

Kansas Department of Agriculture
Division of Water Resources
CHANGE: P/D WORKSHEET

1. File Number: 20063	2. Status Change Date: <i>9-23-2020</i>	3. Change Num: C1	4. Field Office: 4	5. GMD: 3
6. Status: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied by DWR/GMD <input type="checkbox"/> Dismiss by Request/Failure to Return				7. Filing Date of Change: 6/4/2020
8a. Applicant(s) New to system <input type="checkbox"/> LOVE AG COMPANY Attn: GREG LOVE 24506 13 RD MONTEZUMA, KS 67867-9073		Person ID 41565 Add Seq# _____		
8b. Landowner(s) New to system <input type="checkbox"/> 8a		Person ID _____ Add Seq# _____		
8c. Landowner(s) New to system <input type="checkbox"/>		Person ID _____ Add Seq# _____		
8d. WUC New to system <input type="checkbox"/> 8a		Person ID _____ Add Seq# _____		
9. Documents and Enclosure(s): <input checked="" type="checkbox"/> DWR Meter(s) Date to Comply: 12/31/2020 <input checked="" type="checkbox"/> N & P Date to Comply: 3/1/2021				
<input type="checkbox"/> Anti-Reverse Meter <input type="checkbox"/> Meter Seal <input checked="" type="checkbox"/> Check Valve <input checked="" type="checkbox"/> N & P Form <input checked="" type="checkbox"/> Water Tube <input checked="" type="checkbox"/> Driller Copy <input checked="" type="checkbox"/> H & E Letter				
<input type="checkbox"/> Conservation Plan Date Required: _____ Date Approved: _____ Date to Comply: _____				
10. Use Made of Water From: _____ To: _____				
Date Prepared: 9/22/2020 By: AM Date Entered: _____ By: _____				

File No. **20063** 11. County: **GY** Basin: **ARKANSAS RIVER** Stream: _____ Formation Code: **211** Special Use: _____

12. Points of Diversion
 Rate and Quantity
 Authorized Additional
 Rate Quantity Rate Quantity
 gpm af gpm af Overlap PD Files

DEL 64927

DEL	ENT	Qualifier	S	T	R	ID	'N	'W	Comment (AKA Line)	Rate gpm	Quantity af	Rate gpm	Quantity af	Overlap PD Files
		SW SW SE	12	27S	29W		200	2394		915	199	915	199	NONE

13. Storage: Rate _____ NF Quantity _____ ac/ft Additional Rate _____ NF Additional Quantity _____ ac/ft

14. Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) _____
 Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) _____

15. 5YR Allocation: Allocation Type _____ Start Year _____ 5 YR Amount _____ Amount Unit _____ Base Acres _____ Comment _____

16. Place of Use CHK MOD DEL ENT	PUSE	S	T	R	ID	NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg?	Overlap Files
						NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼				
CHK	18312	7	27S	28W	1									34	34	34	34					136	8a	Y	14550; 20063

Base Acres: _____ Year: _____ Minimum Reasonable Quantity: _____

Comments: _____

Garden City Field Office
4532 W. Jones, Suite B
Garden City, KS 67846



Phone: 620-276-2901
Fax: 620-276-9315
www.agriculture.ks.gov

Mike Beam, Secretary

Laura Kelly, Governor

September 23, 2020

LOVE AG COMPANY
Attn: GREG LOVE
24506 13 RD
MONTEZUMA, KS 67867-9073

RE: Water Right, File No. 20063

Dear Sir or Madam:

Enclosed is the order executed by the designee of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the application for change under the above referenced file number.

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in this approval for change. A condition of this approval is that an acceptable water flow meter must be installed on the diversion works authorized under the referenced file number and meet current specifications. Please return the required notification of completion of the diversion works and installation of the required meter as soon as these actions are completed.

Since the order modifies the original document referred to above, it should be recorded with the Register of Deeds as other instruments affecting real estate.

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, appearing to read "Michael A. Meyer".

Michael A. Meyer
Water Commissioner

MAM:am
enclosures

pc:
GROUNDWATER MANAGEMENT DISTRICT NO. 3

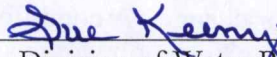
CERTIFICATE OF SERVICE

On this 23rd day of September, 2020, I hereby certify that the foregoing Approval of Application for Change in Point of Diversion, Water Right, File No. 20,063 dated 23rd day of September, 2020 was mailed postage prepaid, first class, US mail to the following:

LOVE AG COMPANY
Attn: GREG LOVE
24506 13 RD
MONTEZUMA, KS 67867-9073

Pc:

GROUNDWATER MANAGEMENT DISTRICT NO. 3



Division of Water Resources Staff

Submit completed application to:
 Kansas Department of Agriculture
 Division of Water Resources
 Field Office for your area.
 Call for address:
 Topeka -- (785) 296-5733
 Stafford -- (620) 234-5311
 Stockton -- (785) 425-6787
 Garden City -- (620) 276-2901
<http://agriculture.ks.gov/dwr>

DWR FIELD OFFICE APPLICATION FOR APPROVAL TO CHANGE THE PLACE OF USE AND/OR THE POINT OF DIVERSION



STATE OF KANSAS

Filing Fee Must Accompany the Application, K.S.A. 82a-708b(b), as amended.
 Fee Schedule is on the third page of this application form.

Paragraph Nos. 1, 2, 3 & 5 must be completed. Complete all other applicable portions. If change in point of diversion is greater than 100 feet, or if place of use will be changed, include a topographic map or detailed plat showing the authorized and proposed point(s) of diversion and/or place of use.

File No. 20063

RECEIVED
 4:51 P.M.
 JUN 04 2020

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

Place of Use Point of Diversion

Garden City Field Office
 Division of Water Resources

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: LOVE AG COMPANY 24506 ROAD 13 MONTEZUMA, KS 67867

Phone Number: () Email address: _____

Name and address of Water Use Correspondent: VERLE KOEHN 22656 13 RD MONTEZUMA, KS 67867

LOVE AG COMPANY 24506 ROAD 13, MONTEZUMA 67867

Phone Number: () Email address: _____

3. The presently authorized place of use is:

Owner of Land ---- NAME: _____

ADDRESS: _____

(If there is more than one landowner, attach supplemental sheets as necessary.)

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES		
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼			

4. If this application is for a change in place of use, it is proposed that the place of use be changed to:

Owner of Land ---- NAME: Love Ag Company

ADDRESS: 24506 Road 13 Montezuma KS 67867

(If there is more than one landowner, attach supplemental sheets as necessary.)

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES			
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼				

For Office Use Only: Code _____ Fee \$ 200.00 TR # _____ Receipt Date 6-4-20 Check # 6444

5. **Presently authorized point of diversion:**
 One in the Lot 4 Quarter of the SW Quarter of the Lot 4 (SW SW) Quarter of Section 7, Township 27 South, Range 28 W, in Gray County, Kansas, 260 feet North 5020 feet West of Southeast corner of section. Authorized Rate _____ Authorized Quantity _____ Depth of well _____ (feet).
(DWR use only: Computer ID No. 6 GPS _____ feet North _____ feet West)
 This point will not be changed This point will be changed as follows: No change, point better described with GPS as follows:
Proposed point of diversion: (Complete only if change is requested or if existing point is better described by GPS)
 One in the SW Quarter of the SW Quarter of the SE Quarter of Section 12, Township 27 South, Range 29 W, in Gray County, Kansas, 200 feet North 2394 feet West of Southeast corner of section. Proposed Rate _____ Proposed Quantity _____ Proposed well depth (feet) 330.
 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 _____ (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?

