



Garden City Field Office
2508 Johns Street
Garden City, Kansas 67846-2804

Jackie McClaskey, Secretary
David W. Barfield, Chief Engineer
Michael A. Meyer, Water Commissioner

Phone: (620) 276-2901
Fax: (620) 276-9315
www.agriculture.ks.gov
Sam Brownback, Governor

October 19, 2016

LOREN LUCAS
12001 E ROAD 24
JOHNSON KS 67855-9022

RE: Change in Point of Diversion Water Right, File No 24796

Dear Mr. Lucas:

Enclosed you will find a *Summary Order Approving Application for Change in Point of Diversion* for the above referenced file. This order modifies the authorized well location under the referenced file. This order modifies the original document; it should be recorded at the County Register of Deeds.

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in this order. The diversion works should be completed and reported to the Division of Water Resources by **December 31, 2017**. Enclosed is a form for this purpose, along with other information for reference.

A condition of this order is that an acceptable flow meter must be properly installed on the diversion works authorized under the referenced file number in accordance with the Kansas Administrative Regulations 5-1-4 through 5-1-12. This water flow meter shall be used to provide information required on the annual water use report.

This order shall become final if a request for a hearing is not filed with the Chief Engineer within 15 days of the date of service of this order. The date of service is the date listed on the enclosed *Certificate of Service*.

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

Sincerely,

A handwritten signature in black ink, appearing to read "T. Makens".

Thomas P. Makens
Assistant Water Commissioner

TPM:tpm
Enclosures
GMD#3

CERTIFICATE OF SERVICE

On this 20th day of October 2016, I hereby certify that the attached original Approval of Application to Change the Point of Diversion under Water Right, File No. 24796 dated October 19, 2016 was mailed postage prepaid, first class, US mail to the following:

LOREN LUCAS
12001 E ROAD 24
JOHNSON KS 67855-9022

Copy provided to GMD#3

A handwritten signature in black ink, appearing to be 'R. A.', written over a horizontal line.

Division of Water Resources

5. **Presently authorized point of diversion:**
 One in the nw Quarter of the nw Quarter of the sw Quarter
 of Section 13 , Township 30 South, Range 38 W,
 in Grant County, Kansas, 2003 feet North 5205 feet West of Southeast corner of section.
 Authorized Rate Authorized Quantity Depth of well (feet)
 (DWR use only: Computer ID No. 4 GPS feet North feet West)
 This point will not be changed This point will be changed as follows:
Proposed point of diversion: (Complete only if change is requested)
 One in the ne Quarter of the ne Quarter of the se Quarter
 of Section 14 , Township 30 South, Range 38 W,
 in Grant County, Kansas, 2329 feet North 37 feet West of Southeast corner of section.
 Proposed Rate Proposed Quantity Proposed well depth (feet) 518
 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 (EW),
 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:
Proposed point of diversion: (Complete only if change is requested)
 One in the Quarter of the Quarter of the Quarter
 of Section , Township South, Range (EW),
 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

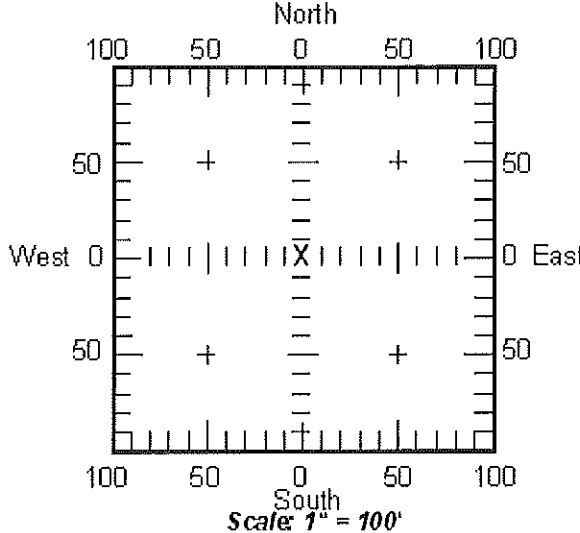
7. Why do you need a new point of diversion?
2nd redrill failed.

13a. If the proposed point of diversion will be relocated within 100 feet of the existing point of diversion, indicate its location on the diagram below in relation to the existing point of diversion. (PLEASE NOTE: The "X" in center of diagram below represents presently authorized point of diversion.)

