

Kansas Department of Agriculture  
Division of Water Resources

**CHANGE: PU WORKSHEET & ORDER MATTER OF PD & PU, REDUCTION IN Q & R & OWNERSHIP**

1. File Number: <b style="font-size: 1.2em;">42827</b>	2. Status Change Date: <b style="color: purple;">2/21/2024</b>	3. Change Num: <b style="font-size: 1.2em;">C1</b>	4. Field Office: <b style="font-size: 1.2em;">04</b>	5. GMD: <b style="font-size: 1.2em;">03</b>
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6. Status: <input 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 style="font-size: 1.2em;">12/21/2022</b>
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<p>8a. Applicant(s) <span style="float: right;">Person ID <b style="font-size: 1.2em;">38625</b></span>          New to system <input type="checkbox"/> <span style="float: right;">Add Seq# <b style="font-size: 1.2em;">1</b></span></p> <p><b>DONALD PAUL GREWELL</b>  <b>1114 ROAD A</b>  <b>HUGOTON, KS 67951-5125</b></p>	<p>8c. Landowner(s) <span style="float: right;">Person ID <b style="font-size: 1.2em;">62698</b></span>          New to system <input type="checkbox"/> <span style="float: right;">Add Seq# <b style="font-size: 1.2em;">1</b></span></p> <p><b>GREWELL LAND LLC</b>  <b>193 ROAD 12</b>  <b>HUGOTON, KS 67951-5120</b></p>
<p>8aa. Applicant(s) <span style="float: right;">Person ID <b style="color: purple;">69411</b></span>          New to system <input checked="" type="checkbox"/> <span style="float: right;">Add Seq# <b style="font-size: 1.2em;">1</b></span></p> <p><b>GREWELL, DONALD P &amp; PHILLIS K LE ETAL</b>  <b>1114 ROAD A</b>  <b>HUGOTON KS 67951-5125</b></p>	<p>8cc. Landowner(s) <span style="float: right;">Person ID <b style="font-size: 1.2em;">66392</b></span>          New to system <input type="checkbox"/> <span style="float: right;">Add Seq# <b style="font-size: 1.2em;">1</b></span></p> <p><b>GPG LLC</b>  <b>1114 ROAD A</b>  <b>HUGOTON, KS 67951-5125</b></p>

<p>8b. Landowner(s) <span style="float: right;">Person <b style="color: purple;">69412</b></span>          New to system <input checked="" type="checkbox"/> <span style="float: right;">Add Seq# <b style="font-size: 1.2em;">1</b></span></p> <p><b>FREEMAN BROTHERS ETAL</b>  <b>STEPHEN MAX FREEMAN</b>  <b>MICHAEL L &amp; LANA FREEMAN</b>  <b>5550 CANADA CT</b>  <b>ROCKWALL, TX 75032-8411</b></p>	<p>8d. WUC <span style="float: right;">Person ID _____</span>          New to system <input type="checkbox"/> <span style="float: right;">Add Seq# <b style="font-size: 1.2em;">1</b></span></p> <p><b>8a</b></p>
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9. Documents and Enclosure(s):  DWR Meter(s) Date to Comply: **12/31/2024**  Date to Comply: \_\_\_\_\_

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: <b style="color: purple;">2/1/2024</b> By: <b>LI</b>
Date Entered: 2/9/2024 By: KAK
Date Reviewed: <b style="color: blue;">3/1/2024</b> By: <b style="color: blue;">KAnderson</b>

File No. **42827**      11. County: **SV**      Basin: **CIMARRON RIVER**      Stream: **NA**      Formation Code: **200/211**      Special Use: **NA**

12. Points of Diversion										Rate and Quantity				
CHK										Authorized		Additional		
MOD	PDIV	Qualifier	S	T	R	ID	'N	'W	Comment (AKA Line)	Rate gpm	Quantity af	Rate gpm/cfs	Quantity af/mgy	Overlap PD Files
<b>MOD</b>	<b>49400</b>	<b>LOT 2 SW SE</b>	<b>17</b>	<b>37</b>	<b>35W</b>	<b>2</b>	<b>66</b>	<b>2050</b>	<b>GPS &amp; LOT UPDATE</b>	<b>1050</b>	<b>1173.4</b>	<b>0 GPM</b>	<b>173.4 AF</b>	<b>41216</b>

