



File No. **13974**      13. County: **KE** Basin: **ARKANSAS RIVER** Stream:  
 Structures File No:      Aquifer Code: **113**      Special Use Area: **016 & 026**

14. Points of Diversion, Rates & Quantities											Qty AF		Rate gpm		Storage Qty		Storage Rate	
PDIV	Qualifier	S	T	R	ID	'N	'W	Comment (AKA Line)	Auth	Add	Auth	Add	Auth	Add	Auth/Add	Overlaps		
<b>DEL</b>	<b>34062</b>																	
<b>ENT</b>	<b>NW SW SE</b>	<b>4</b>	<b>25S</b>	<b>36W</b>		<b>993</b>	<b>2576</b>		<b>134</b>	<b>134</b>	<b>1000</b>	<b>1000</b>						

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

16. Metering     Metering Required     Anti-Reverse Required     Seal Required    Compliance Date: 12/31/2024

17. Place of Use		NE¼				NW¼				SW¼				SE¼				Total	Owner(s)	Chg? Overlaps	
PDIV	S T R ID	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE				
<b>CHK</b>	<b>1164</b>																				<input type="checkbox"/>
<b>CHK</b>	<b>7576</b>																				<input type="checkbox"/>
<b>CHK</b>	<b>53842</b>																				<input type="checkbox"/>
																					<input type="checkbox"/>
																					<input type="checkbox"/>
																					<input type="checkbox"/>

18. Point of Diversion and Place of Use Overlaps

<p>* + # ^</p>	<p>** ++ ## ^^</p>
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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

March 5, 2024

GERHARD & MARIA LOEWEN  
1536 ROAD T  
LAKIN, KS 67860

RE: Filed Office Application for Change  
Water Right, File No. 13974

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.

The abandoned well must be plugged in accordance with the requirements of Article 30 of the Rules and Regulations as adopted by the Kansas Department of Health and Environment.

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

Sincerely,

A handwritten signature in blue ink that reads "Austin J. McColloch".

Austin J. McColloch  
Assistant Water Commissioner

AM:  
enclosures

pc: Hartland Farms  
James & Arnice Davis Joint Trust

## CERTIFICATE OF SERVICE

On this 5<sup>th</sup> day of March, 2024, I hereby certify that the foregoing Approval of Application for Change in Point of Diversion, Water Right, File No. 13,974 dated 4<sup>th</sup> day of March, 2024 was mailed postage prepaid, first class, US mail to the following:

GERHARD & MARIA LOEWEN  
1536 ROAD T  
LAKIN, KS 67860

Pc:

HARTLAND FARMS  
1194 RD Y  
LAKIN, KS 67860

JAMES C & ARNICE A DAVIS JOINT TRUSTS  
1219 ROAD S  
LAKIN, KS 67860-6101

  
\_\_\_\_\_  
Division of Water Resources Staff



5. **Presently authorized point of diversion:**  
 One in the NW Quarter of the SW Quarter of the SE Quarter of Section 4, Township 25 South, Range 36 (W), in KEARNY County, Kansas, 1220 feet North 2530 feet West of Southeast corner of section. Authorized Rate \_\_\_\_\_ Authorized Quantity \_\_\_\_\_ Depth of well \_\_\_\_\_ (feet)  
**(DWR use only: Computer ID No. 05 GPS 1284 feet North 2616 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 NW Quarter of the SW Quarter of the SE Quarter of Section 4, Township 25 South, Range 36 (W), in KEARNY County, Kansas, 993 feet North 2576 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 \_\_\_\_\_

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

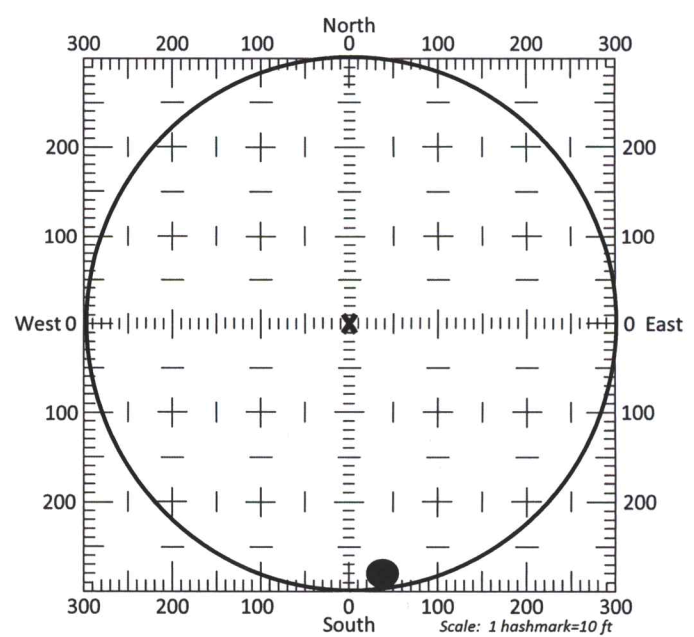
9. The change(s) (was)(will be) completed by?  
UPON APPROVAL

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 28<sup>th</sup> day of February, 2024.

