

Kansas Department of Agriculture
Division of Water Resources

CHANGE: P/D WORKSHEET & ORDER IN THE MATTER OF THE RATE

Document Signature dwb

1. File Number: <u>11742</u> 14535 <i>ugh!</i>	2. Status Change Date: <u>5/18/2017</u>	3. Change Num: <u>C2</u>	4. Field Office: <u>4</u>	5. GMD: <u>1</u>
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6. Status: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied by DWR/GMD <input type="checkbox"/> Dismiss by Request	7. Filing Date of Change: <u>1/30/2017</u>
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8a. Applicant(s) New to system <input type="checkbox"/> GARY WILBUR 426 W COUNTY ROAD L LEOTI KS 67861-6270	Person ID <u>26508</u> Add Seq# _____	8c. Landowner(s) New to system <input type="checkbox"/> GARY & BETH WILBUR 426 W COUNTY ROAD L LEOTI KS 67861-6270 NEW OWNER & WUC	Person ID <u>26508</u> Add Seq# _____
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8b. Landowner(s) New to system <input type="checkbox"/> 	Person ID _____ Add Seq# _____	8d. WUC New to system <input type="checkbox"/> GARY & BETH WILBUR 426 W COUNTY ROAD L LEOTI KS 67861-6270 <i>Former WUC: Daren + Janis Kreutzer (PID 31139)</i>	Person ID <u>26508</u> Add Seq# _____
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9. Documents and Enclosure(s): DWR Meter(s) Date to Comply: 12/31/2017 N & P Date to Comply: 128/31/2017

Check Valve N & P Form Water Tube Driller Copy H & E Letter

Conservation Plan Date Required: _____ Date Approved: _____ Date to Comply: _____

10. Use Made of Water From: _____ To: _____

Date Prepared: 5/9/2017 By: LI
Date Entered: 5/22/2017 By: LLM

File No. **11742** 11. County: **WH** Basin: **LADDER CREEK** Stream: **NA** Formation Code: **211 & 320 UPDATE** Special Use: **NA**

12. Points of Diversion											Rate and Quantity						
MOD	DEL	ENT	PDIV	Qualifier	S	T	R	ID	'N	'W	Comment	Authorized		Additional		Overlap PD Files	
												Rate gpm	Quantity af	Rate gpm	Quantity af		
MOD				7821	NW NW NW	7	17	36W	2	4887	5216	GPS UPDATE	650	320	650	320	none
DEL				83621	NW NW NW	7	17	36W	3	3536	4872	CAP					
ENT				86140	NE NW NW	7	17	36W		5248	4180						NONE

RIGHT HAS BLANKET Q & R WITH RATE REDUCED BY ORDER

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

14. Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) **NONE NO CHANGE**
 Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) _____

15. 5YR Allocation: Allocation Type _____ Start Year _____ 5 YR Amount _____ Amount Unit _____ Base Acres _____ Comment _____

16. Place of Use T MOD DEL ENT	PUSE	S	T	R	ID	NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg?	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																						
NO CHANGE																																											
23225 7 17S 36W																							40				40				40				40							4C	Yes

Comments:

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files
FROM: Leslie Ireland

DATE: May 8, 2017
RE: Water Right
File No. 11,742

Gary and Beth Wilbur new owners of the referenced water right have filed an application for approval to change the points of diversion authorized for irrigation use under the referenced file. The application was originally filed as a field office change, but was forwarded to our office on January 30, 2017, due to well spacing issues.

The referenced water right is in good standing as per K.S.A. 82a-718, and appears to be in compliance with K.S.A. 82a-732. It appears the application complies with K.A.R. 5-5-2a, *Complete change application*.

The right is authorized two(2) wells with a blanket rate of 1,000 gallons per minute (2.23 c.f.s.) for the diversion of 320 acre-feet to irrigate 160 acres in the Northwest Quarter (NW¼) of Section 7, Township 17, Range 36 West, Wichita County. The WRIS database, (ID 3) lists the wrong qualifiers for the 2014 change approval, the order is correct. The approved feet distances of 3,536 feet North and 4,872 feet West would place the well in the Northwest Quarter of the Southwest Quarter of the Northwest Quarter (NW¼ SW¼ NW¼). A June 2016 compliance investigation places the well 3,452 feet North and 5,007 feet West, confirming it is in the Northwest Quarter of the Southwest Quarter of the Northwest Quarter (NW¼ SW¼ NW¼). The correction is a database only correction. This well will no longer be authorized and is listed by the applicant that the well will be capped.

The application for change shows this well is proposed to be moved to the North, but the feet distances on the application and map placed the proposed well 4,887 feet North and 5,036 feet West of the Southeast corner. It is not clear who updated the application, but the application lists the proposed most western well as being 4,887 feet North and 5,036 feet West of the Southeast corner. The well closest to this location was identified as ID No. 2, was inspected on January 26, 2017, a day after the completion of the application. This western well, ID No. 2, was determined to be **4,887 feet North and 5,216 feet West, placing it in the Northwest Quarter of the Northwest Quarter of the Northwest Quarter (NW¼ NW¼ NW¼)**. It would appear this is the correct location of the proposed existing most western well and the application and map will be updated to this location.

From the Southeast corner of Section 7, the well authorized at 3,536 feet North and 4,872 feet West, identified as ID No. 3, will be capped and **a new well drilled at 5,248 feet North and 4,180 feet West, in the Northeast Quarter of the Northwest Quarter of the Northwest Quarter (NE¼ NW¼ NW¼)**. The well will move approximately 1,847 feet to the Northeast. As the right has a blanket quantity and rate there is no assignment, so the location is the major part of the change. It would appear that due to the requirement that wells not be more than 1,320 feet from the originally authorized point of diversion the application was modified with the West well to move to the Northeast and the Southern well to move to the North. This however results in a move of approximately, 1,450 feet, so it would appear there is no difference which well moves and **a waiver of Part (d) of K.A.R. 5-21-3, is needed as allowed by Part (f) of the regulation.**

The right is not in a special use area, the source of supply has been determined for ID No. 3, as the Ogallala formation (Code 211). A review of the logs with the rights well depths of approximately 200 feet and a static water level in August of 2014 of 160, and information in KGS Bulletin No. 126, for the Ladder Creek area, would indicate the source of supply is the Ogallala Formation (Code 211) with a small amount of the Niobrara Calk Formation (Code 321) identified. The source of supply will be updated to include the Colorado Group (Code 320).

There does not appear to be any domestic wells located within one-half($\frac{1}{2}$) mile of either well requested by the change. The North proposed well has just one nearby irrigation well under File No. 23,897, which is indicated by WRIS to be 2,765 feet away. There is a large stockwatering facility to the Southwest. It's wells are further to the Southwest. No nearby well owners were notified, as all were greater than 2,640 feet away.

The two (2) wells authorized and proposed do not meet the minimum well spacing as the change will decrease the distance between the wells by more than 300 feet. The wells are currently 1,450 feet apart and the proposal will result in the wells being only 1,097 feet apart. **A waiver of Part (d)(1) of K.A.R. 5-21-3, is needed as allowed by Part (f) of the regulation.**

In a letter dated April 19, 2017, Kyle Spencer, District Manager of GMD 1, indicated the Board recommended the application be approved with a **waiver of K.A.R. 5-21-3**. The waiver was conditioned with the requirement that the pumping rate be reduced to 650 gallons per minute (1.45 c.f.s.).

The application was modified by the owner at the request of the Wester Kansas Groundwater Management District No. 1 (GMD 1). On April 18, 2017, Mr. Wilbur completed a Request to Reduce a Portion of an Existing Water Right to reduce the rate from 1,000 to 650 gallons per minute (1.45 c.f.s.) as required by GMD 1.

Michael Meyer, Water Commissioner of the Garden City Field Office recommended approval of the proposed change per his May 8, 2017, E-mail.

Water flowmeters will be required on each well and a check valve is required if any chemical or foreign substance is injected through the diversion works. A WWC-5 was submitted with the application and will not be requirement of the approval. A water level measurement tube will be required by the approval.

Based on the above discussion, that the change appears to be reasonable, that no change in the local source of supply will occur, that impairment to existing water rights is unlikely, that there are no pending applications within the vicinity of this proposed change request that may be affected by this approval, it is recommended that the referenced application be approved.



Leslie Ireland
Environmental Scientist
Water Appropriation Program

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



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

Jackie McClaskey, Secretary

May 22, 2017

Governor Sam Brownback

GARY & BETH WILBUR
426 W COUNTY ROAD L
LEOTI KS 67861-6270

FILE COPY

RE: Water Right, File No. 11,742

Dear Mr. & Mrs. Wilbur:

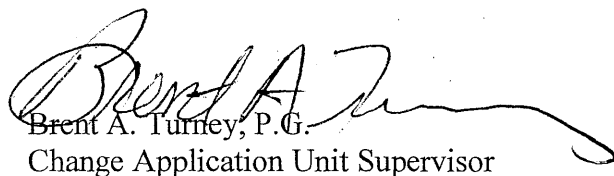
Enclosed is the order executed by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the application for change under the referenced file.

