Kansas Department of Agriculture Division of Water Resources

CHANGE: P/D WORKSHEET

Document Signatur	re	<u>LPL</u>	_
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1. File Number:	2. Status Change Date:	3. Change Num:	4. Field Office:	5. GMD:
14695	5/4/2017	C2	4	1
6. Status: Approved	Denied by DWR/GMD	☑ Dismiss by Re	quest	7. Filing Date of Change:
				3/13/17
8a. Applicant(s) New to system	Person ID <u>26508</u> Add Seq#	8c. Landown New to sy		Person ID 26508 Add Seq#
GARY WILBUR 426 W COUNTY ROAD LEOTI KS 67861-6270		426 W	& BETH WILBUR COUNTY ROAD KS 67861-6270	
		1	CHANGE FOR P EW SPOUSE	PERSON ID UPDATE
8b. Landowner(s) New to system □	Person ID 40035 Add Seq#	8d. WUC	vstem 🗌	Person ID 26508 Add Seq#
JAMES D PERRY 119 NORTH COUNTY LEOTI KS 67861-6107		426 W	& BETH WILBUR COUNTY ROAD KS 67861-6270	L
9. Documents and Enclosure(s):	DWR Meter(s) Date to Co	omply:	□ N & P Dat	e to Comply:
☐ Check Valve ☐ N & F	P Form	Tube D	riller Copy	H & E Letter
☐ Conservation Plan Date Re	quired:	Date Approved:	Da	te to Comply:
10. Use Made of Water From:			Го:	
SEE OTHER WORKSHEET FOR N	IAME CHANGE FOR WILE	BURS	Date Prepared: 5/ 3	

KANSAS DEPARTMENT OF AGRICULTURE Division of Water Resources

MEMORANDUM

TO:Files

DATE: May 2, 2017

FROM: Leslie Ireland

RE: Water Right, File No. 14,695

On March 13, 2017, Gary Wilbur, filed an application to change the points of diversion authorized under the referenced file for irrigation use.

The application for change was to modify one(1) of the three (3) authorized wells proposing to cap the existing well and divert water under an old existing well. The proposed existing well is located closer to two domestic wells owned by Stewart Whitham. Notice was sent to Mr. Whitham, but when contacted by Kyle Spencer, Manager of Groundwater District No. 1, Mr. Whitham believed he had not received the notice. Mr. Whitham also expressed concerns to Kyle Spencer that his domestic wells were closer to the proposed existing point of diversion than shown on the map. It appears that after discussion Mr. Wilbur decided to withdraw the application.

A review of the file found that the change approved on March 2, 2017, corrected the illegal point of diversion identified by the letter of Mike Meyer, Water Commissioner, GCFO, dated January 9, 2017.

A separate worksheet has been completed to add Beth to the Person ID # 26508 for the rights as she signed the form submitted to dismiss the change as Gary's wife.

Based on the above discussion, it is recommended that the application to change the points of diversion filed on March 13, 2017, for the referenced file, be dismissed.

Leslie Ireland

Environmental Scientist

Water Appropriation Program



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

Jackie McClaskey, Secretary

Governor Sam Brownback

May 9, 2017

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

FILE COPY

RE: Water Right, File No. 14,695

Dear Mr. & Mrs. Wilbur:

Enclosed is the Findings and Orders by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, regarding the Application for Change under the referenced file.

Your request for the voluntary withdraw of the March 13, 2017, application for change in point of diversion under the referenced file, was received in the office of the Chief Engineer on May 1, 2017, and has been processed in accordance with your request. The March 13, 2017, Application to Change the Point of Diversion for the referenced file has been dismissed and any priority held by the application for change has been forfeited.

Please be reminded that the annual water use report must be submitted to this office. This report must provide a record indicating the amount of water used or one of the circumstances for nonuse as listed in K.A.R. 5-7-1, *Due and sufficient cause for nonuse*, must be listed on the report. It appears circumstance number 11 of this regulation which states the rights are located within an area of the state that is closed to by regulation or order of the Chief Engineer, would match your reason for due and sufficient cause for nonuse under the referenced files. Please be reminded that said information should be furnished to the Chief Engineer by March 1 following the end of the previous calendar year.