13. Storage: Rate \_\_\_\_\_ NF      Quantity \_\_\_\_\_ ac/ft      Additional Rate \_\_\_\_\_ NF      Additional Quantity \_\_\_\_\_ ac/ft

14. Limitation: **1173.4** af/yr at **1050** gpm (**2.3** cfs) when combined with file number(s) **41216** **MODIFY**  
 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										NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg?	Overlap Files
CHK										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				
MOD	PUSE	S	T	R	ID																								
DEL																													
ENT																													
<b>ENT</b>	<b>52367</b>	<b>18</b>	<b>35</b>	<b>37W</b>	<b>3</b>	<b>9.0</b>	<b>33.0</b>	<b>40.0</b>	<b>33.0</b>					<b>40.0</b>	<b>LT 3</b>	<b>33.0</b>									<b>188</b>	<b>8c</b>	<b>YES</b>	<b>41216 43662</b>	
<b>ENT</b>	<b>52368</b>	<b>18</b>	<b>35</b>	<b>37W</b>	<b>4</b>										<b>LT 4</b>	<b>8.0</b>	<b>LT 5</b>	<b>21.0</b>						<b>29</b>	<b>8b</b>	<b>YES</b>	<b>41216 43662</b>		
<b>ENT</b>	<b>52369</b>	<b>18</b>	<b>35</b>	<b>37W</b>	<b>5</b>										<b>LT 4</b>	<b>1.0</b>	<b>LT 5</b>	<b>12.0</b>						<b>13</b>	<b>8c</b>	<b>YES</b>	<b>41216 43662</b>		
<b>MOD</b>	<b>50766</b>	<b>8</b>	<b>35</b>	<b>37W</b>	<b>6</b>														<b>32.5</b>	<b>32.5</b>	<b>32.5</b>	<b>32.5</b>		<b>130</b>	<b>8c</b>	<b>YES</b>	<b>41216 43662</b>		
<b>MOD</b>	<b>50767</b>	<b>18</b>	<b>35</b>	<b>37W</b>	<b>2</b>														<b>36.0</b>	<b>40.0</b>	<b>LT 6</b>	<b>35.67</b>	<b>LT 7</b>	<b>13.0</b>	<b>124.67</b>	<b>8b</b>	<b>YES</b>	<b>41216 43662</b>	
<b>MOD</b>	<b>22495</b>	<b>17</b>	<b>35</b>	<b>37W</b>	<b>2</b>				<b>36.0</b>	<b>13.0</b>	<b>36.0</b>	<b>40.0</b>							<b>36.0</b>	<b>40.0</b>	<b>LT 2</b>	<b>35.26</b>	<b>LT 1</b>	<b>13.0</b>	<b>249.26</b>	<b>8cc</b>	<b>YES</b>	<b>41216 43662</b>	
<b>MOD</b>	<b>16536</b>	<b>17</b>	<b>35</b>	<b>37W</b>	<b>1</b>	<b>13.0</b>	<b>36.0</b>	<b>40.0</b>	<b>36.0</b>				<b>40.0</b>	<b>36.0</b>	<b>LT 4</b>	<b>13.0</b>	<b>LT 3</b>	<b>35.3</b>						<b>249.3</b>	<b>8aa</b>	<b>YES</b>	<b>41216 43662</b>		
																							<b>total</b>	<b>983.23</b>					

Base Acres: \_\_\_\_\_ Year: \_\_\_\_\_ Minimum Reasonable Quantity: \_\_\_\_\_  
 Comments: \_\_\_\_\_

**KANSAS DEPARTMENT OF AGRICULTURE**  
**Division of Water Resources**  
**M E M O R A N D U M**

**TO:** Files

**DATE:** February 9, 2024

**FROM:** Leslie Ireland

**RE:** Water Right  
File Nos. 41,216; 42,827 & 43,662

Donald Paul Grewell as owner and GPG, LLC, and his wife Daisy Grewell, along with Greg P. and Toni Grewell on behalf of Grewell Land LLC and GPG LLC; Michael L. and his wife Lana Freeman, and Stephen Max Freeman filed applications for approval to change the place of use authorized for irrigation use. File No. 43,662 proposes a change in point of diversion to unstack it and authorize a new additional well per K.A.R. 5-5-16, *Additional well*. As the files share limitations a reductions are proposed for File Nos. 41,216 and 42,827. The project is located in the Cimmaron River Basin, Stevens County.

