Kansas Department of Agriculture Division of Water Resources

APPROVAL OF CHANGE APPLICATION WORKSHEET

1. File No.: 45763	GMD: 0	4. Field Office: 04 - Garden City GMD: 03 - Southwest Structures File No.:							
3. Package File No(s):			Filing/Pri	ority Date: 12/26/ on Complete Date:					
5a. ☐ Applicant ☐ Owner ☐ WU	C Person ID 69895 Add Seq#		r ⊠ WUC ss Change		son ID 29094 Seq#				
SMGS LLC 250 SEELEY ST #7 BROOKLYNN, NY 11218		MICHAEL W WILLIS 1706 ROAD 14 HUGOTON, KS 67951-5279							
5c. ☐ Owner ☐ WUC ☐ Address Change	Person ID Add Seq#	5d. ☐ Owner ☐ WUC Person ID ☐ Address Change Add Seq#							
	☐ UMW asonable Q: ction/Expiration Date:		7. Use of Wate Groundw UMW: IRF UMW: UMW:		Water				
8. Action Trail			<u> </u>						
9. Special Conditions									
10. 5YR Allocation Type: Sta Comment:	rt Year: 5YR Quan	tity: Base	Acres:						
11. Sand & Gravel Proj ID:	☐ Active ☐ Dredge	☐ IND Evap [☐ Jr Evap ☐	Other Diversion	☐ Rpt on Sr				
12. Waiver Rule ID: New D Applies: Rule No.: Rule Type: Rule SubType:	ate Requested:	Justification:							
Comments				Processed 01/07/2025	Entered				
				Reviewed					

File No. 45763 13. County: SV Basin: CIMARRON RIVER Stream:																								
Structures File	No:			Aquifer Code: 211 Special Use Area:																				
14. Points of Dive	rsion, I	Rates &	Quant	tities										Otv	AF		Rate g	ınm	St	torage Qt	tv	Storage	Rate	
PDIV	Qualif	ier		S	Т	R	ID	'N	'W	Cor	mment (AKA Li	ne)	Aut		Add	Auth	Add			Add	Auth/Add		Overlaps
CHK 69717																								
,																								
15. Limitations	Тур Тур			Quanti Quanti	-		Rate:				ned with													
16. Metering	\boxtimes	Meterir	ng Re	equired	d 🗆	Anti-Re	verse	Require	ed [] Sea	al Requ	iired	Comp	liance	Date:	12/31/2	2025							
17. Place of Use																								
PUSE S	Т	R	ID	NE		IE¼ sw	SE	NE	NW	N ¹ / ₄	SE	NE	S\ nw	V¼ sw	SE	NE	SE NW	sw	SE	Total	-	Owner(s)	Chg?	Overlaps
ENT 8956 9	35	37W	01													40	32	32	40	144		8a		*
CHK 55619 10	35	37w	03					40	40	40	40									160	8	Ва		*
18. Point of Div * 44914, 454 + #		and P	lace	of Use	Overla	os						** ++ ## ^^												

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

January 7, 2025

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

RE:

Field Office Application for Change

Water Right, File Nos. 44914, 45763, 45495

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 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 orders modify the original documents referred to above, they should be recorded with the Register of Deeds as other instruments affecting real estate.

Should you have any questions, please feel free contact this office. If you would prefer, you could arrange an appointment for additional assistance.

Sincerely.