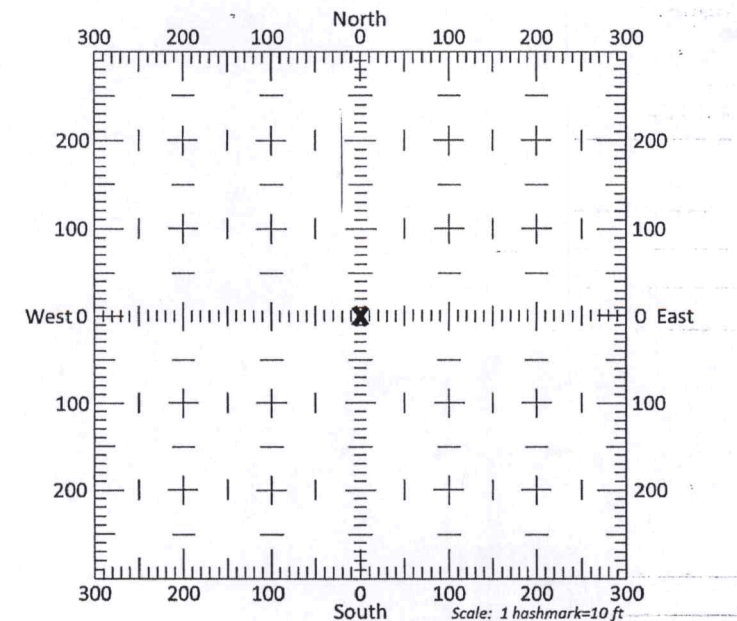
10. If the point of diversion is a well:
 (a) What are you going to do with the old well?

 (b) When will this be done? _____

11. Groundwater Management District recommendation attached?
 Yes No

12. Assisted by GCFO/SZ

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 300 feet of the existing point of diversion, indicate its location on the diagram shown above in relation to the existing point of diversion. (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 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 WARREN CITY, Kansas, this 4th day of JUNE, 2020.

[Signature]
(Owner)

(Spouse)

(Please Print)

(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

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 4th day of JUNE, 2020.



[Signature]
Notary Public

My Commission Expires 9-14-22

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

SUMMARY ORDER APPROVING APPLICATION FOR CHANGE AND IMPOSING CONDITIONS

This Summary Order is issued under authority of K.S.A. 82a-708b, as amended, and K.A.R. 5-5-1, et seq. and other applicable provisions of the *Kansas Water Appropriation Law, K.S.A. 82a-701 et seq.*, and rules and regulations promulgated thereunder, With the exception of those conditions expressly contained herein, this Summary Order does not change the terms, conditions and limitations of File No. 20063

- 1. A change application was received on June 9, 2020 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 50 foot radius of the authorized point(s) of diversion. Applicable Not Applicable
- 4. The point(s) of diversion described herein is administratively corrected to be more accurately described using the Global Positioning System (GPS), as described in the application. Applicable Not Applicable
- 5. The point(s) of diversion authorized herein shall not actually be located more than 2640 feet from the previously authorized point(s) of diversion. Applicable Not Applicable
- 6. As required by K.A.R. 5-3-5d, if the works for diversion is a well with a diversion rate of 100 gallons per minute or more, a tube or other device suitable for making water level measurements shall be installed, operated and maintained in accordance with K.A.R. 5-6-13. Applicable Not Applicable
- 7. **The owner of the authorized place(s) of use shall properly install an acceptable water flow meter on or before December 31, 2020, or before the first use of water, whichever occurs first.** The water flow meter shall be installed, operated and maintained in accordance with K.A.R. 5-1-4 through 5-1-12. As required by K.S.A. 82a-732, as amended, and K.A.R. 5-3-5e, the owner shall maintain records and report the reading of the water flow meter and the total quantity of water diverted annually to the Chief Engineer by March 1 following the end of each calendar year. Applicable Not Applicable
- 8. **Installation of the works for diversion of water shall be completed on or before December 31, 2020,** or within any authorized extension of time. By March 1, 2021 the applicant shall notify the Chief Engineer that construction of the works for diversion has been completed, on the form provided by the Chief Engineer, as required by K.A.R. 5-8-4e. Applicable Not Applicable
- 9. **The completed well log shall be submitted with the required notice.** Applicable Not Applicable
- 10. All diversion works into which any type of chemical or other foreign substance will be injected into the water shall be equipped with an in-line, automatic, quick-closing check valve capable of preventing pollution of the source of the water supply. The check valve(s) shall be installed, operated and maintained in accordance with K.A.R. 5-3-5c. Applicable Not Applicable
- 11. Additional Conditions are attached. Yes No
- 12. In accordance with K.S.A. 82a-708a, as amended, and K.A.R. 5-5-14, all of the owners of the authorized place(s) of use of water appropriated under the above-referenced file number are responsible for compliance with its terms, conditions and limitations, as amended and/or supplemented by this Summary Order, and with applicable provisions of the *Kansas Water Appropriation Law* and the *Rules and Regulations* promulgated thereunder. Failure to comply with these provisions may result in civil penalties pursuant to K.S.A. 82a-737, as amended, and/or the suspension or revocation and dismissal of the water or appropriation right or any other enforcement actions authorized by law.

Administrative Appeal and Effective Date of Order

If you are aggrieved by this order, pursuant to K.S.A. 82a-1901, you may request an evidentiary hearing before the Chief Engineer or request administrative review by the Secretary of Agriculture. A request for hearing by the Chief Engineer must be filed within **15 days** of service of this Order and a request for administrative review by the Secretary must be filed within **30 days** pursuant to K.S.A. 77-531. Any request for administrative review must state a basis for review pursuant to K.S.A. 77-527. File any request with **Kansas Department of Agriculture, Legal Division, 1320 Research Park Drive, Manhattan, KS 66502.** Failure to timely request a hearing or review may preclude review under the Kansas Judicial Review Act.

For Use by Register of Deeds

FOR OFFICE USE ONLY
APPLICATION APPROVED AND SUMMARY ORDER ISSUED

By: [Signature]
Duly Authorized Designee of the Chief Engineer

(Print Name): MICHAEL A. MEYER
Division of Water Resources - Kansas Department of Agriculture

Date of Issuance: September 24, 2020

State of Kansas)

) SS

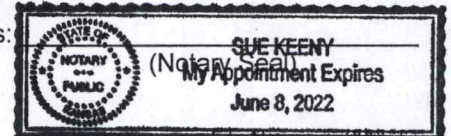
County of Finney)