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in the approval for change. A condition of the approval is that an acceptable water flowmeter must be installed on the diversion works authorized under the referenced file. Please return the required and the enclosed form, Notification of the Completion of the Diversion Works upon completion of the diversion works.

Since this order modifies the original document referred to above, it should be recorded with the Register of Deeds as other instruments affecting real estate.

If you have any questions, please contact Leslie Ireland, Environmental Scientist, in our Manhattan office at (785) 564-6633. 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

BAT:LI:li:

Enclosures

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



KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

**APPROVAL OF APPLICATION
FOR
CHANGE IN POINT OF DIVERSION
AND
ORDER IN THE MATTER OF THE AUTHORIZED RATE OF DIVERSION
WATER RIGHT
FILE NO. 11,742**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Gary & Beth Wilbur, 426 W. County Road L, Leoti, Kansas 67861-6270, received in this office on January 30, 2017, for approval of a change in the location of the point of diversion, and the Request to Reduce a Portion of an Existing Water Right, received on April 24, 2017, under the certificate of appropriation issued pursuant to the application for permit to appropriate water for beneficial use, as modified and amended by the Order of the Chief Engineer dated October 13, 2014, approving the application to change the authorized point of diversion, finds that the change is reasonable and will not impair existing rights, that the change relates to the same local source of supply and that the application should be and is hereby approved.

The application is approved subject to the condition that the water right shall be reduced to a rate of diversion not to exceed 650 gallons per minute (1.45 c.f.s.).

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

one (1) well located in the Northeast Quarter of the Northwest Quarter of the Northwest Quarter (NE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 7, more particularly described as being near a point 5,248 feet North and 4,180 feet West of the Southeast corner of said section, and

one (1) well located in the Northwest Quarter of the Northwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 7, more particularly described as being near a point 4,887 feet North and 5,216 feet West of the Southeast corner of said section,

both in Township 17 South, Range 36 West, Wichita County, Kansas,

located substantially as shown on the topographic map accompanying the application to change the point of diversion.

Installation of the works for diversion of water shall be completed on or before December 31, 2017, or within any authorized extension of time. The applicant shall notify the Chief Engineer of the Division of Water Resources, Kansas Department of Agriculture, when construction of the works for diversion has been completed.

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

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

All wells with a diversion rate of 100 gallons per minute or more drilled under the authority of this order shall have a tube or other device installed in a manner acceptable to, and in accordance with specifications adopted by, the Chief Engineer. This tube or device shall be suitable for making water level measurements and shall be maintained in a condition satisfactory to the Chief Engineer.

In all other respects, the Certificate of Appropriation issued pursuant to Approval of Application, File No. 11,742, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated April 15, 1977, as modified and amended by the aforementioned order.


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.

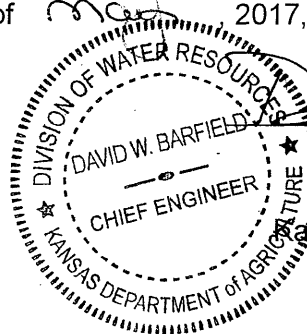
Request for Hearing. According to K.A.R. 5-14-3(c), any party who desires a hearing must submit a request within 15 days after the date shown on the Certificate of Service attached to this Order. Filing a request for a hearing will give you the opportunity to submit additional facts for consideration, 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.

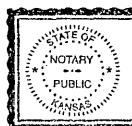
Ordered this 18th day of May, 2017, at Topeka, Shawnee County, Kansas.


David W. Barfield, P.E.
Chief Engineer
Division of Water Resources
Kansas Department of Agriculture



State of Kansas }
County of Riley } SS

The foregoing instrument was acknowledged before me this 18th day of May, 2017, by David W. Barfield, P.E., Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.

 KAREN HUNTER
My Appointment Expires
October 24, 2018


Notary Public

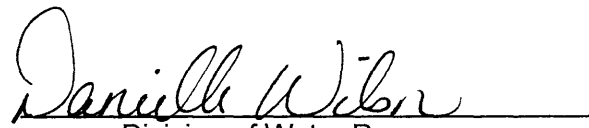
CERTIFICATE OF SERVICE

On this ~~20th~~^{22nd} day of *May*, 2017, I hereby certify that the attached Approval of Application for Change in Point of Diversion and Order in the Matter of the Authorized Rate of Diversion, Water Right, File No. 11,742, dated *May 18th, 2017* was mailed postage prepaid, first class, US mail to the following:

Gary & Beth Wilbur
426 W. County Road L
Leoti, KS 67861-6270

With a Photocopy to:

Garden City Field Office
Groundwater Management District No. 1



Division of Water Resources

Kansas Department of Agriculture
 Division of Water Resources
WAIVER REQUEST & WAIVER RULE WORKSHEET

File Number: 11,742

FO: 4

GMD: 1

WAIVER REQUEST:

UMW	Date Requested	Rule ID	Applies	Rule Type	Rule Subtype
IRR	1/30/2017	10 & 14	GMD 1	Well Spacing & CHG Exceed Distance	Well to Well Spacing & Ogallala Formation
Rule Number	Date Granted	Date Denied	Justification:	The proposed well is less than 2,604 feet from the existing well authorized under the right and is moving more than 1,320 feet from the authorized point of diversion. The move is requested due to an effluent plume. The waiver was recommended by the Board of GMD 1 with a 35% reduction in rate.	
K.A.R. 5-21-3(a) & (d)	5/10/2017				

WAIVER RULE:

Rule ID	Applicability	Type	Subtype	Rule Number	Date Active	Date Inactive
				K.A.R.		

Date Prepared 5/9/2017 By LI

Date Entered 5/22/2017 By UM

THE STATE



OF KANSAS

KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

WAIVER OF REGULATION
K.A.R. 5-21-3

Date: 5/19/17

Re: File No. 11,742

1. That K.A.R. 5-21-3, *Well spacing requirements*, states in part (a), that each well location that withdraws water from the Ogallala shall be spaced a minimum of 2,640 feet from other non-domestic wells and in part (d) shall not be more than 1,320 feet from the originally authorize point of diversion.
2. That the change proposes to redrill one(1) of the two(2) wells authorized resulting in the proposed well to be approximately 1,850 feet from the authorized well and approximately 1,097 feet apart.
3. An area contamination plume is requiring the change in point of diversion.
4. That there are no nearby well owners within one-half (½) mile of either well.
5. That K.A.R. 5-21-3(f) states that exceptions to this regulation may be recommended by the Board to the Chief Engineer.
6. That the Board of Western Kansas Groundwater Management District No. 1 recommended that the application be approved with a 35% reduction in the rate of diversion.
7. Approval of the referenced change application will not impair existing water rights nor shall the change adversely affect the public interest.

Comments:

A handwritten signature in black ink that reads "David W. Barfield".

David W. Barfield, P.E.
Chief Engineer
Division of Water Resources

Submit completed application to:
 Kansas Department of Agriculture
 Division of Water Resources
 Field Office for your area.
 Call for address:
 Topeka -- (785) 296-5733
 Stafford -- (620) 234-5311
 Stockton -- (785) 425-6787
 Garden City -- (620) 276-2901
<http://agriculture.ks.gov/dwr>

DWR FIELD OFFICE APPLICATION FOR APPROVAL TO CHANGE THE PLACE OF USE AND/OR THE POINT OF DIVERSION



STATE OF KANSAS

Filing Fee Must Accompany the Application, K.S.A. 82a-708b(b), as amended.
 Fee Schedule is on the third page of this application form.

Paragraph Nos. 1, 2, 3 & 5 must be completed. Complete all other applicable portions. If change in point of diversion is greater than 100 feet, or if place of use will be changed, include a topographic map or detailed plat showing the authorized and proposed point(s) of diversion and/or place of use.

 File No. 11742

RECEIVED
 2:08 PM
 JAN 25 2017

1. Application is hereby made for approval of the Chief Engineer to change the (check one or both):

Place of Use Point of Diversion

Garden City Field Office
 Division of Water Resources

under the water right which is the subject of this application in accordance with the conditions described below.

