

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

1. File Number: <b>709</b>	2. Status Change Date: <u>2-11-2022</u>	3. Change Num: <b>C2</b>	4. Field Office: <b>4</b>	5. GMD: <b>3</b>
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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: <b>12/14/2021</b>
--	--

8a. Landowner, WUC, Applicant(s)    Person ID **31817**  
 New to system     Add Seq# \_\_\_\_\_

**W E LAND & CATTLE CO INC**  
**Attn: GENE WRIGHT**  
**PO BOX 864**  
**SUBLETTE, KS 67877-0864**

8c. Landowner(s)    Person 60507  
 New to system     Add Seq# \_\_\_\_\_

**ALICE LAVELLE KING REV TRUST**  
**9041 W ARIZONA DR**  
**LAKEWOOD CO 80232**

8b. Landowner(s),    Person ID \_\_\_\_\_  
 New to system     Add Seq# \_\_\_\_\_

**BETTY D WALLACE REV TRUST**  
**ATTN SCOTT AHO TRUSTEE**  
**5301 CLOVERVALE CIRCLE**  
**HIGHLANDS RANCH CO 80130**

8d. WUC    Person ID \_\_\_\_\_  
 New to system     Add Seq# \_\_\_\_\_

9. Documents and Enclosure(s):  DWR Meter(s) Date to Comply: **12/31/2022**     N & P Date to Comply: **3/1/2023**

Anti-Reverse Meter     Meter Seal     Check Valve     N & P Form     Water Tube     Driller Copy     H & E Letter

Conservation Plan    Date Required: \_\_\_\_\_    Date Approved: \_\_\_\_\_    Date to Comply: \_\_\_\_\_

10. Use Made of Water    From: \_\_\_\_\_    To: \_\_\_\_\_

Date Prepared: **2/10/2022**    By: **MAM**  
 Date Entered: \_\_\_\_\_    By: \_\_\_\_\_

File No. **709**      11. County: HS      Basin: ARKANSAS RIVER      Stream:      Formation Code: **211/331**      Special Use:

12. Points of Diversion  
 CHK  
 MOD  
 DEL PDIV  
 ENT  
 Qualifier      S      T      R      ID      'N      'W      Comment (AKA Line)      Rate gpm      Quantity af      Rate gpm      Quantity af      Overlap PD Files

**DEL 6700**  
**ENT NESWNE 30 30S 32W 4738 4955 1565 640 1565 640 8398**

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
						NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼				
<b>CHK 2553</b>																							<b>8a</b>	<b>N</b>	<b>no change</b>
<b>CHK 9369</b>																							<b>8c</b>	<b>Y</b>	<b>no change</b>
<b>CHK 23339</b>																							<b>8a</b>	<b>N</b>	<b>no change</b>
<b>CHK 29710</b>																							<b>8b</b>	<b>Y</b>	<b>no change</b>
<b>CHK 32300</b>																							<b>8a</b>	<b>N</b>	<b>no change</b>

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

February 11, 2022

WE LAND & CATTLE CO INC  
Attn: GENE WRIGHT  
PO BOX 864  
SUBLETTE, KS 67877-0864

RE: Field Office Application for Change  
Water Right, File Nos. 709 & 8398

Dear Sir:

Enclosed are orders 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 numbers.

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 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 blue ink signature of Michael A. Meyer, written in a cursive style.

Michael A. Meyer  
Water Commissioner

MAM  
enclosures

pc: Alice Lavelle King Rev Trust, (w/attachments)  
Betty D Wallace Rev Trust, Attn Scott Aho Trustee, (w/attachments)  
Groundwater Management District No. 3

### CERTIFICATE OF SERVICE

On this 11<sup>th</sup> day of February 2022, I hereby certify that the foregoing Approval of Application for Change in Point of Diversion, Water Right, File Nos. 709 and 8,398 dated 11<sup>th</sup> day of February 2022 was mailed postage prepaid, first class, US mail to the following:

W E LAND & CATTLE CO INC  
Attn: GENE WRIGHT  
PO BOX 864  
SUBLETTE, KS 67877-0864

Pc:

ALICE LAVELLE KING REV TRUST  
9041 W ARIZONA DR  
LAKEWOOD CO 80232

BETTY D WALLACE REV TRUST  
ATTN SCOTT AHO TRUSTEE  
5301 CLOVERVALE CIRCLE  
HIGHLANDS RANCH CO 80130

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. 709

**RECEIVED**  
 4:55pm  
 DEC 14 2021

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: WE LAND & CATTLE CO INC - GENE WRIGHT

PO BOX 864 SUBLETTE KS 67877-0864

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: WE LAND & CATTLE CO INC / PHILLIP WALLACE / ALICE LAVELLE KING

ADDRESS: NO CHANGE

(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: \_\_\_\_\_

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 \_\_\_\_\_ Fee \$ 200.00 TR # \_\_\_\_\_ Receipt Date 12-14-21 Check # 4859

5. **Presently authorized point of diversion:**  
 One in the     NW     Quarter of the     NW     Quarter of the     NW     Quarter  
 of Section     30    , Township     30     South, Range     32     (W),  
 in HASKELL County, Kansas, 4738 feet North 4955 feet West of Southeast corner of section.  
 Authorized Rate \_\_\_\_\_ Authorized Quantity \_\_\_\_\_ Depth of well \_\_\_\_\_ (feet)  
**(DWR use only: Computer ID No. 04 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     NE     Quarter of the     SW     Quarter of the     NE     Quarter  
 of Section     25    , Township     30     South, Range     33     (W),  
 in HASKELL County, Kansas, 3530 feet North 1784 feet West of Southeast corner of section.  
 Proposed Rate \_\_\_\_\_ Proposed Quantity \_\_\_\_\_ Proposed well depth (feet) 640'  
 This point is:  Additional Well  Geo Center List other water rights that will use this point 8398

6. **Presently authorized point of diversion:**  
 One in the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter  
 of Section \_\_\_\_\_, Township \_\_\_\_\_ South, Range \_\_\_\_\_ (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 \_\_\_\_\_ (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) LOSS OF PRODUCTION

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

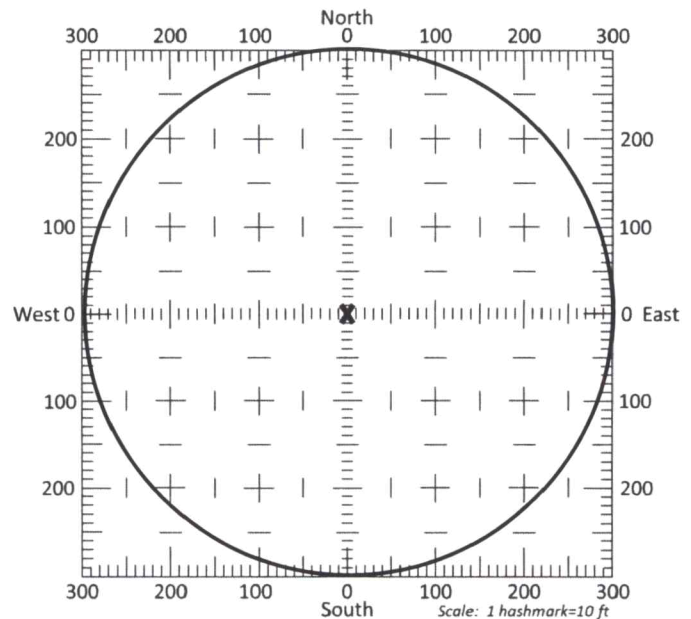
9. The change(s) (was)(will be) completed by?  
UPON APPROVAL

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

11. Groundwater Management District recommendation attached?  
 Yes  No

12. Assisted by AM / GCFO

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.)**



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 GARDEN CITY, Kansas, this 14<sup>th</sup> day of DECEMBER, 2021.

W E Land & Cattle LLC  
Eugene Wright Prop  
(Owner)

\_\_\_\_\_  
(Spouse)

\_\_\_\_\_  
(Please Print)

\_\_\_\_\_  
(Please Print)

\_\_\_\_\_  
(Owner)

\_\_\_\_\_  
(Spouse)

\_\_\_\_\_  
(Please Print)

\_\_\_\_\_  
(Please Print)

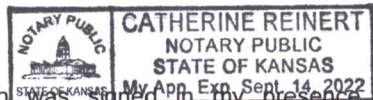
\_\_\_\_\_  
(Owner)

\_\_\_\_\_  
(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 14<sup>th</sup> day of DEC, 2021.

