

File No. **45495** 13. County: **SV** Basin: **CIMARRON RIVER** Stream:
 Structures File No: Aquifer Code: **211** Special Use Area:

14. Points of Diversion, Rates & Quantities

PDIV	Qualifier	S	T	R	ID	'N	'W	Comment (AKA Line)	Qty AF		Rate gpm		Storage Qty		Storage Rate		Overlaps	
									Auth	Add	Auth	Add	Auth	Add	Auth/Add			
DEL	66898																	
ENT	SENESE	9	35	37W		1880	100		187	187	1000	405						*

15. Limitations Type: Quantity: Rate: combined with file no(s):
 Type: Quantity: Rate: combined with file no(s):

16. Metering Metering Required Anti-Reverse Required Seal Required Compliance Date: 12/31/2025

17. Place of Use

PUSE	S	T	R	ID	NE¼				NW¼				SW¼				SE¼				Total	Owner(s)	Chg?	Overlaps
					NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE				
CHK	55619																				8a	<input checked="" type="checkbox"/>	+	
																						<input type="checkbox"/>		
																						<input type="checkbox"/>		
																						<input type="checkbox"/>		
																						<input type="checkbox"/>		

18. Point of Diversion and Place of Use Overlaps

* 44914	**
+ 44914, 45763	++
#	##
^	^^

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 25, 2024

MICHAEL W WILLIS
1706 ROAD 14
HUGOTON, KS 67951-5279

RE: Filed Office Application for Change
Water Right, File Nos. 44914 & 45496

Dear Sir:

Enclosed are orders executed by the designee of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the applications for change under the above referenced file numbers.

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in these approvals for change. A condition of these approvals are that an acceptable water flow meter must be installed on the diversion works authorized under the referenced files number and meet current specifications.

Since the orders modify the original documents referred to above, they 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 blue ink that reads "Michael A. Meyer".

Michael A. Meyer
Water Commissioner

MAM
Enclosures
pc: SMGS LLC

7

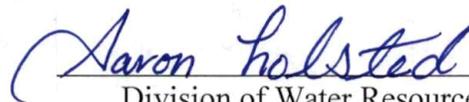
CERTIFICATE OF SERVICE

On this 25th day of November 2024, I hereby certify that the foregoing Approval of Applications for Change in Point of Diversion, Water Right, File Nos. 44914 & 45496 dated 25th day of November 2024 was mailed postage prepaid, first class, US mail to the following:

MICHAEL W WILLIS
1706 ROAD 14
HUGOTON, KS 67951-5279

Pc:

SMGS LLC
250 SEELEY ST #7
BROOKLYNN NEW YORK 11218



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. 45495

RECEIVED
 10:01 am
 NOV 05 2024

Garden City Field Office
 Division of Water Resources

1. Application is hereby made for approval of the Chief Engineer to change the (check one or both):

Place of Use Point of Diversion

under the water right which is the subject of this application in accordance with the conditions described below.

The source of supply is: Groundwater Surface water

2. Name and address of Applicant: MICHAEL WILLIS

1706 ROAD 14 HUGOTON KS 67951-5279

Phone Number: () _____

Email address: _____

Name and address of Water Use Correspondent: NO CHANGE

Phone Number: () _____

Email address: _____

3. The presently authorized place of use is:

Owner of Land ---- NAME: ~~S & C MANAGEMENT TRUST~~ SMAS LLC

ADDRESS: 250 SEELEY ST #7, BROOKLYNN, NEW YORK 11218

(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: NO CHANGE

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 CGT Fee \$ 200.00 TR # _____ Receipt Date 11-5-24 Check # 1044

5. **Presently authorized point of diversion:**
 One in the SE Quarter of the NE Quarter of the SE Quarter of Section 9, Township 35 South, Range 37 W ~~37 E~~
 in SV County, Kansas, 1471 feet North 281 feet West of Southeast corner of section.
 Authorized Rate _____ Authorized Quantity _____ Depth of well 623 (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 SE Quarter of the NE Quarter of the SE Quarter of Section 9, Township 35 South, Range 37 W,
 in SV County, Kansas, 1880 feet North 100 feet West of Southeast corner of section.
 Proposed Rate _____ Proposed Quantity _____ Proposed well depth (feet) 676
 This point is: Additional Well Geo Center List other water rights that will use this point 45495

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?