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

9. When do you propose to complete the new point of diversion?
October 19, 2016

10. If the point of diversion is a well:
 (a) What are you going to do with the old well?
cap
 (b) When will this be done? 2016



11. Groundwater Management District recommendation attached? Yes No

12. Assisted by tpm

13b. If the proposed point of diversion will be relocated more than 100 feet but within 1320 feet from 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.

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).

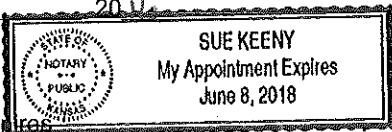
I hereby verify, being first duly sworn upon my oath or affirmation and under penalty of perjury, that I am of lawful age and the owner, the spouse of the owner, or a duly authorized agent of the owner(s) to make this application on their behalf, in regard to the water right(s) to which this application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

Dated at Garden City, Kansas, this 14th day of October, 2016.

<p><u><i>Loren Lucas</i></u> (Owner) _____ Loren Lucas (Please Print) _____ (Owner) _____ (Please Print) _____ (Owner) _____ (Please Print)</p>	<p>_____ (Spouse) _____ (Please Print) _____ (Spouse) _____ (Please Print) _____ (Spouse) _____ (Please Print)</p>
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State of Kansas }
 County of Finney } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 14th day of October, 2016.



Sue Keeny
 Notary Public

My Commission Expires _____

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

[Faint handwritten notes and stamps]

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. 5-14-3 and other applicable provisions of the *Kansas Water Appropriation Law, K.S.A. 82a-701 et. seq.*, and rules and regulations promulgated thereunder, K.A.R. 5-1-1 *et. seq.* With the exception of those conditions expressly contained herein, this Summary Order does not change the terms, conditions and limitations of File No. 24769.

1. A change application was received on October 14, 2016 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 authorized herein shall not actually be located more than 0 feet from the previously authorized point(s) of diversion. Applicable Not Applicable
5. 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
6. The owner of the authorized place(s) of use shall properly install an acceptable water flow meter on or before December 31, 2017 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
7. Installation of the works for diversion of water shall be completed on or before December 31, 2017, or within any authorized extension of time. By March 1, 2018 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
8. The completed well log shall be submitted with the required notice. Applicable Not Applicable
9. 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
10. Additional Conditions are attached. Yes No
11. 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

You have the right to a hearing in accordance with K.A.R. 5-14-3 before this Summary Order becomes final action of the Kansas Department of Agriculture. Any request for a hearing must be filed with the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, 1320 Research Park Drive, Topeka, Kansas 66502, within 15 days after the date shown on the Certificate of Service attached hereto. If a hearing is not requested in accordance with K.A.R. 5-14-3, this Summary Order will become effective on the 15th day after the date shown on the Certificate of Service.