Catherine Reinert  
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

File No. 709

Any use of water that is not as authorized by the water right or permit to authorize water before the chief engineer approves this application is a violation of the Kansas Water Appropriation Act for which criminal or civil penalties may be assessed. Such violation is a class C misdemeanor, punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. K.S.A. 82a-728(b). Civil penalties shall be not less than \$100 nor more than \$1,000 per violation. In the case of a continuing violation, each day such violation continues may be deemed a separate violation. In addition to these penalties the water right may be modified or suspended. K.S.A. 82a-737, as amended.

The application must be signed by all owners of the place of use authorized under the water right and his or her spouse, if married. Please indicate if there is no spouse. If land is being purchased under contract, the seller must sign as landowner until such time as the contract is completed.

In the event that all applicants cannot appear before one notary public, they may as necessary sign separate copies of the application before any notary public conveniently available to them. All copies signed in this manner shall be considered to be valid parts of the application.

If the request is signed on behalf of any Owner by someone with legal authority to do so (for example, an agent, one who has power of attorney, or an executor, executrix, conservator), it will be necessary to attach proper documents showing such authority.

I declare that I am an owner of the currently authorized place of use as identified herein, or that I represent all such owners and am authorized to make this application on their behalf, and declare further that the statements contained herein are true, correct, and complete. By filing this application I authorize the chief engineer to permanently reduce the quantity of water and/or rate of diversion as specified in sections 14 and 15 of this application.

Dated at Highlands Ranch, <sup>Colorado</sup> ~~Kansas~~, this 27<sup>th</sup> day of January, 20 22.

<u>[Signature]</u> (Owner)			(Spouse)
<u>Scott Aho Trustee Betty D. Walker</u> (Please Print)	<u>Reversible Trust</u>		(Please Print)
			(Spouse)
			(Please Print)
			(Spouse)
			(Please Print)

State of <sup>Colorado</sup> ~~Kansas~~ }  
County of Douglas } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 27 day of January, 20 22.

[Signature]  
Notary Public

My Commission Expires 8-23-25

AKIL CALANDRA-JACKSON  
NOTARY PUBLIC - STATE OF COLORADO  
NOTARY ID 20214033482  
MY COMMISSION EXPIRES AUG 23, 2025

RECEIVED  
JAN 31 2022  
Garden City Field Office  
Division of Water Resources



Any use of water that is not as authorized by the water right or permit to authorize water before the chief engineer approves this application is a violation of the Kansas Water Appropriation Act for which criminal or civil penalties may be assessed. Such violation is a class C misdemeanor, punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. K.S.A. 82a-728(b). Civil penalties shall be not less than \$100 nor more than \$1,000 per violation. In the case of a continuing violation, each day such violation continues may be deemed a separate violation. In addition to these penalties the water right may be modified or suspended. K.S.A. 82a-737, as amended.

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I declare that I am an owner of the currently authorized place of use as identified herein, or that I represent all such owners and am authorized to make this application on their behalf, and declare further that the statements contained herein are true, correct, and complete. By filing this application I authorize the chief engineer to permanently reduce the quantity of water and/or rate of diversion as specified in sections 14 and 15 of this application.

Dated at JANUARY 23<sup>RD</sup> 2022 <sup>(SB) 01-23-2022</sup> Kansas, this 23 day of JANUARY, 20 22.  
12084 W ALAMEDA PKWY, LAKEWOOD COLORADO 80228

Dennis King per rep  
\_\_\_\_\_  
(Owner) (Spouse)

Estate of Alice L. King; Dennis King per rep  
\_\_\_\_\_  
(Please Print) (Please Print)

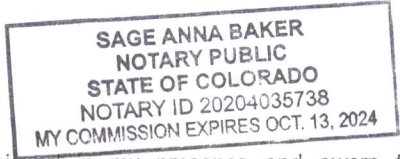
\_\_\_\_\_  
(Owner) (Spouse)

\_\_\_\_\_  
(Please Print) (Please Print)

\_\_\_\_\_  
(Owner) (Spouse)

\_\_\_\_\_  
(Please Print) (Please Print)

State of COLORADO <sup>(SB) 01-23-2022</sup> } SS  
County of JEFFERSON



I hereby certify that the foregoing application was signed in my presence and sworn to before me this 23<sup>RD</sup> day of JANUARY, 20 22.

My Commission Expires 10/13/2024

[Signature]  
\_\_\_\_\_  
Notary Public

RECEIVED  
FEB 01 2022  
Garden City Field Office  
Division of Water Resources

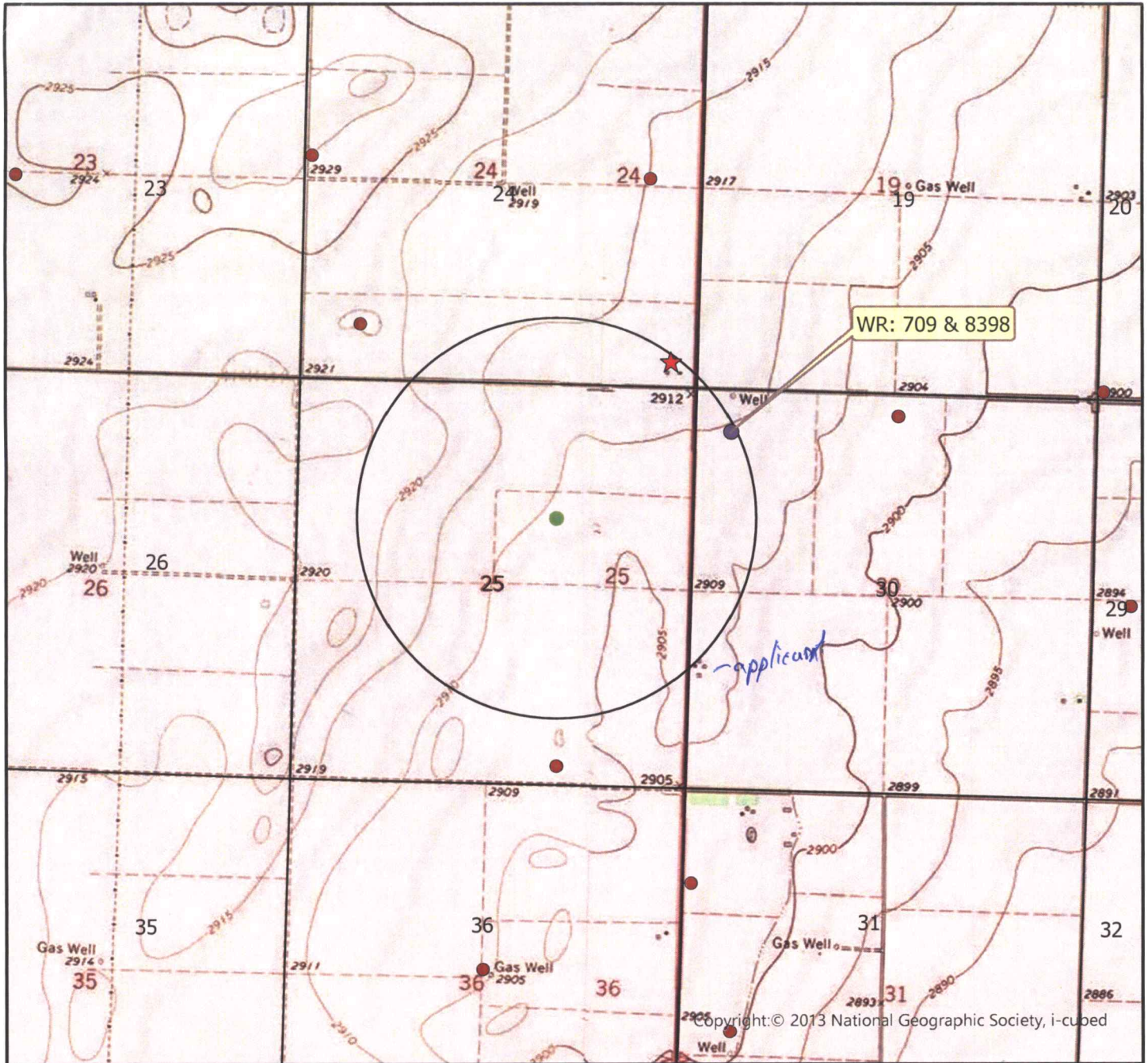






# CHANGE IN PD WATER RIGHT, FILE NO. 709 & 8398

NE1/4 of Section 25 Township 30 South Range 33 West Haskell County



	Authorized Point of Diversion
	Proposed Point of Diversion
	Permitted Water Right
	Domestic Well within 1/2 mile
	1/2 mile buffer

