

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

Document Signature _____

1. File Number: 26814-D2	2. Status Change Date: 9/19/2016	3. Change Num: C2	4. Field Office: 04	5. GMD: 01		
6. Status: <input type="checkbox"/> Approved <input type="checkbox"/> Denied by DWR/GMD <input checked="" type="checkbox"/> Dismiss by Request/Failure to Return FAILURE TO RETURN				7. Filing Date of Change: 04-DEC-2015		
8a. Applicant(s) New to system <input type="checkbox"/> HARLEY D & MARGARET R SCHMIDT 2055 GOOSEBERRY RD SHARON SPRINGS KS 67758		Person ID 41681 Add Seq# 1			8c. Landowner(s) New to system <input type="checkbox"/> 	Person ID _____ Add Seq# _____
8b. Landowner(s) New to system <input type="checkbox"/> HARLEY D & MARGARET R SCHMIDT 2055 GOOSEBERRY RD SHARON SPRINGS KS 67758		Person ID 41681 Add Seq# 1			8d. WUC New to system <input type="checkbox"/> NO CHANGE HARLEY D & MARGARET R SCHMIDT 2055 GOOSEBERRY RD SHARON SPRINGS KS 67758	Person ID 41681 Add Seq# 1
9. Documents and Enclosure(s): <input type="checkbox"/> DWR Meter(s) Date to Comply: _____ <input type="checkbox"/> N & P Date to Comply: _____ <input type="checkbox"/> Anti-Reverse Meter <input type="checkbox"/> Meter Seal <input type="checkbox"/> Check Valve <input type="checkbox"/> N & P Form <input type="checkbox"/> Water Tube <input type="checkbox"/> Driller Copy <input type="checkbox"/> H & E Letter <input type="checkbox"/> Conservation Plan Date Required: _____ Date Approved: _____ Date to Comply: _____						
10. Use Made of Water From: _____ To: _____						
Date Prepared: 9/08/16 By: RAK Date Entered: 9/19/2016 By: UM Nothing on Reverse						



1320 Research Park Drive
Manhattan, Kansas 66502
(785) 564-6700

900 SW Jackson, Room 456
Topeka, Kansas 66612
(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

September 20, 2016

FILE COPY

HARLEY D & MARGARET R SCHMIDT
2055 GOOSEBERRY RD
SHARON SPRINGS KS 67758

RE: Water Right, File No. 26,814-D2

Dear Mr. and Mrs. Schmidt:

Enclosed is the Findings and Order by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, which dismisses the Application for Approval to Change the Point of Diversion under Water Right, File No. 26,814-D2, received on December 4, 2015. This dismissal is a result of the failure of the proposed change to meet the requirements of K.A.R. 5-21-3(a) and K.A.R. 5-21-3(d).

Please be reminded that reports of water usage must be submitted to this office annually. Records indicating the amount of water used should be furnished to the Chief Engineer by March 1 following the end of the previous calendar year so that the continued use of water becomes a matter of record in this office.

If you have any questions, please contact this office. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

Brent A. Turney, P.G.
Change Application Unit Supervisor
Water Appropriation Program

Enclosures

pc: Garden City Field Office
Groundwater Management District No. 1

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: September 8, 2016

FROM: Richelle A. Krueger

RE: Water Right
File No. 26,814-D2


An application to change the point of diversion was received in the office of the Chief Engineer on December 4, 2015 under the above referenced water right, authorized groundwater for irrigation use in the Smoky Hill River Basin in Wallace County. The referenced file number has no overlap in the point of diversion but the place of use overlaps Water Right, File Nos. 1,148; 4,624; 10,420; 10,479; 10,632; 14,177; 20,272; 23,936; 25,254, 26,814-D1; 27,807; 30,703; 31,824; 34,003; 36,140 and Term Permit, File No. 20127040 MF. The water right owner proposed to move the authorized diversion rate and quantity a distance of approximately 5,992 feet to an existing well now authorized by Water Right, File No. 26,814-D1.

The applicant requested a waiver of K.A.R. 5-21-3(a) since the proposed existing well does not meet the 2,640 feet minimum well spacing requirements to an irrigation well not under common ownership authorized by Water Right, File No. 29,665 or to three (3) other irrigation wells under common ownership. The applicant also requested a waiver of K.A.R. 5-21-3(d) which requires that well relocations be no more than 1,320 feet from the originally authorized point of diversion.

That in a letter dated March 9, 2016, the Board of Directors of Western Kansas Groundwater Management District No. 1 recommended that the requested waivers be denied. In a letter dated March 21, 2016, the water right owners were advised that it would be recommended to the Chief Engineer that the Application to Change the Authorized Point of Diversion, Water Right, File No. 26,814-D2 be denied and dismissed for failure to comply with K.A.R. 5-21-3(a) and K.A.R. 5-21-3(d).

That further action on the application was delayed until April 5, 2016, to allow the water right owners an opportunity to consult with the District concerning their recommendation or to submit additional information to be considered by the Chief Engineer.

Since no additional information was received by that date, the application should be dismissed for failure to meet the requirements of K.A.R. 5-21-3(a) and K.A.R. 5-21-3(d).