The referenced waters rights are considered not to be abandoned as per K.S.A. 82a-718 and appear to comply with K.S.A. 82a-732. The notification area for the proposed additional well is one-half mile around the proposed new well and that around the currently authorized. It appears no notification per K.S.A. 82a-1906, will be required as these wells are the only ones in the notification area. The applications were received on February 1, 2023, with deeds for the updated ownership which was confirmed per the ORKA database. The applications appear to comply with K.A.R. 5-5-2a, *Complete change application* however, there has been a historical error to the place of use with missing lot identifications due to the boarder and acres inverted. These will be corrected due to the maps having always correctly shown the place of use.

These files have a complete overlap in point of diversion authorizing a well in the Southeast Quarter of Section 17, Township 35 South, Range 35 West, Stevens County. The source of supply has been determined to be the Tertiary System (Code 200) and Ogallala Formation (Code 211).

File No. 41,216 is authorized a maximum rate of 1,400 gallons per minute (gpm) for the diversion of 1,000 acre-feet (AF) from one well located in the Southwest Quarter of the Southwest Quarter of the Southeast Quarter (SW $\frac{1}{4}$  SW $\frac{1}{4}$  SE $\frac{1}{4}$ ) of Section 17, from the GPS determined coordinates of 66 feet North and 2,050 feet West of the Southeast corner of the section, in Township 35 South, Range 37 West Stevens County.

File No. 42,827 is authorized with File No. 41,216 a limited maximum rate of 2,360 gpm for the diversion of a limited 1,280 acre-feet (AF), providing an additional 1,360 gpm and 280 AF.

The 755 acres comprising the place of use under File Nos. 41,216 & 42,827 is a quarter pivot in Section 8, a full pivot in Section 17 and a pie portion of a partial full pivot in Section 18. The maximum acres irrigated were determined to be 755 acres as stated in the Certificate. File Nos. 41,216 & 42,827 have an irrigation ratio of 1.7 AF/A.

File No. 43,662 is authorized from the same point of diversion as File Nos. 41,216 & 42,827. It is limited to a rate of 1,500 gpm for the diversion of 449 AF, providing no developed rate as it is limited to 2,360 gpm with the senior files, but did develop 449 AF for a separate place of use. This quantity is authorized to irrigate 230 acres comprised of two pie portions of a partial full pivot in Section 18. The Certificate indicates 230 acres were developed as the maximum acres irrigated. File No. 43,662 has an irrigation ratio of 1.95 AF/A.

The referenced files propose to overlap the places of use to authorize a corrected 983.23 acres. It appears the proposed place of use changes comply with Part(1) of K.A.R. 5-5-11, *Applications for change in place of use for irrigation purposes*, as they are certified and propose an identical place of use under all of the referenced files authorizing 1,729 AF resulting in an irrigation ratio of 1.76 acre-feet per acre which complies with K.A.R 5-3-23, *Maximum reasonable annual quantity approvable for irrigation use for an application for change in place of use and a request to reduce a water right*.

A water conservation plan meeting the KWO guidelines will not be required for the place of use change approvals. There will not be an increase in the authorized place of use therefore the proposed changes in place of use complies with K.A.R. 5-5-3, *Change in consumptive use*.