If you have any questions, please contact Leslie Ireland 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,

Change Application Unit Supervisor

BAT:LI:li Enclosures

Brent A. Turney P.C.

pc: Garden City Field Office

Groundwater Management District No.1

James D. Perry

THE STATE



OF KANSAS

KANSAS DEPARTMENT OF AGRICULTURE

Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCESDavid W. Barfield, Chief Engineer

FINDINGS AND ORDER
IN THE MATTER OF THE DISMISSAL
OF AN APPLICATION FOR APPROVAL
TO CHANGE THE AUTHORIZED
POINT OF DIVERSION
UNDER WATER RIGHT, FILE NO. 14,695

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 May 24, 2002, the Chief Engineer, in accordance with K.S.A. 82a-714, issued a Certificate of Appropriation pursuant to Water Right, File No. 14,695, for permit to appropriate water for irrigation use, authorizing the use of groundwater.
- 2. That on March 13, 2017, Gary Wilbur, 426 W. County Road L., Leoti, Kansas 67861-6270, one of the owners of the place of use authorized under the right referenced in paragraph No. 1, filed an *Application for Approval to Change the Point of Diversion Under an Existing Water Right* (Application), for the file described in paragraph No. 1 of these findings.
- 3. That by means of a written request dated April 26, 2017, and received in the Office of the Chief Engineer on May 1, 2017, Gary and Beth Wilbur, requested to withdraw the Application described in paragraph No. 2 of these findings.

ORDER

NOW, THEREFORE, It is the decision and order of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, that effective the date of this order, the Application for Approval to Change the Point of Diversion Under an Existing Water Right, received in the Office of the Chief Engineer on March 13, 2017, under Water Right, File No. 14,695, shall be dismissed and its priority forfeited.

In all other respects, the Certificate of Appropriation for Beneficial Use of Water, issued pursuant to irrigation use under Water Right, File No. 14,695, dated May 24, 2002, remains as authorized.

This is a final agency action. If you choose to appeal this decision or any finding or part thereof, you must do so by filing a petition for review in the manner prescribed by the Kansas Act for Judicial Review and Civil Enforcement of Agency Actions (KJRA K.S.A. 77-601 et seq) within 30 days of service of this order. Your appeal must be made with the appropriate district court for the district of Kansas.

Ordered this 4th day of May

, 2017, at Topeka, Shawnee County, Kansas.

Lane P. Letourneau, P.G.

Program Manager Division of Water Resources Kansas Department of Agriculture

State of Kansas

SS

County of Riley

The foregoing instrument was acknowledged before me this 4th day of May 7, 2017, by Lane P. Letourneau, P.G., Program Manager, Division of Water Resources, Kansas Department of Agriculture.



CERTIFICATE OF SERVICE

On this day of May, 2017, I hereby certify that the foregoing Findings and Order in the Matter of the Dismissal of an Application for Approval to Change the Authorized Point of Diversion Under an Existing Water Right, for Water Right, File No. 14,695, was mailed postage prepaid, first class, US mail to the following:

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

With photocopies sent to:

James D. Perry 119 North County RD 18 Leoti, KS 67861-6107

Garden City Field Office
Groundwater Management District No. 1

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.

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Page 2

File No. ____

DWR 1-121 (Revised 06/16/2014)

APPLICATION FOR APPROVAL TO CHANGE THE PLACE OF USE AND/OR POINT OF DIVERSION SUPPLEMENTAL SHEET

FILE NO. <u>14695</u>

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APPLICATION FOR APPROVAL TO CHANGE THE PLACE OF USE AND/OR POINT OF DIVERSION SUPPLEMENTAL SHEET

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File No. _____

FILE NO.