Michael A. Meyer Water Commissioner

MAM: Enclosures

pc:

SMGS LLC (w/encl)

GMD3

CERTIFICATE OF SERVICE

On this 7th day of January 2025, I hereby certify that the foregoing Approvals of Application for Change in Place of use, Water Right, File Nos. 44914, 45763, 45495 dated 7th day of January 2025 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, NY 11218

GMD3

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. 1:02 pm DEC 26 2024 File No. <u>45763</u> Garden City Field Office 1. Application is hereby made for approval of the Chief Engineer to change the (check one or both): Divison of Water Resources □ 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: ☐ Surface water 2. Name and address of Applicant: MICHAEL W WILLIS 1706 ROAD 14 HUGOTON, KS 67951-5279 Phone Number: (____) Email address: Name and address of Water Use Correspondent: Same as above Phone Number: (_____) Email address: 3. The presently authorized place of use is: Owner of Land ---- NAME: SMGS LLC ADDRESS: 250 SEELEY ST BROOKLAND NY 11218 (If there is more than one landowner, attach supplemental sheets as necessary.) SW1/4 TOTAL **ACRES** Range NE14 NW14 SW14 SE14 NW1/4 SW1/4 SE1/4 NE1/4 SW1/4 NE1/4 NW1/4 SW1/4 SE1/4 NE1/4 Sec. 35S 37W 40 40 40 40 160 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: SMGS LLC ADDRESS: 250 SEELEY ST BROOKLAND NY 11218 (If there is more than one landowner, attach supplemental sheets as necessary.) TOTAL ACRES Range NE14 NW14 SW14 SE14 NE1/4 NW1/4 SW1/4 SE1/4 NW1/4 SW1/4 SE1/4 NE1/4 NW1/4 SW1/4 SE1/4 Twp. Sec 35S 37W 40 40 40 40 160 10 35S 37W 40 32 32 144

For Office Use Only: Code CPW Fee \$ 200.00 TR # _____ Receipt Date 12-14-24 Check # 1052

5.	Presently authorize	ed point of diversion:	*		
- 1	One in the	Quarter of the		Quarter of the	Quarter
	of Section	, Township		South, Range	(E/W),
		County, Kansas,			
	Authorized Rate	Authorized Quantity		Depth of well	(feet)
		omputer ID No GF			
-	☐This point will not b	e changed This point will be chang	ed as follows:	☐ No change, point better o	described with GPS as follows:
	Proposed point of	diversion: (Complete only if chan	ge is requeste	d or if existing point is	better described by GPS)
		Quarter of the			
- 1		, Township			
		County, Kansas,			
		Proposed Quantity _			
L	This point is: Add	ditional Well Geo Center List of	ther water righ	its that will use this point	
_					
6.	Presently authorize	ed point of diversion:			
	One in the	Quarter of the		Quarter of the	Quarter
		, Township			
		County, Kansas,			
	Authorized Rate	Authorized Quantity		Depth of well	(feet)
	(DWR use only: Co	omputer ID No GF	8	feet North	feet West)
- 1	☐This point will not b	e changed This point will be chang	ed as follows: 🗌	No change, point better d	escribed with GPS as follows:
- 1		diversion: (Complete only if chang			
	One in the	Quarter of the		Quarter of the	Quarter
-		, Township			
		County, Kansas,			
		Proposed Quantity _			
	This point is: Add	ditional Well	ther water righ	ts that will use this point	·
7.	The changes herein	are desired for the following reason	s?		
		reating a complete overlap	200	North	
	In place of use between	en file # 45763, 44914, 45495	3 00	200 100 <u>0</u>	100 200 300
			E.	1 1 ±	
8.	If a well, is the test ho	le log attached? Yes No	200		1 + 1 = 200
9.	The change(s) (was)(will be) completed by?	· E	/ =	\ _
	3 (3/1 3/1	.,	100	/, _ , _ =	+ + 100
	·		100		1 100
10.	If the point of diversion	n is a well:	ŧ	<u>-</u>	
	(a) What are you going	ng to do with the old well?	West 0 🚻	+վասիովափոփա չ ս	
			!	=	
			100	-1 + 1 + 1 =	+ + + + 100
	(b) When will this be	done?	100 [\	
			E	\ =]
11.		ment District recommendation attache	d? 200 🖹	-1 / 1 + 1 =	+ + = 200
	☐ Yes	⊠ No	E		_ /- =
12	Assisted by PE/GCFC		탋	uluuluuluu luuluu ‡u	Limited in the limited and th
12.	Assisted by FEIGOFC		300	200 100 0 South	100 200 300 Scale: 1 hashmark=10 ft
13a.	If the proposed point of feet but within 2,640 fe	f diversion will be relocated more than	300 ach 13h lf the		

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.)