List of owner name and addresses within 1/2 mile:

Domestic: Hines Farms PO Box 665 Colby KS 67701



By signing below I agree that all wells, including domestic, and owners names and addresses within 1/2 mile of the proposed point of diversion have been shown on the map

(Signature) \_\_\_\_\_ Date \_\_\_\_\_

Date AM/GCFO  
1:24,000 Scale





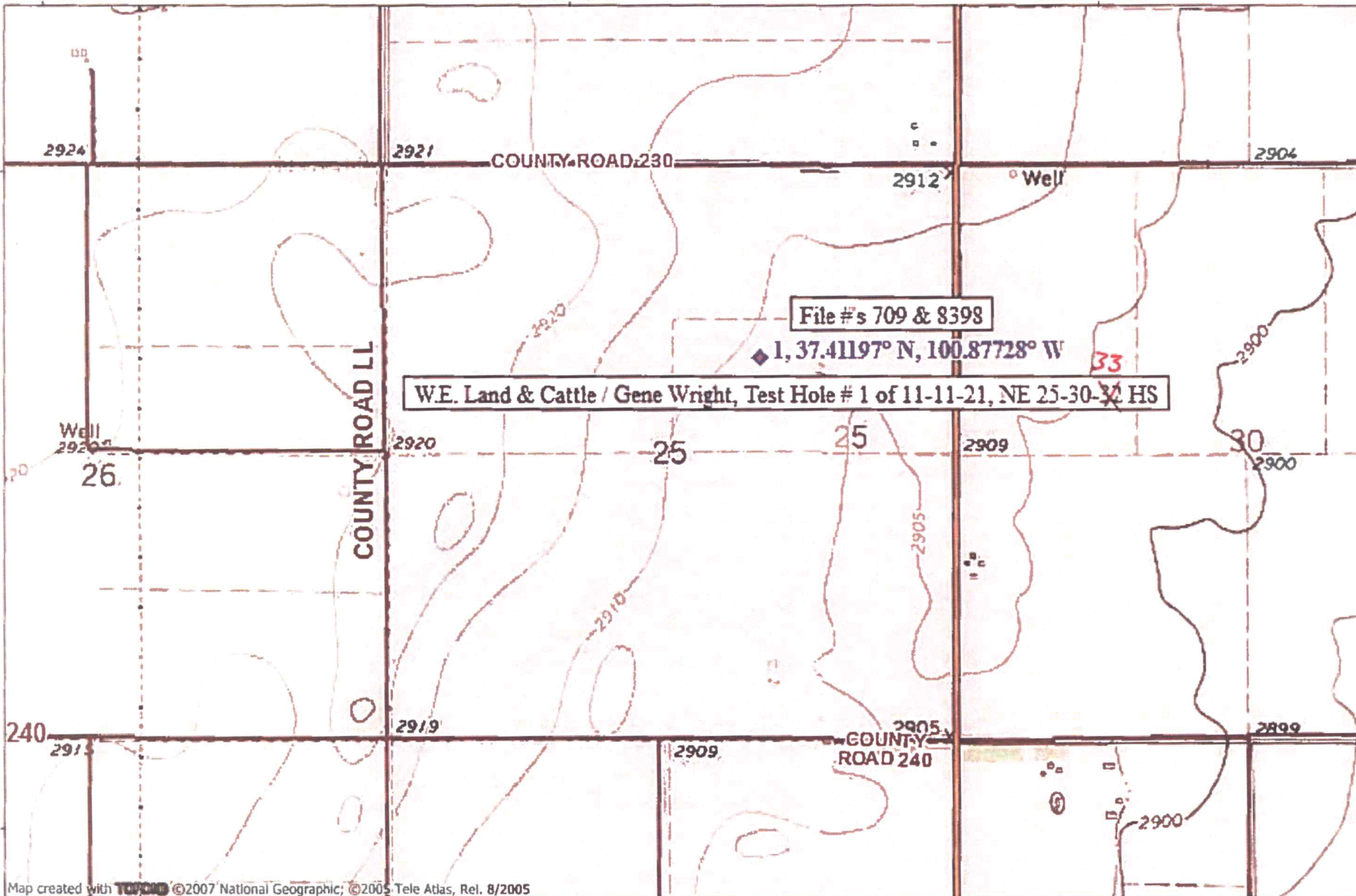
100.90000° W

100.88333° W

WGS84 100.86667° W

37.41667° N

37.41667° N



W.E. Land & Cattle / Gene Wright, Test Hole # 1 of 11-11-21, NE 25-30-32 HS

File #'s 709 & 8398

1, 37.41197° N, 100.87728° W

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

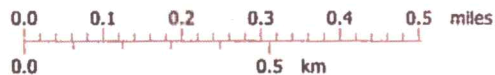
100.90000° W

100.88333° W

WGS84 100.86667° W

37.40000° N

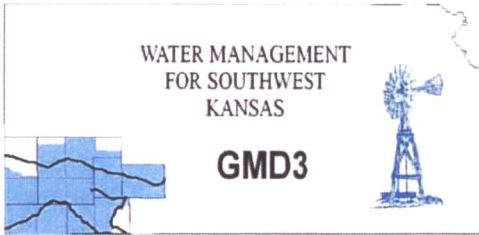
37.40000° N



TN MN  
5°

11/15/21





**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

February 10, 2022

Mike 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 Rights, File Nos. 709 & 8398

Dear Mike:

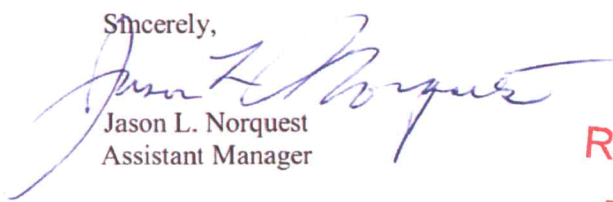
We have completed a review of the application for the above referenced water right. The proposed change in point of diversion is in accordance with current area rules, K.A.R. 5-23-3, as it pertains to minimum spacing to neighboring wells and distance moved.

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 (3.5 ft on the sections saturated thickness ranging 150-200 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 showed that none of the neighboring wells exceeded the net effect above the maximum allowable threshold and no critical wells determined. We did not receive any comments from neighbor notices. Therefore, GMD3 sees this move as meeting current rules and would recommend approval of the applications. 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

RECEIVED

FEB 10 2022

Garden City Field Office  
Division of Water Resources



## GMD3 Change Review

---

File No(s): 709 & 8398 .

DWR office: GC.

App filed to change: PD.

Is Landowner(s) correct in WRIS: W E Land & Cattle Co Inc. %Gene Wright .

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) 04 being changed.

	ft. North	ft. West	
Authorized PD	4738	4955	Sect 30-30-32
Proposed PD	3530	1784	Sect 25-30-33
Difference	1208 s	2109 w	
a2 + b2 = c2	1459264	4447881	2430.462 foot move SW

GPS for proposed PD: Lat: 37.41197 Long: -100.87728.

Is proposed PD stacking on existing WRs? Keeping current overlap.

Is Proposed PU overlapping existing WRs? No Change.

Neighboring certified well(s) notified:    .

Name Hines Farms (13675, 13676).

Address PO Box 665.

Zip Colby, KS 67701 .

Email: louhines@st-tel.net Phone: 785-443-614 .

Name Lynn Leonard (24726).

Address 1268 Road 220.

Zip Sublette, KS 67877.

Email: travsw2001@yahoo.com Phone: 620-675-5054.

Domestic well(s) notified:    .

Name    .

Address    .

Zip    .

Base Acres:    .

Perfected Acres:    .

Irr. Return-Flow    %

**709 Authorized: 640AF @ 1565gpm. Haskell County.**

**8398 authorized: 855AF @ 1565gpm.**

**LIMITED to 855AF @ 1565gpm**

**Minimum 2300' Spacing needed.**

**Avg. use Reported (2011-2020): 214.9AF**

## GMD3 Change Review

---

**Reported 400gpm on 2017 WUR.**

Is a waiver needed: Move is less than half mile. Minimum Spacing appears to be met. Analysis shows possible effects within our guidelines with no critical wells determined.

Recommendation: After review of all available information, it appears current area rules are met. Staff therefore recommends approval of the applications.