The source of supply is: Groundwater Surface water

2. Name and address of Applicant: GARY WILBUR

426 W COUNTY ROAD L LEOTI KS 67861-6270

Phone Number: () _____

Email address: _____

WATER RESOURCES
 RECEIVED

Name and address of Water Use Correspondent: GARY WILBUR

426 W COUNTY ROAD L LEOTI KS 67861-6270

Phone Number: () _____

Email address: _____

JAN 30 2017

3. The presently authorized place of use is:

KS DEPT OF AGRICULTURE

Owner of Land ---- NAME: GARY WILBUR

ADDRESS: _____

(If there is more than one landowner, attach supplemental sheets as necessary.)

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES		
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼			

4. If this application is for a change in place of use, it is proposed that the place of use be changed to:

Owner of Land ---- NAME: no change to irrigated acres

ADDRESS: _____

(If there is more than one landowner, attach supplemental sheets as necessary.)

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES			
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼				

For Office Use Only: Code _____ Fee \$ <u>200</u> TR # _____ Receipt Date <u>1/25/17</u> Check # <u>12639</u>
--

GMS1

APPLICATION COMPLETE
5.15.17
 Reviewer LE

5. **Presently authorized point of diversion:**
 One in the nw Quarter of the nw Quarter of the nw Quarter
 of Section 7, Township 17 South, Range 36 W,
 in Wichita County, Kansas, 4970 feet North 5047 feet West of Southeast corner of section.
 Authorized Rate _____ Authorized Quantity _____ Depth of well _____ (feet)
 (DWR use only: Computer ID No. 2* GPS 4887 feet North 5036 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~~ NE* Quarter of the nw Quarter of the nw Quarter
 of Section 7, Township 17 South, Range 36 W,
 in Wichita County, Kansas, 5248 feet North 4180 feet West of Southeast corner of section.
 Proposed Rate _____ Proposed Quantity _____ Proposed well depth (feet) _____
 This point is: Additional Well Geo Center List other water rights that will use this point _____

ID?
New
ANASSET

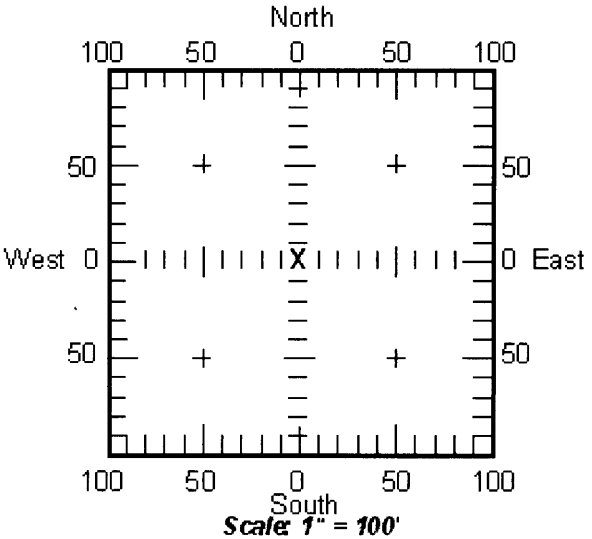
6. **Presently authorized point of diversion:**
 One in the nw Quarter of the ~~nw~~ SW* Quarter of the nw Quarter
 of Section 7, Township 17 South, Range 36 W,
 in Wichita County, Kansas, 3536 feet North 4872 feet West of Southeast corner of section.
 Authorized Rate _____ Authorized Quantity _____ Depth of well _____ (feet)
 (DWR use only: Computer ID No. 3* 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 nw Quarter of the nw Quarter
 of Section 7, Township 4887 17 South, Range 5036 36 W,
 in Wichita County, Kansas, 4970 feet North 5047 feet West of Southeast corner of section.
 Proposed Rate _____ Proposed Quantity 5216 Proposed well depth (feet) _____
 This point is: Additional Well Geo Center List other water rights that will use this point _____

702

7. Why do you need a new point of diversion? _____
 moving water wells to avoid water contamination

13a. If the proposed point of diversion will be relocated within 100 feet of the existing point of diversion, indicate its location on the diagram below in relation to the existing point of diversion. (PLEASE NOTE: The "X" in center of diagram below represents presently authorized point of diversion.)

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



9. When do you propose to complete the new point of diversion?
February 15, 2017

10. If the point of diversion is a well:
 (a) What are you going to do with the old well?
cap
 (b) When will this be done? 2017

11. Groundwater Management District recommendation attached? Yes No

12. Assisted by tpm

13b. If the proposed point of diversion will be relocated more than 100 feet but within 1320 feet from the existing point of diversion, attach a topographic map or aerial photograph. For groundwater sources, show all wells (including domestic) within one-half mile of the proposed point of diversion and the names and mailing addresses of the owners. For surface water sources, show the names and addresses of the landowner(s) one-half mile downstream and one-half mile upstream from your property lines.

* LI/DWR 3/22/17
 (* LI/DWR 5/8/17

14. If the proposed groundwater point of diversion is 300 or fewer feet from existing point of diversion, complete the following:

- (a) Does the undersigned represent all owners of the currently authorized place(s) of use identified in this application?
 Yes No (If no, all owners must sign this application.)
- (b) Will the ownership interest of any owner of the currently authorized place(s) of use identified in this application be adversely affected if this application is approved as requested?
 Yes No (If yes, all owners must sign this application.)
- (c) If this application is not approved expeditiously, will there be substantial damage to property, public health or safety?
 Yes No (If no, all owners must sign this application.)

If the application proposes a surface water change in point of diversion, a groundwater change in point of diversion greater than 300 feet, or a change in place of use, the application must be signed by all owners of the currently authorized place of use, or their duly authorized agent (attach notarized statement authorizing representation).

I hereby verify, being first duly sworn upon my oath or affirmation and under penalty of perjury, that I am of lawful age and the owner, the spouse of the owner, or a duly authorized agent of the owner(s) to make this application on their behalf, in regard to the water right(s) to which this application pertains. I further verify that the statements contained in this application are true, correct and complete.

Dated at Garden City, Kansas, this 25th day of January, 2017.

Gary Wilbur
 (Owner)
Gary Wilbur
 (Please Print)

(Spouse)
- BEN WILBUR - *
 (Please Print)

(Owner)
 (Please Print)

(Spouse)
 (Please Print)

(Owner)
 (Please Print)

(Spouse)
 (Please Print)

State of Kansas }
 County of Finney } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 25th day of January, 2017.



Julie Jones
 Notary Public

My Commission Expires _____

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

FEE SCHEDULE

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

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

JAN 30 2017

* LI/DWR 5/1/17.

KS DEPT OF AGRICULTURE

SUMMARY ORDER APPROVING APPLICATION FOR CHANGE AND IMPOSING CONDITIONS

This Summary Order is issued under authority of K.S.A. 82a-708b, as amended, and K.A.R. 5-14-3 and other applicable provisions of the *Kansas Water Appropriation Law*, K.S.A. 82a-701 et. seq., and rules and regulations promulgated thereunder, K.A.R. 5-1-1 et. seq. With the exception of those conditions expressly contained herein, this Summary Order does not change the terms, conditions and limitations of File No. 11742.

- 1. A change application was received on _____ requesting that the place of use and / or point of diversion authorized under the above-referenced file number be changed as described in the application.
2. On and after the effective date of this summary order, the authorized place(s) of use shall be located substantially as shown on the topographic map accompanying the application to change the place of use. [] Applicable [] Not Applicable
3. The change in point of diversion shall not impair existing rights and shall be limited to the same source or sources of water as previously authorized. The point of diversion authorized by this summary order shall be located within a 300 _____ foot radius of the authorized point(s) of diversion. [] Applicable [] Not Applicable
4. The point(s) of diversion authorized herein shall not actually be located more than _____ feet from the previously authorized point(s) of diversion. [] Applicable [] Not Applicable
5. As required by K.A.R. 5-3-5d, if the works for diversion is a well with a diversion rate of 100 gallons per minute or more, a tube or other device suitable for making water level measurements shall be installed, operated and maintained in accordance with K.A.R. 5-6-13. [] Applicable [] Not Applicable
6. The owner of the authorized place(s) of use shall properly install an acceptable water flow meter on or before December 31, 2017, or before the first use of water, whichever occurs first.
7. Installation of the works for diversion of water shall be completed on or before December 31, 2017, or within any authorized extension of time.
8. The completed well log shall be submitted with the required notice. [] Applicable [] Not Applicable
9. All diversion works into which any type of chemical or other foreign substance will be injected into the water shall be equipped with an in-line, automatic, quick-closing check valve...
10. Additional Conditions are attached. [] Yes [] No
11. In accordance with K.S.A. 82a-708a, as amended, and K.A.R. 5-5-14, all of the owners of the authorized place(s) of use of water appropriated under the above-referenced file number are responsible for compliance with its terms, conditions and limitations...