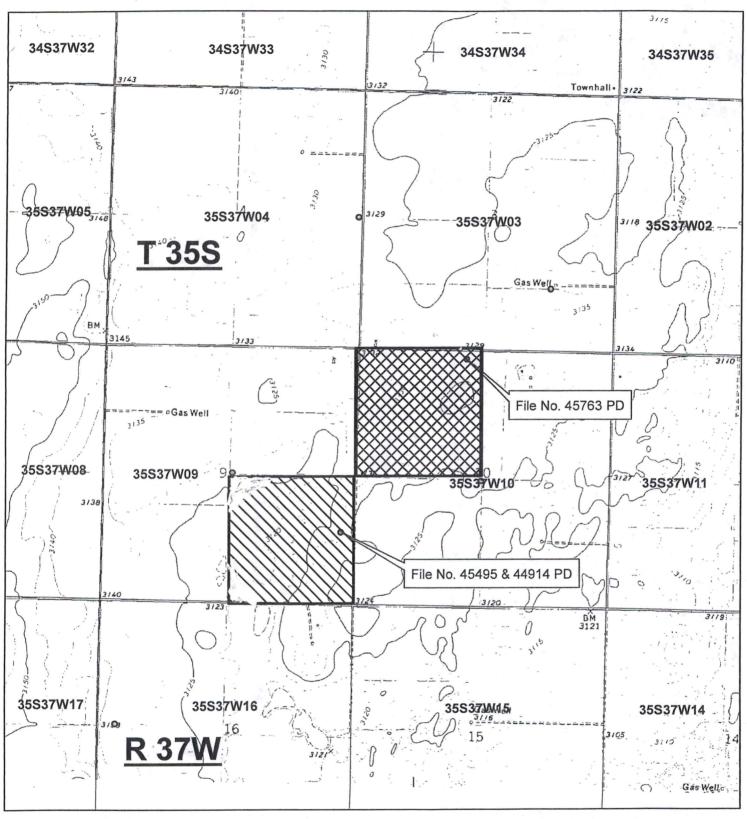
14. If the proposed groundwater point of diversion is 300 of fewer feet	from the existing point of diversion, complete the following:
(a) Does the undersigned represent all owners of the currently aut ☐ Yes ☐ No (If no, all owners must sign this app	
 (b) Will the ownership interest of any owner of the currently auth affected if this application is approved as requested? Yes No (If yes, all owners must sign this approved the currently authors.) 	
(c) If this application is not approved expeditiously, will there be so Yes No (If no, all owners must sign this app	
If the application proposes a surface water change in point of diversion, or a change in place of use, the application must be signed by all owne agent (attach notarized statement authorizing representation).	a groundwater change in point of diversion greater than 300 feet rs of the currently authorized place of use, or their duly authorized
I hereby verify, being first duly sworn upon my oath or affire age and the owner, the spouse of the owner, or a duly author their behalf, in regards to the water right(s) to which this appointment in this application are true, correct and complete.	orized agent of the owner(s) to make this application on pplication pertains. I further verify that the statements
Dated at, Kansas, this	s /le day of December, 2024.
of long	
(Owner)	(Spouse)
(Please Print)	(Please Print)
(Owner)	(Spouse)
(Please Print)	(Please Print)
(Owner)	(Spouse)
(Please Print)	(Please Print)
State of Kansas NEW York County of King S SS	
I hereby certify that the foregoing application was signed in of be comblet., 20 34. CAMILE TAYLOR NOTARY PUBLIC STATE OF I Registration No. 017A61	NEW YORK
My Commission Expires 1-8-2026 Qualified in Nassau Commission Expires	Notary Public
ONLY COMPLETE APPLICATIONS WILL BE PROCESSED. To be complete, a accurate information; maps, if necessary, must be included; signatures of all the appropriate fee must be paid.	
FEE SCHED	
Each application to change the place of use or the point of diversion und forth in the schedule below: Make checks payable to: Kansas Departn (1) Application to change a point of diversion 300 feet or less. (2) Application to change a point of diversion more than 300 feet (3) Application to change the place of use	nent of Agriculture \$100 et

