

Kansas Department of Agriculture
Division of Water Resources
CLOSURE OF NEW APPLICATION WORKSHEET

| | | | |
|---|--|--|---|
| 1. File Number: <p style="text-align: center; font-size: 1.2em;">49,254</p> | 2. Status Change Date: <p style="text-align: center; font-size: 1.2em; color: blue;">7/19/2016</p> | 3. Field Office: <p style="text-align: center; font-size: 1.2em;">04</p> | 4. GMD: <p style="text-align: center; font-size: 1.2em;">03</p> |
| 5. Status: <input type="checkbox"/> Approved <input checked="" type="checkbox"/> Denied by DWR /GMD <input type="checkbox"/> Dismiss by Request/Failure to Return | | | |
| 6. Enclosures: <input type="checkbox"/> Check Valve <input type="checkbox"/> N of C Form <input type="checkbox"/> Water Tube <input type="checkbox"/> Driller Copy <input type="checkbox"/> Meter | | | |
| <p>7a. Applicant(s) New to system <input type="checkbox"/></p> <p style="text-align: right;">Person ID 64325 Add Seq# _____</p> <p>MICHAEL WILLIS 1706 RD 14 HUGOTON KS 67951</p> | <p>7c. Landowner(s) New to system <input type="checkbox"/></p> <p style="text-align: right;">Person ID _____ Add Seq# _____</p> | | |
| <p>7b. Landowner(s) New to system <input type="checkbox"/></p> <p style="text-align: right;">Person ID _____ Add Seq# _____</p> <p>7a</p> | <p>7d. Misc. New to system <input type="checkbox"/></p> <p style="text-align: right;">Person ID _____ Add Seq# _____</p> | | |
| <p>8. WUR Correspondent New to system <input type="checkbox"/> Overlap File (s) WUC Agree <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p style="text-align: right;">Person ID _____ Add Seq# _____ Notarized WUC Form <input type="checkbox"/></p> | <p>9. Use of Water: Changing? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p style="text-align: center;"><input checked="" type="checkbox"/> Groundwater <input type="checkbox"/> Surface Water</p> <p><input checked="" type="checkbox"/> IRR <input type="checkbox"/> REC <input type="checkbox"/> DEW <input type="checkbox"/> MUN</p> <p><input type="checkbox"/> STK <input type="checkbox"/> SED <input type="checkbox"/> DOM <input type="checkbox"/> CON</p> <p><input type="checkbox"/> HYD DRG <input type="checkbox"/> WTR PWR <input type="checkbox"/> ART RECHRG</p> <p><input type="checkbox"/> IND SIC: _____ <input type="checkbox"/> OTHER: _____</p> | | |
| 10. Completion Date: _____ 11. Perfection Date: _____ 12. Exp Date: _____ | | | |
| 13. Conservation Plan Required? <input type="checkbox"/> Yes <input type="checkbox"/> No Date Required: _____ Date Approved: _____ Date to Comply: _____ | | | |
| 14. Water Level Measuring Device? <input type="checkbox"/> Yes <input type="checkbox"/> No Date to Comply: _____ Date WLMD Installed: _____ | | | |
| <p>Date Prepared: 7/12/2016 By: AM</p> <p>Date Entered: 7/19/2016 By: LCM</p> | | | |

File No. **49,254** 15. Formation Code: Drainage Basin: County: Special Use: Stream:

16. Points of Diversion
 T
 MOD
 DEL PDIV
 ENT Qualifier S T R ID 'N 'W

17. Rate and Quantity
 Authorized Additional
 Rate Quantity Rate Quantity
 gpm af gpm af Overlap PD Files

DEL 83924

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

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

20. Meter Required? Yes No To be installed by _____ Date Acceptable Meter Installed _____

| 21. Place of Use T MOD DEL ENT PUSE S T R ID | NE¼ | | | | NW¼ | | | | SW¼ | | | | SE¼ | | | | Total | Owner | Chg? NO | Overlap Files |
|---|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|-------|-------|---------|---------------|
| | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | | | | |
| DEL 66617 | | | | | | | | | | | | | | | | | | | | |
| DEL 66618 | | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | | |
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Comments:

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: July 15, 2016

FROM: Austin McColloch

RE: Application, File No. 49,254

Michael W. Willis filed a new application for appropriation of water for beneficial use, File No. 49,254, which was received on January 5, 2015. The application is proposing the appropriation of 496 acre-feet of groundwater for irrigation use at a diversion rate of 1,000 gpm. The proposed well was to be located in the Northwest Quarter of the Southwest Quarter of the Northwest quarter of the Southeast Quarter (NW¼SW¼NW¼) of Section 34, more particularly described as being near a pint 3,338 feet North and 4,844 feet West of the Southeast corner of said section, in Township 32 South, Range 37 West, Stevens County, Kansas within the Cimarron River Drainage Basin. There are no overlapping files for the proposed point of diversion or place of use.

The safe yield determination was based on Area of Consideration x potential annual recharge x percent of recharge available, as follows: 8,042 acres x 1 inch x 75% = 6,031.5 acre-inches / 12 = 502.62 acre-feet. Prior appropriations within the same area of consideration total 579.41 acre-feet, which exceeds this calculated safe yield quantity. Therefore, safe yield determination resulted in no water available for appropriation within this area of consideration.

Furthermore, Groundwater Management District No. 3 enacted a district wide moratorium on all incoming new applications effective January 1, 2015. As the application was filed on January 5, 2015 it was suspended pending further action. On April 28, 2016 a revision of K.A.R. 5-23-4(a) closed the district to new appropriations of water in the high plains aquifer. Thus, the application does not meet regulations pertaining to the area of use and should be dismissed.

The applicant was sent a letter on June 27, 2016 explaining the failure to meet regulation stating that it would be recommended to the Chief Engineer that pending application, File No. 49,254 be denied and dismissed, as required by K.A.R. 5-23-4(a). The applicant was provided 15 days (until July 12, 2016) to either (1) submit additional information to our office or (2) request additional time beyond the 15 days to submit additional information.

No contact of any kind was received from the applicant. Therefore, based on the existing information, it is recommended that application File No. 49,254 be denied and dismissed.

A Findings and Order has been prepared to dismiss the application under the referenced file.



Austin McColloch
Environmental Scientist

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

MICHAEL WILLIS
1706 RD 14
HUGOTON KS 67951

July 20, 2016

FILE COPY

RE: Application, File No. 49,254

Dear Mr. Willis:

Enclosed is the Findings and Order by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, dismissing Application, File No. 49,254 as it proposes to appropriate water from the high plains aquifer and is closed by K.A.R. 5-23-4(a).