For Use by Register of Deeds

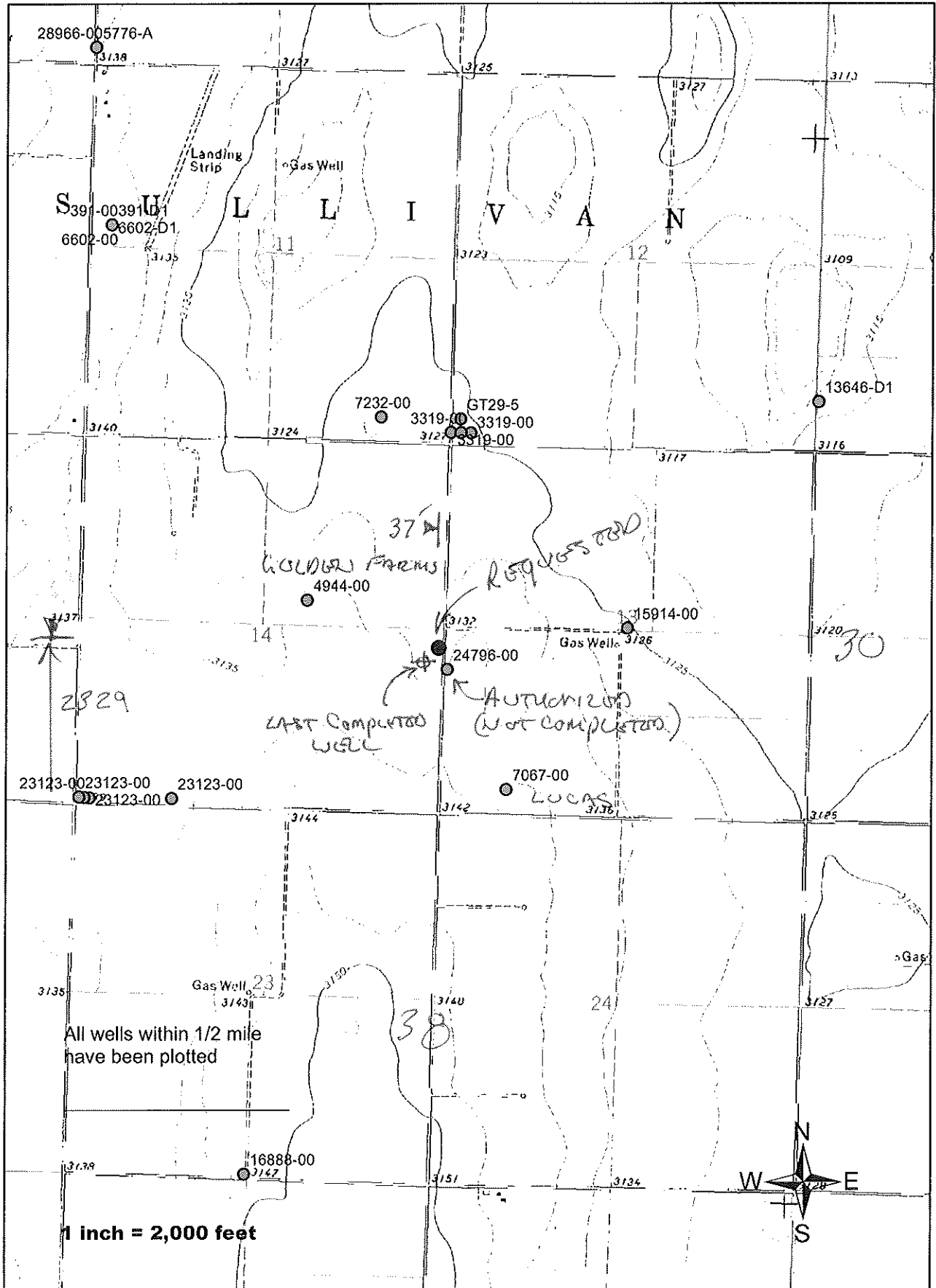
FOR OFFICE USE ONLY
**APPLICATION APPROVED AND
SUMMARY ORDER ISSUED**

By: [Signature]
Duly Authorized Designee of the Chief Engineer
(Print Name): THOMAS P. MAKENS
Division of Water Resources - Kansas Department of Agriculture
Date of Issuance: OCTOBER 19, 2016
State of Kansas)
County of Jiminy) SS
Acknowledged before me on October 19, 2016
by Thomas P. Makens
Signature: [Signature]
Notary Public



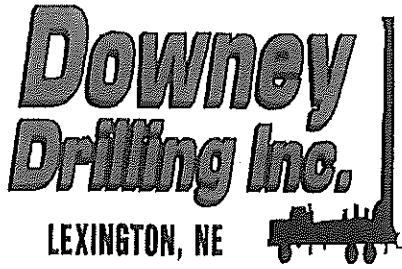
My commission expires: _____
(Notary Seal)