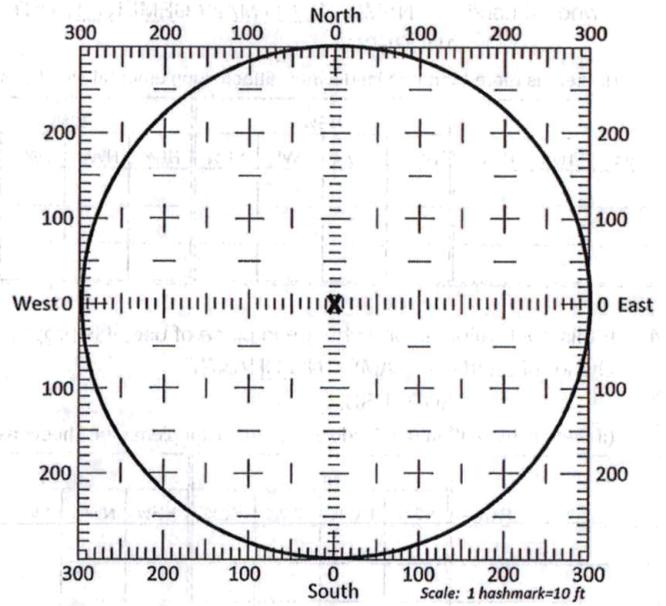
10. If the point of diversion is a well:
 (a) What are you going to do with the old well?

 (b) When will this be done? _____

11. Groundwater Management District recommendation attached?
 Yes No

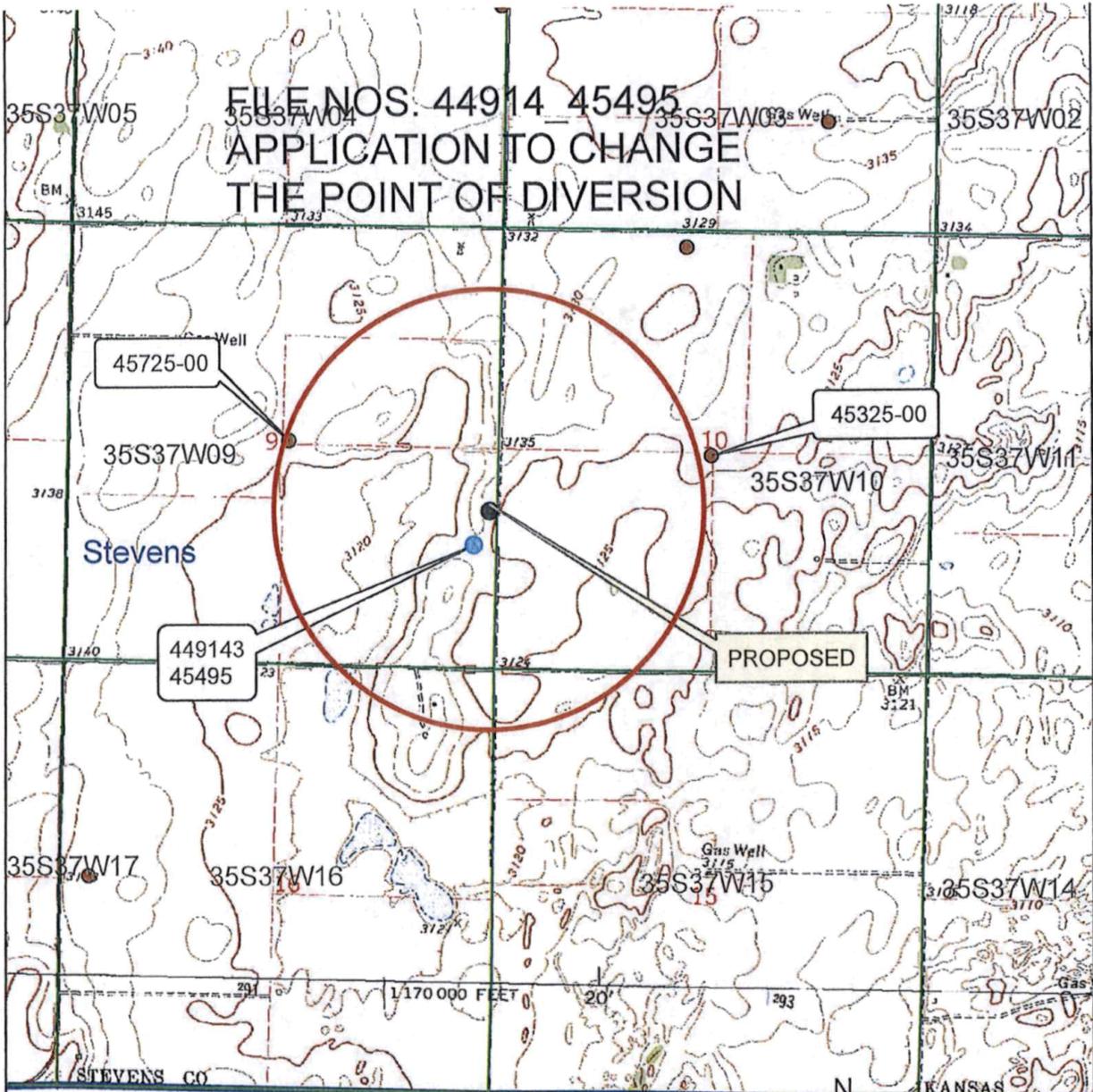
12. Assisted by MM/DWR _____

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.)