File No. 43,662, proposes to authorize a new point of diversion per K.A.R. 5-5-16, *Additional well*, to divert 449 AF at 700 gpm from a well located in the Southeast Quarter of the Northwest Quarter of the Southwest Quarter (SE $\frac{1}{4}$  NW $\frac{1}{4}$  SW $\frac{1}{4}$ ) of Section 17, approximately 1,453 feet North and 3,999 feet West of the Southeast corner of said section, in Township 35, South Range 37 West, Stevens County. This will move the right approximately 2,387 feet to the Northwest from the currently authorized well. The additional well appears to comply with part (b) of K.A.R. 5-23-3, *Minimum well spacing requirements: high plains aquifer*, as the approval will move the right less than 2,640 feet. The well placement will change the ownership of the diversion under File No. 43,662 from GPG LLC to Grewell Life Estate per the application, however Donald P & Phillis K. Grewell LE etal, Greg P. Grewell (Phillis deceased 2004) per the ORKA record and will have to remain per the ORKA records as no document detailing the life estate was found in our records nor recorded with the State.

Well logs of the currently authorized and proposed well indicate the lithology is very similar, in sands and clays with the proposed well having approximately 40 feet more depth, but the wells are over 620 feet deep, 622 feet to shale at the authorized and 680 feet to red clay at the proposed. It appears the wells are in the same local source of supply and the additional well source will be Tertiary System (Code 200) and Ogallala Formation (Code 211).

As File No. 43,662, developed a limited rate and shared rate with File Nos. 41,216 & 42,827, the owners have requested to reduce the rate under File No. 41,216 with the rate and quantity reduced under File No. 42,827 to provide for the additional well under 43,662. Per K.A.R. 5-5-16, a rate test was completed on November 1, 2022, by the Southwest Kansas Groundwater Management District No. 3. Testing indicated a standard meter rate of 1,750 gpm from the currently authorized point of diversion identified as being in the (SW $\frac{1}{4}$  SW $\frac{1}{4}$  SE $\frac{1}{4}$ ) 17-35-37W and shared by the referenced files. The owners have requested a reduction of 350 gpm to authorized 1,050 gpm by File No. 41,216, and File No. 42,827 remaining overlapped with File No. 41,216, to be reduced to 1,050 gpm and limited to 1,050 gpm with File No. 41,216 for the authorized rate with the junior file providing no additional rate. The 700 gpm remaining of the tested rate will be authorized by File No. 43,662 at the new additional well. The reduction from 1,500 gpm and the shifting of rate will afford the rate limitation when with File Nos. 41,216 & 42,827, to be removed.

The consumptive use calculation as required by K.A.R. 5-5-16(a)(2)(C)(i), utilized the 985 acres developed under all of the referenced files to reflect the wells operation during certification. The determination of the maximum allowed quantity:

$$985 \text{ acres} \times 1.40 \text{ (80\%NIR Stevens Co)} \div 0.85 = 1,622.4 \text{ acre-feet}$$

The total combined quantity of 1,729 AF will be reduced by 106.6 AF for the proposed additional well. The owners have requested File No. 43,662 continue to authorize 449 AF which will divert at 700 gpm. This would take approximately 145 days which appears to be reasonable. The change to File No. 42,287, requests the quantity be reduced (similar to the rate) for the 106.6 AF reduction. This files quantity will go from 280 to 173.4 AF, with its limitation further modified to 1,173.4 AF with File No. 41,216. At the reduced rate of 1,050 gpm the well in the Southeast Quarter of Section 17, under File Nos. 41,216 & 42,827, will take approximately 177 days to divert the full quantity authorized. The referenced files reduced quantity will provide 1.65 AF per acre. It appears the changes comply with K.A.R. 5-5-3, *Consumptive use*.

Review of the project per K.A.R. 5-23-3, *Minimum well spacing requirements: high plains aquifer*, finds the proposed well in the Southwest Quarter of Section 17, to be authorized by File No. 43,662, meets the required spacing of 2,100 feet for the proposed 449 AF. As there are no other wells within a one-half mile radius, indicating spacing per Part(a)(1) will be met.

The WRIS database and the application indicate there are no wells except that authorized by File Nos. 41,216 & 43,662 located within one-half (½) mile of the authorized or proposed additional point of diversion.