Richelle A. Krueger
Environmental Scientist



KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

**FINDINGS AND ORDER
IN THE MATTER OF THE DISMISSAL
OF AN APPLICATION FOR APPROVAL
TO CHANGE THE
AUTHORIZED POINT OF DIVERSION UNDER
WATER RIGHT, FILE NO. 26,814-D2**

FILE COPY

After due consideration, the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture (hereinafter referred to as the "Chief Engineer"), makes the following findings and order:

FINDINGS

1. That on February 22, 1991, the Chief Engineer, in accordance with K.S.A. 82a-714, issued a certificate of appropriation pursuant to Appropriation of Water Right, File No. 26,814, for permit to appropriate water for irrigation use.
2. That on February 25, 1991, the Chief Engineer approved an application to change the place of use for File No. 26,814.
3. That on March 31, 2008, the Chief Engineer approved an application to change the place of use.
4. That on January 25, 2010, the Chief Engineer divided Water Right, File No. 26,814 into Water Right, File Nos. 26,814-D1 and 26,814-D2.
5. That on December 4, 2015, an Application to Change the Authorized Point of Diversion was received in the office of the Chief Engineer for Water Right, File No. 26,814-D2. That the water right owners requested a waiver of K.A.R. 5-21-3(a), which requires a minimum of 2,640 feet spacing to other non-domestic wells in the Ogallala aquifer; and K.A.R. 5-21-3(d), which requires that well relocations be no more than 1,320 feet from the originally authorized point of diversion.
6. That in a letter dated March 9, 2016, the Board of Directors of Western Kansas Groundwater Management District No. 1 recommended that the requested waivers be denied.
7. That in a letter dated March 21, 2016, the water right owners were advised that it would be recommended to the Chief Engineer that the Application to Change the Authorized Point of Diversion, Water Right, File No. 26,814-D2 be denied and dismissed for failure to comply with K.A.R. 5-21-3(a) and K.A.R. 5-21-3(d).
8. That further action on the application was delayed until April 5, 2016, to allow the water right owners an opportunity to consult with the District concerning their recommendation or to submit additional information to be considered by the Chief Engineer.
9. Since no additional information was received by that date, the application should be dismissed for failure to meet the requirements of K.A.R. 5-21-3(a) and K.A.R. 5-21-3(d).

APR 15 2016
DIVISION OF WATER RESOURCES
KANSAS DEPARTMENT OF AGRICULTURE

ORDER

NOW, THEREFORE, It is the decision and order of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, that effective the date of this order, the Application for Approval to Change the Point of Diversion, received on December 4, 2015, under Water Right, File No. 26,814-D2, shall be dismissed.

In all other respects, the Certificate of Appropriation for Beneficial Use of Water, issued pursuant to File No. 26,814-D2, dated February 22, 1991, remains as authorized and amended by the Orders of the Chief Engineer dated February 25, 1991, March 31, 2008 and January 25, 2010.

This Order shall become a final agency action, as defined by K.S.A. 77-607(b), without further notice to the parties, if a request for hearing or a petition for administrative review is not filed as set forth below.

Request for Hearing. According to K.A.R. 5-14-3(c), any party who desires a hearing must submit a request within 15 days after the date shown on the Certificate of Service attached to this Order. Filing a request for a hearing will give you the opportunity to submit additional facts for consideration, contest any findings made by the Chief Engineer or present any other information you believe should be considered in this matter. A timely-filed request for hearing will stay the deadline for requesting administrative review of this Order pending the outcome of the hearing.

Petition for Review. Any person aggrieved by this Summary Order may petition for administrative review, pursuant to K.S.A. 82a-708b(a) and K.S.A. 82a-1901(a). The petition must be filed within 30 days after the date shown on the Certificate of Service attached to this Order and must set forth the basis for the review, unless stayed by the timely filing of a request for hearing.

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.

Ordered this 19th day of September, 2016, Topeka,
Shawnee County, Kansas.

Lane P. Letourneau

Lane P. Letourneau, P.G.
Program Manager
Water Appropriation Program
Division of Water Resources
Kansas Department of Agriculture

State of Kansas)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this 19th day of September, 2016, by Lane P. Letourneau, P.G. Program Manager, Water Appropriation Program, Division of Water Resources, Kansas Department of Agriculture.

Danielle Wilson
Notary Public



CERTIFICATE OF SERVICE

On this 20th day of September, I hereby certify that the attached Findings and Order, File No. 26,814-D2, dated September 19, 2016 was mailed postage prepaid, first class, US mail to the following:

HARLEY D & MARGARET R SCHMIDT
2055 GOOSEBERRY RD
SHARON SPRINGS KS 67758

With photocopies to:

Garden City Field Office
Groundwater Management District No. 1


Staff

Submit To: CHIEF ENGINEER
Division of Water Resources
Kansas Department of Agriculture
109 SW 9th Street, 2nd Floor
Topeka, KS 66612-1283
www.ksda.gov/dwr

**APPLICATION FOR APPROVAL TO
CHANGE THE PLACE OF USE, THE
POINT OF DIVERSION OR THE USE
MADE OF THE WATER UNDER AN
EXISTING WATER RIGHT**



State of Kansas

Filing Fee Must Accompany the Application
(Please refer to Fee Schedule on signature page of application form.)

Paragraph Nos. 1, 2, 3, 4 & 8 must be completed. Complete all other applicable portions. A topographic map or detailed plat showing the authorized and proposed points(s) of diversion and /or place of use must accompany this application.

1. Application is hereby made for approval of the Chief Engineer to change the

- Place of Use
(Check one or more) Point of Diversion
 Use Made of Water

**WATER RESOURCES
RECEIVED**

DEC 04 2015

**1:26
KS DEPT OF AGRICULTURE**

File No. 26814 D2

2. Name of applicant: HARLEY D & MARGARET R SCHMIDT

Address: 2055 GOOSEBERRY RD

City, State and Zip: SHARON SPRINGS KS 67758

Phone Number: (785)852-4660 E-mail address: _____

What is your relationship to the water right; owner tenant agent other? If other, please explain. _____

Name of water use correspondent: HARLEY D & MARGARET R SCHMIDT

Address: 2055 GOOSEBERRY RD

City, State and Zip: SHARON SPRINGS KS 67758

Phone Number: () _____ E-mail address: _____

3. The change(s) proposed herein are desired for the following reasons (please be specific): _____

to relocate well to the same pd as that authorized by 26814 D1.