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. The applicant, if aggrieved by this Order, may petition for administrative review, pursuant to K.S.A. 82a-71 1(c) and K.S.A. 82a-1 90 1(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

If you have any questions, please contact our 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.
Water Appropriation Program
Division of Water Resources
Kansas Department of Agriculture

BAT:am
Enclosures

pc: Garden City Field Office
Groundwater Management District No. 3



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 APPLICATION
FILE NO. 49,254**

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 December 30, 2014, in a Findings and Order from the Chief Engineer, all new applications for permit to appropriate water for beneficial use, Subject to K.A.R. 5-23-4, within the boundaries of GMD. No. 3, in areas not formally closed to new appropriations, proposing the high plains aquifer as the source of supply, and received on and after January 1, 2015, shall be accepted for filing and given a priority and a file number if otherwise acceptable for filing, but shall not be further processed pending evaluation and possible revision of K.A.R. 5-23-4 or adoption of other management alternatives.
2. That on January 5, 2015, the Chief Engineer received an application from Michael W. Willis for a permit to appropriate water for beneficial use, assigned File No. 49,254, proposing the appropriation of 496 acre-feet (161.622 million gallons) of groundwater for irrigation use. The application proposed one well located in the Southwest Quarter (SW $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$) of the Northwest Quarter (NW $\frac{1}{4}$) of Section 34, more particularly described as being near a point located 3,334 feet North and 4,844 feet West of the Southeast corner of said section, in Township 32 South, Range 37 West, Stevens County, Kansas.
3. That the source of water for the pending application is the High Plains aquifer system. A safe yield value determined per K.A.R. 5-23-4 would provide a maximum allowable quantity for the area of consideration.
4. That based on the area of consideration (extent of the aquifer), the calculated recharge, and the percent of the calculated recharge that can be considered to be available for appropriation, safe yield was determined to be 502.65 acre-feet. Prior water rights within this same area of consideration have appropriated 579.41 acre-feet, leaving no additional water available for appropriation.
5. That on April 28, 2016, in Vol. 35, No. 17, Article 23 of Kansas Register, 5-23-4 High Plains aquifer (a) states the district shall be closed to new appropriations of water in the high plains aquifer.
6. That on June 27, 2016, a letter was mailed to the applicant stating that the application did not comply with the safe yield requirements of K.A.R. 5-23-4, and that the application would be submitted to the Chief Engineer with a recommendation that the pending application be denied and dismissed, for failure to meet safe yield criteria and regulations. The applicant was provided 15 days, until July 12, 2016 to either submit additional information to our office or request additional time, prior to final action on the application.

- 7. That the applicant has not provided any additional information, and did not request additional time to respond.
- 8. That the application should be denied and dismissed and its priority forfeited for failure to comply with K.A.R. 5-23-4.

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, in accordance with the law, Application, File No. 49,254, is herewith dismissed and the priority assigned to it is considered to be forfeited.

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. The applicant, if aggrieved by this Order, may petition for administrative review, pursuant to K.S.A. 82a-711(c) 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.

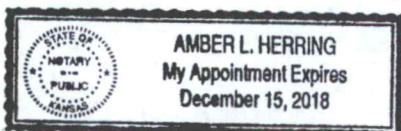
Ordered this 19th day of July, 2016, in Topeka, Shawnee County, Kansas.

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 July, 2016, by Lane P. Letourneau, P.G., Program Manager, Division of Water Resources, Kansas Department of Agriculture.



Amber L. Herring
Notary Public

CERTIFICATE OF SERVICE

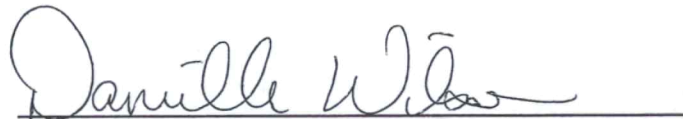
On this ²⁰ day of *July*, 2016, I hereby certify that the foregoing Dismissal of Application, File No. 49,254, dated *July 19, 2016* was mailed postage prepaid, first class, US mail to the following:

MICHAEL WILLIS
1706 RD 14
HUGOTON KS 67951

With photocopies to:

Garden City Field Office

Groundwater Management District No. 3



Division of Water Resources

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

File Number 49254
This item to be completed by the Division of Water Resources.

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MAR 16 2015

Garden City Field Office
Division of Water Resources

APPLICATION FOR PERMIT TO
APPROPRIATE WATER FOR BENEFICIAL USE

Filing Fee Must Accompany the Application
(Please refer to Fee Schedule attached to this application form.)

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JAN 05 2015

1:20
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To the Chief Engineer of the Division of Water Resources, Kansas Department of Agriculture,
1320 Research Park Drive, Manhattan, Kansas 66502:

1. Name of Applicant (Please Print): Michael W. Willis
Address: 1706 Rd 14
City: Hugoton State KS Zip Code 67951
Telephone Number: (620) 544-9027

2. The source of water is: surface water in _____ (stream)
OR groundwater in Pimmaron basin (drainage basin)

Certain streams in Kansas have minimum target flows established by law or may be subject to administration when water is released from storage for use by water assurance district members. If your application is subject to these regulations on the date we receive your application, you will be sent the appropriate form to complete and return to the Division of Water Resources.

3. The maximum quantity of water desired is 496 acre-feet OR _____ gallons per calendar year, to be diverted at a maximum rate of 1000 gallons per minute OR _____ cubic feet per second.

Once your application has been assigned a priority, the requested maximum rate of diversion and maximum requested quantity of water under that priority number can **NOT** be increased. Please be certain your requested maximum rate of diversion and maximum quantity of water are appropriate and reasonable for your proposed project and are in agreement with the Division of Water Resources' requirements.

4. The water is intended to be appropriated for (Check use intended):
- (a) Artificial Recharge
 - (b) Irrigation
 - (c) Recreational
 - (d) Water Power
 - (e) Industrial
 - (f) Municipal
 - (g) Stockwatering
 - (h) Sediment Control
 - (i) Domestic
 - (j) Dewatering
 - (k) Hydraulic Dredging
 - (l) Fire Protection
 - (m) Thermal Exchange
 - (n) Contamination Remediation

YOU **MUST** COMPLETE AND ATTACH ADDITIONAL DIVISION OF WATER RESOURCES FORM(S) PROVIDING INFORMATION TO SUBSTANTIATE YOUR REQUEST FOR THE AMOUNT OF WATER FOR THE INTENDED USE REFERENCED ABOVE.

For Office Use Only:
F.O. 4 GMD 3 Meets K.A.R. 5-3-1 (YES/NO) Use IRC Source G S County SV By BAV Date 1-6-15
Code HE3 Fee \$ 340 TR # _____ Receipt Date 1-5-15 Check # 9080

SCANNED

1/13/2015 ULM

5. The location of the proposed wells, pump sites or other works for diversion of water is:

Note: For the application to be accepted, the point of diversion location must be described to at least a 10 acre tract, unless you specifically request a 60 day period of time in which to locate the site within a specifically described, minimal legal quarter section of land.