SUMMARY ORDER APPROVING APPLICATION FOR CHANGE AND IMPOSING CONDITIONS

pro Wit	visions of the Kansas Water Appropriation Law, K.S.A. 82a-	701 et. seq., and rules and regulations promulgated thereunder, n, this Summary Order does not change the terms, conditions and
1.	A change application was received on <u>lecember</u> diversion authorized under the above-referenced file number	requesting that the place of use and / or point of ber be changed as described in the application.
2.	On and after the effective date of this summary order, the aut the topographic map accompanying the application to cha	thorized place(s) of use shall be located substantially as shown on nge the place of use. Applicable
3.	The change in point of diversion shall not impair existing righ previously authorized. The point of diversion authorized b radius of the authorized point(s) of diversion. ☐ Applicab	nts and shall be limited to the same source or sources of water as by this summary order shall be located within a foot le Not Applicable
4.	The point(s) of diversion described herein is administrative Positioning System (GPS), as described in the application	ely corrected to be more accurately described using the Global . Applicable Not Applicable
5.	The point(s) of diversion authorized herein shall not actually authorized point(s) of diversion. Applicable TYN	be located more than feet from the previously ot Applicable
6.	As required by K.A.R. 5-3-5d, if the works for diversion is a wor other device suitable for making water level measureme K.A.R. 5-6-13. Applicable Not Applicable	vell with a diversion rate of 100 gallons per minute or more, a tube nts shall be installed, operated and maintained in accordance with
7.	December 31, 20 45 , or before the first use of water, operated and maintained in accordance with K.A.R. 5-1-4	operly install an acceptable water flow meter on or before whichever occurs first. The water flow meter shall be installed, through 5-1-12. As required by K.S.A. 82a-732, as amended, and the reading of the water flow meter and the total quantity of water ng the end of each calendar year.
3.	Installation of the works for diversion of water shall be authorized extension of time. By March 1, 20 the works for diversion has been completed, on the form providing Applicable Not Applicable	completed on or before December 31, 20 , or within any applicant shall notify the Chief Engineer that construction of the ded by the Chief Engineer, as required by K.A.R. 5-8-4e.
Э.	The completed well log shall be submitted with the requi	red notice. Applicable Not Applicable
10.	All diversion works into which any type of chemical or other full with an in-line, automatic, quick-closing check valve capal	oreign substance will be injected into the water shall be equipped ple of preventing pollution of the source of the water supply. The in accordance with K.A.R. 5-3-5c. Applicable \(\square \) Not Applicable
11.	Additional Conditions are attached. Yes No	
12.	water appropriated under the above-referenced file numb limitations, as amended and/or supplemented by this Sum Appropriation Law and the Rules and Regulations promu	.R. 5-5-14, all of the owners of the authorized place(s) of use of the are responsible for compliance with its terms, conditions and amary Order, and with applicable provisions of the <i>Kansas Water</i> Igated thereunder. Failure to comply with these provisions may ended, and/or the suspension or revocation and dismissal of the authorized by law.
4	Administrative Appeal and Effective Date of Order	FOR OFFICE USE ONLY
f yc	ou are aggrieved by this order, pursuant to K.S.A. 82a-1901,	APPLICATION APPROVED AND
ou	may request an evidentiary hearing before the Chief ineer or request administrative review by the Secretary of	SUMMARY ORDER ISSUED
۱gri	culture. A request for hearing by the Chief Engineer must be	By: Mufuel A-Mly
	within 15 days of service of this Order and a request for ninistrative review by the Secretary must be filed within 30	Duly Authorized Designee of the Chief Engineer
lay	s pursuant to K.S.Á. 77-531. Any request for administrative ew must state a basis for review pursuant to K.S.A. 77-527.	(Print Name):
ile	any request with Kansas Department of Agriculture,	Date of Issuance: January 7,3025
65	al Division, 1320 Research Park Drive, Manhattan, KS 02. Failure to timely request a hearing or review may	State of Kansas
rec	Slude review under the Kansas Judicial Review Act. For Use by Register of Deeds	County of
		7 2-25
		by Michael A. Meyer.
		Signature: Notary Public
		ONE WAY
		My commission expires: JULIE JONES PUBLIC (Notary VS earlyntment Expires December 15, 2026