The change(s) (will be) completed by upon approval _____
(Date)

For Office Use Only:							
F.O. <u>4</u>	<u>GMD</u>	<u>1</u>	Meets K.A.R. 5-5-1 (YES / NO)	Use <u>IRR</u>	Source <u>G</u>	County <u>WA</u>	By <u>KAB</u> Date <u>12/7/15</u>
Code <u>CGT</u>	Fee \$ <u>200</u>	TR # <u>6018150</u>	Receipt Date <u>11/30/15</u>	Check # <u>4523</u>			

RECEIVED

SCANNED

NOV 30 2015

Assisted by: MAM

12/9/2015 CCM

4. The presently authorized place of use is:

Owner of Land — NAME: HARLEY D & MARGARET R SCHMIDT

ADDRESS: 2055 GOOSEBERRY RD SHARON SPRINGS KS 67758

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				
30	14	39w										7	28				20	20	75			
31	14	39w	40	40	38	40										40	40	40	40	318		
25	14	40w			3	17						9	6	35	40	40	13	40	21	40	37	301

List any other water rights that cover this place of use. 1148, 4624, 10420, 10479, 10632, 14177, 20272, 23936, 25254, 27807...

Owner of Land — NAME: HARLEY D & MARGARET R SCHMIDT

ADDRESS: _____

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					
36	14	40w	40	40	40	40	29	40	40	40	40	40	40	40	40	40	40	40	40	40	40	629	
7	15	39w					2.3	41.53	41.49	40	40	41.48	41.39	40									288.19
18	15	39w					40	41.3	32.36	40	40	32.24	32.18	31.9									289.98

List any other water rights that cover this place of use. 1148, 4624, 10420, 10479, 10632, 14177, 20272, 23936, 25254, 27807...

(If there are more than two landowners, attach additional sheets as necessary.)

5. It is proposed that the place of use be changed to:

Owner of Land — NAME: no change to acres

ADDRESS: _____

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					

List any other water rights that cover this place of use. _____

Owner of Land — NAME: _____

ADDRESS: _____

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					

List any other water rights that cover this place of use. _____

WATER RESOURCES RECEIVED

RECEIVED

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

NOV 30 2015

SCANNED

KS DEPT OF AGRICULTURE

6. The presently authorized point(s) of diversion is one well
(Provide description and number of points)
7. The proposed point(s) of diversion is one well
(Provide description and number of points)

List all presently authorized point(s) of diversion:

8. **Presently authorized point of diversion:**
One in the _____ Quarter of the _____ ce _____ Quarter of the _____ ne _____ Quarter
of Section 25, Township 14 South, Range 40 W,
in Wallace County, Kansas, 3775 feet North 100 feet West of Southeast corner of section.
Authorized Rate 715 Authorized Quantity 150
(DWR use only: Computer ID No. 1 GPS _____ feet North _____ feet West)
 This point will not be changed This point will be changed as follows:
Proposed point of diversion: (Complete only if change is requested)
One in the _____ nw _____ Quarter of the _____ sw _____ Quarter of the _____ sw _____ Quarter
of Section 25, Township 14 South, Range 40 W,
in Wallace County, Kansas, 678 feet North 5230 feet West of Southeast corner of section.
Proposed Rate 715 Proposed Quantity 150
This point is: Additional Well Geo Center List other water rights that will use this point 26814 D1

9. **Presently authorized point of diversion:**
One in the _____ Quarter of the _____ Quarter of the _____ Quarter
of Section _____, Township _____ South, Range _____,
in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section.
Authorized Rate _____ Authorized Quantity _____
(DWR use only: Computer ID No. _____ GPS _____ feet North _____ feet West)
 This point will not be changed This point will be changed as follows:
Proposed point of diversion: (Complete only if change is requested)
One in the _____ Quarter of the _____ Quarter of the _____ Quarter
of Section _____, Township _____ South, Range _____ (E/W),
in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section.
Proposed Rate _____ Proposed Quantity _____
This point is: Additional Well Geo Center List other water rights that will use this point _____

10. **Presently authorized point of diversion:**
One in the _____ Quarter of the _____ Quarter of the _____ Quarter
of Section _____, Township _____ South, Range _____ (E/W),
in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section.
Authorized Rate _____ Authorized Quantity _____
(DWR use only: Computer ID No. _____ GPS _____ feet North _____ feet West)
 This point will not be changed This point will be changed as follows:
Proposed point of diversion: (Complete only if change is requested)
One in the _____ Quarter of the _____ Quarter of the _____ Quarter
of Section _____, Township _____ South, Range _____ (E/W),
in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section.
Proposed Rate _____ Proposed Quantity _____
This point is: Additional Well Geo Center List other water rights that will use this point _____

11. Describe the current condition of and future plans for any point(s) of diversion which will no longer be used. _____
will cap the original hole.

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

12. The presently authorized use of water is for irrigation purposes.
It is proposed that the use be changed to irrigation purposes.

13. If changing the place of use and/or use made of water, describe how the consumptive use will not be increased.
no increase in currently authorized quantity is proposed

(Please show any calculations here.)

14. It is requested that the maximum annual quantity of water be reduced to na (acre-feet or million gallons).

15. It is requested that the maximum rate of diversion of water be reduced to na gallons per minute (____ c.f.s.).

16. The application must include either a topographic map or detailed plat. A U.S. Geological Survey Topographic Map, scale 1:24,000, is available through the Kansas Geological Survey, 1930 Constant Avenue, University of Kansas, Lawrence, Kansas 66047-3726 (www.usgs.gov). The map should show the location of the presently authorized point(s) of diversion. Distances North and West of the Southeast corner of the section must be shown. The presently authorized place of use should also be shown. Identify the center of the section, the section lines and the section corners and show the appropriate section, township, and range numbers on the map. In addition the following information must also be shown on the map.