- (A) One in the ____ quarter of the SW quarter of the NW quarter of Section 34, more particularly described as being near a point 3338 feet North and 4844 feet West of the Southeast corner of said section, in Township 32 South, Range 37 East/West (circle one), Stevens County, Kansas.
GPS 37.2227966 -101.33756955 See MAP
- (B) One in the ____ quarter of the ____ quarter of the ____ quarter of Section ____, more particularly described as being near a point ____ feet North and ____ feet West of the Southeast corner of said section, in Township ____ South, Range ____ East/West (circle one), ____ County, Kansas.
- (C) One in the ____ quarter of the ____ quarter of the ____ quarter of Section ____, more particularly described as being near a point ____ feet North and ____ feet West of the Southeast corner of said section, in Township ____ South, Range ____ East/West (circle one), ____ County, Kansas.
- (D) One in the ____ quarter of the ____ quarter of the ____ quarter of Section ____, more particularly described as being near a point ____ feet North and ____ feet West of the Southeast corner of said section, in Township ____ South, Range ____ East/West (circle one), ____ County, Kansas.

If the source of supply is groundwater, a separate application shall be filed for each proposed well or battery of wells, except that a single application may include up to four wells within a circle with a quarter (1/4) mile radius in the same local source of supply which do not exceed a maximum diversion rate of 20 gallons per minute per well.

A battery of wells is defined as two or more wells connected to a common pump by a manifold; or not more than four wells in the same local source of supply within a 300 foot radius circle which are being operated by pumps not to exceed a total maximum diversion rate of 800 gallons per minute and which supply water to a common distribution system.

6. The owner of the point of diversion, if other than the applicant is (please print):

SAME

 (name, address and telephone number)

(name, address and telephone number)

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Garden City
 Division of Water Resources

You must provide evidence of legal access to, or control of, the point of diversion from the landowner or the landowner's authorized representative. Provide a copy of a recorded deed, lease, easement or other document with this application. In lieu thereof, you may sign the following sworn statement:

I have legal access to, or control of, the point of diversion described in this application from the landowner or the landowner's authorized representative. I declare under penalty of perjury that the foregoing is true and correct.

Executed on 12-31, 2014. [Signature]
 Applicant's Signature

The applicant must provide the required information or signature irrespective of whether they are the landowner. Failure to complete this portion of the application will cause it to be unacceptable for filing and the application will be returned to the applicant.

7. The proposed project for diversion of water will consist of 1 _____
 (number of wells, pumps or dams, etc.)

and (was) (will be) completed (by) 12-31-2015
 (Month/Day/Year - each was or will be completed)

8. The first actual application of water for the proposed beneficial use was or is estimated to be Jan 2015
 (Mo/Day/Year)

**PAR/WR 1-13-15 per gps coordinates*

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**IRRIGATION USE
SUPPLEMENTAL SHEET**

File No. 49254

Name of Applicant (Please Print): Michael W. Willis

1. Please supply the name and address of each landowner, the legal description of the lands to be irrigated, and designate the actual number of acres to be irrigated in each forty acre tract or fractional portion thereof:

Landowner of Record NAME: Michael Willis

ADDRESS: 1706 Rd 14 Hugoton, KS 67951

| S | T | R | NE¼ | | | | NW¼ | | | | SW¼ | | | | SE¼ | | | | TOTAL |
|----|----|----|-----|----|----|----|-----|----|----|----|-----|----|----|----|-----|----|----|----|-------|
| | | | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | |
| 34 | 32 | 37 | 0 | 0 | 0 | 0 | 31 | 31 | 31 | 31 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 124 |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |

Landowner of Record NAME: Kathy R. Willis

ADDRESS: 1706 Rd 14 Hugoton, KS 67951

| S | T | R | NE¼ | | | | NW¼ | | | | SW¼ | | | | SE¼ | | | | TOTAL |
|----|----|----|-----|----|----|----|-----|----|----|----|-----|----|----|----|-----|----|----|----|-------|
| | | | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | |
| 34 | 32 | 37 | 31 | 31 | 31 | 31 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 124 |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |

Landowner of Record NAME: _____

ADDRESS: _____

| S | T | R | NE¼ | | | | NW¼ | | | | SW¼ | | | | SE¼ | | | | TOTAL |
|---|---|---|-----|----|----|----|-----|----|----|----|-----|----|----|----|-----|----|----|----|-------|
| | | | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |
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2. Please complete the following information for the description of the operation for the irrigation project. Attach supplemental sheets as needed.

a. Indicate the soils in the field(s) and their intake rates:

| Soil Name | Percent of field (%) | Intake Rate (in/hr) | Irrigation Design Group |
|------------------|----------------------|---------------------|-------------------------|
| <u>Sand</u> | <u>58%</u> | _____ | _____ |
| <u>Sand loam</u> | <u>40%</u> | _____ | _____ |
| <u>loam</u> | <u>2</u> | _____ | _____ |
| Total: | 100 % | _____ | _____ |

b. Estimate the average land slope in the field(s): 3 %

Estimate the maximum land slope in the field(s): 5 %

c. Type of irrigation system you propose to use (check one):

- Center pivot Center pivot - LEPA "Big gun" sprinkler
 Gravity system (furrows) Gravity system (borders) Sideroll sprinkler

Other, please describe: _____

d. System design features:

i. Describe how you will control tailwater:

No flood Irrigation but could use berms at outer edge if runoff becomes an issue.

ii. For sprinkler systems:

- (1) Estimate the operating pressure at the distribution system: 30 psi
- (2) What is the sprinkler package design rate? 650 gpm
- (3) What is the wetted diameter (twice the distance the sprinkler throws water) of a sprinkler on the outer 100 feet of the system? _____ feet
- (4) Please include a copy of the sprinkler package design information.

e. Crop(s) you intend to irrigate. Please note any planned crop rotations:

Corn, Grain Sorghum, Wheat, Grass

f. Please describe how you will determine when to irrigate and how much water to apply (particularly important if you do not plan a full irrigation).

Crop consultant, Soil probes, rain fall amounts

You may attach any additional information you believe will assist in informing the Division of the need for your request.

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Division of Water Resources

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Page 2 of 2

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9. Will pesticide, fertilizer, or other foreign substance be injected into the water pumped from the diversion works?
 Yes No If "yes", a check valve shall be required.

All chemigation safety requirements must be met including a chemigation permit and reporting requirements.

10. If you are planning to impound water, please contact the Division of Water Resources for assistance, prior to submitting the application. Please attach a reservoir area capacity table and inform us of the total acres of surface drainage area above the reservoir.