Administrative Appeal and Effective Date of Order

You have the right to a hearing in accordance with K.A.R. 5-14-3 before this Summary Order becomes final action of the Kansas Department of Agriculture. Any request for a hearing must be filed with the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, 1320 Research Park Drive, Topeka, Kansas 66502, within 15 days after the date shown on the Certificate of Service attached hereto. If a hearing is not requested in accordance with K.A.R. 5-14-3, this Summary Order will become effective on the 15th day after the date shown on the Certificate of Service.

For Use by Register of Deeds

FOR OFFICE USE ONLY
APPLICATION APPROVED AND
SUMMARY ORDER ISSUED

By: _____
Duly Authorized Designee of the Chief Engineer

(Print Name): _____
Division of Water Resources - Kansas Department of Agriculture

Date of Issuance: _____

State of Kansas)
) SS
County of _____)

Acknowledged before me on _____
by _____

Signature: _____
Notary Public

My commission expires: _____
(Notary Seal)

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 Leoti, Kansas, this 3rd day of May, 2017.

(Owner) Beth Wilbur
(Spouse)

(Please Print) Beth Wilbur
(Please Print)

(Owner) Beth Wilbur
(Spouse)

(Please Print) _____
(Please Print)

WATER RESOURCES RECEIVED

(Owner) MAY 05 2017
(Spouse)

(Please Print) _____
(Please Print)

KS DEPT OF AGRICULTURE

State of Kansas }
County of Wichita } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 3rd day of May, 2017.



Kelley Burch
Notary Public

My Commission Expires 9-8-19

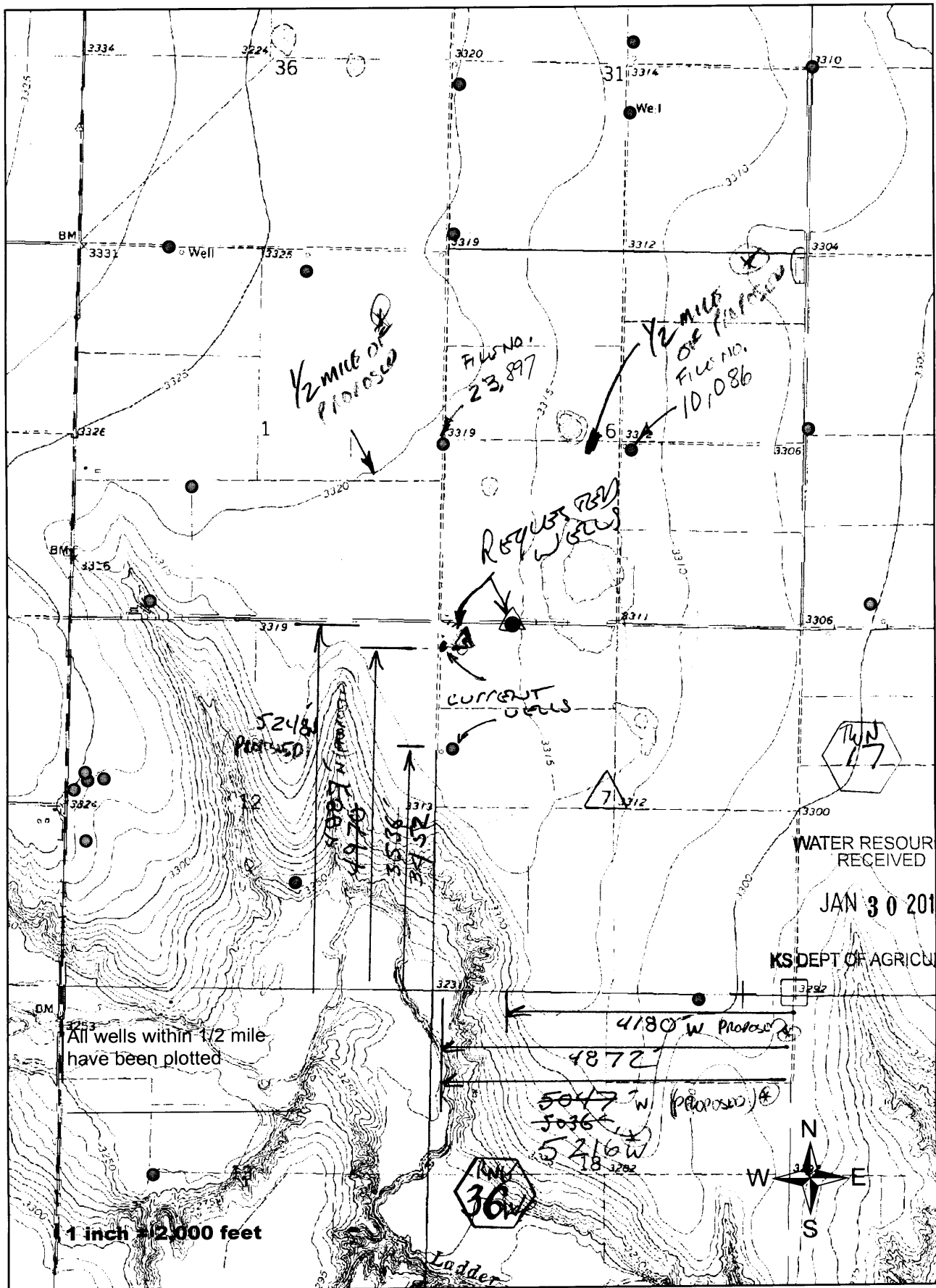
FEE SCHEDULE

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.**

11742



All wells within 1/2 mile have been plotted

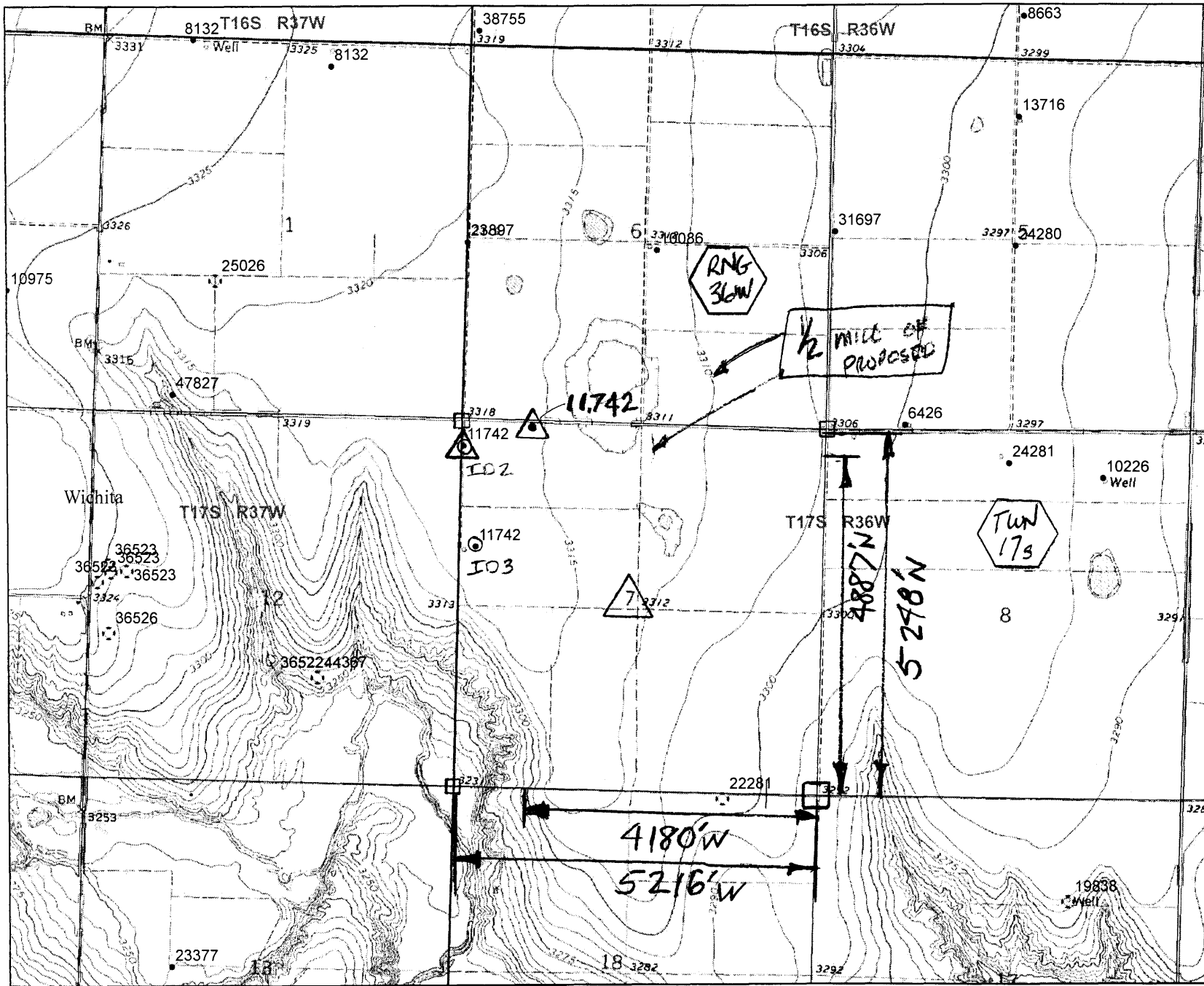
WATER RESOURCES RECEIVED
JAN 30 2017
KS DEPT OF AGRICULTURE

1 inch = 2,000 feet



SCANNED
3/16/17

Water Right File No. 11,742



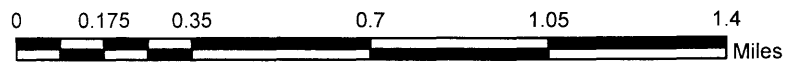
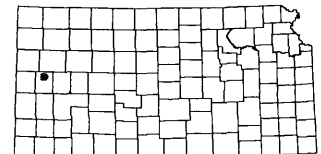
Legend