MAKE ADDITIONAL COPIES AS NECESSARY

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DWR 1-121-2 (Rev. 01/23/2008)

If the proposed groundwater point of diversity	ersion is 300 or fewer feet from exi	sting point of diversion, com	olete the following:
(a) Does the undersigned represent all ☐ Yes ☐ No (If no, all	owners of the currently authorized owners must sign this application.	place(s) of use identified in t)	this application?
(b) Will the ownership interest of any of affected if this application is approve ☐ Yes ☐ No (If yes, a			his application be adversely
(c) If this application is not approved ex ☐ Yes ☐ No (If no, all	peditiously, will there be substantial owners must sign this application.		health or safety?
If the application proposes a surface water clor a change in place of use, the application ragent (attach notarized statement authorizing	nust be signed by all owners of the	ndwater change in point of di currently authorized place o	version greater than 300 feet of use, or their duly authorized
I hereby verify, being first duly sworn age and the owner, the spouse of the their behalf, in regard to the water ri contained in this application are true,	owner, or a duly authorized a ght(s) to which this applicati	igent of the owner(s) to	make this application or
Dated at	, Kansas, this	day of	, 20
X Hay Usill	ent of		
X Hary Wille Gay Wilbur (Please Print)		(Spouse	
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(Owner)		(Spouse	2)
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(Owner)	,	(Spouse	3)
(Please Print)		(Please Pr	rint)
State of Kansas County of Wichita	NOTARY PUBLIC - State of LAURA E. MEDII	208	2711
hereby certify that the foregoing app.	olication was signed in my pres	sence and sworn to before	re me this 2114 day of
My Commission Expires <u>June 9, 2</u>	<u>_</u>	Notary Pu	Olina) blic
		analizable portions of the applic	etion form must be completed wit
ONLY COMPLETE APPLICATIONS WILL BE PRO accurate information; maps, if necessary, must be the appropriate fee must be paid.	included; signatures of all the appropri	applicable portions of the applicate owners' must be affixed to the	ne application and notarized; and
	FEE SCHEDULE	•	
Each application to change the place of use forth in the schedule below: Make checks pa (1) Application to change a point of	yable to: Kansas Department of	Agriculture	
(2) Application to change a point of(3) Application to change the place	diversion more than 300 feet		0URCES \$200 5200
		MAR 1/3	2017
		KS DEPT OF AG	RICULTURE
DWR 1-121 (Revised 06/16/2014)	Page 3		File No