Have you also made an application for a permit for construction of this dam and reservoir with the Division of Water Resources? Yes No

- If yes, show the Water Structures permit number here _____
- If no, explain here why a Water Structures permit is not required Ground water

11. The application must be supplemented by a U.S.G.S. topographic map, aerial photograph or a detailed plat showing the following information. On the topographic map, aerial photograph, or plat, identify the center of the section, the section lines or the section corners and show the appropriate section, township and range numbers. Also, please show the following information:

- (a) The location of the proposed point(s) of diversion (wells, stream-bank installations, dams, or other diversion works) should be plotted as described in Paragraph No. 5 of the application, showing the North-South distance and the East-West distance from a section line or southeast corner of section.
- (b) If the application is for groundwater, please show the location of any existing water wells of any kind within 1/2 mile of the proposed well or wells. Identify each existing well as to its use and furnish the name and mailing address of the property owner or owners. If there are no wells within 1/2 mile, please advise us.
- (c) If the application is for surface water, the names and addresses of the landowner(s) 1/2 mile downstream and 1/2 mile upstream from your property lines must be shown.
- (d) The location of the proposed place of use should be shown by crosshatching on the topographic map, aerial photograph or plat.
- (e) Show the location of the pipelines, canals, reservoirs or other facilities for conveying water from the point of diversion to the place of use.

A 7.5 minute U.S.G.S. topographic map may be obtained by providing the section, township and range numbers to: Kansas Geological Survey, 1930 Constant, Campus West, University of Kansas, Lawrence, Kansas 66047.

12. List any application, appropriation of water, water right, or vested right file number that covers the same diversion points or any of the same place of use described in this application. Also list any other recent modifications made to existing permits or water rights in conjunction with the filing of this application.

None

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Garden City Field Office
Division of Water Resources

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13. Furnish the following well information if the proposed appropriation is for the use of groundwater. If the well has not been completed, give information obtained from test holes, if available.

Information below is from: Test holes Well as completed Drillers log attached

| Well location as shown in paragraph No. | (A) | (B) | (C) | (D) |
|---|-----------------|-------|-------|-------|
| Date Drilled | <u>12-22-14</u> | _____ | _____ | _____ |
| Total depth of well | <u>585</u> | _____ | _____ | _____ |
| Depth to water bearing formation | <u>140</u> | _____ | _____ | _____ |
| Depth to static water level | <u>140</u> | _____ | _____ | _____ |
| Depth to bottom of pump intake pipe | <u>580</u> | _____ | _____ | _____ |

14. The relationship of the applicant to the proposed place where the water will be used is that of owner
(owner, tenant, agent or otherwise)

15. The owner(s) of the property where the water is used, if other than the applicant, is (please print):
Kathy R Willis 1706 Rd 14 Hugoton, KS
(name, address and telephone number)

(name, address and telephone number)

16. The undersigned states that the information set forth above is true to the best of his/her knowledge and that this application is submitted in good faith.

Dated at Hugoton, Kansas, this 31 day of December, 2014.
(month) (year)

Michael W. Willis
(Applicant Signature)

By [Signature]
(Agent or Officer Signature)

Agent
(Agent or Officer - Please Print)

Assisted by _____ Date: _____
(office/title)

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Division of Water Resources

WATER RESOURCES
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KS DEPT OF AGRICULTURE

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MAR 16 2015

GPS Cord

N 37 13' 22.1"
~~W 101~~ W 101 20' 14.4"



WATER RESOURCES
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KS DEPT OF AGRICULTURE

FEE SCHEDULE

1. The fee for an application for a permit to appropriate water for beneficial use, except for domestic use, shall be (see paragraph No. 2 below if requesting storage):

| ACRE-FEET | FEE |
|---------------|--|
| 0-100 | \$200.00 |
| 101-320 | \$300.00 |
| More than 320 | \$300.00 plus \$20.00 for each additional 100 acre-feet or any part thereof. |

2. The fee for an application in which storage is requested, except for domestic use, shall be:

| ACRE-FEET | FEE |
|---------------|---|
| 0-250 | \$200.00 |
| More than 250 | \$200.00 plus \$20.00 for each additional 250 acre-feet of storage or any part thereof. |

Note: If an application requests both direct use *and* storage, the fee charged shall be as determined under No. 1 or No. 2 above, whichever is greater, but not both fees.

3. The fee for an application for a permit to appropriate water for water power or dewatering purposes shall be \$100.00 plus \$200.00 for each 100 cubic feet per second, or part thereof, of the diversion rate requested.

Note: The applicant shall notify the Chief Engineer and pay the statutorily required field inspection fee of \$400.00 when construction of the works for diversion has been completed, except that for applications filed on or after July 1, 2009, for works constructed for sediment control use and for evaporation from a groundwater pit for industrial use shall be accompanied by a field inspection fee of \$200.00.

MAKE CHECKS PAYABLE TO THE KANSAS DEPARTMENT OF AGRICULTURE

ATTENTION

A Water Conservation Plan may be required per K.S.A. 82a-733. A statement that your application for permit to appropriate water may be subject to the minimum desirable streamflow requirements per K.S.A. 82a-703a, b, and c may also be required from you. After the Division of Water Resources has had the opportunity to review your application, you will be notified whether or not you will need to submit a Water Conservation Plan. You also may be required to install a water flow meter or water stage measuring device on your diversion works prior to diverting water. There may be other special conditions or Groundwater Management District regulations that you will need to comply with if this application is approved.

CONVERSION FACTORS

1 acre-foot equals 325,851 gallons

1 million gallons equal 3.07 acre-feet

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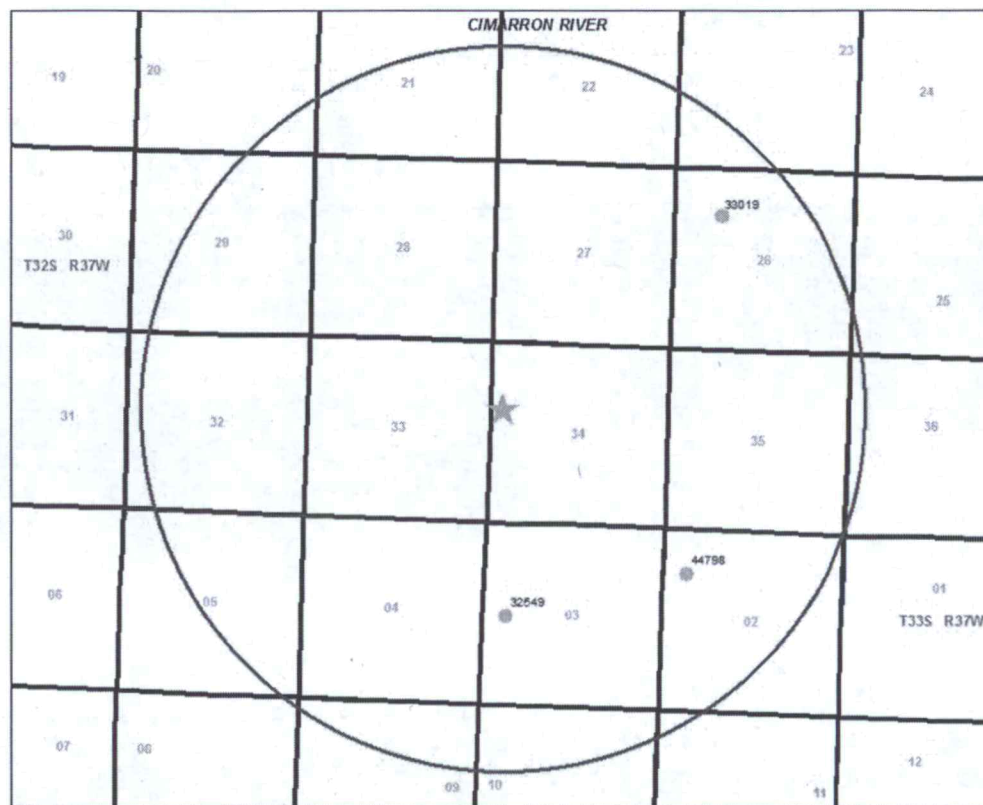
Garden City Field Office
Division of Water Resources