- a. If a change in the location of the point(s) of diversion is proposed, show:
 - 1) The location of the proposed point(s) of diversion. Distances North and West of the Southeast corner of the section must be shown. Please be certain that the information shown on the map agrees with the information shown in Paragraph Nos. 9, 10 and 11 of the application.
 - 2) If the source of supply is groundwater, please show the location of existing water wells of any kind, including domestic wells, within 1/2 mile of the proposed well or wells. Identify each well as to its use and furnish name and mailing address of the property owner or owners. If there are no wells within 1/2 mile, please indicate so on the map.
 - 3) If the source of supply is surface water, the names and mailing addresses of all landowner(s) 1/2 mile downstream and 1/2 mile upstream from your property lines must be shown.
- b. If a change in the place of use is desired, show the proposed place of use by crosshatching on the map. Please be certain that the information shown on the map agrees with the information shown in Paragraph No. 5 of the application.

17. Attach documentation to show the change(s) proposed herein will not impair existing water rights and relates to the same local source of supply as to which the water right relates. This information may include statements, plats, geology reports, well logs, test hole logs, and other information as necessary information to show the above. Additional comments may be made below.

same priority date and originally had the same water right number prior to dividing the water right for enrolment of this well into WRCP.

18. If the proposed change(s) does not meet all applicable rules and regulations of the Kansas Water Appropriation Act, please identify the rules and regulations for which you request a waiver. State the reason why a waiver is needed and why the request should be granted. Attach documentation showing that granting the request will not impair existing water rights and will not prejudicially and unreasonably affect the public interest.

5-21-3a oglala spacing; 5-21-3d 1320 foot move limit.

WATER RESOURCES
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also need to remove WRCP contract

DEC 04 2015

RECEIVED

NOV 30 2015

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

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 _____, Kansas, this 23 day of November, 2015.

[Signature]

(Owner)

[Signature]

(Spouse)

(Please Print)

(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

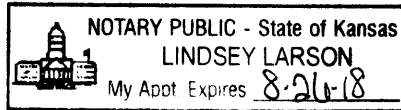
(Owner)

(Spouse)

(Please Print)

(Please Print)

State of Kansas }
County of Wallace } SS



I hereby certify that the foregoing application was signed in my presence and sworn to before me this 23rd day of November, 2015.

[Signature]

Notary Public

My Commission Expires 8-26-18

FEE SCHEDULE

Each application to change the place of use, the point of diversion or the use made of the water under this section shall be accompanied by the application fee set forth in the schedule below:

- (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
- (4) Application to change the use made of the water \$300

Make check payable to **Kansas Department of Agriculture.**

Krueger, Richelle

From: Meyer, Mike
Sent: Tuesday, September 06, 2016 3:05 PM
To: Krueger, Richelle
Subject: RE: 27807 D2

dismiss

From: Krueger, Richelle
Sent: Tuesday, September 6, 2016 2:53 PM
To: Meyer, Mike <Mike.Meyer@ks.gov>
Cc: Turney, Brent <Brent.Turney@ks.gov>
Subject: RE: 27807 D2

Hi Mike,

The change I have is File No. 26,814 D2 , which I think is proposing moving to old location of File No. 27807. I still have the original application. I had sent Mr. Schmidt a letter on March 21, 2016 telling them GMD No. 1 recommended denial and gave them until April 5, 2016. You asked me to hold up dismissing it on April 19th and so I haven't done anything else with it.

Just let me know what you want me to do with it and I will do it.

Thanks,
Richelle

From: Meyer, Mike
Sent: Tuesday, September 06, 2016 2:29 PM
To: Krueger, Richelle
Subject: 27807 D2

Richelle good afternoon

I guess, we need to dismiss this file? Does he still have the app or we? He has tried to call me recently but I could not get ahold of him the last time I tried. He wants to this approved and relying on me to provide justification, but with the GMD recommendation and when he moved the priority (D1) down further south that he wants to combine with now, I don't think we can justify stacking this file and allowing more use to take place. The current well is dry, and would be moving to a deeper formation one mile away and increase current use.

Unless he provides justification or other information himself, I cannot support this move at this time without additional information.

What else do you need to get this file moving again?



1320 Research Park Drive
Manhattan, Kansas 66502
(785) 564-6700

900 SW Jackson, Room 456
Topeka, Kansas 66612
(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

March 21, 2016

HARLEY D & MARGARET R SCHMIDT
2055 GOOSEBERRY RD
SHARON SPRINGS KS 67758

RE: Water Right, File Nos. 26,814 D2

Dear Mr. and Mrs. Schmidt,

Reference is made to the application for approval of the Chief Engineer to change the point of diversion under the referenced file number which was received in the office of the Chief Engineer on December 4, 2015.

We have received a recommendation from Western Kansas Groundwater Management District No. 1 that the referenced change application for File No. 26,814 D2 be denied. This recommendation is based upon the rules and regulations effective within the district and the groundwater management program adopted by the district and approved by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture. The District's review found that the application does not comply with K.A.R. 5-21-3(a) which requires 2,640 feet spacing to other wells. In addition, the District found that the application does not comply with K.A.R. 5-21-3(d) since the proposed change in point of diversion involves a move of over 1,320 feet.

For the reasons given above, it will be recommended to the Chief Engineer that Application, File No. 26,814 D2 be denied and dismissed due to the failure to comply with K.A.R. 5-21-3(a) and K.A.R. 5-21-3(d).

We are advising you of this recommendation in order to allow you an opportunity to consult with the district regarding their recommendation if you have not already done so. If you have already contacted the district regarding their recommendation, then we are allowing you this opportunity to submit to this office any additional information you wish to have considered before the Chief Engineer. **You have a period of 15 days (until April 5, 2016) to either (1) submit additional information to our office or (2) to request additional time beyond the 15 days to submit additional information.** If you wish to request additional time, you must do so in writing, before the 15 day period expires. Such a request should state what steps are being taken to obtain the information and the amount of time you will need to supply the information to our office.