Acknowledged before me on September 24, 2020

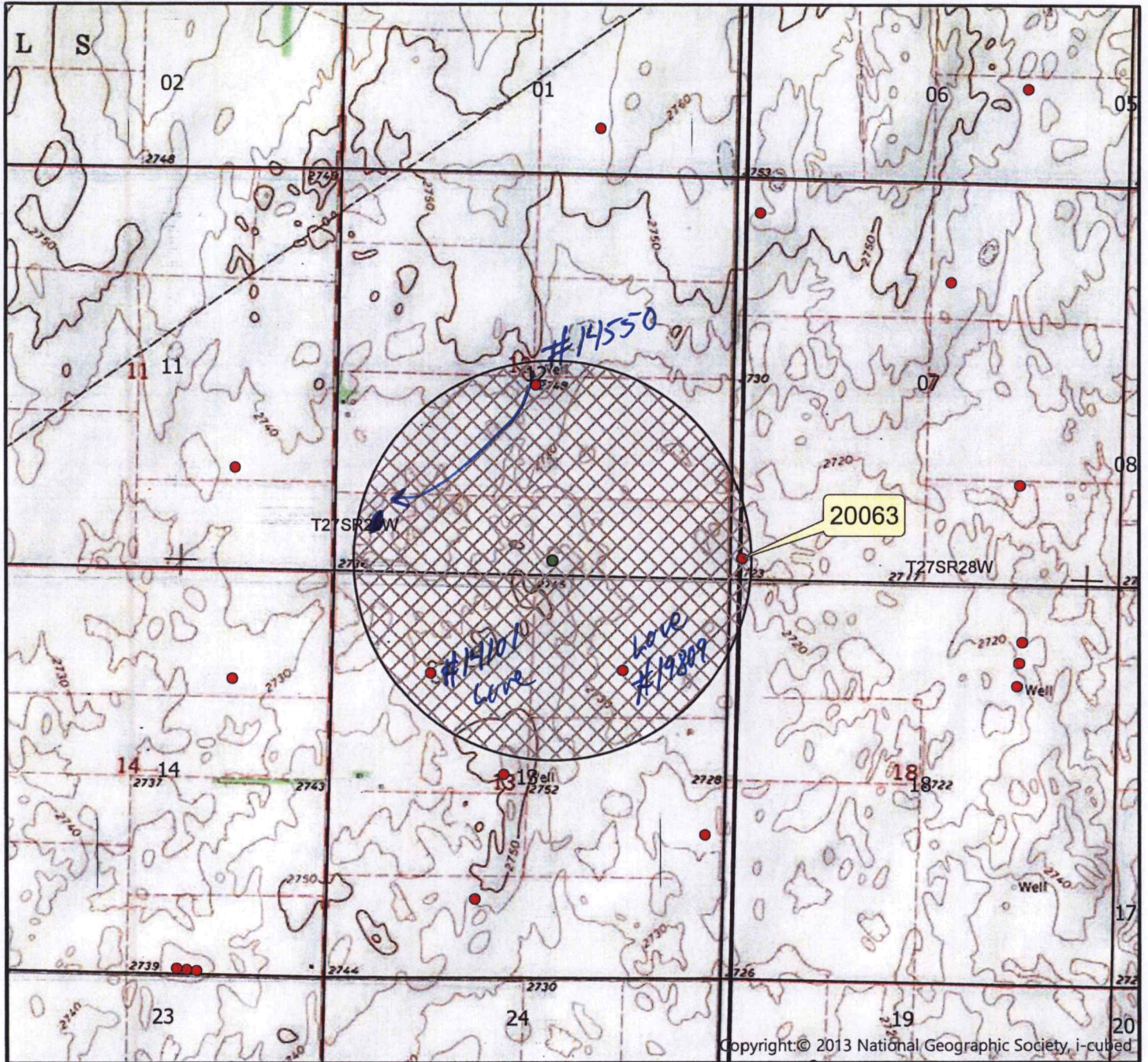
by Michael A. Meyer

Signature: [Signature]
Notary Public

My commission expires:

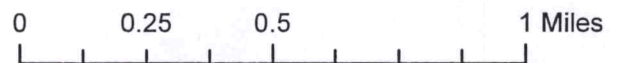


CHANGE IN PLACE OF DIVERSION WATER RIGHT, FILE NO. 20063



Copyright: © 2013 National Geographic Society, i-cubed

**Township 27 South Range 29 West
Finney County**



- Authorized Point of Diversion
- Proposed Point of Diversion

All wells of any kind within 1/2 mile of the requested place of use have been plotted.

1/2 mile buffer



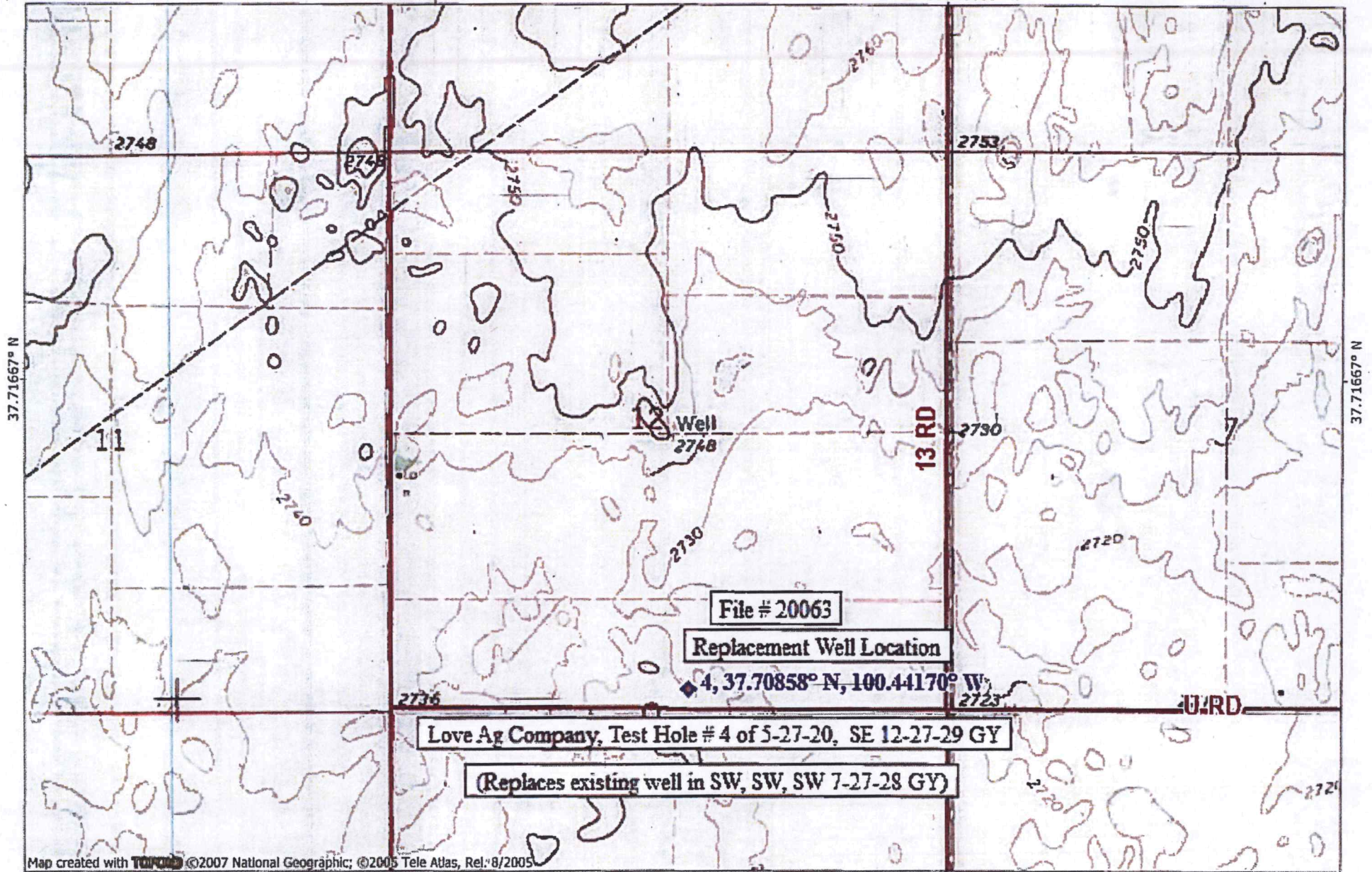
(Signature)

Created by: SZ/GCFO

TOPO! map printed on 05/28/20 from "Untitled.tpo"