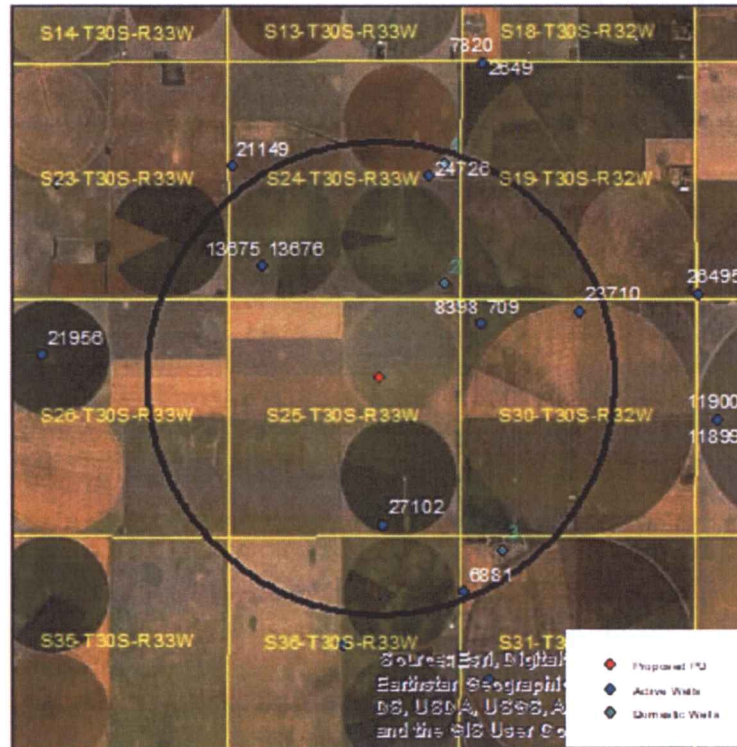
**RECEIVED**

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**Garden City Field Office  
Division of Water Resources**

**Evaluation of proposed move for Water Right Nos. 709 & 8398**

Proposed: Move water right nos. 709 & 8398 a distance of 2,588 ft to the southwest.



Wells within 1 mile: 13675 & 13676, 24726, 27102, 23710, 6881, and three domestic wells, numbered on the above map.

The saturated thickness at the proposed well location is estimated to be 184 ft, based upon the driller's log and an observation well in section 31-30-32. For saturated thickness between 150 ft and 200 ft, the drawdown allowance is 3.5 ft.

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

$S = 0.1747$ ,  $T = 21,041 \text{ ft}^2/\text{day}$ ,  $t_{\text{current}} = 122 \text{ days}$  (based on average use and reported rate),  
 $Q_{\text{current}} = 400 \text{ gpm}$  (based on 2017 reported rate),  $t_{\text{proposed}} = 124 \text{ days}$ ,  $Q_{\text{proposed}} = 1565 \text{ gpm}$

Theis drawdowns were calculated as follows:

13675 & 13676: Drawdown from current location = 0.59 ft  
 Drawdown from proposed location = 2.91 ft  
 Net drawdown = **2.3 ft**

24726: Drawdown from current location = 0.75 ft  
 Drawdown from proposed location = 2.51 ft  
 Net drawdown = **1.8 ft**

27102: Drawdown from current location = 0.60 ft  
Drawdown from proposed location = 3.10 ft  
Net drawdown = **2.5 ft**

23710: Drawdown from current location = 0.99ft  
Drawdown from proposed location = 2.49 ft  
Net drawdown = **1.5 ft**

6881: Drawdown from current location = 0.54 ft  
Drawdown from proposed location = 2.35 ft  
Net drawdown = **1.8 ft**

Domestic 1: Drawdown from current location = 0.74 ft  
Drawdown from proposed location = 2.40 ft  
Net drawdown = **1.7 ft**

Domestic 2: Drawdown from current location = 1.32 ft  
Drawdown from proposed location = 3.60 ft  
Net drawdown = **2.3 ft**

Domestic 3: Drawdown from current location = 0.60 ft  
Drawdown from proposed location = 2.48 ft  
Net drawdown = **1.9 ft**

Net drawdown does not exceed the drawdown allowance of 3.5 ft for any well within 1 mile of the proposed location. Therefore, critical well analysis is not necessary.

**Conclusion:**

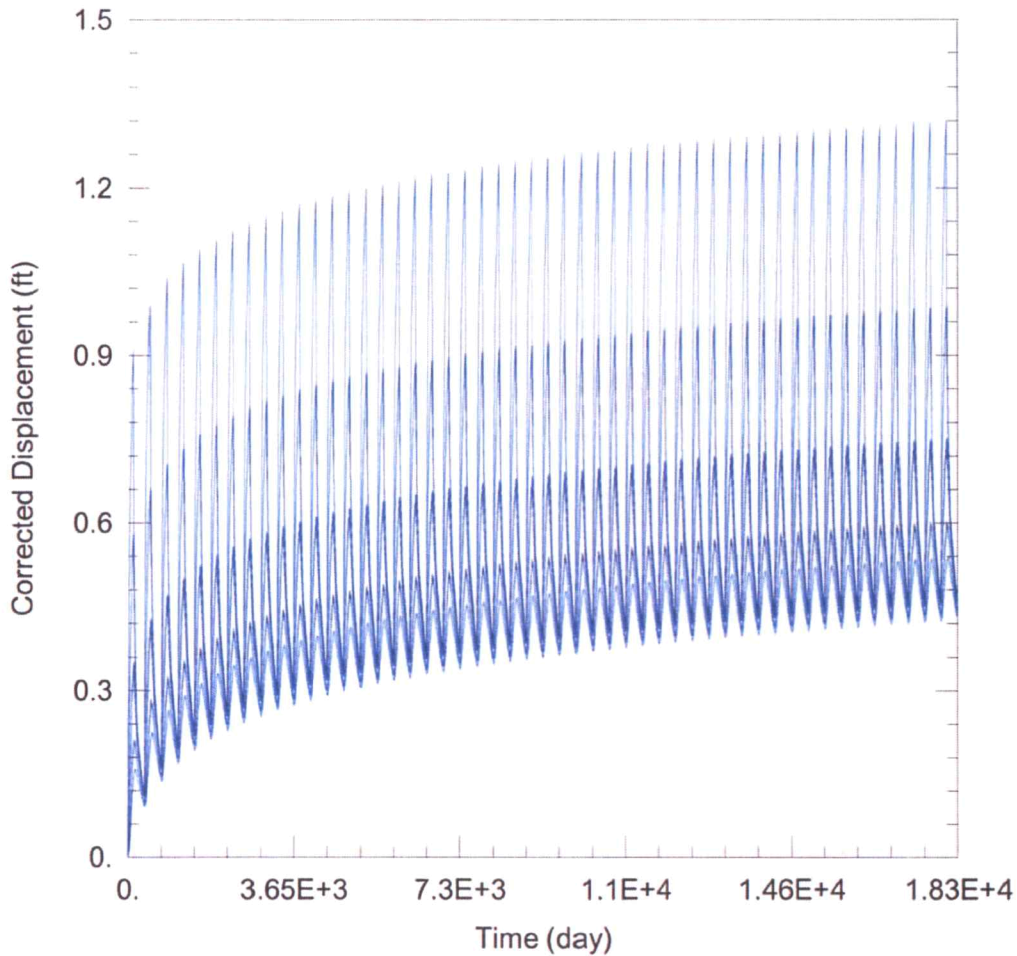
The proposed move is likely to create minimal effects on neighboring wells and is unlikely to cause impairment. GMD3 staff recommends approval of this proposal.