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KS DEPT OF AGRICULTURE

File No. 49254 - Safe Yield



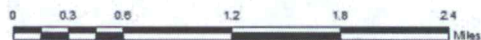
GMD2 Stream Nodes

Node Quantity

- ◊ 22
- ◊ 50
- ◊ 77
- 104



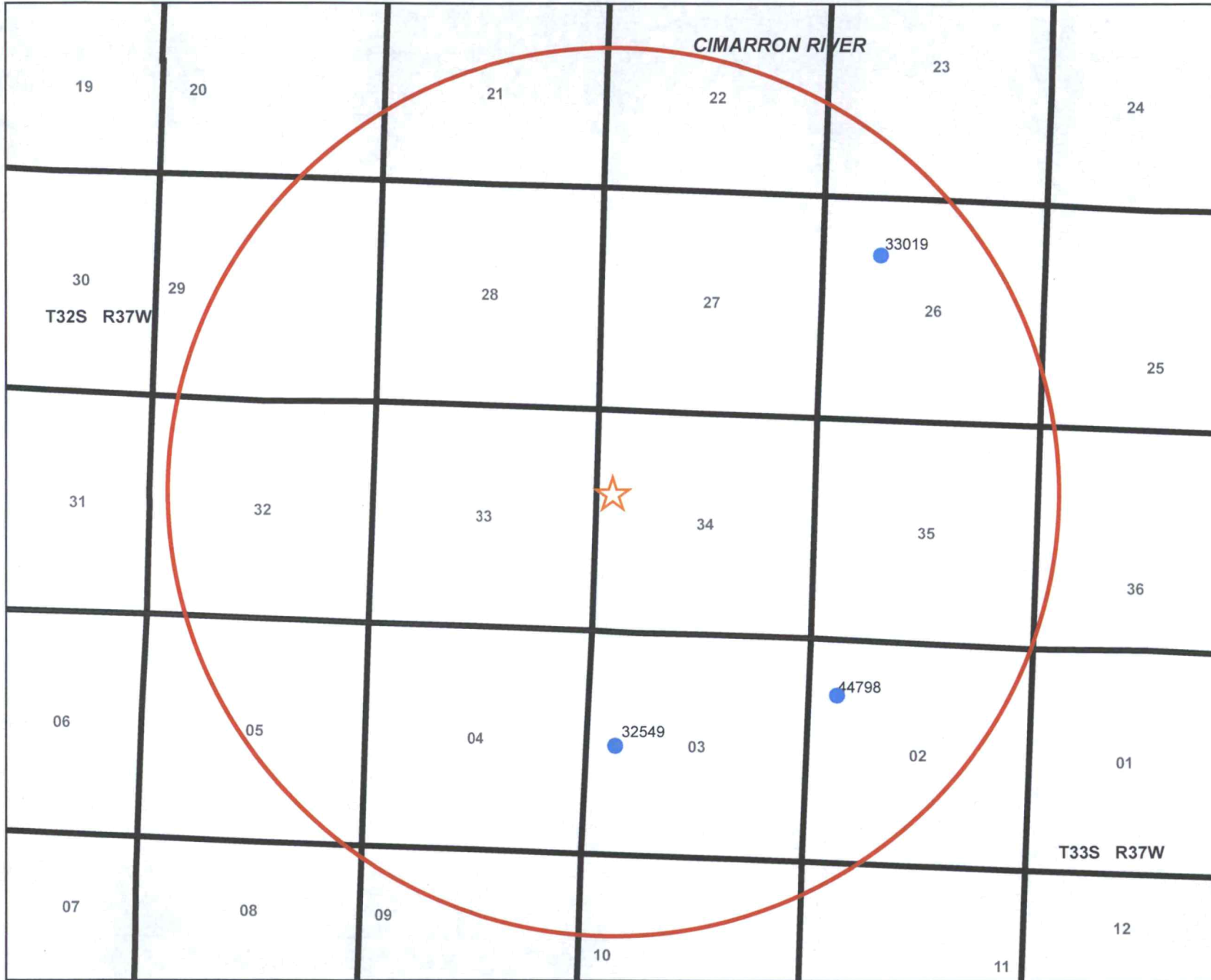
Index Map



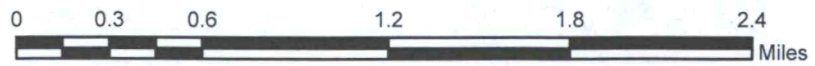
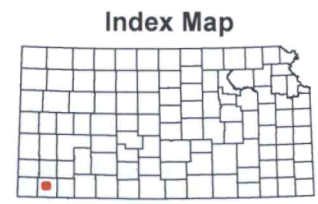
This map was created by KAK/DWR



File No. 49254 - Safe Yield



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Division of Water Resources



This map was created by KAK/DWR

Analysis Results

The selected PD is in an area to new appropriations.
The safe yield, based on the variables listed below is 502.63 AF.
Total prior appropriation in the circle is 579.41 AF.
Total quantity of water available for appropriation is 0.00 AF.

Safe Yield Variables

The area used for the analysis is set at 8,042 acres.
Potential annual recharge of the area is estimated to be 1 inches.
The percent of recharge available for appropriation is 75%.

Authorized Quantity values are as of 11-MAR-2015 and are based on Appropriated and Vested ground water right and possible stream nodes for GMD #2. Domestic, Term and Temporary water rights have been excluded.

There are 3 water right(s) and 3 point(s) of diversion within the circle.