100.45000° W

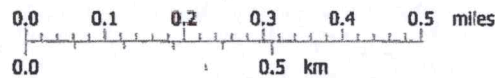
NAD27 100.43333° W



Map created with TOPO! ©2007 National Geographic; ©2005 Tele Atlas, Rel: 8/2005

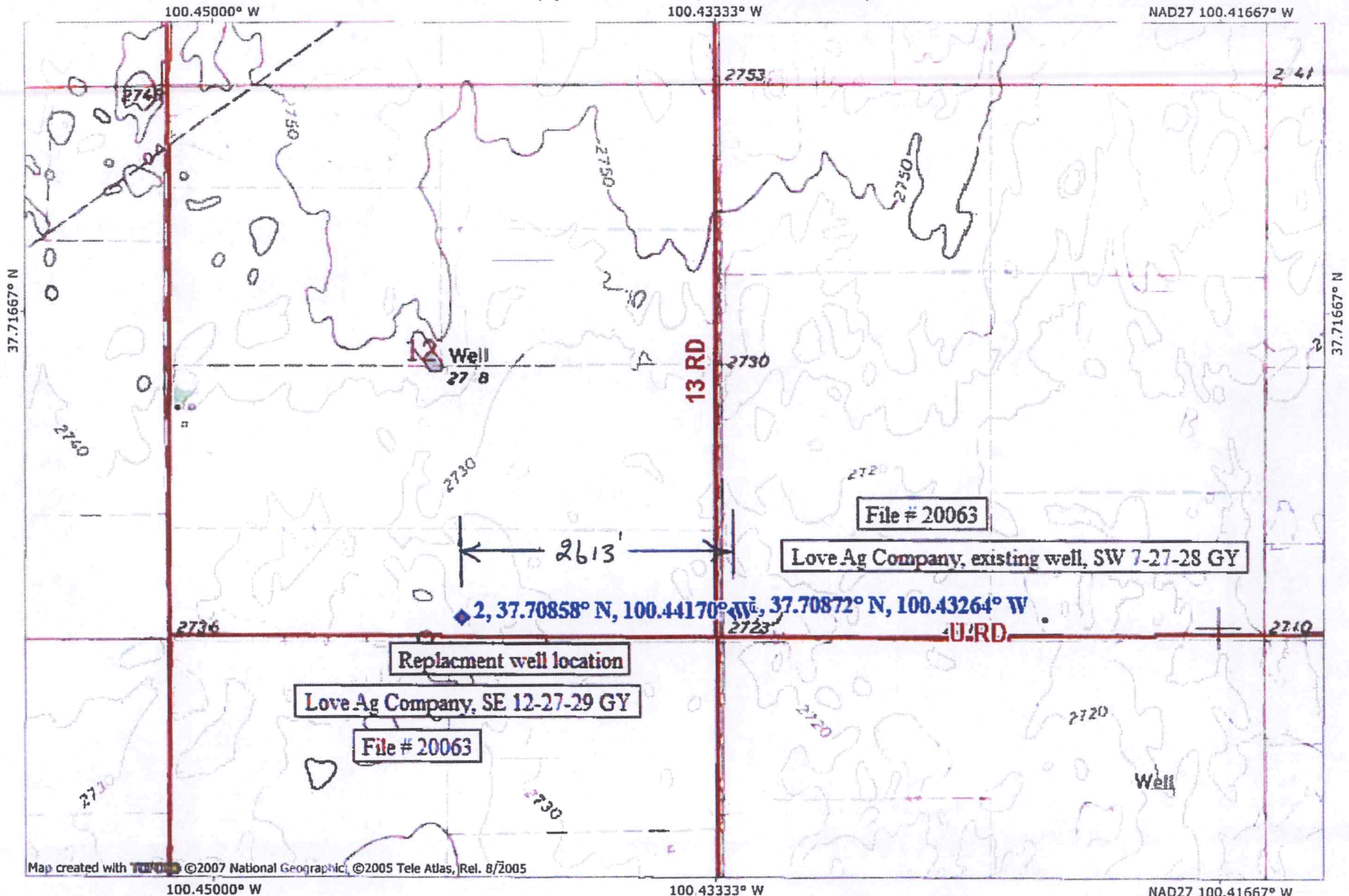
100.45000° W

NAD27 100.43333° W



TN MN
5°

05/28/20



Map created with TOPO! ©2007 National Geographic, ©2005 Tele Atlas, Rel. 8/2005



0.0 0.1 0.2 0.3 0.4 0.5 miles
 0.0 0.5 km

NAD27 100.41667° W
 TN MN
 5°
 06/09/20

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources
Garden City Field Office

M E M O R A N D U M

TO: File

DATE: September 23, 2015

FROM: Michael A. Meyer
Water Commissioner

RE: File No. 20063

An application to Change the Point of Diversion under the above referenced water right was received in this office June 4, 2020. This application was filed with a series of other applications by the applicant. The other applications filed received comment letters from the nearby which caused DWR to run Theis analysis for all applications. This application appeared to show concerns of effects to the nearest well which was the same applicant (Love). All applications were decided to be sent to GMD3 for their review and well to well analysis. Garrett Love is a board member of GMD3, therefore, in a collaborative approach to process these applications together. After collaboration of all parties (DWR (Myself and Lane Letourneau), GMD3 staff, and Garrett Love), it was decided that there was a lack of data for aquifer properties to make good sound decision on nearby well effects. GMD3 model data was too general for the area, and DWR modified data for more realistic aquifer properties may be too strict. This caused a pause all on all application. With the collaborative discussion, the applicant agreed to install a monitoring well to obtain real aquifer properties to reevaluate well effects with Theis.

Ultimately the applicant requests to have DWR consider approval under the above referenced water right with the voluntary condition that they would install an observation well when this well was drilled to further reevaluate the other pending applications (File Nos. 14550 and 28,636)(these two files received much comments from nearby well owners).

The GMD3 evaluation showed no concerns of this proposal under File No. 20063, and they recommended approval. I noted that in the evaluation under File No. 14550 by the GMD3, they were concerned about accumulative effects if both File No. 14550 and 20063 were drilled in the same direction moving west, and also, File No. 14550 change application was filed first in priority therefore, must consider processing of File No. 14550 first, but it shows unreasonable effects to the neighboring wells both by GMD3 evaluation and DWR evaluation.

September 23, 2020, this office received a request to dismiss the pending application under File No. 14550 from the owner, in order to further process File No. 20063.

Mr. Garrett Love agreed that if we approved File No. 20063, he would voluntarily drill on observation well within 100 feet of the completed authorized point of diversion and would allow DWR to conduct an aquifer test to obtain aquifer properties (if the new well turns out to be productive). Once these aquifer properties are gathered form the aquifer test, the change application for File No. 28636 will be reevaluated and possibility of File No. 14550 re-file an application to Change the Point of Diversion if the updated evaluation shows minimal effects to nearby wells (and be evaluated with accumulative effects with the new well drilled under File No. 20063).

With this discussion, approach, and no nearby concerns to File No. 20063 as well as GMD3 recommendation of approval, and dismissal of File No. 14550, I recommend this application to be approved.

Meyer, Mike [KDA]

From: Garrett Love <garrett.t.love@gmail.com>
Sent: Monday, September 21, 2020 10:03 AM
To: Meyer, Mike [KDA]
Cc: Greg and Sue Love
Subject: Re: 20,063 Water Right Move

EXTERNAL: This email originated from outside of the organization. Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Thanks for your message. I liked you including that you are "not requiring this observation well as part of the condition of the approval, but if the observation well is not drilled, pending and future applications may not be further processed until better aquifer data is obtained." Our plan at this point is to do one for data for the other potential wells.

Can we scan as well and then put in mail? Which address or location should Dad send it to? Thanks!
Garrett

On Mon, Sep 21, 2020 at 7:59 AM Meyer, Mike [KDA] <Mike.Meyer@ks.gov> wrote:

Good morning Garrett

as you know GMD3 recommended approval for review to further process the change application and monitoring well has been agreed to be drilled if this application is approved, File No. 20063 (SW¼ 7-27-28W) as it did not have unreasonable

effects to nearby wells based on their evaluation.

as noted in my emails below, we cannot further process File No. 20063 until we process File No. 14550. File No. 14550 cannot be processed at this time (until better aquifer data is obtained) due to the well effects based on well evaluations

and comments from nearby well owners, and based on the priority of filing the application, File No. 14550 must be processed first. also, it was noted that accumulative effects by both wells moving west, would have substantial effects.

it is recommended to further process File No. 20063, that you may want to consider dismissing the pending change application File No. 14550 for the time being to move to further process your request for File No. 20063. if you agree with

this please have the appropriate representative for Love Ag to sign and have notarized the attached application dismissal and return by mail or in person to further process. Please note in the future you can file this application to change the point of diversion

again. this will put concerns to rest by neighbors and concerns of a pending application with effects until better data is obtained.

if you agree with this, I also am assuming you will commit to drilling an observation well once File No. 20063 is approved, and while drilling the irrigation well you will drill the observation well as per specs sent earlier? we are not requiring this observation as part of the condition of the approval, but if the observation well is not drilled, pending and future applications may not be further processed until better aquifer data is obtained.

let me know your thoughts Garrett.

thank you

Mike



Have you completed your 2020 Census?
It's not too late! Take action now!
my2020census.gov

From: Garrett Love <garrett.t.love@gmail.com>

Sent: Sunday, September 13, 2020 10:25 PM

To: Meyer, Mike [KDA] <Mike.Meyer@ks.gov>

Cc: Jason Norquest <norquest@gmd3.org>; Mark Rude <mrude@gmd3.org>; Greg and Sue Love <gregandsuelove@gmail.com>; David Barfield <david@kwrconsulting.com>

Subject: Re: 20,063 Water Right Move

EXTERNAL: This email originated from outside of the organization. Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Hey Mike and others,

Hope you all had a good weekend! I guess those emails the beginning of the month were the first I heard of Dad not

going ahead and moving forward on the 20,063 well. I was more familiar with the GMD3 analysis that showed no limitations or issues with that well.