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Division of Water Resources





WELL TEST ANALYSIS

Data Set: C:\Users\trevora\Documents\2022\_moves\709\_8398\709 & 8398 Current.aqt

Date: 02/03/22

Time: 16:10:59

PROJECT INFORMATION

Company: GMD 3

Project: 709 & 8398

Location: Haskell County

WELL DATA

Pumping Wells

Well Name	X (ft)	Y (ft)
709 & 8398	-20317	196727

Observation Wells

Well Name	X (ft)	Y (ft)
□	-20317	196727
□ 13675 & 13676	-25283	198027
□ 24726	-21477	200049
□ 27102	-22529	192239
□ 23710	-18110	196991
□ 6881	-20700	190737
□ Domestic 1	-21145	200292
□ Domestic 2	-21142	197629
□ Domestic 3	-19830	191659

SOLUTION

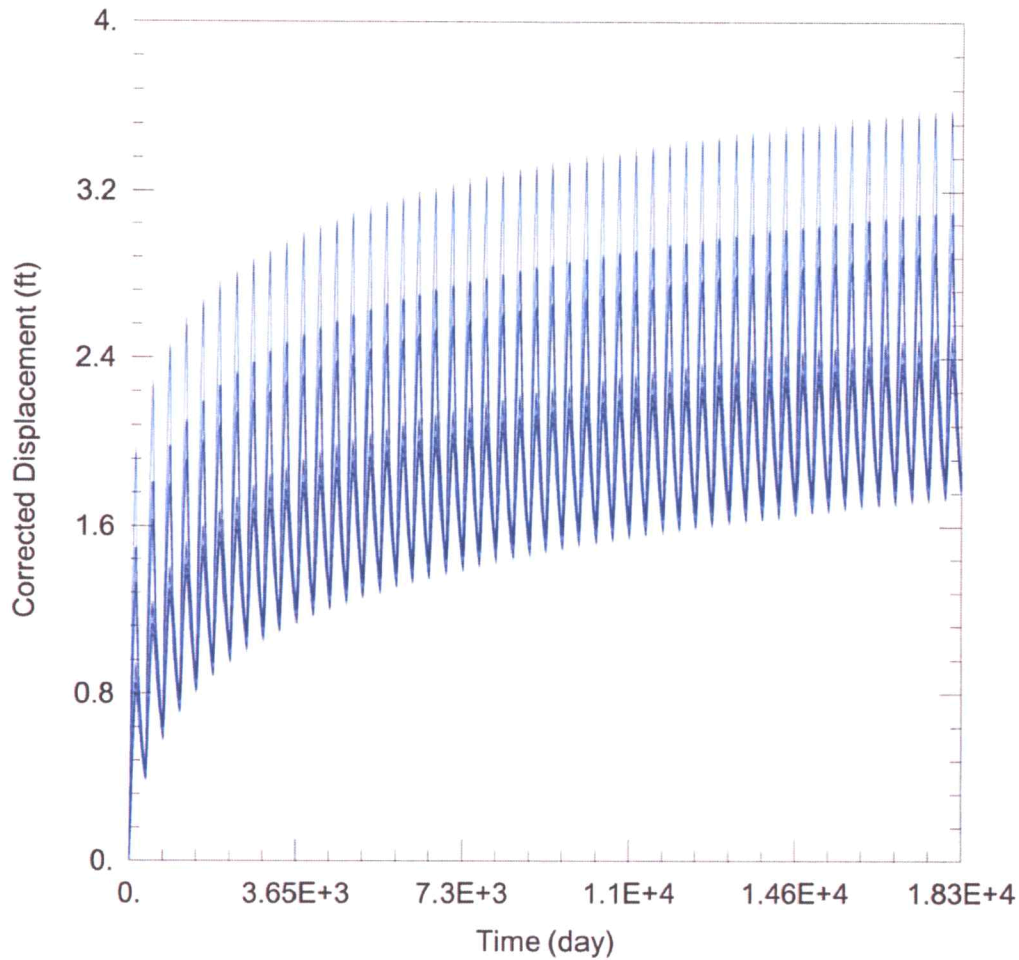
Aquifer Model: Unconfined

Solution Method: Theis

T = 2.104E+4 ft<sup>2</sup>/day

S = 0.1747





**WELL TEST ANALYSIS**

Data Set: C:\Users\trevora\Documents\2022\_moves\709\_8398\709 & 8398 Proposed.aqt  
 Date: 02/03/22 Time: 16:10:52

**PROJECT INFORMATION**

Company: GMD 3  
 Project: 709 & 8398  
 Location: Haskell County

**WELL DATA**

**Pumping Wells**

Well Name	X (ft)	Y (ft)
709 & 8398	-22607	195520

**Observation Wells**

Well Name	X (ft)	Y (ft)
□	-22607	195520
□ 13675 & 13676	-25283	198027
□ 24726	-21477	200049
□ 27102	-22529	192239
□ 23710	-18110	196991
□ 6881	-20700	190737
□ Domestic 1	-21145	200292
□ Domestic 2	-21142	197629
□ Domestic 3	-19830	191659

**SOLUTION**

Aquifer Model: Unconfined  
 T = 2.104E+4 ft<sup>2</sup>/day

Solution Method: Theis  
 S = 0.1747

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Water Rights and Points of Diversion Within 1 mile of point defined as:

3530 Feet N and 1784 Feet W of the Southeast Corner of Section 25 Twp 30S Rng 33W

Located at: 100.877279 West Longitude and 37.411970 North Latitude

Both SURFACE WATER and GROUNDWATER

*2300' on All*

File Number	Use	ST	SR	Dist (ft)	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Twp	Rng	ID	Batt	Auth_Quan	Add_Quan
A__ AF	709 00	IRR	NK	G*	2462	--	NW	NW	NW	4738	4955	30	30	32W	4	640.00	640.00
A__ AF	6881 00	IRR	NK	G	5141	--	SW	NW	NW	4040	5230	31	30	32W	3	1224.00	1224.00
A__ AF	8398 00	IRR	NK	G*	2462	--	NW	NW	NW	4738	4955	30	30	32W	4	855.00	215.00
A__ AF	13675 00	IRR	NK	G	3680	--	NE	SW	SW	746	4472	24	30	33W	4	320.00	320.00
A__ AF	13676 00	IRR	NK	G	3680	--	NE	SW	SW	746	4472	24	30	33W	4	640.00	640.00
A__ AF	23710 00	IRR	NK	G	4732	--	NW	NW	NE	5000	2621	30	30	32W	5	500.00	500.00
A__ AF	24726 00	IRR	NK	G	4668	--	CS	SE	NE	2750	660	24	30	33W	3	640.00	640.00
A__ AF	27102 00	IRR	NK	G	3241	--	SE	NE	SE	291	1732	25	30	33W	3	565.00	565.00

Total Net Quantities Authorized:	Direct	Storage
Total Requested Amount (AF) =	.00	.00
Total Permitted Amount (AF) =	.00	.00
Total Inspected Amount (AF) =	.00	.00
Total Pro_Cert Amount (AF) =	.00	.00
Total Certified Amount (AF) =	4744.00	.00
Total Vested Amount (AF) =	.00	.00
TOTAL AMOUNT (AF) =	4744.00	.00

An \* after the source of supply indicates a pending application for change under the file number.

An \* after the ID indicates a 15 AF exemption was granted under the file number.

A "G" in the Batt column indicates the GEO CTR of a battery. A "B" indicates a well in the battery.

The number in the Batt column is the number of wells in the battery.

Water Rights and Points of Diversion Within 1 mile of point defined as:

3530 Feet North and 1784 Feet West of the Southeast Corner of Section 25 Twp 30S Rng 33W

Located at: 100.877279 West Longitude and 37.411970 North Latitude

Both SURFACE WATER and GROUNDWATER

WATER USE CORRESPONDENTS:

File Number Use ST SR  
 > W E LAND & CATTLE CO INC  
 > GENE WRIGHT  
 > PO BOX 864  
 > SUBLETTE KS 67877

*709 Application*

> W E LAND & CATTLE CO INC  
 > GENE WRIGHT  
 > PO BOX 864  
 > SUBLETTE KS 67877

*6881*

> W E LAND & CATTLE CO INC  
 > GENE WRIGHT  
 > PO BOX 864  
 > SUBLETTE KS 67877

*8398 Application*

> HINES FARMS  
 >

*13675*

> PO BOX 665  
> COLBY KS 67701

-----  
> HINES FARMS

>  
> PO BOX 665  
> COLBY KS 67701

13676

-----  
> W E LAND & CATTLE CO INC  
> GENE WRIGHT  
> PO BOX 864  
> SUBLETTE KS 67877

Applicant

23710

-----  
> LYNN LEONARD

>  
> 1268 ROAD 220  
> SUBLETTE KS 67877

24726

-----  
> W E LAND & CATTLE CO INC  
> GENE WRIGHT  
> PO BOX 864  
> SUBLETTE KS 67877

Applicant

21102

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Garden City Field Office  
Division of Water Resources

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](http://www.agriculture.ks.gov)

Mike Beam, Secretary

Laura Kelly, Governor

February 1, 2022

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

Re: Request for Recommendation  
Water Right, File Nos. 709 & 8398

Dear Mr. Norquest:

This is to advise you that WE Land and Cattle Co Inc, 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,

Michael A. Meyer  
Water Commissioner

MAM  
Enclosures



ELECTRONICALLY FILED  
2018 Oct 29 AM 10:15  
CLERK OF THE HASKELL COUNTY DISTRICT COURT  
CASE NUMBER: 2018-PR-000021



**Court:** Haskell County District Court  
**Case Number:** 2018-PR-000021  
**Case Title:** In the Matter of the Estate of Alice L King  
**Type:** Order Admitting Foreign Will to Probate and Record Without Administration

SO ORDERED.