SCANNED

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

K.A	risions of the <i>Kansas Water Appropriation Law, K.S.A. 82a</i> .R. 5-1-1 <i>et.seq.</i> With the exception of those conditions expans, conditions and limitations of File No. 14695	-/01 et. seq., and rules and re ressly contained herein, this Su	gulations promulgated thereunder, immary Order does not change the
1.	A change application was received on diversion authorized under the above-referenced file number	requesting tha er be changed as described in the	t the place of use and / or point of ne application.
2.	On and after the effective date of this summary order, the a on the topographic map accompanying the application to ch	authorized place(s) of use shall	be located substantially as shown
	The change in point of diversion shall not impair existing rig previously authorized. The point of diversion authorized by radius of the authorized point(s) of diversion.	this summary order shall be loc	ame source or sources of water as atted within a 300 foot
4.	The point(s) of diversion authorized herein shall not actually authorized point(s) of diversion. Applicable No	be located more than ot Applicable	feet from the previously
	As required by K.A.R. 5-3-5d, if the works for diversion is tube or other device suitable for making water level measur with K.A.R. 5-6-13. Applicable Not Applicable	a well with a diversion rate of ements shall be installed, opera	100 gallons per minute or more, a ated and maintained in accordance
6.	The owner of the authorized place(s) of use shall pr December 31, 2017, or before the first use of water, whiche and maintained in accordance with K.A.R. 5-1-4 through 5-3-5e, the owner shall maintain records and report the readi annually to the Chief Engineer by March 1 following the end Applicable Not Applicable	ever occurs first. The water flow 1-12. As required by K.S.A. 82 and of the water flow meter and	v meter shall be installed, operated a-732, as amended, and K.A.R. 5-
7.	Installation of the works for diversion of water shall I authorized extension of time. By March 1, 2018 the applica diversion has been completed, on the form provided by the ☐ Applicable ☐ Not Applicable	nt shall notify the Chief Engine	er that construction of the works for
8.	The completed well log shall be submitted with the requ	uired notice. Applicable	☐ Not Applicable
9.	All diversion works into which any type of chemical or other with an in-line, automatic, quick-closing check valve capable check valve(s) shall be installed, operated and maintained i	ole of preventing pollution of the	e source of the water supply. The
10.	Additional Conditions are attached.		
11.	In accordance with K.S.A. 82a-708a, as amended, and K. water appropriated under the above-referenced file numb limitations, as amended and/or supplemented by this Sum Appropriation Law and the Rules and Regulations promul result in civil penalties pursuant to K.S.A. 82a-737, as am water or appropriation right or any other enforcement action	er are responsible for complia imary Order, and with applicab lgated thereunder. Failure to ended, and/or the suspension	nce with its terms, conditions and le provisions of the <i>Kansas Water</i> comply with these provisions may
You befo Dep filed	Administrative Appeal and Effective Date of Order accordance with K.A.R.(5514433) have the right to a hearing in accordance with K.A.R.(5514433) ore this Summary Order becomes final action of the Kansasax artment of Agriculture. Any request for a hearing must be with the Chief Engineer, Division of Water Resources,	APPLICATION APPLICATION SUMMARY	
Driv shovis no	re, Topeka, Kansas 66502, within 15 days after the date wn on the Certificate of Service attached hereto. If a hearing of requested in accordance with K.A.R. 5-14-3, this Summary	. (Print Name):	esignee of the Chief Engineer
Ordon t	er will become effective on the 15 th day after the date shown he Certificate of Service.	Division of Water Resource	es - Kansas Department of Agriculture
	For Use by Register of Deeds	Date of Issuance: State of Kansas)
	•	County of) SS)
		Acknowledged before me or	1
		by	·
		Signature:	
	The state of the s	Signature:	Notary Public
	19. 6 F 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1		
		My commission expires:	
	dON THIS THE POLICE CO.		(Notary Seal)
חאים	R 1-121 (Revised 06/16/2014)	ae 4	File No.

WATER RESOURCES RECEIVED

File No. 14,695 CHG PD

Any use of water that is not as authorized by the water right or permit to authorize water <u>before</u> 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 confine the confine 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 a authorized to make this application on their behalf, and declare furth complete. By filing this application I authorize the chief engineer to pe	er that the statemer	nts contained herein are	true, correct, and
as specified in sections 14 and 15 of this application.	100	10	·
Dated at	27th_day of_	March	, 20
Somes Doneles Perus	Sans	William)	
(Owner)		(Spouse)	
(Please Print)	Gary	(Please Print)	
(Flease Fillit)		(Flease Fillit)	,
(Owner)	***************************************	(Spouse)	
	10 30	puses inc	10 lued
(Please Print)	7	(Please Print)	- (
(Owner)		(Spouse)	
	J		
(Please Print)		(Please Print)	
State of Kansas County of Wichita SS			
I hereby certify that the foregoing application was signed in my p	resence and sworn	to before me this	27th day of
DONNA HAINES Notary Public - State of Kansas My Commission Expires My Appt. Expires 2-1-2017	Donn	afaines	
My Commission Expires My Appt. Expires 2-1-2019		Notary Public	
			**
EEE OOUEDI	· e		
<u>FEE SCHEDL</u>	<u>JLE</u>		
Each application to change the place of use, the point of diversion or the use application fee set forth in the schedule below:	made of the water ur	nder this section shall be a	ccompanied by the
 (1) Application to change a point of diversion 300 feet or less (2) Application to change a point of diversion more than 300 feet (3) Application to change the place of use			

Make check payable to Kansas Department of Agriculture.