School One  
\_\_\_\_\_  
(Owner)

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

Gerhard Loewen  
\_\_\_\_\_  
(Please Print)

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

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

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

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

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

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

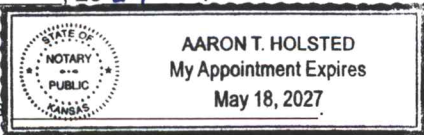
\_\_\_\_\_  
(Spouse)

\_\_\_\_\_  
(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 28<sup>th</sup> day of February, 2024



Aaron Holsted  
\_\_\_\_\_  
Notary Public

My Commission Expires

**ONLY COMPLETE APPLICATIONS WILL BE PROCESSED.** To be complete, all of the applicable portions of the application form must be completed with accurate information; maps, if necessary, must be included; signatures of all the appropriate owners' must be affixed to the application and notarized; and the appropriate fee must be paid.

**FEE SCHEDULE**

Each application to change the place of use or the point of diversion under this section shall be accompanied by the application fee set forth in the schedule below: Make checks payable to: **Kansas Department of Agriculture**

(1) Application to change a point of diversion 300 feet or less . . . . .	\$100
(2) Application to change a point of diversion more than 300 feet . . . . .	\$200
(3) Application to change the place of use . . . . .	\$200

**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. 13974

1. A change application was received on February 28, 2024 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 300 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, 2024**, 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, 2024**, or within any authorized extension of time. By March 1, 2025 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**

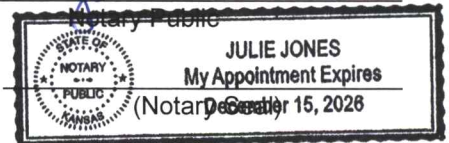
If you are aggrieved by this order, pursuant to K.S.A. 82a-1901, you may request an evidentiary hearing before the Chief Engineer or request administrative review by the Secretary of Agriculture. A request for hearing by the Chief Engineer must be filed within **15 days** of service of this Order and 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: Austin McColloch  
Duly Authorized Designee of the Chief Engineer  
(Print Name): Austin McColloch  
Division of Water Resources - Kansas Department of Agriculture  
Date of Issuance: March 4, 2024  
State of Kansas )  
County of Finney ) SS  
Acknowledged before me on March 4, 2024  
by Austin McColloch  
Signature: Julie Jones

My commission expires: \_\_\_\_\_  
(Notary Seal)





ADDITIONAL CONDITIONS TO  
SUMMARY ORDER APPROVING APPLICATION FOR CHANGE  
AND IMPOSING CONDITIONS,  
Water Right, File No. 13,974

The effective date of the change shall be the date this order is executed by the Chief Engineer, after which the following condition is included as a condition of the approval of this application for change in point of diversion.

That the well authorized by this approval shall not be completed below a depth of 90 feet below land surface, thereby precluding withdrawal of water from any underlying water-bearing strata.

By: Austin McColloch  
(Duly Authorized Designee of the Chief Engineer)

(Print Name): Austin McColloch  
Division of Water Resources Kansas Department of Agriculture

Dated of Issuance: March 4, 2024

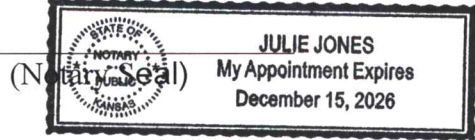
State of Kansas        )  
                                  ) SS  
County of Finney     )

Acknowledged before me on the 4<sup>th</sup> day of March, 2024

By Austin McColloch

Signature Julie Jones  
Notary Public

My Commission expires: \_\_\_\_\_



INPUTS	
Target Section Definition	
Section	4
Township	25
Range	36
Range Direction	w
Target Point Coordinates (NAD27 or NAD83)	
Target Longitude	-101.276560
Target Latitude	37.904410

Load Data and Compute

- Instructions**
1. Enter values for section, township, range and range direction.
  2. Enter **NAD27** or **NAD83** longitude and latitude of target point.
  3. Click "Load Data and Compute" button.
  4. Use feet distances corresponding to datum of target point.