/s/ Honorable Steven Santala, District Court  
Magistrate Judge

Electronically signed on 2018-10-29 10:15:19 page 1 of 7



STATE OF KANSAS, HASKELL COUNTY  
This instrument was filed for record on  
October 29, 2018 4:21 PM and  
Recorded in Book 239 Page 32-38  
Fees: \$0.00 201800786



*Candy Huffine*  
Candy Huffine, Register of Deeds

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Garden City Field Office  
Division of Water Resources



IN THE DISTRICT COURT OF HASKELL COUNTY, KANSAS  
PROBATE DIVISION

IN THE MATTER OF THE ESTATE OF )  
ALICE L. KING, Deceased. )  
\_\_\_\_\_ )

Case No. 2018-PR-21

**ORDER ADMITTING FOREIGN WILL TO PROBATE  
AND RECORD WITHOUT ADMINISTRATION**

(Pursuant to K.S.A. Chapter 59)

NOW ON this 29<sup>th</sup> day of October, 2018, is heard the Petition to Admit Foreign Will to Probate and Record Without Administration. Petitioner appears by his attorney, Jacob M. Cunningham of Doering, Grisell & Cunningham, P.A. There are no other appearances.

AFTER CONSIDERATION of the file and evidence produced, the Court finds as follows:

1. Due diligence has been exercised in the search for names, ages, relationship, residences and addresses of heirs, devisees and legatees.
2. Notice of this hearing has been given as required by law and order of this Court and proof thereof has been duly filed and is approved.
3. All of the allegations of the Petition are true.
4. The Petitioner has an interest in Decedent's Estate as an heir, and as Executor named under Decedent's Last Will and Testament, dated June 21, 2013.

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Division of Water Resources

5. The Decedent died testate on February 20, 2018, at Aurora, Colorado. At the time of death, Decedent was a resident of Larimer County, Colorado, and a citizen of the United States, residing at 612 Sundance Drive, Loveland, Colorado 80538-5411.

6. Decedent left a Last Will and Testament dated June 21, 2013 which was duly executed, proved and admitted to probate according to the laws of Colorado on April 12, 2018 in the District Court of Larimer County, Oklahoma; a copy of the following documents were filed in this matter:

- (a) Copy of the Application for Informal Probate of Will and Informal Appointment of Personal Representative;
- (b) Copy of the Last Will and Testament of Alice L. King dated June 21, 2013, executed, proved and admitted to probate according to the laws of the State of Colorado;
- (c) Copy of the Acceptance of Appointment; and
- (d) Copy of the Letters Testamentary.

7. The Decedent was survived by the following named person who, so far as is known or can with reasonable diligence be ascertained, is the Decedent's sole heir:

<u>Name</u>	<u>Age</u>	<u>Relationship</u>	<u>Address</u>
Dennis L. King	Adult	Son	9041 W. Arizona Drive Lakewood, Colorado 80232

8. The names, ages, relationships, residences, and addresses of the devisees and legatees, so far as is known or can with reasonable diligence be ascertained, are as follows:

<u>Name</u>	<u>Age</u>	<u>Relationship</u>	<u>Address</u>
Alice L. King Revocable Trust, dated June 21, 2013	N/A	Decedent's Revocable Trust	N/A

10. The following heirs, devisees and legatees have a legal disability, are deceased, or are in the military service. None.

11. Decedent left the following described real property in Kearny County, Kansas:

<u>Description</u>	<u>Estimated Value</u>
a) SURFACE AND ALL MINERAL RIGHTS in and to the Southeast Quarter (SE $\frac{1}{4}$ ) of Section Eighteen (18), Township Thirty (30) South, Range Thirty-two (32) West of the 6 <sup>th</sup> P.M., Haskell County, Kansas ( <i>Floyd Leonard 1</i> )	\$2,696.960.00 (Cumulative of all listed real property)
b) An undivided one-half (1/2) interest in the SURFACE RIGHTS in and to the East Half (E $\frac{1}{2}$ ) of Section Fourteen (14), Township Thirty (30) South, Range Thirty-three (33) West of the 6 <sup>th</sup> P.M., together with an undivided one-fourth (1/4) interest in the MINERAL RIGHTS in and to the Northeast Quarter (NE $\frac{1}{4}$ ) of Section Fourteen (14), Township Thirty (30) South, Range Thirty-three (33) West of the 6 <sup>th</sup> P.M., Haskell County, Kansas ( <i>Pechin 1</i> )	
c) An undivided one-half (1/2) interest in the SURFACE RIGHTS and an undivided one-half (1/2) interest in the MINERAL RIGHTS in and to the Southeast Quarter (SE $\frac{1}{4}$ ) of Section Thirty (30), Township Thirty (30) South, Range Thirty-two (32) West of the 6 <sup>th</sup> P.M., Haskell County, Kansas ( <i>Wright</i> )	
d) An undivided one-half (1/2) interest in the SURFACE RIGHTS and an undivided one-half (1/2) interest in and to the MINERAL RIGHTS in the Northwest Quarter (NW $\frac{1}{4}$ ) of Section Thirty-two (32), Township Thirty (30) South, Range Thirty-two (32) West of the 6 <sup>th</sup> P.M., Haskell County, Kansas ( <i>Hoffman</i> )	
e) An undivided one-fourth (1/4) interest in the SURFACE RIGHTS and an undivided one-fourth (1/4) interest in the MINERAL RIGHTS in and to the Northeast Quarter (NE $\frac{1}{4}$ ) of Section Twenty-two (22), Township Thirty (30) South, Range Thirty-two (32) West of the 6 <sup>th</sup> P.M., Haskell County, Kansas ( <i>Watkins E</i> )	
f) A full MINERAL INTEREST ONLY in the Southeast Quarter (SE $\frac{1}{4}$ ) of Section Twenty-three (23), Township Thirty (30) South, Range Thirty-three (33) West of the 6 <sup>th</sup> P.M., Haskell County, Kansas ( <i>Watkins C</i> )	



- g) SURFACE AND ALL MINERAL RIGHTS in and to the South Half (S½) of Section Twenty (20), Township Thirty (30) South, Range Thirty-two (32) West of the 6<sup>th</sup> P.M., Haskell County, Kansas (*Watkins 2*)
- h) An undivided 1/21 interest in and to the Northeast Quarter (NE¼) of Section Eighteen (18), Township Thirty (30) South, Range Thirty-two (32) West of the 6<sup>th</sup> P.M., Haskell County, Kansas
- i) Surface Rights Only in the East Half of the Southeast Quarter (E½SE¼) of Section Twenty-one (21) Township Twenty-nine (29) South, Range Thirty-two (32) West of the 6<sup>th</sup> P.M., Haskell County, Kansas

12. The Last Will and Testament of the Decedent is construed to distribute the above described Kansas real estate as follows:

<u>Name</u>	<u>Age</u>	<u>Relationship</u>	<u>Share of Estate</u>
Alice L. King Revocable Trust, dated June 21, 2013	N/A	Decedent's Revocable Trust	100%

IT IS THEREFORE BY THE COURT CONSIDERED, ORDERED, ADJUDGED AND DECREED:

A. The findings made above are hereby made a part of the Order and Decree of the Court.

B. The Last Will and Testament of Alice L. King, dated June 21, 2013, is hereby admitted to record in the District Court of Haskell County, Kansas.