Jason Norquest, Assistant Manager, per his letter dated April 21, 2023, and received on January 29, 2024, he indicated the Southwest Kansas Groundwater Management District No. 3 recommended approval. Their review for wells within one mile of the proposed additional well found no critical wells as defined by their guideline. They notified well owners within one mile which included a domestic well. His letter indicated no comments were received.

Mike Meyer, Water Commissioner of the Garden City Field Office was notified of the proposed reduction request and changes. He indicated by E-mail on January 31, 2024, that he has no objection to the approval of the proposed changes in place of use and the proposed change in point of diversion with the required reductions.

A water flowmeter will be required on each well as per K.A.R. 5-5-16(e) and a check valve is required if any chemical or foreign substance is injected through the diversion works. A water level measurement tube will be required by the approval for change in point of diversion. As per K.A.R. 5-5-16(a)(4), a condition will be placed on the approval that should direct impairment result, the additional well will have the priority date of the date the application for change to File No. 43,662 was received in the office of the Chief Engineer, February 1, 2023. The approval will contain the jurisdictional wording as required by K.A.R. 5-5-16(f). The Notice of Completion will have a deadline date of December 31, 2024. There is no well to be plugged due to File No. 42,662 approval being for an additional well.

Based on the above discussion, that there will be no change in the source of supply, the changes to add the additional well appears to be reasonable and will not increase the historical consumptive use, that impairment to existing water rights is unlikely, it is recommended applications for change be approved.



Leslie Ireland  
Environmental Scientist  
Water Appropriation Program

## Ireland, Leslie [KDA]

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**From:** Meyer, Mike [KDA]  
**Sent:** Wednesday, January 31, 2024 3:42 PM  
**To:** Ireland, Leslie [KDA]  
**Subject:** RE: Review & Recommendation for Changes, File Nos. 41216 42827 & 43662

Looks good and I agree. Please proceed with approval documents

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**From:** Ireland, Leslie [KDA] <Leslie.Ireland@ks.gov>  
**Sent:** Wednesday, January 31, 2024 2:03 PM  
**To:** Meyer, Mike [KDA] <Mike.Meyer@ks.gov>  
**Subject:** Review & Recommendation for Changes, File Nos. 41216 42827 & 43662

Mike,

Out the rest of the afternoon & Friday.

Please let me know if you'd recommend.

As always comments and concerns are welcome.

Leslie Ireland  
Environmental Scientist  
Change Application Unit  
Division of Water Resources



THE STATE OF KANSAS



**KANSAS DEPARTMENT OF AGRICULTURE**  
Mike Beam, Secretary of Agriculture

**DIVISION OF WATER RESOURCES**  
Earl D. Lewis Jr., Chief Engineer

**APPROVAL OF APPLICATION  
FOR  
CHANGE IN PLACE OF USE  
AND  
ORDER BETTER DESCRIBING THE AUTHORIZED POINT OF DIVERSION  
PLACE OF USE AND REDUCTION OF THE AUTHORIZED QUANTITY AND RATE  
WATER RIGHT FILE NO. 42,827**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Donald Paul Grewell and his wife Daisy Grewell, as owners, and Donald Paul Grewell, Manager, GPG, LLC, all at 1114 Road A, Hugoton, Kansas 67951-5125, along with Greg P. Grewell and his wife Toni Grewell, 193 Road 12, Hugoton, Kansas 67951-5120, on behalf of Grewell Land LLC, Michael L. and his wife Lana Freeman, and Stephen Max Freeman, on behalf of Freeman Brothers ETAL, 5550 Canada Court, Rockwall, Texas 75032-8411, received in this office on February 1, 2023, for approval of a change in the location of the place of use under the certificate of appropriation issued pursuant to the application for permit to appropriate water for beneficial use, finds that the change is reasonable and will not impair existing rights, that the change relates to the same local source of supply and that the application should be and is hereby approved.

This order effectively reduces the maximum rate of diversion to 1,050 gallons per minute (2.34 c.f.s.) and the authorized quantity of water not to exceed 1,173.4 acre-feet per calendar year and is further limited to a diversion rate and a quantity of water which when combined with the water right set forth in the Certificate of Appropriation issued pursuant to File No. 41,216, will provide a maximum diversion rate not in excess of 1,050 gallons per minute (2.34 c.f.s.) and a total quantity not to exceed 1,173.4 acre-feet of water per calendar year from the point of diversion described herein.