FILE NOS. 44914 45495
APPLICATION TO CHANGE
THE POINT OF DIVERSION



1 inch = 2,000 feet

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



PO Box 639
 Garden City, KS 67846
 Fax: 620-277-0224

FARMER, WARREN WILLIS 620-488-1053

OCT 03 2018

Customer Name: SMGS, LLC WO#: 27601 Date: 10-2-24
 Street Address: 250 SEELEY ST #7 Test #: 1 E LOG: Yes
 City, State: BROOKLYN NEW YORK 11218 Driller: Dale Guino
 County: Stevens Quarter: SE Section: 9 Township: 35 Range: 37
 Location: GPS: N37.01555 W101.33878
 Rig #: 10002 Elevation: 3128 Static WL: 280ft Estimated? Yes
 Proposed Well Depth 676

PROPOSED WELL REPLACEMENT LOCATION 20' SUMP

%	Footage			Description of Strata
	From	Pay	To	
	0		2	Top Soil "Sandy"
	2		15	Sand Fine w/Little Clay Mixed
	15		20	Gray Clay
	20		39	Sand Fine
	39		79	Brown Sandy Clay
	79		85	Sand Fine
	85		101	Brown Sandy Clay
	101		115	Sand Fine Med Course w/Brown Rock
	115		140	Brown Sandy Clay + Some Calich
	140		153	Brown Sandy Clay w/Fine Sand + Calich Mixed
	153		180	Brown Sandy Clay + Calich w/couple Fine Sand Beds "from 162"
	180		199	Calich + Some clay
	199		201	Sand Fine Med Few Course
	201		235	Sand Very Fine Some Fine
	235		243	Brown Sandy Clay
	243		256	Red Sandy Clay w/Fine Med Few Course Sand Mixed
	256		301	Red Clay
	301		349	Tan + Gray Clay
10	349	15	364	Sand Very Fine
	364		377	Red Sandy Clay w/Some Fine Sand Mixed
	377		444	Red Clay
10	444	36	480	Sand Fine Some Med w/Few Clay Strips
15	480	39	519	Sand Fine Med w/Few clay strips
20	519	27	546	Sand Fine Med w/couple clay layers
10	546	65	609	Sand Very Fine to Fine Some Med w/Few clay strips
30	609	47	656	Sand Fine Med Course w/Brown + White Rock
	656		680	Red Bed
				Super Gel X -2
				Hook Plug -6
				4 3/4 Drag Blade -1

SMGS, LLC

Test Hole # 1 of 10-2-24

SE 9-35-37 SV

FILE #'s 422294 & 43941

Legend

-  37.01555 N 101.33878 W
-  Central Equipment Sales

 37.01555 N 101.33878 W

KANSAS

Google Earth

1 mi



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 NY, NY, Kansas, this 23 day of October, 20 24.

<p>X <u>SMGS LLC</u> <u>Satins Muellich</u> (Owner) <u>MANAGER</u></p> <p>X <u>[Signature]</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>
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Kavi Bhatia
 Notary Public, State of New York
 Reg. No. 01BH6415326
 Qualified in New York County

State of ~~Kansas~~ New York }
 County of New York } SS

I hereby certify that the foregoing application was signed in my presence, and sworn to before me this 23rd day of October, 20 24.
 Commission Expires March 15, 2025

[Signature]
 Notary Public

My Commission Expires 03/15/25.

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 |



Book 346 Page 405



Entered in Transfer Record by my office this
21st day of August
A.D. 2021
Amy J. Thayer
County Clerk

**CORRECTIVE
TRUSTEE'S DEED**

STATE OF KANSAS SS
COUNTY OF STEVENS

This instrument was filed for record on the
day of August A.D. 2021
at 4:00 o'clock P. M. and duly recorded in
Book 346 on page 405 Fee \$ 55.00

Jilpha Rosel
Register of Deeds

KNOW ALL MEN BY THESE PRESENTS:

THIS DEED, made this 16th day of August, 2021, MARK EDWARD MUELLICH, AS TRUSTEE OF S & G MANAGEMENT TRUST, party of the first part; and SMGS MANAGEMENT, LLC, party of the second part, WITNESSETH:

WHEREAS, Mark Edward Muellich, is the duly appointed, qualified and acting Trustee of S & G MANAGEMENT TRUST; and by virtue of the powers and authority granted and conferred upon him under said Trust, and by virtue of and execution of the powers to him given, and every other power and authority given unto him; does by these presents grant, bargain, assign, transfer and convey unto SMGS MANAGEMENT, LLC, its successors and assigns, the following described real estate in the County of Stevens and State of Kansas, to wit:

All of the Trust's interest in and to the surface and surface rights only, including all water rights, in and to each of the following tracts of real estate.