If you do not request more time within the 15 day period, or if your request is not granted, the above-referenced application will be submitted to the Chief Engineer with a recommendation to deny the point of diversion change for File No. 26,814 D2, based on the recommendation stated above. If you do submit additional information within the 15 day period (or any authorized extension), that information will be given due consideration prior to final action on the application.

OVER→

SCANNED

HARLEY D & MARGARET R SCHMIDT

March 21, 2016

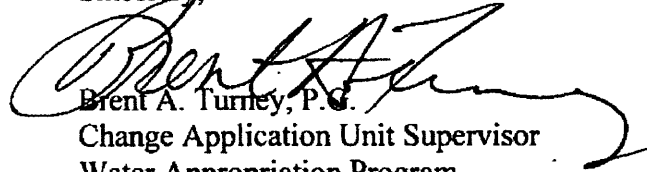
File No. 26,814 D2

Page No. 2

If you plan to go to the Division of Water Resources Field Office in your area for assistance, please take this letter with you.

If you have any questions, please contact me at (785) 564-6645. If you wish to discuss a specific file, please have the file number ready so that I may help you more efficiently.

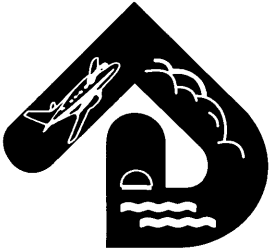
Sincerely,



Brent A. Turney, P.E.
Change Application Unit Supervisor
Water Appropriation Program

BAT:rak
Enclosures

pc: Garden City Field Office
Groundwater Management District No. 1, Attn: Kyle Spencer



WESTERN KANSAS GROUNDWATER MANAGEMENT DISTRICT NO.1

March 9, 2016

Richelle A. Krueger, Environmental Scientist
Water Appropriation Program
1320 Research Park Drive
Manhattan, Kansas 66502

Re: Water Right File No. 26,814 D2

Dear Ms. Krueger:

At the Western Ks Groundwater Management District #1 board meeting on March 8th, the Board reviewed Harley Schmidt's application to change the point of diversion. The Board voted unanimously to deny the request for waivers of K.A.R. 5-21-3, paragraph a, spacing requirement, & paragraph d, moves over 1,320 feet.

If you have any questions or need additional information, please contact me.

Sincerely,

Kyle Spencer
District Manager

ks/vr

WATER RESOURCES
RECEIVED

MAR 14 2016

KS DEPT OF AGRICULTURE

1320 Research Park Drive
Manhattan, Kansas 66502
(785) 564-6700



900 SW Jackson, Room 456
Topeka, Kansas 66612
(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

March 1, 2016

WESTERN KANSAS GROUNDWATER
MANAGEMENT DISTRICT NO 1
ATTN KYLE SPENCER
PO BOX 604
SCOTT CITY KS 67871

Re: Water Right, File No. 26,814 D2

Dear Mr. Spencer:

In accordance with your request received in this office on February 26, 2016, the Chief Engineer has extended until March 18, 2016, the time in which to submit your recommendations concerning the application to change the point of diversion under File No. 26,814 D2.

If you have any questions, please contact me at (785) 564-6635. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

A handwritten signature in cursive script, appearing to read "Richelle A. Krueger".

Richelle A. Krueger
Environmental Scientist
Water Appropriation Program

Enclosures

pc: Garden City Field Office

SCANNED



WESTERN KANSAS GROUNDWATER MANAGEMENT DISTRICT NO.1

February 22, 2016

Richelle A. Krueger
Environmental Scientist
Water Appropriation Program
1320 Research Park Drive
Manhattan, Kansas 66502

Re: Water Right, File No. 26,814 D2

Dear Ms. Krueger:

We have received a copy of the application to change the point of diversion under File No. 26,814 D2. However, since our board will not meet again until March 8th, we are requesting an extension .

If you have any questions, don't hesitate to contact me.

Sincerely,

Kyle Spencer
District Manager

ks/vr

WATER RESOURCES
RECEIVED

FEB 26 2016

KS DEPT OF AGRICULTURE

1320 Research Park Drive
Manhattan, Kansas 66502
(785) 564-6700



900 SW Jackson, Room 456
Topeka, Kansas 66612
(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

February 18, 2016

WESTERN KANSAS GROUNDWATER
MANAGEMENT DISTRICT NO 1
ATTN KYLE SPENCER
PO BOX 604
SCOTT CITY KS 67871

Re: Water Right, File No. 26,814 D2

Dear Mr. Spencer:

We are enclosing a copy of the application to change the point of diversion under File No. 26,814 D2.

We are delaying further action for a period of 15 days from the date of this letter to allow you time to submit your recommendations concerning this application.

Please submit your recommendations within the allowed time, or any authorized extension of time thereof. If you have any questions, please contact me at (785) 564-6635 or Brent Turney, Change Application Unit Supervisor at (785) 564-6645. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

A handwritten signature in cursive script that reads "Richelle A. Krueger".

Richelle A. Krueger
Environmental Scientist
Water Appropriation Program

Enclosures

pc: Garden City Field Office



1320 Research Park Drive
Manhattan, Kansas 66502
(785) 564-6700

900 SW Jackson, Room 456
Topeka, Kansas 66612
(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

WAYNE H WOODMANCY LIVING TRUST
PO BOX 483
SHARON SPRINGS KS 67758

February 18, 2016

RE: Water Right
File No. 26,814 D2

Dear Sir or Madam:

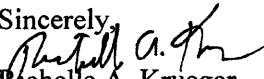
This is to advise you that Harley D. and Margaret R. Schmidt, have filed an application for approval of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, to change the point of diversion under the above referenced file number. The application proposes the following change in the point of diversion.

from: one (1) well located near the center of the East side of the Northeast Quarter (NE $\frac{1}{4}$) of Section 25, more particularly described as being near a point 3,775 feet North and 100 feet West of the Southeast corner of said section, in Township 14 South, Range 40 West, Wallace County, Kansas,

to: one (1) existing well located in the Northwest Quarter of the Southwest Quarter of the Southwest Quarter (NW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 25, more particularly described as being near a point 678 feet North and 5,230 feet West of the Southeast corner of said section, in Township 14 South, Range 40 West, Wallace County, Kansas.