C. No administration of the Estate is necessary; therefore, no Letters Testamentary shall be issued in this Estate.

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D. The following described real estate situated in Haskell County, Kansas, to-wit:

- a) SURFACE AND ALL MINERAL RIGHTS in and to the Southeast Quarter (SE $\frac{1}{4}$ ) of Section Eighteen (18), Township Thirty (30) South, Range Thirty-two (32) West of the 6<sup>th</sup> P.M., Haskell County, Kansas (*Floyd Leonard 1*)
- b) An undivided one-half (1/2) interest in the SURFACE RIGHTS in and to the East Half (E $\frac{1}{2}$ ) of Section Fourteen (14), Township Thirty (30) South, Range Thirty-three (33) West of the 6<sup>th</sup> P.M., together with an undivided one-fourth (1/4) interest in the MINERAL RIGHTS in and to the Northeast Quarter (NE $\frac{1}{4}$ ) of Section Fourteen (14), Township Thirty (30) South, Range Thirty-three (33) West of the 6<sup>th</sup> P.M., Haskell County, Kansas (*Pechin 1*)
- c) An undivided one-half (1/2) interest in the SURFACE RIGHTS and an undivided one-half (1/2) interest in the MINERAL RIGHTS in and to the Southeast Quarter (SE $\frac{1}{4}$ ) of Section Thirty (30), Township Thirty (30) South, Range Thirty-two (32) West of the 6<sup>th</sup> P.M., Haskell County, Kansas (*Wright*)
- d) An undivided one-half (1/2) interest in the SURFACE RIGHTS and an undivided one-half (1/2) interest in and to the MINERAL RIGHTS in the Northwest Quarter (NW $\frac{1}{4}$ ) of Section Thirty-two (32), Township Thirty (30) South, Range Thirty-two (32) West of the 6<sup>th</sup> P.M., Haskell County, Kansas (*Hoffman*)
- e) An undivided one-fourth (1/4) interest in the SURFACE RIGHTS and an undivided one-fourth (1/4) interest in the MINERAL RIGHTS in and to the Northeast Quarter (NE $\frac{1}{4}$ ) of Section Twenty-two (22), Township Thirty (30) South, Range Thirty-two (32) West of the 6<sup>th</sup> P.M., Haskell County, Kansas (*Watkins E*)
- f) A full MINERAL INTEREST ONLY in the Southeast Quarter (SE $\frac{1}{4}$ ) of Section Twenty-three (23), Township Thirty (30) South, Range Thirty-three (33) West of the 6<sup>th</sup> P.M., Haskell County, Kansas (*Watkins C*)
- g) SURFACE AND ALL MINERAL RIGHTS in and to the South Half (S $\frac{1}{2}$ ) of Section Twenty (20), Township Thirty (30) South, Range Thirty-two (32) West of the 6<sup>th</sup> P.M., Haskell County, Kansas (*Watkins 2*)
- h) An undivided 1/21 interest in and to the Northeast Quarter (NE $\frac{1}{4}$ ) of Section Eighteen (18), Township Thirty (30) South, Range Thirty-two (32) West of the 6<sup>th</sup> P.M., Haskell County, Kansas

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IN THE MATTER OF THE ESTATE OF ALICE L. KING, DECEASED  
HASKELL COUNTY CASE NO. 2018-PR-21

ORDER ADMITTING FOREIGN WILL TO PROBATE AND RECORD WITHOUT ADMINISTRATION

PAGE 6

- i) Surface Rights Only in the East Half of the Southeast Quarter (E½SE¼) of Section Twenty-one (21) Township Twenty-nine (29) South, Range Thirty-two (32) West of the 6<sup>th</sup> P.M., Haskell County, Kansas

subject to any lawful disposition previously made is assigned pursuant to the terms of Decedent's Last Will and Testament as follows:

<u>Name</u>	<u>Age</u>	<u>Relationship</u>	<u>Share of Estate</u>
Alice L. King Revocable Trust, dated June 21, 2013	N/A	Decedent's Revocable Trust	100%

IT IS SO ORDERED.

APPROVED:

DOERING, GRISELL & CUNNINGHAM, P.A.  
124 Grant Avenue  
Garden City, Kansas 67846-5411  
Telephone (620) 275-8084  
Facsimile (620) 275-5076  
jacobc@gcnet.com

By *Jacob M. Cunningham*  
JACOB M. CUNNINGHAM Sup. Ct. No. 24696  
Attorney for Petitioner



January 27, 2022

Kansas Department of Agriculture, Garden City Field Office

Attn: Michael Meyer, Water Commissioner

4532 W. Jones, Suite A

Garden City, KS 67846

RE: Southwest Quarter (SW ¼) of Section 25 – Water Rights, File No. 709 & 8398

Dear Mr. Meyer,

I am in receipt of the attached communication sent from you to W.E. Land & Cattle regarding Southwest Quarter (SW ¼) of Section 25.

The Southwest Quarter (SW ¼) of Section 25 is part of the Betty D. Wallace Revocable Trust. I have been the Trustee since her passing in March 2019. See the attached Third Amendment to Betty D. Wallace Revocable Trust, Dated September 13, 2004. As Trustee I have signed the Water Right paperwork for File No. 709 & 8398.

Please update my information for contact information pertaining to this land.

Betty D. Wallace Revocable Trust

Attn: Scott Aho, Trustee

5301 Clovervale Circle

Highlands Ranch, CO 80130

720.299.4523 (cell) or [rcjhsaho@gmail.com](mailto:rcjhsaho@gmail.com)

Kind regards,



Scott Aho

Trustee, Betty D. Wallace Revocable Trust

Enc.

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JAN 31 2022  
Garden City Field Office  
Division of Water Resources

**THIRD AMENDMENT TO  
BETTY D. WALLACE REVOCABLE TRUST  
FIRST AMENDED TRUST AGREEMENT  
DATED SEPTEMBER 13, 2004**

I, Betty D. Wallace, of Sublette, Haskell County, Kansas, being of sound and disposing mind and memory and under no undue influence whatsoever, do hereby make, publish and declare this as my Third Amendment to the Betty D. Wallace Revocable Trust, First Amended Trust Agreement dated September 13, 2004.

It is my intent that this Third Amendment supersede and replace the First Amendment and the Second Amendment to the Betty D. Wallace Revocable Trust, First Amended Trust Agreement dated September 13, 2004. The Betty D. Wallace Revocable Trust, First Amended Trust Agreement dated September 13, 2004 is modified and amended as hereinafter set forth.

**1. I do hereby amend Paragraph 4 of PART I: TRUST ESTATE, to read as follows:**

"4. TRUSTEES BASIC DUTIES: During the term of the Trust, the Trustees shall hold, manage, and invest and reinvest the Trust Estate, collect the income and profits from it, pay the necessary expenses of Trust administration and distribute the net income and principal as provided herein.

- A. The Trustees shall pay to Grantor all of the net income and such portion of the principal thereof as the Grantor from time to time directs, or otherwise as she directs during her life. The payment of net income shall be paid in convenient installments at least quarterly. In addition, the Trustees may, in their discretion, pay to the Grantor, or use for her benefit, such portions or all of the principal of the Trust Estate as the Trustees determine to be in the Grantor's best interest.
- B. Upon Grantor's resignation, death or incapacity, as determined in writing by two (2) persons duly licensed to practice medicine, then in that event, Grantor appoints SCOTT AHO and JESSICA BROWN to serve as Co-Trustees hereunder. Either of the persons appointed as Grantor's Co-Trustees shall have the authority to make such decisions solely without the consultation with or joint consent of the other person appointed; PROVIDED FURTHER, in the event either SCOTT AHO or JESSICA BROWN is unable or unwilling to serve as Co-Trustee, then the other Co-Trustee shall serve as the sole Trustee hereunder."

**2. I do hereby delete Paragraph 5 of PART I: TRUST ESTATE in its entirety and replacing it with the following:**

"5. DISTRIBUTION UPON DEATH OF BETTY D. WALLACE: Upon the death of the Grantor, the entire Trust Estate shall be paid, distributed and transferred as hereinafter set forth.

5.1. PERSONAL PROPERTY MEMORANDUM: Grantor may leave a written statement or memorandum signed by Grantor, which shall be either in the handwriting of the Grantor or signed by the Grantor, disposing of certain items of Grantor's tangible personal property, including, but not limited to household furniture, utensils, jewelry, furnishings, miscellaneous keepsakes and other family heirlooms.

5.2. FARM GROUND: All of Grantor's interest in the following described real property, to-wit:

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Garden City Field Office  
Division of Water Resources

Southwest Quarter (SW/4) of Section Twenty-five (25), Township Thirty (30) South, Range Thirty-three (33) West of the 6th P.M., Haskell County, Kansas (herein "Farm Ground");

shall remain in trust for the benefit of Grantor's daughters, Ruby Darlene Aho and Gwendolyn Diane Garcia. The income and principal shall be held, administered, managed and distributed as hereinafter set forth in this paragraph 5.2.

- A. DISTRIBUTION OF INCOME: At least annually, the Trustee shall pay and distribute to Grantor's daughters, equally, all of the net income of the Trust; PROVIDED FURTHER, in the event either of Grantor's daughters shall die prior to termination of this Trust, then in that event, all the net income payable to said deceased daughter shall be paid to said deceased daughter's children, equally; PROVIDED HOWEVER, in the event said deceased daughter does not leave children surviving her, then in that event, the deceased daughter's share of income shall be paid to Grantor's surviving daughter. For purposes of this paragraph the term "income" shall not include capital gains.
- B. PRINCIPAL DISTRIBUTION: No portion of the principal shall be paid or distributed to either of Grantor's daughters during the term of this Trust.
- C. PAYMENT TO THIRD PARTIES: In Trustee's sole and absolute discretion, any payment or distribution of income may be paid to any guardian or conservator of Grantor's daughters, or any third party, so long as the same is used for the benefit of Grantor's daughters.
- D. TERMINATION: Upon the death of both of Grantor's daughters, this Trust shall terminate and all Trust property and all net income and principal of the Trust Estate shall be transferred, conveyed, assigned and distributed equally to such of Grantor's grandchildren as are alive on the date of distribution.