WR 13974 AUTHORIZED WELL

Loaded Section Data From LEOBASE using <b>NAD83</b>		
Corner	Corner Latitudes	Corner Longitudes
SW	37.90063883	-101.28572624
NW	37.91527196	-101.28601609
NE	37.91533315	-101.26778193
SE	37.90088308	-101.26749225
Degrees Longitude per Foot		3.46583326E-06
Degrees Latitude per Foot		2.74613580E-06
Target Point Distances from Corners using NAD83		
Corner	Feet North(+)/South(-)	Feet East(-)/West(+)
SW	1373	-2645
NW	-3955	-2728
NE	-3978	2533
SE	1284	2816

Target point is In Section

Loaded Section Data From LEOBASE using <b>NAD27</b>		
Corner	Corner Latitudes	Corner Longitudes
SW	37.90062000	-101.28527800
NW	37.91525300	-101.28556800
NE	37.91531400	-101.26733400
SE	37.90086400	-101.26704400
Degrees Longitude per Foot		3.46583237E-06
Degrees Latitude per Foot		2.74598553E-06
Target Point Distances from Corners using NAD27		
Corner	Feet North(+)/South(-)	Feet East(-)/West(+)
SW	1380	-2515
NW	-3949	-2599
NE	-3971	2662
SE	1291	2746

Target point is In Section

Difference (NAD83 Minus NAD27)		
Corner	Corner Latitudes	Corner Longitudes
SW	0.00001883	-0.00044824
NW	0.00001896	-0.00044809
NE	0.00001915	-0.00044793
SE	0.00001908	-0.00044825
Difference (NAD83 Minus NAD27)		
Corner	Feet North(+)/South(-)	Feet East(-)/West(+)
SW	-6.93243230	-129.33044488
NW	-6.68817529	-129.28714372
NE	-6.75614786	-129.24233195
SE	-7.01860705	-129.33468336

WR 13974 PROPOSED WELL

INPUTS	
Target Section Definition	
Section	4
Township	25
Range	36
Range Direction	w
Target Point Coordinates (NAD27 or NAD83)	
Target Longitude	-101.276420
Target Latitude	37.903610

Load Data and Compute

Instructions

1. Enter values for section, township, range and range direction.
2. Enter **NAD27** or **NAD83** longitude and latitude of target point.
3. Click "Load Data and Compute" button.
4. Use feet distances corresponding to datum of target point.

Longitude changed

Latitude changed

Loaded Section Data From LEOBASE using <b>NAD83</b>		
Corner	Corner Latitudes	Corner Longitudes
SW	37.90063883	-101.28572624
NW	37.91527196	-101.28601609
NE	37.91533315	-101.26778193
SE	37.90088308	-101.26749225
Degrees Longitude per Foot		3.46583326E-06
Degrees Latitude per Foot		2.74613580E-06
Target Point Distances from Corners using NAD83		
Corner	Feet North(+)/South(-)	Feet East(-)/West(+)
SW	1082	-2685
NW	-4247	-2769
NE	-4269	2492
SE	993	2576

Target point is in Section

Loaded Section Data From LEOBASE using <b>NAD27</b>		
Corner	Corner Latitudes	Corner Longitudes
SW	37.90062000	-101.28527800
NW	37.91525300	-101.28556800
NE	37.91531400	-101.26733400
SE	37.90086400	-101.26704400
Degrees Longitude per Foot		3.46583237E-06
Degrees Latitude per Foot		2.74598553E-06
Target Point Distances from Corners using NAD27		
Corner	Feet North(+)/South(-)	Feet East(-)/West(+)
SW	1089	-2556
NW	-4240	-2639
NE	-4262	2622
SE	1000	2705

Target point is in Section

Difference (NAD83 Minus NAD27)		
Corner	Corner Latitudes	Corner Longitudes
SW	0.00001883	-0.00044824
NW	0.00001896	-0.00044809
NE	0.00001915	-0.00044793
SE	0.00001908	-0.00044825
Difference (NAD83 Minus NAD27)		
Corner	Feet North(+)/South(-)	Feet East(-)/West(+)
SW	-6.91649045	-129.33043449
NW	-6.67223345	-129.28713333
NE	-6.74020601	-129.24232156
SE	-7.00266521	-129.33467297