Please find enclosed a map for your reference. You are being notified of this proposed change in the point of diversion so that you may furnish this office such comments or other information you may desire to submit. Such comments or other information must be received in this office within 15 days from the date of this letter.

If you have any questions, please contact me at (785) 564-6635 or Brent Turney, Change Application Unit Supervisor at (785) 564-6645. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

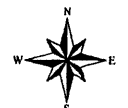
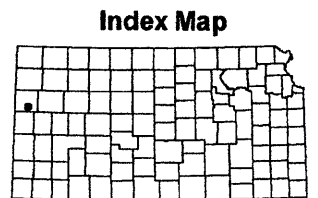
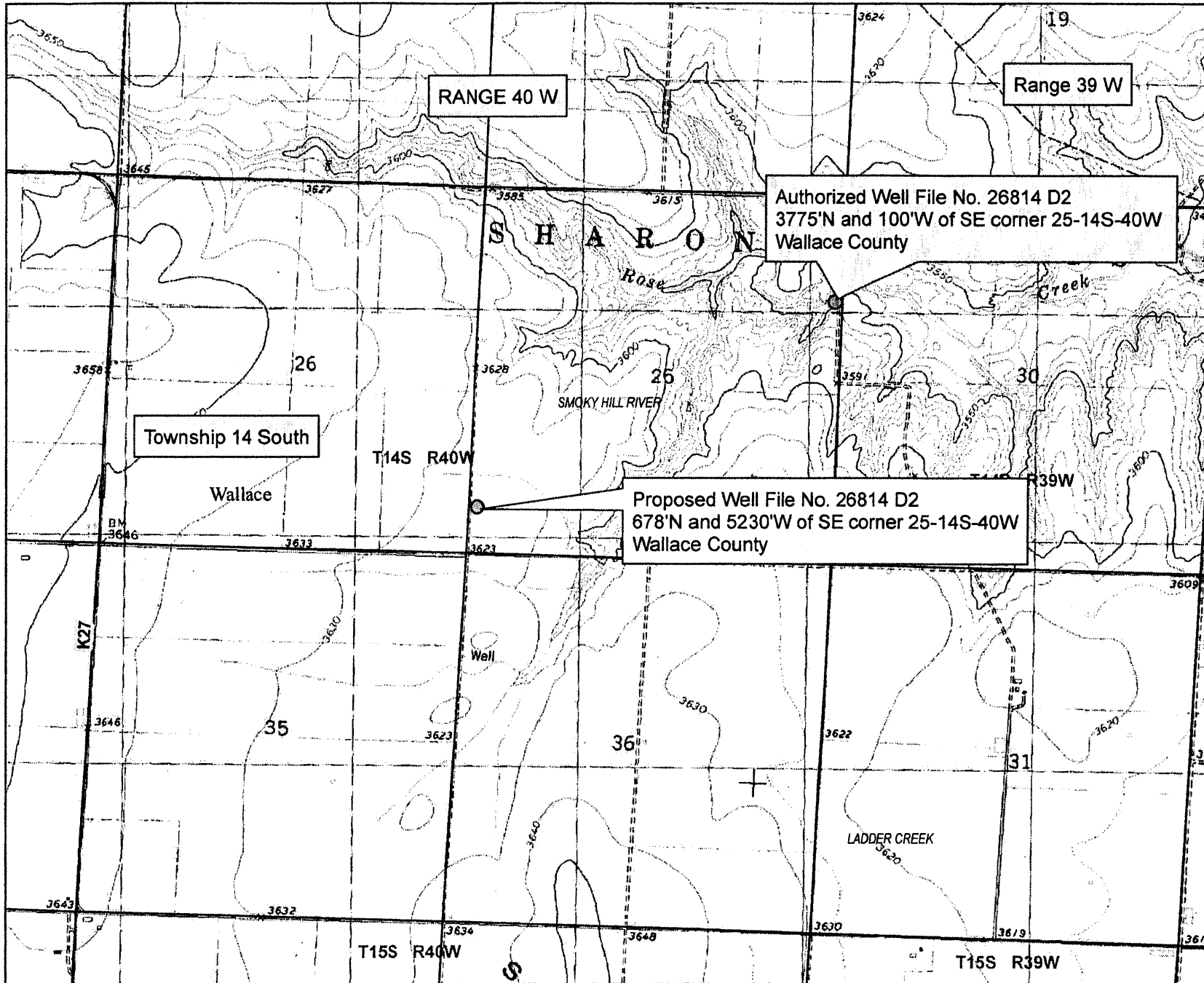
Sincerely,

Richelle A. Krueger
Environmental Scientist
Water Appropriation Program

Enclosure

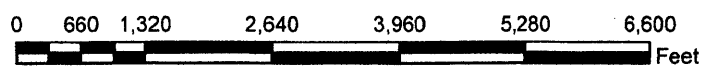
RAK

pc: Garden City Office
Groundwater Management District No. 1
Harley D. and Margaret R. Schmidt

Proposed Change in PD File No. 26814 D2



1:24,000



1320 Research Park Drive
Manhattan, Kansas 66502
(785) 564-6700



900 SW Jackson, Room 456
Topeka, Kansas 66612
(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

CAMRON C FUNK
OAK LAND LLC
512 N CARRIE AVE
SHARON SPRINGS KS 67758-9777

February 18, 2016

RE: Water Right
File No. 26,814 D2

Dear Mr. Funk:


This is to advise you that Harley D. and Margaret R. Schmidt, have filed an application for approval of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, to change the point of diversion under the above referenced file number. The application proposes the following change in the point of diversion.

from: one (1) well located near the center of the East side of the Northeast Quarter (NE $\frac{1}{4}$) of Section 25, more particularly described as being near a point 3,775 feet North and 100 feet West of the Southeast corner of said section, in Township 14 South, Range 40 West, Wallace County, Kansas,

to: one (1) existing well located in the Northwest Quarter of the Southwest Quarter of the Southwest Quarter (NW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 25, more particularly described as being near a point 678 feet North and 5,230 feet West of the Southeast corner of said section, in Township 14 South, Range 40 West, Wallace County, Kansas.