The effective date of the change shall be the date this order is executed by the Chief Engineer, after which the authorized location of the place of use shall be:

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	
8	35S	37W													32.50	32.50	32.50	32.50	130.00
17	35S	37W	13.00	36.00	40.00	36.00	36.00	13.00	36.00	40.00	40.00	36.00	13.00	35.30	36.00	40.00	35.26	13.00	498.56
18	35S	37W	9.00	33.00	40.00	33.00							Lot 3 Lot 4 Lot 5		36.00	40.00	35.67	13.00	354.67

a total of 983.23 acres in Sections 8, 17 and 18, Township 35 South, Range 37 West, Stevens County, Kansas,

located substantially as shown on the map accompanying the application to change the place of use, and the location of the authorized point of diversion shall be better described as:


one (1) well located in the Southwest Quarter of Lot 2 (SW¼ SE¼) of Section 17, more particularly described as being near a point 66 feet North and 2,050 feet West of the Southeast corner of said section, Section 17, Township 35 South, Range 37 West, Stevens County, Kansas.

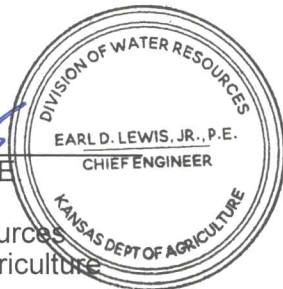
All diversion works into which any type of chemical or other foreign substance will be injected into the water pumped from the diversion works shall be equipped with an in-line, automatic, quick-closing check valve capable of preventing pollution of the source of the water supply. The type of valve installed shall meet specifications adopted by the Chief Engineer and shall be maintained in an operating condition satisfactory to the Chief Engineer.

The water right owner shall properly install an acceptable water meter on each of the diversion works authorized under this water right, prior to the use of water, in strict accordance with the Kansas Administrative Regulations 5-1-4 through 5-1-12 adopted by the Chief Engineer. The water right owner shall notify the Chief Engineer when installation of the water meter has been completed. The water right owner shall maintain the water meter in an operating condition satisfactory to the Chief Engineer, at all times during diversion of water and shall maintain records from which the total quantity of water diverted may be determined. The water right owner shall also report the reading of said water meter and the total quantity of water diverted annually to the Chief Engineer. Such records shall be furnished to the Chief Engineer by March 1 following the end of each calendar year.

In all other respects, the Certificate of Appropriation issued pursuant to Approval of Application, File No. 42,827, for permit to appropriate for beneficial use, is as stated and set forth in the Certificate of Appropriation dated October 29, 2003.

Ordered this 21<sup>st</sup> day of February, 2024, in Manhattan, Riley County, Kansas.

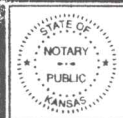
  
Earl D. Lewis Jr., P.E.  
Chief Engineer  
Division of Water Resources  
Kansas Department of Agriculture



State of Kansas        )  
                                  ) SS  
County of Riley        )

The foregoing instrument was acknowledged before me this 21 day of February 2024, by Earl D. Lewis Jr., P.E., Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.

  
Notary Public

  
TONY JAY CONNORS  
My Appointment Expires  
May 18, 2027



1320 Research Park Drive  
Manhattan, KS 66502  
785-564-6700  
www.agriculture.ks.gov



900 SW Jackson, Room 456  
Topeka, KS 66612  
785-296-3556

Mike Beam, Secretary

Laura Kelly, Governor

March 4, 2024

DONALD PAUL GREWELL  
1114 ROAD A  
HUGOTON KS 67951-5125

RE: Water Right  
File Nos. 41,216, 42,827 and 43,662

Dear Mr. Grewell:

Enclosed are the orders executed by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the applications for change under the referenced files.