I had heard from GMD3 there was maybe limitations or issues on the DWR analysis but I hadn't seen it myself I was a little surprised since 20,063 was quite a ways away from the neighboring wells. I visited with Mark & Jason earlier last week, and felt like

moving back towards the 20,063 well first would potentially be preferable for Dad. Then a couple days later, I was able to see the DWR analysis (the end of the week), I was able to see that the only well that the DWR analysis shows 20,063 may impact beyond

the threshold was actually Dad's own well (in section 13 directly south of Section 12). I also understand that the analysis doesn't show an adverse impact that crosses the threshold on any neighbor wells. So, that makes it seem to me like neither GMD3 nor

DWR has issues in their analysis with the 20,063 move (I understand there are with the other two potential moves), so I'm wondering if there would be an issue with moving forward on the 20,063 well, or if there's something else I'm missing?

Mr Barfield had asked if Dad wanted him to help look over analysis and potential options, and since it has been a little more complicated, Dad thought that might be a good idea to draw from his experience. Hope that's ok with you all. I

included him on this email thread. Thanks!

Garrett Love

On Fri, Sep 11, 2020 at 10:25 AM Meyer, Mike [KDA] <Mike.Meyer@ks.gov> wrote:

good morning

Garrett based on our collaborative emails September 2 and September 8, and past verbal collaborative discussions, that an observation well was being considered to do an aquifer

test to obtain actual aquifer properties for these evaluations.

Also, is it my understanding, or can you confirm that you have hired Mr. Barfield to help you work thru analyzing this data and a process forward? if so, rather than myself or

others having the same conversations separately, would it be beneficial for him to be involved in these collaborative discussions?

thank you and let me know if I am not current on discussions of these applications.

Mike



Have you completed your 2020 Census?
It's not too late! Take action now!
my2020census.gov

From: Garrett Love <garrett.t.love@gmail.com>

Sent: Thursday, September 10, 2020 5:44 PM

To: Meyer, Mike [KDA] <Mike.Meyer@ks.gov>

Cc: Jason Norquest <norquest@gmd3.org>; Mark Rude <mrude@gmd3.org>

Subject: 20,063 Water Right Move

EXTERNAL: This email originated from outside of the organization. Do not click any links or open any attachments unless you trust the sender and

know the content is safe.

Hey Mike,

The impacted well reviewed by DWR for the proposed 20,063 water right move looks like it is Dad's own well (14,101). Dad is ok with that impact on 14,101. Can this calculation be ran

to see the impact on the closest neighbor well (21,865) not owned by Dad? The GMD analysis showed much less impact on the neighbors than on this one that was analyzed (14,101). Thanks!

Garrett Love

Deed S¹/₂ 12-27-29
SW 7-27-28

Mail To:
24506 13 Road
Montezuma, KS
67867

State of Kansas, Gray County
This instrument filed
02/10/2020 at 02:01 PM
Book 138 Page 96-98
Fee: \$55.00

Quintanilla-Deputy

TRUSTEE DEED


Grantor, David W. Miller, as Trustee of The Miller Trust, dated November 8, 1991, acting pursuant to the powers vested under said Trust, for the sum of Ten and 00/100 Dollars (\$10.00) and other valuable consideration, receipt of which is hereby acknowledged, does by these presents grant, bargain, sell and convey to Love Ag Company, a Kansas corporation, all right, title and interest in the following described real estate:

SEE ATTACHED EXHIBIT A

TO HAVE AND TO HOLD the above described premises, together with the appurtenances and hereditaments thereunto appertaining, and every part thereof to the said Grantee(s) as above stated, subject to: easements, restrictions, reservations and covenants, if any, now of record. Grantor further warrants that said Trust is in full force and effect, has not been amended or revoked, and this conveyance is within his or her authority as trustee, with this deed EXECUTED on February 5, 2020.

E-Recorded by Security 1st Title LLC
By: Stephanie Fritzson
Phone #: 620-371-6044
File No.: 2347253

Entered on Record in this
office this 10 day of Feb 2020
Gray Co. Clk. Heather L. Johnson Clerk

 Security 1st Title
File No. 2347253
Page 1 of 3

RECEIVED

JUN 04 2020

Garden City Field Office
Division of Water Resources

EXHIBIT "A"

Parcel 1:

The Southeast Quarter of Section 12, Township 27 South, Range 29 West of the 6th P.M.;
Gray County, Kansas.

Parcel 2:

SURFACE RIGHTS ONLY IN AND TO:

The Southwest Quarter of Section 12, in Township 27 South, Range 29 West of the 6th P.M., Gray County, Kansas, except the following described real estate, to-wit: Beginning at the Northwest corner of said Southwest Quarter being a set $\frac{1}{2}$ ' R-bar, Parks cap typical: thence South $88^{\circ}59'01''$ East on the North line of said Southwest Quarter a distance of 1112.38 feet; thence on a curve to the left having a delta of $64^{\circ}38'00''$, a radius of 1338.06 feet, an arc length of 1509.43 feet, a chord bearing of South $48^{\circ}56'07''$ West and a chord length of 1430.66 feet; thence North $88^{\circ}43'43''$ West a distance of 54.81 feet; thence North $01^{\circ}16'17''$ East on the West line of said Southwest Quarter a distance of 958.56 feet to the point of beginning.

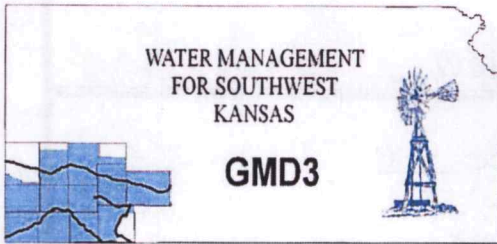
Parcel 3:

The Southwest Quarter of Section 7, Township 27 South, Range 28 West of the 6th P.M.,
Gray County, Kansas.

RECEIVED

JUN 04 2020

Garden City Field Office
Division of Water Resources



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

September 15, 2020

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

RE: Application for Change in Point of Diversion
Water Right, File No. 20063

Dear Mike:

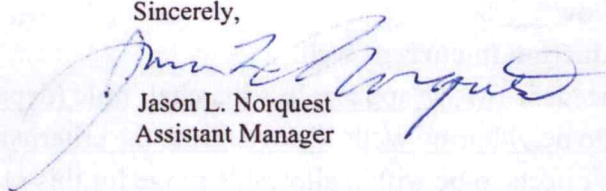
We have completed a review of the application for the above referenced water right. The proposed change in point of diversion is in accordance with current area rules, K.A.R. 5-23-3, as it pertains to distance moved and minimum spacing to neighboring wells.

Well evaluations were conducted to estimate possible effects of the proposal on the supply of other wells with water rights prior to the proposal per K.S.A. 82a-708b, and the draft revised management program. Under K.S.A. 82a-708b, an applicant requesting a change in point of diversion must demonstrate to the chief engineer that any proposed change is reasonable and will not impair. The enclosed report is an analysis performed by the GMD on behalf of our membership. Under this analysis, the proposed change is considered to be reasonable and unlikely to impair if either the net in-season well-to-well effect of the proposed change is less than a strict maximum allowable threshold (2.0 ft in cases where saturated thickness is between 75-100 ft), or if no well with a net well-to-well effect exceeding the threshold is identified as critical. Critical wells are identified as wells that are expected to either lose or greatly diminish water supply over the next 25 years. The attached review information is based on a Theis analysis using inputs from the GMD3 aquifer model, which is considered to be the best information on well and aquifer data readily and easily available to the public. If either the applicant or the neighbors believe they have better data that might change the result of the analysis, they should contact GMD3. Conclusions of the well analysis may change if better information on well and aquifer data can be made available.

Every neighboring well within 1 mile of the proposed move was evaluated. Evaluations, for this change alone, showed that none of the neighboring wells exceeded the net effect above the maximum allowable threshold. Comments of concern from neighboring well owners were given to the State and there was discussion with our office. At which time we did provide our analysis results. Discussions with our office, the applicant and the State determined that better aquifer data for the area is needed. The applicant has agreed to install a monitoring well and allow an aquifer test to be performed. They would also hold their other application under water right 14550. The applicant is fully aware of possible risks and still would prefer me move forward with this application. Therefore, GMD3 sees this move as reasonable and therefore recommend that the application be approved with the condition of a monitoring well being established and aquifer testing been done. If aquifer conditions change or there is a change to the water right in the future, we would be happy to evaluate the effects at that time.