WIMAS_PD

S_UMW

- ⊙ G_STK
- ⊙ IRR AUTHORIZED
- △ IRR PROPOSED

Index Map



This map was created by I.Ireland in WIMAS on 5/2/2017

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

REQUEST TO REDUCE A PORTION OF AN EXISTING WATER RIGHT
(NO FEE REQUIRED)

WATER RESOURCES
RECEIVED

APR 24 2017

Identify the file which is the subject of this request:

- Vested Right, File No. _____
- (CHECK ONE) Water Right, File No. 11742
- Appropriation of Water, File No. _____

KS DEPT OF AGRICULTURE

To: CHIEF ENGINEER
Division of Water Resources
Kansas Department of Agriculture
1320 Research Park Drive
Manhattan, Kansas 66502

From: (Names and addresses of owners of authorized place of use. Please see instructions on back.)

Gary Wilbur
426 W. Co. Rd. 2
Leoti, KS 67861

REQUEST

The above listed owners request a:

[Complete only the sections that apply. Check only the boxes that apply. Fill in only the blanks that apply.]

A. REDUCTION IN AUTHORIZED MAXIMUM ANNUAL QUANTITY OF WATER.

It is requested that the maximum annual quantity of water be reduced to _____
(acre-feet or million gallons; circle one) per calendar year.

B. REDUCTION IN AUTHORIZED MAXIMUM RATE OF DIVERSION OF WATER.

It is requested that the maximum rate of diversion of water be reduced to 650 gallons per minute
(_____ c.f.s.).

Assisted by: _____

RECEIVED

APR 18 2017

I, the undersigned owner of this water right or permit declare that: (1) I am freely and voluntarily choosing to reduce the water right listed; and (2) I am waiving any rights to a hearing or an appeal that I may have had regarding the reduction of the water right listed.

I declare that I am an owner, as identified herein, or that I represent an owner, as identified herein, and am authorized to make this request on his or her behalf.

Dated at 4-18-17, Kansas, this _____ day of _____, _____.

Gary Wilbur
(Owner)

Beth Wilbur
(Spouse)

Gary Wilbur
(Please Print)

Beth Wilbur
(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

State of Kansas)
County of Scott) ss

I hereby certify that the foregoing application was signed in my presence and sworn to before me this

18th day of April, 2017.
(Month) (Year)

[Signature]
Notary Public

My Commission expires 9/26/2018

WATER RESOURCES
RECEIVED

APR 24 2017

KS DEPT OF AGRICULTURE RECEIVED


KYLE SPENCER
Notary Public - State of Kansas
My Appt. Expires

APR 18 2017

INSTRUCTIONS:

The request must be signed by each owner of the place of use authorized by the water right or permit and his or her spouse, if married. All water right or permit owners, including spouses, must sign this request for it to be valid. Unless the water right or permit has been legally severed from the authorized place of use, the owners of the water right or permit are the owners of the authorized place of use. Please indicate if there is no spouse. If land is being purchased under contract, the seller must sign as owner until such time as the contract is completed.

In the event that all owners cannot sign together in front of one notary public, they may, as necessary, sign appropriate copies of the request in front of any notary public conveniently available to them. All copies signed in this manner shall be accepted as valid parts of the request.

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.

**WATER RESOURCES
RECEIVED**

APR 24 2017

KS DEPT OF AGRICULTURE

RECEIVED

APR 18 2017

Garden City Field Office
Division of Water Resources

Ireland, Leslie

From: Meyer, Mike
Sent: Monday, May 8, 2017 4:04 PM
To: Ireland, Leslie
Subject: RE: Recommendation for Change in PD, File No. 11,742 , Wilbur

I RECOMMEND APPROVAL based on the need to get away from a contamination plume, and the rate has been limited.

Mike

From: Ireland, Leslie
Sent: Monday, May 8, 2017 2:38 PM
To: Meyer, Mike <Mike.Meyer@ks.gov>
Subject: Recommendation for Change in PD, File No. 11,742 , Wilbur

Mike,

I've attached two maps.. they might look familiar. This change is confusing as the application was filled out.. then the day later a compliance investigation was done.. I have to say I'm really not a fond of compliance investigations..

Is there really a lot of contamination issues in this area? I didn't mention it in my memo, but will in the waiver.

Please let me know if you would support the waiver of K.A.R. 5-21-3 and recommend approval of the proposed change.

Leslie Ireland, Environmental Scientist II
Kansas Department of Agriculture
Division of Water Resources - Change Unit
(785) 564-6633
Leslie.Ireland@ks.gov
www.agriculture.ks.gov



WESTERN KANSAS GROUNDWATER MANAGEMENT DISTRICT NO.1

April 19, 2017

Ms. Leslie Ireland
Environmental Scientist
Kansas Dept of Agriculture
Division of Water Resources – Change Unit
1320 Research Park Drive
Manhattan, KS 66502

WATER RESOURCES
RECEIVED

APR 21 2017

KS DEPT OF AGRICULTURE

Re: Application: File no. 11742 – Gary Wilbur

Dear Ms. Ireland:

At the April 18, 2017 Western Ks Groundwater Management District No. 1 board meeting, the Board voted to waive the District's K.A.R. 5-21-3 well spacing regulation for the above referenced application and recommends approval contingent upon reducing the pumping rate to 650 gpm. The applicant has submitted a request for this reduction to the Garden City Field Office.

As usual, if you have any questions or need further information, please contact this office.

Sincerely,

Kyle Spencer

District Manager

ks/vr

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 23, 2017

WESTERN KANSAS GROUNDWATER
MANAGEMENT DISTRICT NO 1
KYLE SPENCER
PO BOX 604
SCOTT CITY KS 67861

FILE COPY

Re: Water Right, File No. 11,742

Dear Mr. Spencer:

In response to your March 22, 2017, telephone request for an extension of time, the Chief Engineer has extended the initial time in which to submit a recommendation concerning the requested change under the above referenced file.

Per your request, any further action will be delayed until April 21, 2017. Please submit your recommendations within the allotted time, or any authorized extension of time thereof.

If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently, my desk phone number is (785) 564-6633, or you may contact me via email at Leslie.Ireland@ks.gov.

Sincerely,

A handwritten signature in cursive script that reads "Leslie Ireland".

Leslie Ireland
Environmental Scientist
Water Appropriation Program

LI:li

Enclosure

pc: Garden City Field Office
Gary Wilbur

SCANNED

Test Log

Gary Wilbur

DATE: 1/24/2017

TEST: #1

LEGAL: North of County Road
N 38 35.857
W 101 20.744

Woofter Pump & Well, Inc.

1024 Oak, P.O. Box 689

Hoxie, Kansas 67740

Ph (785)-675-3991, Fax (785)-675-3990

E-Mail woofpw@ruraltel.net

Static: _____

Total Depth: 200'

0	2	surface
2	20	loess
20	52	clay w/caliche strks
52	67	sandy clay w/clay & caliche strks
67	78	fine & med sand w/clay & caliche lenses
78	101	sandy clay w/clay & caliche strks
101	133	fine to some med sand w/clay & caliche strks
133	141	clay w/traces of sand
141	169	sandy clay w/clay strks & caliche lenses
169	186	fine sand w/traces of clay
186	189	fine & med sand & small gravel
189	200	yellow ochre/black shale

WATER RESOURCES
RECEIVED

JAN 30 2017

KS DEPT OF AGRICULTURE

SCANNED

17-35-7ad. Sample log of test hole in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ sec. 7, T. 17 S., R. 35 W., Wichita County, drilled by State Geological Survey, October 1947. Surface altitude, 3,132.1 feet.