=====

| File Number | Use | ST | SR | Q4 | Q3 | Q2 | Q1 | FeetN | FeetW | Sec | Twp | Rng | ID | Qind | Auth_Quant | Add_Quant | Tacres | Nacres | |
|-------------|-------|----|-----|----|----|----|----|-------|-------|-----|------|------|----|------|------------|-----------|--------|--------|------|
| A | 32549 | 00 | IND | NK | G | | | NW | NW | SW | 2639 | 4541 | 03 | 33 | 37W | 1 | WR | 0.38 | 0.38 |

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Division of Water Resources

| | | | | | | | | | | | | | | | | | | |
|---|-------|----|-----|----|---|----|----|------|------|----|----|-----|---|----|--------|--------|--------|--------|
| A | 33019 | 00 | IRR | NK | G | NC | NW | 3960 | 3940 | 26 | 32 | 37W | 2 | WR | 444.00 | 444.00 | 410.00 | 410.00 |
| A | 44798 | 00 | STK | KK | G | | | 4100 | 4700 | 02 | 33 | 37W | 1 | WR | 135.03 | 135.03 | | |

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Division of Water Resources
Capital Construction Office

AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 49254 00

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AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 49254 00 IRR

Water Right and Points of Diversion Within 2.00 miles of point defined as:

3338 Feet North and 4844 Feet West of the Southeast Corner of Section 34 T 32S R 37W

GROUNDWATER ONLY

| File Number | Use | ST | SR | Dist (mi) | Q4 | Q3 | Q2 | Q1 | FeetN | FeetW | Sec | Tw | Rng | ID | Batt | Auth_Quan | Add_Quan | Unit |
|--------------|-----|----|----|-----------|----|----|----|----|-------|-------|-----|----|-----|----|------|-----------|----------|------|
| A__ 32549 00 | IND | NK | G | 1.15 | -- | NW | NW | SW | 2639 | 4541 | 3 | 33 | 37W | 1 | | .38 | .38 | AF |
| A__ 33019 00 | IRR | NK | G | 1.62 | -- | -- | NC | NW | 3960 | 3940 | 26 | 32 | 37W | 2 | | 444.00 | 444.00 | AF |
| A__ 44798 00 | STK | KK | G | 1.35 | -- | -- | -- | -- | 4100 | 4700 | 2 | 33 | 37W | 1 | | 135.03 | 135.03 | AF |
| A__ 49254 00 | IRR | AY | G | .00 | -- | -- | SW | NW | 3338 | 4844 | 34 | 32 | 37W | 1 | | 496.00 | 496.00 | AF |

| Total Net Quantities Authorized: | Direct | Storage |
|----------------------------------|---------|---------|
| Total Requested Amount (AF) = | 496.00 | .00 |
| Total Permitted Amount (AF) = | 135.03 | .00 |
| Total Inspected Amount (AF) = | .00 | .00 |
| Total Pro_Cert Amount (AF) = | .00 | .00 |
| Total Certified Amount (AF) = | 444.38 | .00 |
| Total Vested Amount (AF) = | .00 | .00 |
| TOTAL AMOUNT (AF) = | 1075.41 | .00 |

An * after the source of supply indicates a pending application for change under the file number.
 An * after the ID indicates a 15 AF exemption was granted under the file number.
 A "G" in the Batt column indicates the GEO CTR of a battery. A "B" indicates a well in the battery.
 The number in the Batt column is the number of wells in the battery.

Water Rights and Points of Diversion Within 2.00 miles of point defined as:

3338 Feet North and 4844 Feet West of the Southeast Corner of Section 34 T 32S R 37W

GROUNDWATER ONLY

WATER USE CORRESPONDENTS:

| File Number | Use | ST | SR |
|--------------|--------------------------|----|----|
| A__ 32549 00 | IND | NK | G |
| > | WTG HUGOTON LP | | |
| > | PO BOX 857 | | |
| > | LAKIN KS 67860 | | |
| ----- | | | |
| A__ 33019 00 | IRR | NK | G |
| > | MICHAEL W & KATHY WILLIS | | |
| > | 1706 ROAD 14 | | |
| > | HUGOTON KS 67951 | | |
| ----- | | | |
| A__ 44798 00 | STK | KK | G |
| > | CATTLE CARE SERVICES | | |
| > | MAURICE GROSS | | |
| > | 1663 RD 14 | | |
| > | HUGOTON KS 67951 | | |
| ----- | | | |
| A__ 49254 00 | IRR | AY | G |
| > | MICHAEL WILLIS | | |

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MAR 16 2015

Garden City Field Office
Division of Water Resources

>
> 1706 RD 14
> HUGOTON KS 67951

>-----

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AD ASTRA PER ASPERA
Kansas
Department of Agriculture
Division of Water Resources

109 SW 9th Street, 2nd Floor
Topeka, Kansas 66612-1280

Jackie McClaskey, Secretary
David W. Barfield, Chief Engineer

Phone: (785) 296-3717
Fax: (785) 296-1176
www.agriculture.ks.gov
Sam Brownback, Governor

June 27, 2016

FILE COPY

MICHAEL W. WILLIS
1706 RD 14
HUGOTON KS 67951

RE: Application,
File No. 49,254

Dear Mr. Willis:

We have conducted further review of your application referenced above, which was received in our office on January 5, 2015. Based on this information, the well is located in the Southwest Quarter of the Southwest Quarter of the Northwest Quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 34, more particularly described as being near a point 3,338 feet North and 4,844 feet West of the Southeast corner of said section, in Township 32 South, Range 37 West, Stevens County, Kansas. The application is requesting to appropriate 496 acre-feet of groundwater for irrigation use.

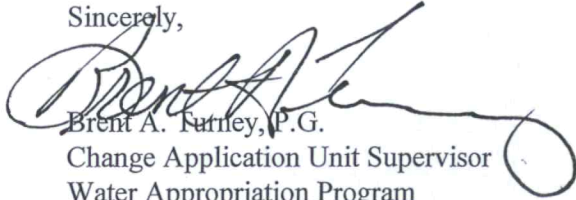
The source of water for the pending application appears to be the high plains aquifer. The application is therefore subject to K.A.R. 5-23-4. K.A.R. 5-23-4(a) states in part:

“... the district shall be closed to new appropriations of water in the high plains aquifer. . . .”

Based upon the above, it will be recommended to the Chief Engineer that pending application, File No. 49,254, be denied and dismissed because it proposes to appropriate water from the high plains aquifer and is closed by K.A.R. 5-23-4(a).

We are advising you of this recommendation in order to allow you an opportunity to submit additional information to show why our evaluation should be reconsidered. You have a period of 15 days (**until July 12, 2016**) to either (1) submit additional information to our office or (2) 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 for final decision based on the recommendation stated above. Any relevant credible information submitted within the time allowed will be given due consideration, prior to final action on the application. 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. Tuttle, P.G.
Change Application Unit Supervisor
Water Appropriation Program

pc: Garden City
GMD No. 3

SCANNED

in a building in which another entity operates a business or school that conducts or teaches anything other than barbering as defined in K.S.A. 65-1809 and amendments thereto, the barber school or barber college shall have a separate entrance and shall be completely separate within that building, except as provided in subsection (b).