24796



WELL LOG

DATE: 10/13/2016



CUSTOMER NAME: LUCAS LAND, LLC

LEGAL: NE/SE 14-30S-38W

COUNTY: GRANT

GPS: 37 26' 16.9" N

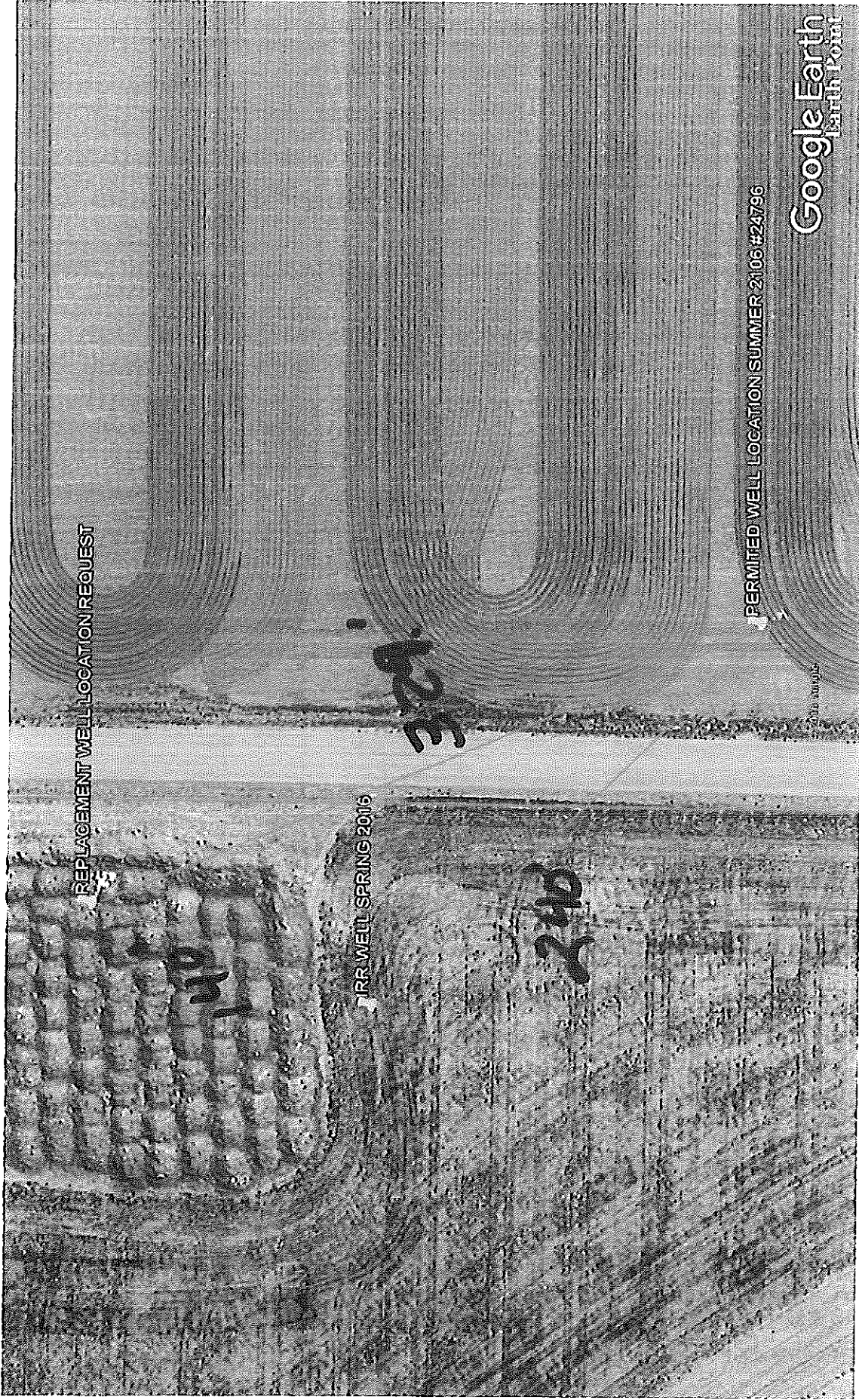
-101 26' 05.9" W

DRILLER: JERRY HAINES

WO#: 16-865

TW	FROM	TO	TYPE	HARDNESS	COLOR	SPEED	PULL DOWN	OTHER / DRILLING ACTION
	0	20	TOP SOIL AND SILTY CLAY		BROWN REDISH		NO	CHOPPY
	20	40	CLAY		BROWN	SLOW	NO	SMOOTH
	40	60	SAND CLAY AND LIMEY CLAY		BROWN / WHITE	SLOW	NO	SMOOTH
	60	100	CLAY		BROWN REDISH	SLOW	NO	SMOOTH
	100	120	MAG CLAY WITH COARSE SAND STRINGERS		BROWN	SLOW	NO	SLIGHT VIBRATION
	120	140	SANDY CLAY WITH A TRACE OF MAG		TAN	SLOW	NO	SLIGHT VIBRATION
	140	160	SANDY CLAY WITH A TRACE OF COARSE SAND			SLOW	NO	SLIGHT VIBRATION
X	160	180	CLAY (CLAY COLLARS - LOST WATER)			SLOW	NO	SMOOTH
	180	200	COARSE SAND AND THIN CLAY LAYERS WITH A LIME LAYER @ 199			FAST	NO	CHATTER
	200	215	COARSE SAND AND THIN CLAY STRINGERS			FAST	NO	CHATTER
	215	220	CLAY WITH A THIN LIME LAYER @ 216			SLOW	NO	SMOOTH
	220	240	CLAY WITH THIN COARSE SAND STRINGERS		TAN	SLOW	NO	SLIGHT CHATTER
	240	260	CLAY WITH THIN COARSE SAND STRINGERS WITH LIME @ 260 & 264		TAN	SLOW	NO	SMOOTH / SLIGHT VIBRATION
	260	274	COARSE SAND AND CLAY STRINGERS			FAST	NO	CHATTER
	274	280	CLAY		TAN		NO	SMOOTH
	280	300	CLAY, COARSE SAND, AND FINE GRAVEL STRINGERS				NO	SLIGHT CHATTER
	300	320	COARSE SAND WITH A TRACE OF CLAY			FAST	NO	CHATTER
	320	332	COARSE SAND AND FINE GRAVEL				NO	CHATTER
	332	340	CLAY AND LIME		RED / WHITE		NO	
	340	353	COARSE SAND AND FINE GRAVEL				NO	CHATTER
	353	360	CLAY				NO	SMOOTH
	360	372	CLAY			SLOW	NO	
	372	380	CEMENTED SAND, LIME, AND A TRACE OF COARSE SAND / SANDSTONE				NO	CHATTER (ROUGH)
	380	394	CLAY, SOAPSTONE, AND A TRACE OF RED CLAY			SLOW	NO	SMOOTH
	394	400	COARSE SAND, RED CLAY, AND BROKEN ROCK				NO	ROUGH CHATTER
	400	410	CLAY, SOAPSTONE, AND A TRACE OF BROKEN ROCK				NO	
	410	411	LIME LAYER				NO	
	411	420	COARSE SAND, RED CLAY, BROKEN ROCK, AND A TRACE OF OCHRE SAND, BROKEN ROCK, RED CLAY, AND A CEMENTED SAND LAYER @ 425-			MED FAST	NO	CHATTER / VIBRATION
	420	426	426				NO	CHOPPY VIBRATION / CHATTER
	426	440	SAND, SANDSTONE, BROKEN ROCK, CLAY, AND SOAPSTONE				NO	
	440	460	SAND, BROKEN ROCK, AND TRACES OF SOAPSTONE					