QUATERNARY—Pleistocene	Thickness, feet	Depth, feet
Alluvium		
Silt, dark brown	3	3
Silt, light brown	7	10
Clay, limy, gray	7	17
Clay, limy, blue	10	27

TERTIARY—Pliocene	Thickness, feet	Depth, feet
Ogallala formation		
Sand, fine to coarse; contains fine gravel	3	30
Gravel, fine to coarse; contains fine to coarse sand	14	44
Sand, fine, and clayey yellow-brown silt; contains medium to coarse sand at 48 to 50 feet	6	50
Sand, fine to coarse; contains fine gravel	30	80
Sand, fine to coarse, and fine gravel; contains some clayey yellow-brown fine sand and silt at 88 to 90 feet	10	90
Sand, medium to coarse; contains clayey yellow-brown silt and fine sand	10	100
Clay, sandy, limy, yellow	13	113

CRETACEOUS—Gulfian	Thickness, feet	Depth, feet
Niobrara formation—Smoky Hill chalk member		
Chalk, blue gray	5	118

17-35-36bb. Drillers log of well in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ sec. 36, T. 17 S., R. 35 W., Wichita County; irrigation well, E. Wicoff, owner, Weishaar and Son, driller. Surface altitude, 3,176.3 feet.

	Thickness, feet	Depth, feet
Clay	18	18
"Jip" [caliche] and clay	14	32
"Jip"	8	40
Clay	5	45
Sand, hard	11	56
Sand, clay, and "jip"	16	72
Sand, light	4	76
Clay	6	82
"Jip"	3	85
Clay	4	89
Sand, fine, and clay	18	107
Clay	6	113
Sand, fine	5	118
Clay	8	126
Sand, fine	6	132
Sand, "jip", hard	13	145
Sand	17	162
Sand, fine, and clay	8	170
Sand, fine, dirty	7	177
Sand	2	179

	Thickness, feet	Depth, feet
Clay	3	182
Gravel	10	192
"Soapstone"	6	198
Shale	2	200

17-36-9bb. Sample log of test hole in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ sec. 9, T. 17 S., R. 36 W., Wichita County, drilled by State Geological Survey, September 1947. Surface altitude, 3,283.9 feet.

QUATERNARY—Pleistocene	Thickness, feet	Depth, feet
Sanborn formation		
Silt, dark brown	3	3
Silt, light brown; contains snail shells	15.5	18.5
Silt, sticky, light brown	1.5	20

TERTIARY—Pliocene	Thickness, feet	Depth, feet
Ogallala formation		
Caliche, white	10	30
Limestone, sandy, impure	8	38
Silt, sandy, brown to white	5	43
Caliche, hard, white; contains some opal	11	54
Silt, sandy, brown	9	63
Sand, medium	14.5	77.5
Silt, sandy, brown	2.5	80
Silt, sandy, sticky, brown; contains medium sand	44	124
Caliche, white	6	130
Sand, fine to medium	40	170
Sand, fine to medium; contains silt	12	182
Sand, coarse, and fine to medium gravel	6	188

CRETACEOUS—Gulfian	Thickness, feet	Depth, feet
Niobrara formation—Smoky Hill chalk member		
Chalk, clayey, weathered, yellow	4	192
Chalk, gray	4	196

17-36-16cb. Sample log of test hole in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ sec. 16, T. 17 S., R. 36 W., Wichita County, drilled by State Geological Survey, September 1947. Surface altitude, 3,192.6 feet.

QUATERNARY—Pleistocene	Thickness, feet	Depth, feet
Alluvium		
Silt, black	4	4
Silt, brown	2	6
Sand, fine to medium	4	10
Sand, coarse to medium; contains fine gravel	17	27

TERTIARY—Pliocene	Thickness, feet	Depth, feet
Ogallala formation		
Gravel, fine to medium; contains some coarse gravel	13	40
Gravel, fine, and coarse to medium sand	20	60
Sand, coarse to medium; contains fine gravel	40	100
Sand, coarse, and fine gravel	8	108

Water Rights and Points of Diversion Within 1.25 miles of point defined as:

5248 ft N and 4180 ft W of the SE Corner of Section 7, T 17S, R 36W

Located at: 101.345296 West Longitude and 38.597601 North Latitude

Chg North well

GROUNDWATER ONLY

File Number	Use	ST	SR	Dist	(ft)	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Twp	Rng	ID	Batt	Auth_Quan	Add_Quan	Unit
A__ 6426	00	IRR	NK	G	5153	--	SE	SW	SW	-----	-----	5	17	36W	1		640.00	640.00	AF
A__ 8132	00	IRR	NK	G	5850	--	--	--	--	4954	2029	1	17	37W	6		1063.00	1063.00	AF
A__ 10086	00	IRR	NK	G	3016	--	NW	NW	SE	2500	2500	6	17	36W	1		320.00	320.00	AF
A__ 11742	00	IRR	NK	G*	796	--	NW	NW	NW	-----	-----	7	17	36W	2		320.00	320.00	AF
Same					1847	--	NW	NW	NW	3536	4872	7	17	36W	3				
A__ 22281	00	STK	NK	G	5997	--	NW	NE	NE	5179	1275	18	17	36W	2		198.99	198.99	AF
A__ 23897	00	IRR	NK	G	2765	--	--	--	--	2540	5240	6	17	36W	2		262.00	262.00	AF
A__ 25026	00	STK	NK	G	5022	--	SW	NE	SW	1865	3595	1	17	37W	2		54.01	54.01	AF
A__ 31697	00	IRR	NK	G	5079	--	SW	SW	NW	2686	5200	5	17	36W	4		197.00	.00	AF
A__ 36522	00	STK	NK	G	4825	--	SW	NW	SE	1516	2016	12	17	37W	5		200.00	200.00	AF
A__ 36523	00	STK	NK	G	6488	--	SW	SW	NW	2917	5023	12	17	37W	9 G	3	171.00	171.00	AF
Same					6488	--	SW	SW	NW	3029	5065	12	17	37W	6 B	3			
Same					6261	--	SW	SW	NW	2944	4790	12	17	37W	7 B	3			
A__ 38755	00	IRR	NK	G	5657	--	--	--	--	200	5058	31	16	36W	7		100.00	100.00	AF
A__ 44367	00	STK	NK	G	4825	--	SW	NW	SE	1516	2016	12	17	37W	5		172.09	.00	AF

meets spec of 2640

Total Net Quantities Authorized:	Direct	Storage
Total Requested Amount (AF) =	.00	.00
Total Permitted Amount (AF) =	.00	.00
Total Inspected Amount (AF) =	.00	.00
Total Pro_Cert Amount (AF) =	.00	.00
Total Certified Amount (AF) =	3329.00	.00
Total Vested Amount (AF) =	.00	.00
TOTAL AMOUNT (AF) =	3329.00	.00

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

Water Rights and Points of Diversion Within 1.25 miles of point defined as:

101.345296 West Longitude and 38.597601 North Latitude

GROUNDWATER ONLY

WATER USE CORRESPONDENTS:

File Number	Use	ST	SR	
A__ 6426	00	IRR	NK	G
> GARY GRAFF				
>				
> 368 SOUTH COUNTY ROAD 23				
> MARIENTHAL KS 67863				

A__ 8132	00	IRR	NK	G
> WHITHAM LAND & CATTLE LP				
>				
> 462 N COUNTY ROAD 5				
> LEOTI KS 67861				

OWNERSHIP UPDATE TO GARY WILBUR -

CURRENTLY AUTHORIZED

<i>ID 2</i>	$\frac{1N}{4887}$	$\frac{1W}{5216}$	
<i>ID 3</i>	$\frac{3452}{1435'N^2}$	$\frac{5002}{214'W^2}$	$= \sqrt{2165021} = 1451'$

PROPOSED

$\frac{1N}{5248}$	$\frac{1W}{4180}$	
$\frac{4887}{361'N^2}$	$\frac{5216}{1036'W^2}$	$= \sqrt{1203617} = 1097'$

CHECK SHEET Short Change

(To be completed and attached to each application)

File No. 11742

Field Office No. 4

GMD No. 21

1. Plugging agreement obtained for GMD? Yes No Non Applicable
2. Is Landowner correct as currently shown in WRIS? Yes No Address Change? _____
If applicable, list Place of Use Overlap File Nos. _____
3. Is Water Use Correspondent correct as currently shown in WRIS? Yes No Address Change? _____
Name of Former WUC _____ Name of New WUC _____
4. a. Point of diversion computer ID No(s). 1 for point(s) being changed.
b. Show feet distances from the _____ SE corner of the section for the new point(s) of diversion:

Action	PDIV ID	Geo Ctr?	Sec	Twp	Rng	'N	'W	County	Qualifiers
ENT			7	17	36	3536	4872	Whicita	NW NW NW
								NW SW NW	

- c. If multiple points of diversion exist and rates and quantities are individually assigned, show:
- | Old PDIV ID | Authorized Rate | Additional Rate | Authorized Quantity | Additional Quantity |
|-------------|-----------------|-----------------|---------------------|---------------------|
| _____ | _____ gpm | _____ gpm | _____ af | _____ af |
| _____ | _____ gpm/cfs | _____ gpm/cfs | _____ af/mgy | _____ af/mgy |
| _____ | _____ gpm/cfs | _____ gpm/cfs | _____ af/mgy | _____ af/mgy |
- d. Name of Drainage Basin Ladder creek Is this correctly shown in WRIS? Yes No
- e. Formation Name & No. 211 oglala Special Use Area na

5. Distances from the original p/d: _____ 0 _____ ' N / S _____ 233 _____ ' E

6. WATER RIGHT ACTION TRAIL COMMENTS

9/16/14 Change Application Received (date accepted for priority)
10/13/14 Change Approved
Notice and Proof by 12/31/14 15
_____/_____/_____. Completion Requirement Removed (Change No. C _____)

7. METER ACTION TRAIL COMMENTS

10/13/14 DWR Meter Required by 12/31/14 15

8. Base Acres _____ Year _____ Minimum Reasonable Quantity _____
Date Created ²⁴ 9/16/14 by tpm
Date Entered _____ by _____

WATER SHEET ERROR

5. **Presently authorized point of diversion:**
 One in the NW Quarter of the SW Quarter of the NW Quarter of Section 7, Township 17 South, Range 36 W, in Wichita County, Kansas, 38.59261 feet North 101.34901 feet West of Southeast corner of section.
 Authorized Rate 1000 GPM Authorized Quantity 320 AF Depth of well 200 (feet)
 (DWR use only: Computer ID No. 152400 GPS 3536 feet North 5105 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 NW Quarter of Section 7, Township 17 South, Range 36 W, in Wichita County, Kansas, 38.59261 feet North 101.34901 feet West of Southeast corner of section.
 Proposed Rate _____ Proposed Quantity 3530 AF Proposed well depth (feet) 200
 This point is: Additional Well Geo Center List other water rights that will use this point _____

6. **Presently authorized point of diversion:**
 One in the NW Quarter of the NW Quarter of the NW Quarter of Section 7, Township 17 South, Range 36 W, in Wichita County, Kansas, 4970 feet North 5047 feet West of Southeast corner of section.
 Authorized Rate 1600 GPM Authorized Quantity 320 AF Depth of well _____ (feet)
 (DWR use only: Computer ID No. 2 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 _____ Proposed well depth (feet) _____
 This point is: Additional Well Geo Center List other water rights that will use this point _____

7. Why do you need a new point of diversion? High Chloride level in Water.

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

9. When do you propose to complete the new point of diversion? Completed

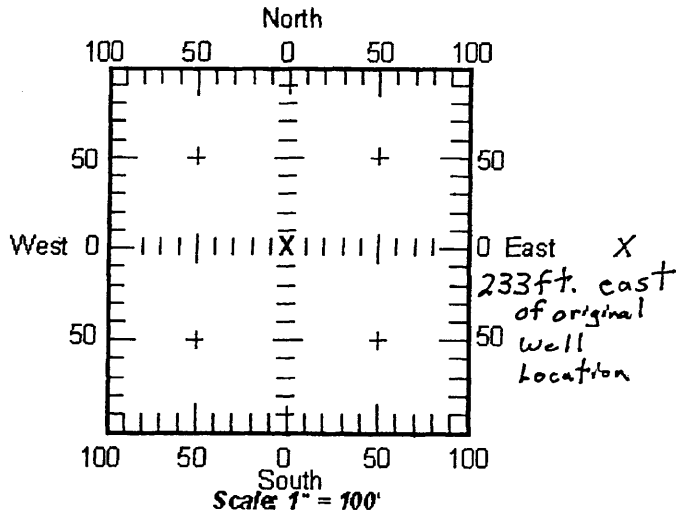
10. If the point of diversion is a well:
 (a) What are you going to do with the old well? abandon

(b) When will this be done? as soon as water samples are not needed.

11. Groundwater Management District recommendation attached? Yes No

12. Assisted by GMD?

13a. If the proposed point of diversion will be relocated within 100 feet of the existing point of diversion, indicate its location on the diagram below in relation to the existing point of diversion. (PLEASE NOTE: The "X" in center of diagram below represents presently authorized point of diversion.)



13b. If the proposed point of diversion will be relocated more than 100 feet but within 1320 feet from the existing point of diversion, attach a topographic map or aerial photograph. For groundwater sources, show all wells (including domestic) within one-half mile of the proposed point of diversion and the names and mailing addresses of the owners. For surface water sources, show the names and addresses of the landowner(s) one-half mile downstream and one-half mile upstream from your property lines.

49774

DIVISION OF WATER RESOURCES-KANSAS DEPARTMENT OF AGRICULTURE
COMPLIANCE INVESTIGATION

Field Office No. 04 G.M.D. No. 01 County WH

File No. 11742 Overlap None File No(s). _____

Agency DWR Inspector Mitch French

In Compliance/ Date	
<input checked="" type="checkbox"/> Yes	<u>1/26/17</u>
<input type="checkbox"/> No, see comments	_____
<input type="checkbox"/> Re-investigation	_____

Reason: New Application Regular P/D Change P/U Change
 Meter Installed Short Move P/D Change Other Meter replaced

Date of Order _____ Date of N of C Ack _____ Chg No. C _____ Date completed _____ If PD chg, old PD ID _____

Current Landowner Gary Wilbur Phone No. _____

Address 426 w county Rd L, Leoti KS 67861-6270
Additional landowners and addresses identified in remarks section.

Water Use Correspondent Same Phone No. _____

Authorized Water Use Classification	<input type="checkbox"/> Domestic	<input type="checkbox"/> Industrial	<input checked="" type="checkbox"/> Irrigation	<input type="checkbox"/> Municipal	<input type="checkbox"/> Hydraulic Dredging
	<input type="checkbox"/> Recreation	<input type="checkbox"/> Stockwatering	<input type="checkbox"/> Water Power	<input type="checkbox"/> Artificial Recharge	<input type="checkbox"/> Contamination Remediation
	<input type="checkbox"/> Dewatering	<input type="checkbox"/> Fire Protection	<input type="checkbox"/> Thermal Exchange	<input type="checkbox"/> Sediment Control	<input type="checkbox"/> Other _____

Water currently being used for Irr.

Source: Groundwater Surface Water Basin Ladder Creek

Authorized Point of Diversion: NW NW NW

Sec. 7, T. 17S, R. 36W ID No. 2

Approximately _____ ft. North and _____ ft. West of SE corner of Sec 7.

Actual Point of Diversion: NW NW NW

Sec. 7, T. 17S, R. 36W

Approximately 4887 ft. North and 5216 ft. West of SE corner of Sec 7.

How were distances determined? GPS (+/- 9') & File NAD 27 Latitude 38.59661 Longitude 101.34892

Distance from old pd _____ ft (N / S) and _____ ft (E / W) Old well: plugged capped equipped other: _____?

Location (site) map attached? NO Sketch or Map below

Comments: _____

DIVISION OF WATER RESOURCES-KANSAS DEPARTMENT OF AGRICULTURE
COMPLIANCE INVESTIGATION

Field Office No. 04 G.M.D. No. 01 County WH

File No. 11742 Overlap None File No(s). _____

Agency DWR Inspector Mitch French

In Compliance/ Date	
<input checked="" type="checkbox"/> Yes	<u>6/20/16</u>
<input checked="" type="checkbox"/> No, see comments	<u>10/12/15</u>
<input checked="" type="checkbox"/> Re-investigation	<u>6/20/16</u>

Reason: New Application Regular P/D Change P/U Change
 Meter Installed Short Move P/D Change Other Meter repaired

Date of Order 10/13/14 Date of N of C Ack _____ Chg No. C1 Date completed _____ If PD chg, old PD ID 1

Current Landowner DAREN R & JANIS M KREUTZER Phone No. _____

Address 603 S 10TH ST LEOTI KS 67861-6280
Additional landowners and addresses identified in remarks section.

Water Use Correspondent Same Phone No. _____

Authorized Water Use Classification: Domestic Industrial Irrigation Municipal Hydraulic Dredging
 Recreation Stockwatering Water Power Artificial Recharge Contamination Remediation
 Dewatering Fire Protection Thermal Exchange Sediment Control Other _____

Water currently being used for Irr.