5.3. RESIDUE: All the rest, residue and remainder of the Trust Estate (including, but not limited to, all household furnishings and contents of the Sublette home and the Missouri home which have not been distributed pursuant to paragraph 5.1 above) shall be conveyed, distributed and transferred as soon as practicable as follows:

- A. 20% to Grantor's daughter, Ruby Darlene Aho.
- B. 20% to Grantor's daughter, Gwendolyn Diane Garcia.
- C. The remaining 60% to be distributed equally to such of Grantor's grandchildren as are alive on the date of distribution.

PROVIDED HOWEVER, in the event either of my daughters, Ruby Darlene Aho or Gwendolyn Diane Garcia, are not alive on date of distribution, then in that event, the share of such deceased daughter shall be distributed pursuant to paragraph 5.3C above.

- 3. All other terms, conditions and covenants of the Betty D. Wallace Revocable Trust, First Amended Trust Agreement, dated September 13, 2004 shall remain in full force and effect, except only to the extent specifically amended under this Third Amendment.

RECEIVED

JAN 31 2022

Garden City Field Office  
Division of Water Resources



IN WITNESS WHEREOF, I have hereunto set my hand at Lyons, Kansas, this 10<sup>th</sup> day of August, 2017.

Betty D Wallace  
Betty D. Wallace

"GRANTOR"

Betty DW Wallace  
Betty D. Wallace

"TRUSTEE"

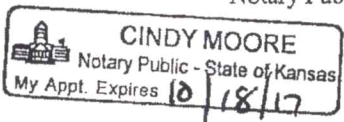
STATE OF KANSAS, COUNTY OF Rice, SS:

BE IT REMEMBERED, that on this 10 day of August, 2017, before me, the undersigned, a Notary Public in and for the County and State aforesaid, came Betty D. Wallace, Grantor of the "Betty D. Wallace Revocable Trust, First Amended Trust Agreement, dated September 13, 2004, who is personally known to me to be the same person who executed the above and foregoing 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 notarial seal the day and year last above written.

Cindy Moore  
Notary Public

My Commission Expires:  
SEAL



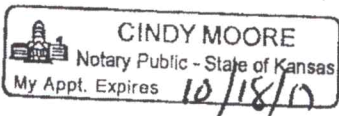
STATE OF KANSAS, COUNTY OF Rice, SS:

BE IT REMEMBERED, that on this 10 day of August, 2017, before me, the undersigned, a Notary Public in and for the County and State aforesaid, came Betty D. Wallace, Trustee of the "Betty D. Wallace Revocable Trust, First Amended Trust Agreement, dated September 13, 2004, who are personally known to me to be the same persons who executed the above and foregoing instrument of writing, and such persons duly acknowledged the execution of the same.

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

Cindy Moore  
Notary Public

My Commission Expires:  
SEAL



RRY/bjb

RECEIVED  
JAN 31 2022  
Garden City Field Office  
Division of Water Resources

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

  
**Kansas**  
Department of Agriculture  
Division of Water Resources

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

Mike Beam, Secretary

Laura Kelly, Governor

January 20, 2022

WE LAND & CATTLE CO INC  
Attn: GENE WRIGHT  
PO BOX 864  
SUBLETTE, KS 67877-0864

RE: Extension of Time Granted  
Water Right, File Nos. 709 & 8398

Dear Sir:

Based on your request today, the chief engineer has granted an extension of time to provide the required information for the pending applications to have the applications complete and in proper form.

It is required by K.A.R. 5-5-1(c) Filing an application for change, that the Division of Water Resources, is required to obtain a notarized signature from each landowner and their spouse, or a duly authorized agent that are part of the referenced water rights. All signing must be done with a notary public present. Landowners for the Southwest Quarter (SW $\frac{1}{4}$ ) of Section 25, and the Southeast Quarter (SE $\frac{1}{4}$ ) Section 30, both in Township 30 South, Range 32 West will need sign each application in the presence of a notary. Also please submit copies of deeds of these tracts of land to document the current ownership.

For the applications to retain their priority of filing, all required signatures of all landowners must be completed and returned to this office on or before, **January 21, 2022**. According to law, default in returning requested information as outlined above within the time allowed or any authorized extension of time, shall cause dismissal of the applications for change under the above referenced file numbers.

If these signatures cannot be obtained, the processing of your request to relocate the well cannot be acted upon without other possible forms of agreements showing other owners of land do not have a legal interest in the water rights, or requests to divide the existing water rights and interests between landowners, or other forms of final actions to move forward with continued processing for final decision to relocating your well as proposed.

If you have any questions, please contact our office. Please reference the water right file numbers listed above so that we may help you more efficiently.

Sincerely,

  
Michael A. Meyer  
Water Commissioner

MAM  
Enclosures

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



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

Mike Beam, Secretary

Laura Kelly, Governor

December 20, 2021

W E LAND & CATTLE CO INC  
Attn: GENE WRIGHT  
PO BOX 864  
SUBLETTE, KS 67877-0864

RE: Water Right, File Nos. 709 & 8398

Dear Sir:

Reference is made to applications for approval of the Chief Engineer to change the point of diversion under the referenced file numbers, which was received in this office December 14, 2021. Upon review of the applications, we find that additional information is needed.

It is required by K.A.R. 5-5-1(c) Filing an application for change, that the Division of Water Resources, is required to obtain a notarized signature from each landowner and their spouse, or a duly authorized agent that are part of the referenced water rights. All signing must be done with a notary public present. Landowners for the Southwest Quarter (SW $\frac{1}{4}$ ) of Section 25, and the Southeast Quarter (SE $\frac{1}{4}$ ) Section 30, both in Township 30 South, Range 32 West will need sign each application in the presence of a notary. I have attached 4 signature sheets for them to sign individually. Also please submit copies of deeds of these tracts of land to document the current ownership.

For the applications to retain their priority of filing, all required signatures of all landowners must be completed and returned to this office on or before, **January 20, 2022**. According to law, default in returning requested information as outlined above within the time allowed or any authorized extension of time, shall cause dismissal of the applications for change under the above referenced file numbers.

If you have any questions, please contact our office. Please reference the water right file numbers listed above so that we may help you more efficiently.

Sincerely,

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

Michael A. Meyer  
Water Commissioner

MAM  
Enclosures  
pc: GMD3



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](http://www.agriculture.ks.gov)

Mike Beam, Secretary

Laura Kelly, Governor

December 17, 2021

HINES FARMS  
PO BOX 665  
COLBY KS 67701

RE: Application for Change  
Water Right, File Nos. 709 & 8398

Dear Sir:

This is to advise you that we Land and Cattle Co Inc has filed applications for approval of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, for change in point of diversion under the above referenced applications.

You can find the complete application posted by water right file number as referenced above at [www.agriculture.ks.gov/divisions-programs/dwr/water-appropriation/notices](http://www.agriculture.ks.gov/divisions-programs/dwr/water-appropriation/notices) .

You are notified of this proposed point of diversion (well) so that you may furnish this office with any comments or other information you may want to submit. Such comments or other information must be received in this office within 15 days from the date of this letter.

Should you have any questions, please feel free to call this office. If you would prefer, an appointment could be arranged for additional assistance. Please refer to the file number when you contact us if you wish to discuss a specific file.

Sincerely,

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

Michael A. Meyer  
Water Commissioner

MAM

pc: Groundwater Management District No. 3

SCANNED

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](http://www.agriculture.ks.gov)

Mike Beam, Secretary

Laura Kelly, Governor

December 17, 2021

HINES FARMS  
PO BOX 665  
COLBY KS 67701

RE: Application for Change  
Water Right, File Nos. 709 & 8398

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Should you have any questions, please feel free to call this office. If you would prefer, an appointment could be arranged for additional assistance. Please refer to the file number when you contact us if you wish to discuss a specific file.

Sincerely,

A handwritten signature in cursive script that reads "Michael A. Meyer".

Michael A. Meyer  
Water Commissioner

MAM

pc: Groundwater Management District No. 3

**SCANNED**