Each barber school or barber college shall have at least two rooms accessible to its students at all times. One room shall be used for class study, examinations, and lectures, and the other room shall be used for practical demonstrations. The barber school or barber college shall provide at least one restroom with a toilet and washbasin, which shall be kept in a sanitary condition. Each room shall be equipped to meet the requirements of all applicable regulations of the board.

(b) Any barber school or barber college that shares a building in which another entity operates a business or school that conducts or teaches anything other than barbering may share the following facilities with that entity:

- (1) Classrooms other than the clinic floor, if no classroom is used by both the entity and the barber school or barber college at the same time;
- (2) restrooms; and
- (3) common areas, including reception areas, lounges, and hallways. (Authorized by and implementing K.S.A. 65-1825a, K.S.A. 2015 Supp. 74-1806; effective Jan. 1, 1966; amended May 1, 1988; amended March 20, 2015; amended May 13, 2016.)

Article 7.—FEES

61-7-1. (Authorized by K.S.A. 65-1825; implementing K.S.A. 1982 Supp. 65-1817; effective May 1, 1983; revoked May 13, 2016.)

61-7-2. Fees. The following fees shall be charged by the board:

- (a) Barber license
 - (1) Examination to practice barbering \$100
 - (2) Issuance of license to practice barbering 80
 - (3) Renewal of license to practice barbering 80
 - (4) Restoration of expired license to practice barbering
 - (A) If the expiration period is not more than three years, the restoration and lapsed fees shall be as follows:
 - lapsed 1 through 30 days 100
 - lapsed 31 through 365 days 160
 - lapsed 366 through 730 days 240
 - lapsed 731 through 1,095 days 320
 - (B) For each barbering license that has lapsed for more than three years, the applicant shall be reexamined upon payment of the barbering examination and issuance of license fees 180
 - (b) Instructor license
 - (1) Examination to instruct barbering 40
 - (2) Issuance of license to instruct barbering 40
 - (3) Renewal of license to instruct barbering 40
 - (4) Restoration of expired instructor's license
 - (A) If the expiration period is not more than three years, the restoration and lapsed fees shall be as follows:
 - lapsed 1 through 30 days 60
 - lapsed 31 through 365 days 80
 - lapsed 366 through 730 days 120
 - lapsed 731 through 1,095 days 160

- (B) For each instructor's license that has lapsed for more than three years, the instructor shall be reexamined upon payment of the examination, instructor's license, and renewal fees 120
 - (c) License to operate a barber school or barber college (annual fee) 500
 - (d) License to operate a barber shop
 - (1) Shop inspection and annual license fee 40
 - (2) Restoration of expired shop license. If the expiration period is not more than three years, the restoration and lapsed fees shall be as follows:
 - lapsed 1 through 30 days 55
 - lapsed 31 through 365 days 120
 - lapsed 366 through 730 days 160
 - lapsed 731 through 1,095 days 200
 - (3) New shop, relocation, or change of ownership.... 80
 - (e) Seminar permit..... 80
 - (f) Student learning license 55
- (Authorized by and implementing K.S.A. 2015 Supp. 65-1817; effective May 13, 2016.)

Larry Montgomery
Administrative Officer

Doc. No. 044469

State of Kansas

**Department of Agriculture
Division of Water Resources**

Permanent Administrative Regulations

**Article 23.—SOUTHWEST KANSAS
GROUNDWATER MANAGEMENT
DISTRICT NO. 3**

5-23-4. High plains aquifer. (a) Except as specified in subsection (b), the district shall be closed to new appropriations of water in the high plains aquifer.

- (b) This regulation shall not apply to the following:
 - (1) Wells for domestic use;
 - (2) wells authorized by temporary permits;
 - (3) wells authorized by term permits of no more than five years;
 - (4) an application to appropriate 15 acre-feet of water or less if all of the following conditions are met:
 - (A) The area is closed to new appropriations, but the sum of the annual quantity requested by the proposed appropriation and the total quantities authorized by prior permits because of this exemption does not exceed 15 acre-feet in a circle with a radius of two miles surrounding the proposed point of diversion.
 - (B) Well spacing criteria have been met.
 - (C) Approval of the application will not authorize an additional quantity of water out of an existing well authorized by a nondomestic approval of application or water right, which would result in a total combined annual quantity of water authorized from that well in excess of 15 acre-feet.
 - (D) All other criteria for processing a new application have been met.
 - (e) Each application filed to request a well within the area described in subsection (e) shall include a driller's
- (continued)

log, an electric log, and a laboratory analysis from a state-certified laboratory of the chloride concentrations in samples taken from whatever depths are necessary to determine the vertical location where the chloride concentrations exceed 250 milligrams per liter (mg/l). The samples shall be taken from a well located within a 300-foot radius of the proposed well. A state-certified laboratory analysis shall be used to determine the vertical location of the chloride concentrations exceeding 250 mg/l.

(d) Each well constructed in the area described in subsection (e) shall be constructed in a manner that prevents the movement of water containing 250 mg/l of chlorides beyond its naturally occurring condition.

(e) The level of chlorides may exceed 250 mg/l in the following areas:

(1) The west ½ of townships 33, 34, and 35 south, range 28 west in Meade County, Kansas;

(2) the east ½ of township 33 south, range 29 west in Meade County, Kansas;

(3) all of townships 34 and 35 south, ranges 29 and 30 west in Meade County, Kansas; and

(4) all of townships 34 and 35 south, ranges 31 and 32 west and the east ½ of townships 34 and 35 south, range 33 west in Seward County, Kansas. (Authorized by K.S.A. 82a-706a and K.S.A. 2015 Supp. 82a-1028; implementing K.S.A. 82a-706a, K.S.A. 2015 Supp. 82a-711, and K.S.A. 2015 Supp. 82a-1028; effective May 1, 1981; amended May 1, 1986; amended Aug. 28, 1989; amended Sept. 22, 2000; amended Nov. 21, 2003; amended May 13, 2016.)

5-23-4b. (Authorized by K.S.A. 82a-706a and K.S.A. 82a-1028; implementing K.S.A. 82a-706a and K.S.A. 2002 Supp. 82a-1028; effective Sept. 22, 2000; amended Nov. 21, 2003; revoked May 13, 2016.)

**Article 24.—NORTHWEST KANSAS
GROUNDWATER MANAGEMENT
DISTRICT NO. 4**

5-24-2. Allowable withdrawals. (a) Except as specified in subsection (b) the district shall be closed to any new appropriation of water that partially or wholly requests a source of supply that includes the Ogallala formation.