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in the approvals for change. Please note a water level measurement tube meeting the regulatory specifications is required for the new point of diversion authorized by Water Right, File No. 43,662. A condition of the approvals is that acceptable water flowmeter must be installed on the diversion works authorized. Please return the required form *Notification of the Completion of the Diversion Works and Report of Flowmeter Installation*, as soon as these actions are completed for Water Right, File No. 43,662.

The change approval to Water Right, File No. 43,662, that authorizes an additional point of diversion is subject to the condition that for the sole purpose of administering wells concerning direct impairment, the quantity and rate approved as the additional well shall be considered to have the priority of the date the application was filed (February 1, 2023). In addition, the Chief Engineer specifically retains jurisdiction in this matter with authority to review the approval of the additional well at intervals of no fewer than five years, and no more than ten years to determine if the total annual quantity of water actually being withdrawn by all wells authorized by the approval of application for change is exceeding the total annual quantity of water that could have been physically withdrawn if the additional well had not been approved, and based on the review, the Chief Engineer retains authority to make a reasonable reduction in the authorized quantity of water as may be deemed to be in the public interest.

Please note the authorized point of diversion and place of use have been corrected to accurately show the Official Survey of the State of Kansas, with lot descriptors in Sections 17 and 18.

Since the orders modify the original Certificate of Appropriation for the above referenced water rights, they should be recorded with the Register of Deeds as other instruments affecting real estate.

If you have any questions, please contact us at 785-564-6640, or the Garden City Field Office at 620-276-2901. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

Kristen A. Baum  
New Application and Change Unit Supervisor  
Division of Water Resources

KAB:kak:li  
Enclosures

pc: Garden City Field Office  
Southwest Kansas GMD No. 3  
Greg P. & Toni Grewell, Grewell Land LLC  
Stephen Max Freeman, Freeman Brothers ETAL

## RIGHT TO A HEARING AND TO ADMINISTRATIVE REVIEW

If you are aggrieved by this Order, then 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. Failure to request an evidentiary hearing before the Chief Engineer does not preclude your right to administrative review by the Secretary.

To obtain an evidentiary hearing before the Chief Engineer, a written request for hearing must be filed within 15 days after service of this Order as provided in K.S.A. 77-531 (i.e., within a total of 18 days after this Order was mailed to you), with the Kansas Department of Agriculture, Attn: Legal Section, 1320 Research Park Drive, Manhattan, Kansas 66502, or by FAX (785) 564-6777.

If you do not file a request for an evidentiary hearing before the Chief Engineer, you may petition for administrative review of the Order by the Secretary of Agriculture. A petition for review shall be in writing and state the basis for requesting administrative review. The request for review may be denied if the request fails to clearly establish factual or legal issues for review. See K.S.A. 77-527. The petition must be filed within 30 days after service of this Order as provided in K.S.A. 77-531 (i.e., within a total of 33 days after this Order was mailed to you), and be filed with the Secretary of Agriculture, Attn: Legal Division, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, or by FAX (785) 564-6777.

If neither a request for an evidentiary hearing nor a petition for administrative review is filed as set forth above, then this Order shall be effective and become a final agency action as defined in K.S.A. 77-607(b). Failure to timely request either an evidentiary hearing or administrative review may preclude further judicial review under the Kansas Judicial Review Act.

Any request for hearing or petition for administrative review shall be in writing and shall be submitted to the attention of: Chief Legal Counsel, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, Fax: (785) 564-6777.

## CERTIFICATE OF SERVICE

On this 4 day of March, 2024, I hereby certify that the attached Approval of Applications for Change under Water Right, File Nos. 41,216, 42,827 and 43,662, dated February 21, 2024, were mailed postage prepaid, first class, US mail to the following:

DONALD PAUL GREWELL  
1114 ROAD A  
HUGOTON KS 67951-5125

With a True and Correct Copies to:

GREWELL LAND LLC  
GREG P AND TONI GREWELL  
193 ROAD 12  
HUGOTON KS 67951-5120

FREEMAN BROTHERS ETAL  
STEPHEN MAX FREEMAN  
5550 CANADA CT  
ROCKWALL TX 75032-8411

With Photocopies to:

KDA-DWR Garden City Field Office  
Southwest Kansas GMD No. 3

  
Staff