Office

Southwest Kansas GMD No. 3

  
\_\_\_\_\_  
Division of Water Resources