Source: Groundwater Surface Water Basin Ladder

Authorized Point of Diversion: NW NW NW Sec. 7, T. 17S, R. 36W ID No. 3

Approximately 3536 ft. North and 4872 ft. West of SE corner of Sec 7.

Actual Point of Diversion: NW NW NW Sec. 1, T. 17S, R. 37W

Approximately 3452 ft. North and 5007 ft. West of SE corner of Sec 7.

How were distances determined? GPS (+/- 14') & File NAD 27 Latitude 38.59267 Longitude 101.34819

Distance from old pd _____ ft (N / S) and 233 ft (E) Old well: plugged capped equipped other: _____?

Location (site) map attached? NO Sketch or Map below

Comments: Old well located at 38.59259/101.34897 (3423' N and 5230' W)

Old well does not appear to have been described correctly. P/D location can be considered in compliance

No visable water level measurement tube

WLM + installed 6/20/16 MF/DWR

Red Kermit #

WATER WELL RECORD Form WWC-5

Division of Water Resources App. No. [] Well ID []

Original Record Correction Change in Well Use

1 LOCATION OF WATER WELL: County: Wichita Fraction SE 1/4 NW 1/4 SW 1/4 NW 1/4 Section Number 7 Township Number T 17 S Range Number R 36 E W

2 WELL OWNER: Last Name: Kruezer First: Daren Street or Rural Address where well is located (if unknown, distance and direction from nearest town or intersection): If at owner's address, check here: From Leoti, go west on Rd 12 for 6 miles west 1 1/2 miles north on Road H

3 LOCATE WELL WITH "X" IN SECTION BOX: N [] NW [X] NE [] W [] SW [] SE [] E [] S [] 1 mile

4 DEPTH OF COMPLETED WELL: 200 ft. Depth(s) Groundwater Encountered: 1) 160 ft. 2) 160 ft. 3) 160 ft. or 4) Dry Well WELL'S STATIC WATER LEVEL: 160 ft. below land surface, measured on (mo-day-yr) above land surface, measured on (mo-day-yr) Pump test data: Well water was ... ft. after ... hours pumping ... gpm Well water was ... ft. after ... hours pumping ... gpm Estimated Yield: 25 gpm Bore Hole Diameter: 12 in. to 200 ft. and ... in. to ... ft.

5 Latitude: 38.5927 (decimal degrees) Longitude: 101.3481 (decimal degrees) Datum: WGS 84 NAD 83 NAD 27 Source for Latitude/Longitude: GPS (unit make/model: ...) (WAAS enabled? Yes No) Land Survey Topographic Map Online Mapper: ...

6 Elevation: 3318 ft. Ground Level TOC Source: Land Survey GPS Topographic Map Other KOLAR

7 WELL WATER TO BE USED AS: 1. Domestic: Household Lawn & Garden Livestock 2. Irrigation 3. Feedlot 4. Industrial 5. Public Water Supply: well ID ... 6. Dewatering: how many wells? ... 7. Aquifer Recharge: well ID ... 8. Monitoring: well ID ... 9. Environmental Remediation: well ID ... Air Sparge Soil Vapor Extraction Recovery Injection 10. Oil Field Water Supply: lease ... 11. Test Hole: well ID ... Cased Uncased Geotechnical 12. Geothermal: how many bores? ... a) Closed Loop Horizontal Vertical b) Open Loop Surface Discharge Inj. of Water 13. Other (specify): ...

Was a chemical/bacteriological sample submitted to KDHE? Yes No If yes, date sample was submitted: ... Water well disinfected? Yes No

8 TYPE OF CASING USED: Steel PVC Other CASING JOINTS: Glued Clamped Welded Threaded Casing diameter 8 in. to 40 ft., Diameter ... in. to ... ft., Diameter ... in. to ... ft. Casing height above land surface 18 in. Weight ... lbs./ft. Wall thickness or gauge No. 332 TYPE OF SCREEN OR PERFORATION MATERIAL: Steel Stainless Steel Fiberglass PVC Brass Galvanized Steel Concrete tile None used (open hole) SCREEN OR PERFORATION OPENINGS ARE: Continuous Slot Mill Slot Gauze Wrapped Torch Cut Drilled Holes Other (Specify) ... Louvered Shutter Key Punched Wire Wrapped Saw Cut None (Open Hole) SCREEN-PERFORATED INTERVALS: From 160 ft. to 200 ft., From ... ft. to ... ft., From ... ft. to ... ft. GRAVEL PACK INTERVALS: From 20 ft. to 200 ft., From ... ft. to ... ft., From ... ft. to ... ft.

9 GROUT MATERIAL: Neat cement Cement grout Bentonite Other Grout Intervals: From 0 ft. to 20 ft., From 20 ft. to 200 ft., From ... ft. to ... ft. Nearest source of possible contamination: Septic Tank Lateral Lines Pit Privy Livestock Pens Insecticide Storage Sewer Lines Cess Pool Sewage Lagoon Fuel Storage Abandoned Water Well Watertight Sewer Lines Seepage Pit Feedyard Fertilizer Storage Oil Well/Gas Well Other (Specify) ... Direction from well? ... Distance from well? ... ft.

10 FROM	TO	LITHOLOGIC LOG	FROM	TO	LITHO. LOG (cont.) or PLUGGING INTERVALS
0	2	surface	145	180	fine sand w/clay & caliche lenses
2	20	loess	180	183	fine & med sand
20	29	caliche & clay w/traces of sand	183	200	yellow ochre/black shale
29	37	fine & med sand w/clay & caliche strks			
37	67	caliche & clay w/sand lenses			
67	76	fine sand & sandy clay mix w/clay & calich			
76	85	clay & caliche w/sand strks			
85	123	fine sand & sandy clay mix w/clay & calich			
123	145	fine to some med and w/clay & caliche str			

11 CONTRACTOR'S OR LANDOWNER'S CERTIFICATION: This water well was constructed, reconstructed, or plugged under my jurisdiction and was completed on (mo-day-year) 08/26/2014 and this record is true to the best of my knowledge and belief. Kansas Water Well Contractor's License No. 881 This Water Well Record was completed on (mo-day-year) ... under the business name of Woofert Pump and Well, Inc.

Subject Property: 1020730700000002000

QuickRef ID : R698 [Click here to locate on Map](#)

Owner Name : WILBUR, GARY No property photo available

Location : COUNTRY PARCEL, Leoti, KS 67861.

Legal Desc : RURAL PARCEL, S07, T17, R36, ACRES 153.2, NW4 LESS RD R/W SECTION 07 TOWNSHIP 17 RANGE 36.

The legal description displayed above is not adequate for use in legal documents

Owner Information

Owner :	Mailing Address :
WILBUR, GARY	426 W COUNTY ROAD L LEOTI, KS 67861

Property Details

Property Type :	Property Status :	Taxing Unit :	Neighborhood Code :
Agricultural Use	Active	RURAL PARCEL	007

Market Land Details

Actual Width :	Eff Width :	Eff Depth :	Acres :	Square Feet :
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No Permit Details found.

Value Details

Current Final Value (Agricultural) :	Year :	2016
	Land :	\$44,910
	Building :	\$0
	Total :	\$44,910

Deed Book/Page

Book / Page List and Misc Legal Description Info :

Book/Page 099P/0009 0045/0210 08PR/7 58/210 59/446 59/447 61/339

Book :	Page :
58xxx	210
59xxx	447
61xxx	339

No Sale Details found. (Please log in to view this data.)

5/11/17 - ORIGINAL FROM Spouse - Marilyn Joye Wilbur deceased 2009 -
New spouse is - BETH WILBUR

Kansas

Department of Agriculture
Division of Water Resources

Garden City Field Office
2508 Johns Street
Garden City, Kansas 67846-2804

Jackie McClaskey, Secretary
David W. Barfield, Chief Engineer
Michael A. Meyer, Water Commissioner

Phone: (620) 276-2901
Fax: (620) 276-9315
www.agriculture.ks.gov
Sam Brownback, Governor

January 26, 2017

Western Kansas Groundwater
Management District No 1
PO Box 604
Scott City KS 67861-0604

Re: Water Right file number 11742.

Dear Mr. Spencer;

Gary Wilbur has applied to correct the point of diversion for the above referenced file. There are no neighboring wells within ½ mile of the requested location.

We are delaying action for 15 days on the change application to allow you time to review and provide a recommendation if you feel one is warranted. I assume you have a copy of the change so am not enclosing a copy.

Thank you and as always feel free to call or write us at any time.

Sincerely;



Thomas P Makens

WATER RESOURCES
RECEIVED

JAN 30 2017

KS DEPT OF AGRICULTURE

SCANNED