Thank you for the opportunity to review the applications and to provide a recommendation. If you have any questions, please don't hesitate to contact us.

Sincerely,


Jason L. Norquest
Assistant Manager

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SEP 15 2020

Garden City Field Office
Division of Water Resources

GMD3 Change Review

File No(s): 20063.

DWR office: GC

App filed to change: PD.

Is Landowner(s) correct in WRIS: Love Ag Co.

If NO, is documentation included?

Is Water Use Correspondent correct in WRIS? .

If NO, is documentation included?

Regulation(s) Reviewed: KAR 5-23-3

Point of diversion ID No(s) 06 being changed.

	ft. North	ft. West	
Authorized PD	260	5020	Sect 7-27-28
Proposed PD	200	2394	Sect 12-27-29
Difference	60 s	2654 w	
$a^2 + b^2 = c^2$	3600	7043716	2654.678 foot move W

GPS for proposed PD: Lat: 37.70858 Long: -100.44170.

Is proposed PD stacking on existing WRs? .

Is Proposed PU overlapping existing WRs? .

Neighboring certified well(s) notified: .

Name Daniel Wendal (21865 & 24273).

Address PO Box 117.

Zip Ingalls, KS 67853.

Domestic well(s) notified: .

Name Greg & Trudy Mahin (CS 7-27-28).

Address 13702 U RD.

Zip Montezuma, KS 67867 .

Name Crystal & John L Heddlesten (NW SW 12-27-29).

Address 20602 12 RD.

Zip Montezuma, KS 67867.

Base Acres: .

Perfected Acres: .

Irr. Return-Flow %

Lose of production in current well.

Is a waiver needed: Move appears less than half mile (depends on GPS). Minimum spacing met to neighboring wells. Move meets the criteria according to the analysis which shows effects to be within allowable range for this specific move.

GMD3 Change Review

After further discussion with applicant and DWR staff, the applicant wishes to hold the application for 14550 and proceed with this change. They do agree to have a monitoring well installed in order for all of us to get better information on aquifer characteristics.

Recommendation: This move meets current area rules and did meet the criteria of our analysis. Applicant will install a monitoring well for the ability to get better aquifer conditions. The applicant does understand the risks that could arise. Staff therefore recommends approval with the monitoring well and aquifer test to be done.

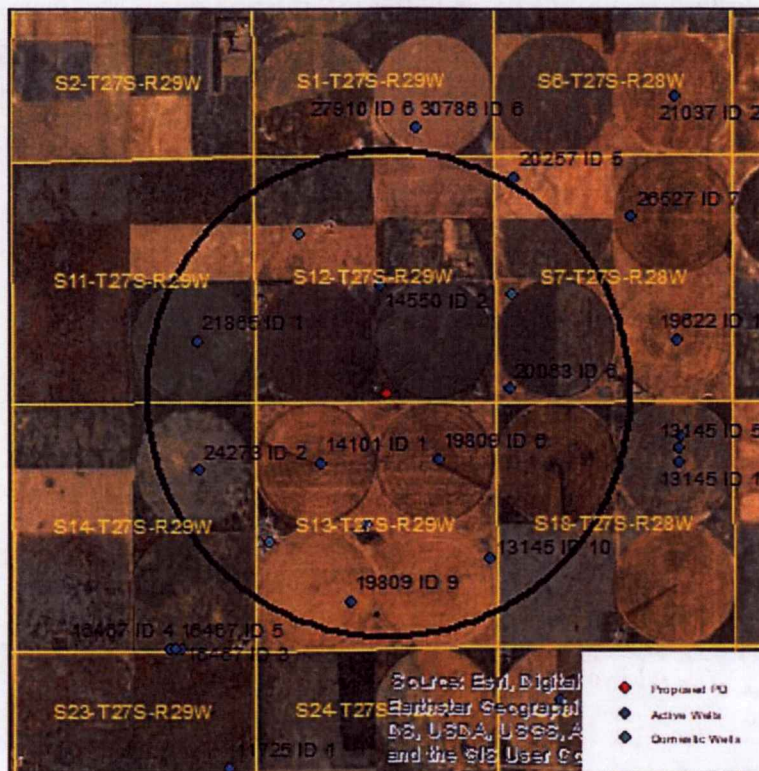
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SEP 15 2020

Garden City Field Office
Division of Water Resources

Evaluation of proposed move for Water Right No 20063

Proposed: Move water right no. 20063 a distance of 2,640 ft to the west.



Wells within 1 mile: 14550, 21865, 24273, 14101, 19809 ID 6, 19809 ID 9, 13145, a domestic well in section 12-27-29, a domestic well in section 7-27-28, and a domestic well in section 13-27-29.

The saturated thickness at the proposed well location is estimated to be 96 ft, based upon the GMD3 model. For saturated thickness between 75 ft and 100 ft, the drawdown allowance is 2.0 ft.

50 year Theis Analysis: The following values were used to run the analysis:

$S = 0.1986$, $T = 4,619.4 \text{ ft}^2/\text{day}$, $tp_{\text{current}} = 83 \text{ days}$ (based upon average use and reported rate),
 $Q_{\text{current}} = 350 \text{ gpm}$ (based last reported rate), $tp_{\text{proposed}} = 49 \text{ days}$, $Q_{\text{proposed}} = 915 \text{ gpm}$

Theis drawdowns were calculated as follows:

14550: Drawdown from current location = 1.21 ft
Drawdown from proposed location = 2.55 ft
Net drawdown = **1.3 ft**

21865: Drawdown from current location = 0.81 ft
Drawdown from proposed location = 1.68 ft
Net drawdown = **0.9 ft**

24273: Drawdown from current location = 0.80 ft
Drawdown from proposed location = 1.64 ft
Net drawdown = **0.8 ft**

14101: Drawdown from current location = 1.07 ft
Drawdown from proposed location = 2.71 ft
Net drawdown = **1.6 ft**

19809 ID 6: Drawdown from current location = 1.68 ft
Drawdown from proposed location = 3.12 ft
Net drawdown = **1.4 ft**

19809 ID 9: Drawdown from current location = 0.90 ft
Drawdown from proposed location = 1.60 ft
Net drawdown = **0.7 ft**

13145: Drawdown from current location = 1.19 ft
Drawdown from proposed location = 1.69 ft
Net drawdown = **0.5 ft**

Domestic 12-27-29: Drawdown from current location = 0.91 ft
Drawdown from proposed location = 1.77 ft
Net drawdown = **0.9 ft**

Domestic 7-27-28: Drawdown from current location = 1.76 ft
Drawdown from proposed location = 1.93 ft
Net drawdown = **0.2 ft**

Domestic 13-27-29: Drawdown from current location = 0.87 ft
Drawdown from proposed location = 1.72 ft
Net drawdown = **0.9 ft**

Net drawdown does not exceed the drawdown allowance of 2.0 ft for any wells within 1 mile of the proposed location. Therefore, critical well analysis is not necessary.