(b) The following types of applications shall not be subject to the closure of the district under this regulation:

(1) A nondomestic application for an approval of application if the proposed point of diversion meets the following criteria:

(A) Is to be located in an alluvial aquifer not closed to new appropriations, except for domestic use, temporary permits, and term permits for five or fewer years;

(B) meets the well spacing requirements of K.A.R. 5-24-3; and

(C) meets the safe yield requirements of K.A.R. 5-3-9, K.A.R. 5-3-10, and K.A.R. 5-3-11;

(2) a nondomestic application to appropriate water from the Cretaceous system if the proposed point of diversion meets the well spacing criteria of K.A.R. 5-24-3;

(3) an application for a permit to appropriate water for domestic use;

(4) an application for a term permit for five years or less;

(5) an application for a temporary permit;

(6) an application for an approval of application filed

on an existing well currently authorized by a vested right, appropriation right, or approval of application that requests a quantity of water equal to or less than the currently available quantity of water that will be conjunctively reduced from a well authorized by either a vested right or certified appropriation right meeting either of the criteria specified in paragraph (c)(1);

(7) an application for an approval of application that meets the criteria of K.A.R. 5-24-10; and

(8) an application for an additional rate of diversion only that meets the requirements of K.A.R. 5-4-5.

(c)(1) To be exempt from this regulation, each application for an approval of application filed on an existing well currently authorized by a vested right, appropriation right, or approval of application that requests a quantity of water equal to or less than the currently available quantity of water that will be conjunctively reduced from a well authorized by either a vested right or certified appropriation right shall meet either of the following criteria:

(A) Be located within 2,640 feet of the existing well that will have its authorized quantity reduced; or

(B) be located within a distance from the currently authorized well for which a Theis analysis shows a .5 foot or greater drawdown, using the following assumptions:

(i) The certified rate of diversion of the currently authorized well;

(ii) the certified annual quantity of water for the currently authorized well;

(iii) the pumping time equal to the time it takes to pump the certified annual quantity at the certified rate of diversion;

(iv) the drawdown computed at the time equal to the pumping time; and

(v) the transmissivity and storage coefficient derived either from a time drawdown aquifer pump test of the currently authorized well or from use of the well log from the currently authorized well or a well log from a test hole or well located within 300 feet of the currently authorized well, using the table on page 26 and the calculation described in the second paragraph on page 27 of the United States geological survey's water-resources investigations report 85-4198, published in 1985. The portions of this document specified in this paragraph are hereby adopted by reference.

(2)(A) For water rights authorized for irrigation use, the currently available quantity of water shall be calculated as follows:

(i) Determine the maximum number of acres actually irrigated during the perfection period. For vested rights, use the maximum number of acres irrigated in any one calendar year before June 29, 1945; and

(ii) use the 80 percent chance rainfall net irrigation requirements (NIR) for corn as specified in K.A.R. 5-5-12 to determine the NIR for each acre, and then divide that value by .85 to adjust for efficiency.

(B) For non-irrigation water rights, the currently available quantity of water shall not exceed the actual consumptive use during the perfection period.

(3) Each well that has a reduced or new water right pursuant to this subsection shall be equipped with a water flowmeter meeting the requirements of article one of the chief engineer's regulations.



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 EXTENSION OF THE TEMPORARY SUSPENSION OF
PROCESSING NEW APPLICATIONS FILED TO APPROPRIATE WATER WITHIN THE BOUNDARIES
OF SOUTHWEST KANSAS GROUNDWATER MANAGEMENT DISTRICT NO. 3

COMES NOW the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration, makes the following findings and order:

FINDINGS

1. That K.A.R. 5-23-4 pertains to safe yield of the high plains aquifer in Groundwater Management District (GMD) No. 3 for areas that have not been formally closed to new appropriation.
2. That K.A.R. 5-1-1(tt) defines "safe yield" as the long term sustainable yield of the source of supply, including hydraulically connected surface water or groundwater.
3. That the Board of Directors of GMD No. 3 is evaluating whether K.A.R. 5-23-4 is sufficient to maintain the long term sustainable yield of the high plains aquifer, prevent impairment of existing water rights and protect public interest.
4. That on December 16, 2014, the Board of Directors of GMD No. 3 based on its previous review of data on declining groundwater levels, limited saturated thickness, and potential for impairment, voted to recommend to the Chief Engineer that new applications to appropriate groundwater filed on or after January 1, 2015, subject to K.A.R. 5-23-4, within GMD No. 3, be suspended for processing for up to one (1) year to allow the GMD No. 3 to complete its study and recommendations, and initiate the amendment of K.A.R. 5-23-4 or other management alternatives.
5. That K.S.A. 82a-711 provides in part, "If a proposed use neither impairs a use under an existing water right nor prejudicially and unreasonably affects the public interest, the chief engineer shall approve all applications for such use made in good faith in proper form which contemplate the utilization of water for beneficial purpose In ascertaining whether a proposed use will prejudicially and unreasonably affect the public interest, the chief engineer shall take into consideration the area, safe yield and recharge rate of the appropriate water supply. . . . With regard to whether a proposed use will impair a use under an existing water right, impairment shall include the unreasonable raising or lowering of the static water level or the unreasonable increase or decrease of the streamflow or the unreasonable deterioration of the water quality at the water user's point of diversion beyond a reasonable economic limit."
6. That the justification for the request for the temporary suspension of processing of new applications for groundwater appropriation within GMD No. 3, provided by the Board of Directors, was sufficient to raise a legitimate question as to whether it was in the public interest for the Chief Engineer to continue to process and approve new applications filed in the high plains aquifer in GMD No. 3, until additional information could be reviewed and evaluated.
7. That on December 30, 2014, the Chief Engineer ordered a moratorium which temporarily suspended the processing of new applications to appropriate groundwater, proposing the high plains aquifer as the source of supply, within the boundaries of GMD No. 3, while the Chief Engineer and the Board of Directors of GMD No. 3 evaluate relevant data and information to determine if K.A.R. 5-23-4 should be revised or whether other management alternatives should be implemented.



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

January 13, 2015

MICHAEL W WILLIS
1706 RD 14
HUGOTON KS 67951

RE: Application
File No. 49254

Dear Sir or Madam:

Your application for permit to appropriate water in 34-32S-37W IN STEVENS COUNTY, was received and has been assigned the file number noted above.

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. Once review of your application has begun, we will contact you, if additional information is required.

In accordance with the provisions of the Kansas Water Appropriation Act, a portion of which is included below, the use of water as proposed prior to approval of the application is unlawful. 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) 564-6643. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

Richard Rockel
New Application Unit Supervisor
Water Appropriation Program

DWS: dlw
pc: GARDEN CITY Field Office
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SCANNED