	460	480	BROKEN ROCK, CLAY, AND SOAPSTONE					
	480	500	FINE SAND AND OCHRE STRS			SLOW		SMOOTH
	500	518	FINE SAND, OCHRE LAYERS, AND A LIMESTONE LAYER @ 518		GRAY / BROWN			
	518	540	RED BED		RED			

518



REPLACEMENT WELL LOCATION REQUEST

PERR WELLS SPRING 2016

PERR WELLS

210

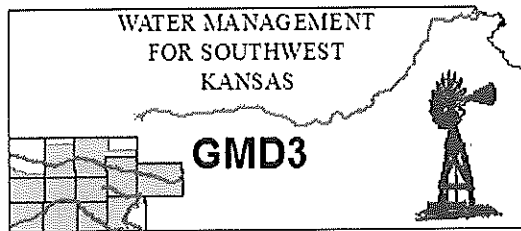
PERMITTED WELL LOCATION SUMMER 2106 #24796

Google Earth
Earth Point

Google Earth

feet
meters





Southwest Kansas
Groundwater Management District No. 3
2009 E. Spruce Street
Garden City, Kansas 67846
(620) 275-7147 phone (620) 275-1431 fax
www.gmd3.org

November 18, 2016

Thomas P. Makens
Division of Water Resources
2508 N Johns Street
Garden City, Kansas 67846

RECEIVED

OCT 18 2016

RE: Application for Change in Point of Diversion
Water Right, File No. 24,796

Garden City Field Office
Division of Water Resources

Dear Thomas:

We have completed a review of the application for the above referenced water right. The proposal is not in conflict with the Management Program of the Southwest Kansas Groundwater Management District No. 3 (GMD3). The proposed distance moved and well spacing is in accordance with K.A.R. 5-23-3. It is therefore recommended that the application 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. Norquest
Assistant Manager


Kansas
Department of Agriculture
Division of Water Resources

Garden City Field Office
2508 Johns Street
Garden City, Kansas 67846-2804

Jackie McClaskey, Secretary
David W. Barfield, Chief Engineer
Michael A. Meyer, Water Commissioner

Phone: (620) 276-2901
Fax: (620) 276-9315
www.agriculture.ks.gov
Sam Brownback, Governor

October 17, 2016

Southwest Kansas Groundwater
Management District No 3
409 Campus Drive, Suite 106
Garden City KS 67846

Re: Water Right file number 24796

Dear Mr. Norquest;

Loren Lucas has applied to redrill the well authorized by the above water right number. There are two neighboring wells within ½ mile of the requested.

We are delaying action for 15 days on the change application to allow you time to review and provide a recommendation if you feel one is warranted.

Thank you and as always feel free to call or write us at any time.

Sincerely;



Thomas P Makens

TPM:tpm
enc