Please find enclosed a map for your reference. You are being notified of this proposed change in the point of diversion so that you may furnish this office such comments or other information you may desire to submit. Such comments or other information must be received in this office within 15 days from the date of this letter.

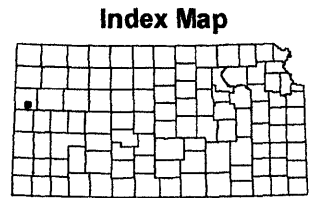
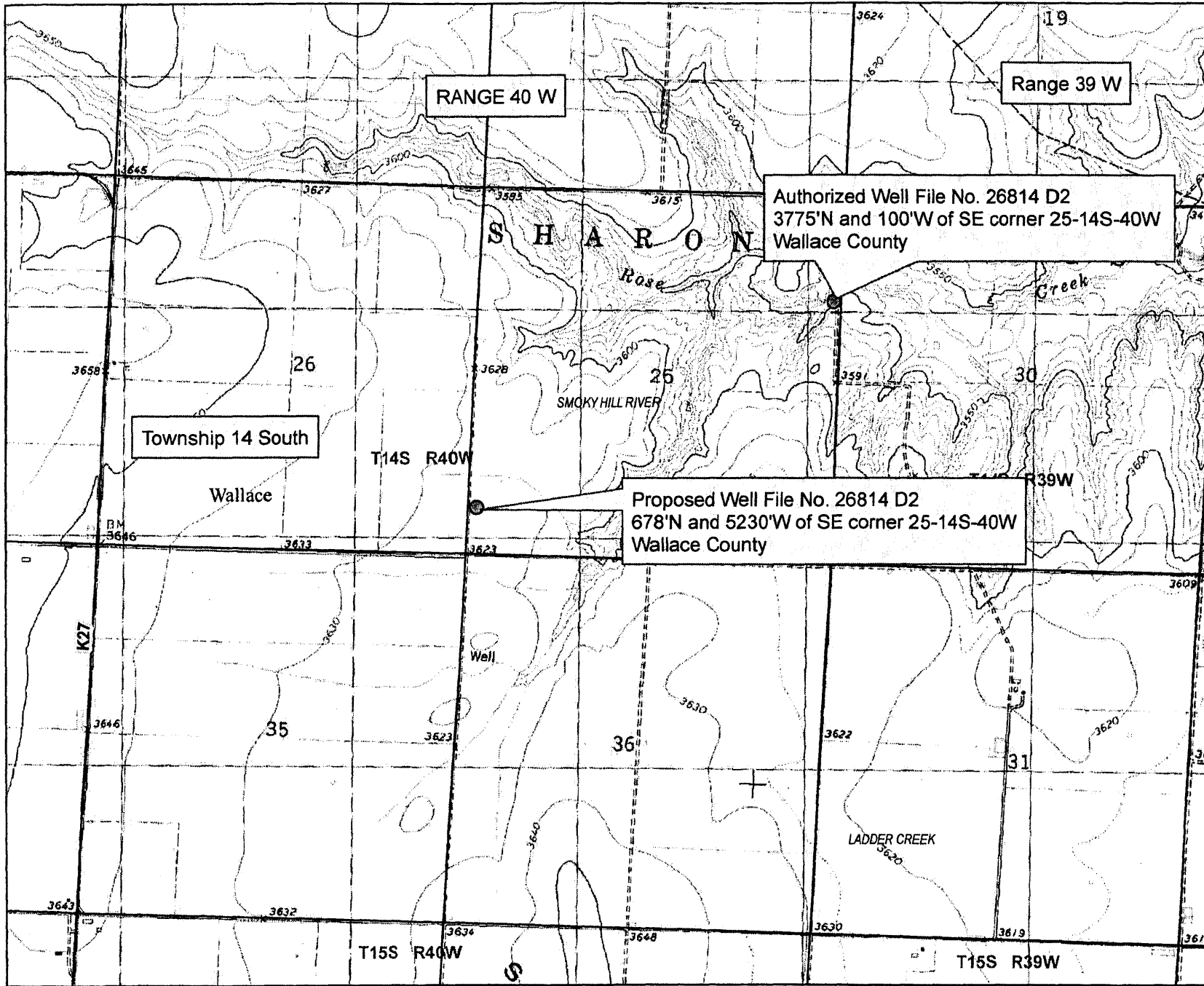
If you have any questions, please contact me at (785) 564-6635 or Brent Turney, Change Application Unit Supervisor at (785) 564-6645. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

Richelle A. Krueger
Environmental Scientist
Water Appropriation Program

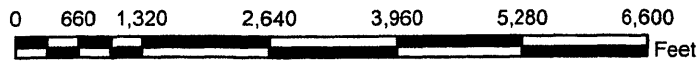
Enclosure
RAK

pc: Garden City Office
Groundwater Management District No. 1
Harley D. and Margaret R. Schmidt

Proposed Change in PD File No. 26814 D2



1:24,000



This map was created by WIMAS on 2/18/2016 8:57:39 AM



1320 Research Park Drive
Manhattan, Kansas 66502

Jackie McClaskey, Secretary

Phone: (785) 564-6700
Fax: (785) 564-6777
Email: ksag@kda.ks.gov
www.agriculture.ks.gov
Sam Brownback, Governor

HARLEY D & MARGARET R SCHMIDT
2055 GOOSEBERRY RD
SHARON SPRINGS KS 67758

December 7, 2015

RE: File No. 26814-D2

Dear Sir or Madam:

An application for approval of the Chief Engineer to change the following condition or conditions of the file number referred to above has been received:

- place of use PD
- point of diversion
- use made of water

As a matter of record, the Division of Water Resources has on hand a large number of applications awaiting processing. Therefore to be fair to all concerned, and so that we can process those applications on hand in the order they were received, we intend to concentrate on the backlog of applications until the issue is resolved. You will be contacted regarding this application as soon as it has been examined.