The surface and surface rights only, including all water rights, in and to the Southwest Quarter (SW/4) of Section Twenty-five (25) Township Thirty-one (31) South, Range Thirty-seven (37) West of the 6th P.M., Stevens County, Kansas;

The surface and surface rights only, including all water rights, in and to the Southeast Quarter (SE/4) of Section Nine (9) Township Thirty-five (35) South, Range Thirty-seven (37) West of the 6th P.M., Stevens County, Kansas; and

The surface and surface rights only, including all water rights, in and to the Northwest Quarter (NW/4) of Section Ten (10) Township Thirty-five (35) South, Range Thirty-seven (37) West of the 6th P.M., Stevens County, Kansas;

The surface and surface rights only, including all water rights, in and to the South Half (S/2) and the Northwest Quarter (NW/4) of Section Four (4) Township Thirty-five (35) South, Range Thirty-seven (37) West of the 6th P.M., Stevens County, Kansas; and

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NOV 05 2024

Garden City Field Office
Division of Water Resources

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NOV 05 2024

Garden City Field Office
Division of Water Resources

Page 2

The surface and surface rights only, including all water rights, in and to all of Section Five (5) Township Thirty-five (35) South, Range Thirty-seven (37) West of the 6th P.M., Stevens County, Kansas.

EXCEPTING AND RESERVING unto the Grantor all of the oil, gas and other minerals, lying in and under and that may be produced from each of the above described tracts;

together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining; and also all the estate, right, title, interest, property, possession, claim and demand whatsoever, which S & G Management Trust, has in, or to, the above granted premises, and every part and parcel thereof, with the appurtenances.

AND WHEREAS, the said Trust Agreement confers upon and empowers the Trustee to execute and deliver all deeds, conveyances and other instruments necessary or proper for the accomplishment of such power, all without approval of any Court.

TO HAVE AND TO HOLD said premises, the real property aforesaid, with the hereditaments and appurtenances thereof, conveys unto SMGS MANAGEMENT, LLC.

And the said Trustee, for himself and his successors, does hereby covenant, promise and undertake to SMGS MANAGEMENT, LLC that he is the lawful Trustee of S & G Management Trust; and said Trustee has the power to exchange, assign, convey, grant and transfer as aforesaid, and has in all respects acted, in making this transfer, in pursuance of the authority granted and directed by said Trust; and he has not made, done or suffered any act, matter or thing whatsoever, since he was appointed as Trustee as aforesaid, whereby the above granted premises, or any part thereof, are, shall or may be impeached, charged or encumbered, in any manner whatsoever, and that such Trust is still in effect and has not been revoked nor has any legal action been filed to terminate it.

THIS DEED CORRECTS AND SUPERSEDES THE DEED PREVIOUSLY FILED ON MAY 14, 2021, IN BOOK 344, AT PAGE 574, IN THE OFFICE OF THE REGISTER OF DEEDS OF STEVENS COUNTY, KANSAS.

IN WITNESS WHEREOF, the said Trustee has hereunder set his hand the day and year above written.

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NOV 05 2024

Garden City Field Office
Division of Water Resources

Page 3

S & G MANAGEMENT TRUST

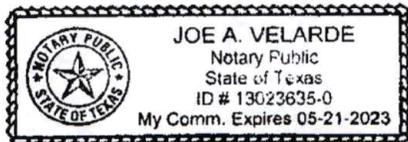

Mark Edward Muellich, Trustee

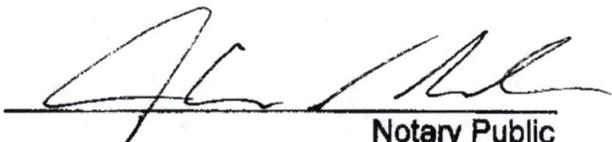
STATE OF TEXAS, BEXAR COUNTY, ss:

BE IT REMEMBERED, that on this 16th day of August, 2021, before me, the undersigned, a Notary Public, in and for the County and State aforesaid, came MARK EDWARD MUELLICH, AS TRUSTEE OF S & G MANAGEMENT TRUST, who is personally known to me to be the same person who executed the within instrument of writing and such person duly acknowledged the execution of the same.

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

(SEAL)




Notary Public

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 7, 2024

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

Re: Request for Recommendation
Water Right, File Nos. 44914, 45495

Dear Mr. Norquest:

This is to advise you that SMGS Management LLC has filed applications for approval of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, to change the point of diversion.

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

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

Sincerely,

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

Michael A. Meyer
Water Commissioner

MAM
Enclosures