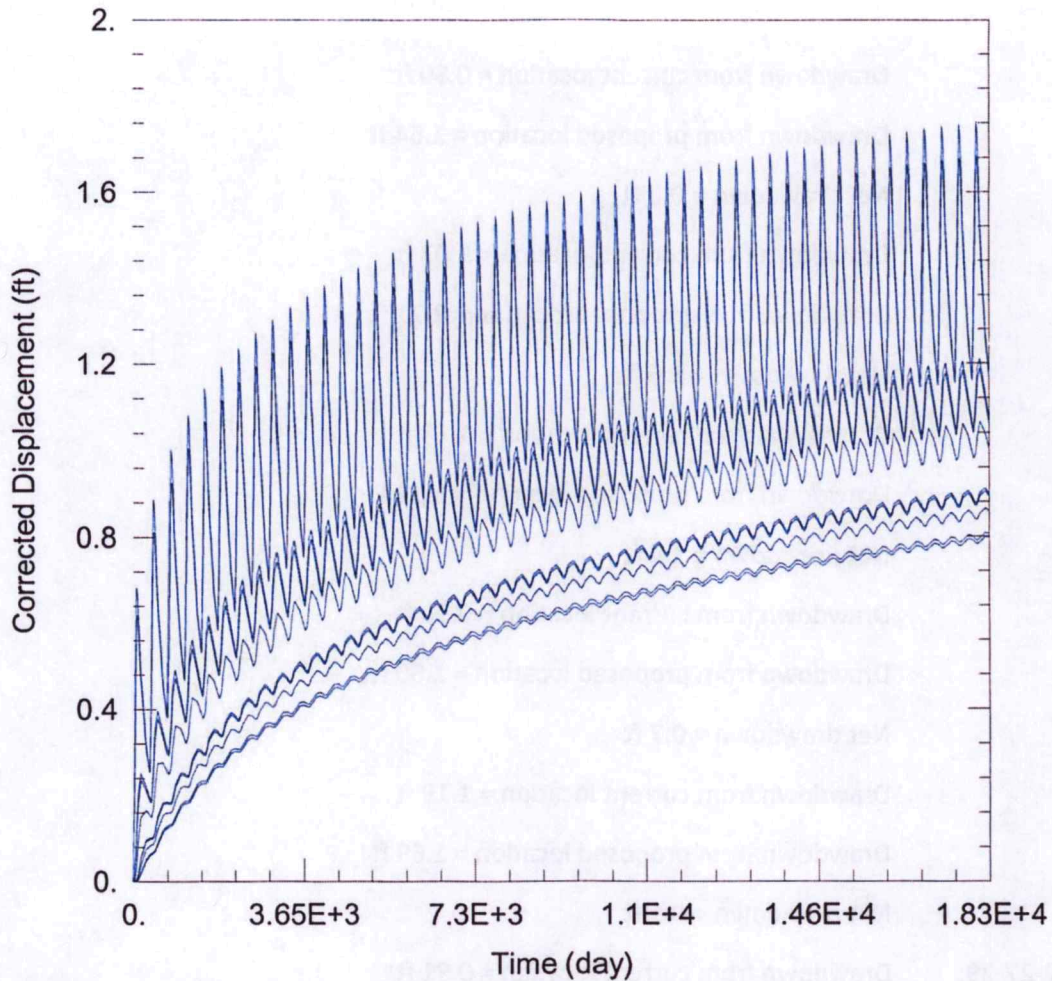
Conclusion:

Based upon information from the GMD3 model, this proposal will cause minimal effects on neighboring wells, and is unlikely to create an impairment. GMD3 staff recommends approval of the application.

RECEIVED

SEP 15 2020

Garden City Field Office
Division of Water Resources



WELL TEST ANALYSIS

Data Set: C:\Users\trevora\Documents\2020_moves\20063\20063 Current.aqt

Date: 07/01/20

Time: 10:46:08

PROJECT INFORMATION

Company: GMD 3

Project: 20063

Location: Gray County

Test Well: 20063

WELL DATA

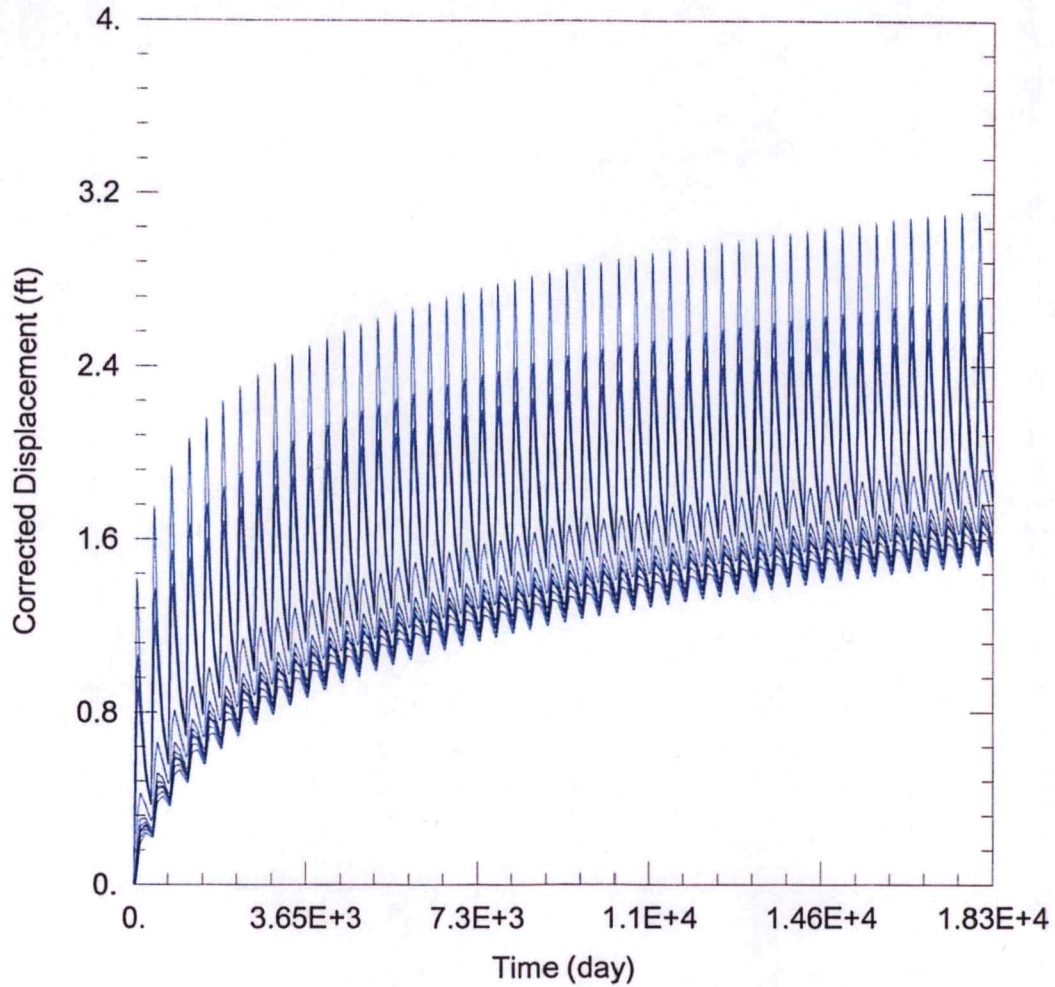
Pumping Wells

Well Name	X (ft)	Y (ft)
20063	106147	303804

Observation Wells

Well Name	X (ft)	Y (ft)
□	106147	303804
□ 14550	103332	306036
□ 21865	99353	304828
□ 24273	99390	302025
□ 14101	102033	302169
□ 19809 ID6	104596	302270
□ 19809 ID9	102695	299182
□ 13145	105750	300118
□ Domestic 12-27-29	101556	307181
□ Domestic 7-27-28	106187	305867
□ Domestic 13-27-29	100928	300464

SOLUTION



WELL TEST ANALYSIS

Data Set: C:\Users\trevora\Documents\2020_moves\20063\20063 Proposed.aqt
 Date: 07/01/20 Time: 10:46:01