File No. 45763_

Change in PU File No. 45763



Currently authorized PU File No. 45763

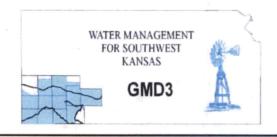
Proposed PU File No. 45763

Section Lines

1 inch = 2,000 feet

(2014 scaled topographic map)





Southwest Kansas Groundwater Management District No. 3 2009 E. Spruce Street Garden City, Kansas 67846

(620) 275-7147 phone www.gmd3.org

January 7, 2025

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

RE:

Applications for Change in Place of Use

Water Right, File Nos. 44914, 45495 & 45763

Dear Mike:

We have completed a review of the applications for the above referenced water rights. The proposals are not in conflict with the Management Program of the Southwest Kansas Groundwater Management District No. 3 (GMD3). The proposed change in place of use will make a complete overlap in authorized place of use in accordance with K.A.R. 5-5-11(b). At the same time, it will correct an incomplete overlap of several of the water rights. It is therefore recommended that the applications be approved at this 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. Norquest⁴ Assistant Manager

RECEIVED

JAN 07 2025

Garden City Field Office Divison of Water Resources

GMD3 Change Review

File No(s).: <u>44914, 45495, 45763</u> .	DWR office: <u>GC</u> .						
App filed to change: <u>PU</u> .							
Is Landowner(s) correct in WRIS: <u>Michael Willis</u> .							
If NO, is documentation included?							
Is Water Use Correspondent correct in WRIS?							
If NO, is documentation included?							
Regulation(s) Reviewed: KAR 5-5-11							
Point of diversion ID No(s) being changed.							
6 11 11 6 111 1							
ft. North ft. West							
Authorized PD							
Proposed PD Difference 0 0							
GPS for proposed PD: Lat: Long:							
Is proposed PD stacking on existing WRs? No Change							
Is Proposed PU overlapping existing WRs? Making a co	omplete overlap in current acres						
Neighboring certified well(s) notified:							
Name							
Address							
Zip							
Email: Phone:							
Domestic well(s) notified:							
Name							
Address							
Zip							
Base Acres:							
Perfected Acres:							
Irr. Return-Flow%							
Stevens County							
44914: 288AF @ 1000gpm							
144acres SE of 935-37							
45495: 187AF @ 1000gpm, Limited to 1705gpm w/44	914, overlanning PD w/44914						
160acres NW of 10-35-37	, , , , , , , , , , , , , , , , , , ,						
45763: 320AF @ 1000gpm, 320AF/year w/45495							
Same acres as 45495							
Proposed making a complete overlap in current acres	no new acres proposed.						
Is a waiver needed: <u>Current acres making complete over</u>							
Recommendation: After review of available information							
are met. Staff therefore recommends approval of the app	ileations.						

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

January 3, 2025

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, 45763

Dear Mr. Norquest:

This is to advise you that Michael Willis has filed applications for approval of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, to change the place of use.

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,

Michael A. Meyer

Water Commissioner

MAM Enclosures