In accordance with the provisions of the Kansas Water Appropriation Act, a portion of which is included below, the use of water prior to approval of the application is unlawful. You should not proceed and divert water as indicated by your plans in your application for a change for this file until you receive approval for this change from the Chief Engineer. Once approved, compliance with the terms, conditions and limitations of the permit is necessary. Conservation of the water resources of Kansas is required.

Section 82a-728 of the Kansas Water Appropriation Act, provides (a) except for the appropriation of water for the purpose of domestic use, . . . it shall be unlawful for any person to appropriate or threaten to appropriate water from any source without first applying for and obtaining a permit to appropriate water in accordance with the provisions of the Water Appropriation Act or for any person to violate any condition of a vested right, appropriation right or an approved application for a permit to appropriate water for beneficial use.

(b) (1) The violation of any provision of this section by any person is a class C misdemeanor...

A class C misdemeanor is punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. Each day that the violation occurs constitutes a separate offense.

If you have any questions, please contact me at (785) 564-6645. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

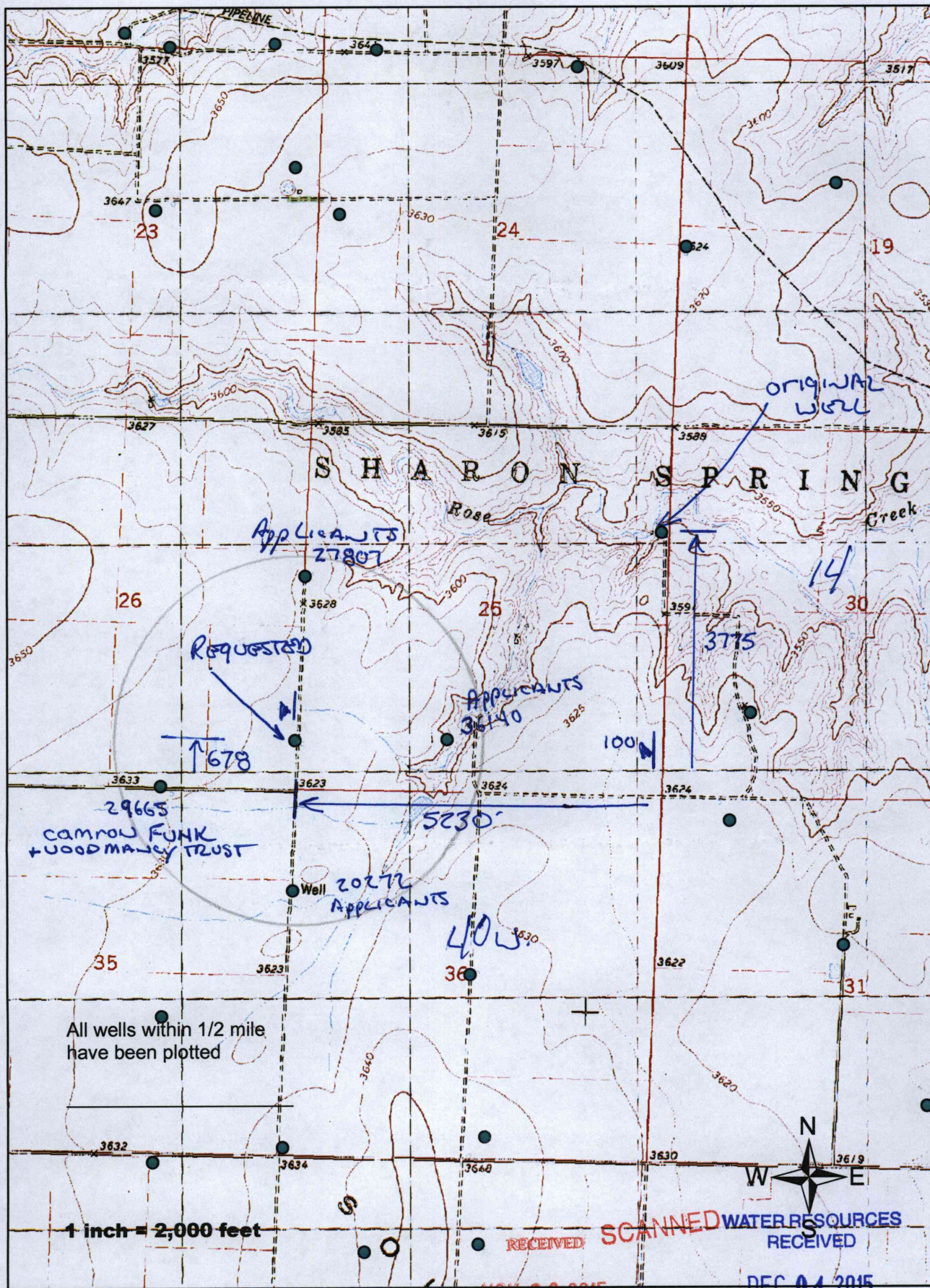
Sincerely,

Brent A Turney, L.G.
Change Applications Unit Supervisor
Water Appropriation Program

BAT: DLW
pc: GARDEN CITY Field Office
GMD 1

SCANNED

26814 D2



All wells within 1/2 mile
have been plotted

1 inch = 2,000 feet

NOV 30 2015

DEC 04 2015