PROJECT INFORMATION

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 Project: 20063
 Location: Gray County
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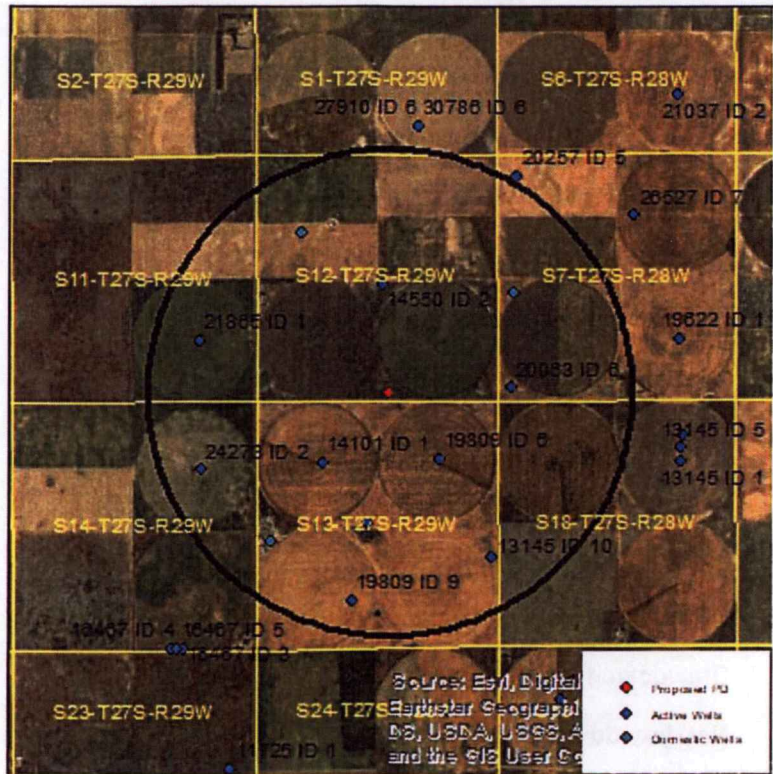
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 of Water Resources

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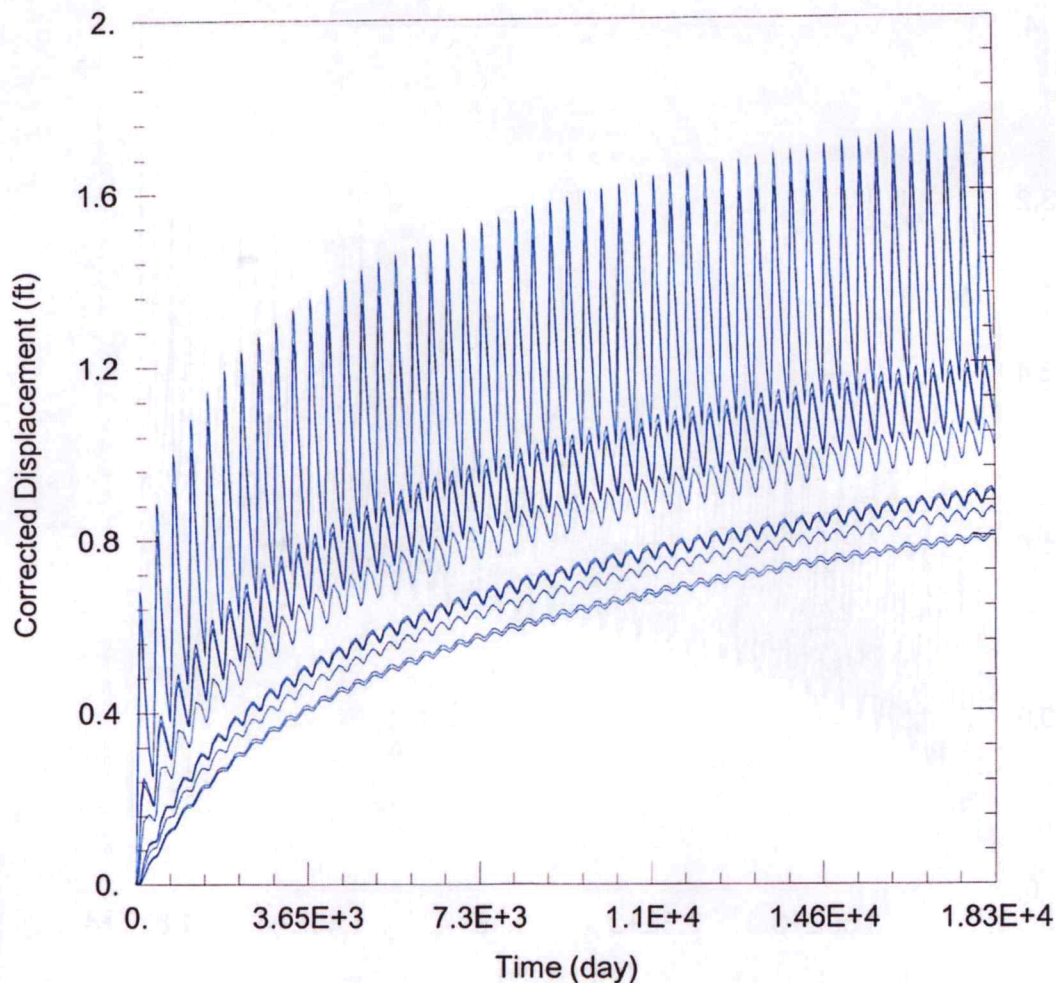
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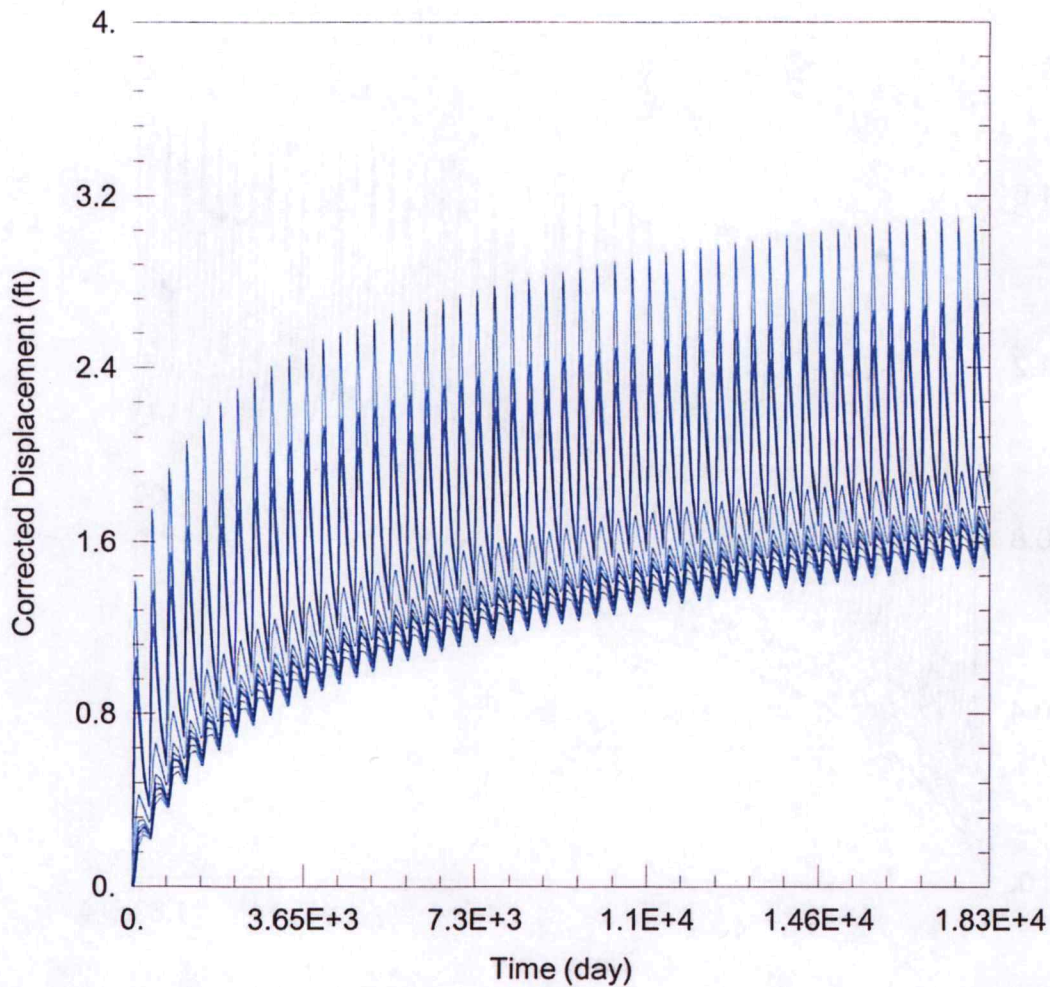
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SOLUTION



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SOLUTION

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

June 29, 2020

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

Re: Water Right, File No. 2006³~~5~~

Dear Mr. Norquest:

This is to advise you that Love Ag Company, has filed an application for approval of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, to change the point of diversion for the above referenced files. The application is proposing a to move the current authorize point of diversion that meets regulations.

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