DOCUMENT WANTER OF HEARING &	DISMISSAL OF AD		NOF
11 7	DISMISSAL OF AF	PLICATON FOR CHAI	NGE
APR 2 6 20104			
ந்த: Kansas Department of Agriculture	Re:	Appropriation of Water	
Division of Water Resources (DWR)	WATER RESOURCES RECEIVED	Water Right	
1320 Research Park Dr. Manhattan KS 66502		Vested Right Term Permit	
Telephone: (785) 564-6645	MAY 01 2017	(Check Appropriate Box Above)	
www.ksda.gov/dwr	KS DEPT OF AGRICULTU	File No. 14695	
	NO DEPT OF AGRICULIU	KE.	
The undersigned augrer(a) and/or or	ithorized egent/o) o	of the above referenced	lator
The undersigned owner(s) and/or auright, or permit, freely and voluntarily reque	unionzed ageni(s) o	on to change the AMMA	of Diversion
filed on $3/2 - 3/27/20$, be dismissed and in	its priority forfeited.	By signing this waive	r, I am
indicating my understanding and agreemen			
in said application for change.		, , . -	·-
The signature(s) below represent all	present owners (o	r an authorized agent)	for the
file number shown above (attach duplicate of			ioi tile
(a.a.a.)	, p		
The signature(s) below also indicate	• •	-	• •
that I/we may have had regarding the dis			
application for change. I/we recognize that			•
of Water Resources, it will terminate the associated with it forever.	аррисацон тог сп	lange and loneit any	priority
D		•	
Dary Wellan	Date_	willow	·
(Signature of Owner or Authorized Agent)	(Signature of Spous	e <u>or</u> Title of Authorized Agent)	
Gary Wilbur	Be	th Wilbur	
(Please print/name here)	(Please print name h	iere)	
426 W. Co, Rd, L (Mailing Address)	Sam	<u>. ২</u>	
	(Mailing Address)		
Leoti, Ks 6)861	_		
(City, State, Zip) /	(City, State, Zip)		
	WLEDGMENT		
State of Kansas) County of <u>5co++</u>)			
This instrument was acknowledged before m	e this <u>26+h</u> day of <u>A</u>	pril , 20	<u>/ 7</u> by
(owners:)			
(Seal)			
	*	11/ En	
	Nø	tary Public	
My appointment expires:	ENCER	BAT	
9/24/2018 Motary Public - S My Appt. Expires	tate of Kansas	DWR I	nitials
My Appt. Expires			

Ireland, Leslie

To:

WKGMD

Subject:

RE: File 14695

From: WKGMD [mailto:gmd1@wbsnet.org]
Sent: Thursday, April 20, 2017 3:36 PM
To: Ireland, Leslie < Leslie.Ireland@ks.gov>
Cc: Meyer, Mike < Mike.Meyer@ks.gov>

Subject: File 14695

Leslie,

The Board recommendation for the application on file 14695 was contingent on me first verifying the neighboring domestic well owner (Stewart Whitham) had received the notification letter and had no objections to proposed change. However if Mr. Whitham has concerns or objections to the proposed change, the application was to be re-addressed by the Board at our May meeting.

Upon speaking with Mr. Whitham today, he had not received the letter, he indicated the mailing address on the letter was around 20yrs, out of date. He has now been provided a copy of the letter and application map. He also believes his domestic is much closer to the proposed change location and wants to verify the distance himself.

Current Address: 125 S. County Road 5 Leoti, KS. 67861

Although he indicated he would respond ASAP, I cannot meet today's recommendation deadline.

I'm requesting another extension until after our May 23rd meeting to cover all possible response possibilities. If Mr. Whitham responds prior to the Board meeting date and has no concerns, I will submit the District's recommendations ASAP thereafter.

Based on today's conversation it appears there may be some concerns.

Thanks, sorry for another delay,

Kyle Spencer GMD1 Scott City, KS. 620-872-5563



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

Jackie McClaskey, Secretary

Governor Sam Brownback

April 21, 2017

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

RE: Water Right, File No. 14,695

Dear Mr. Spencer:

In response to your April 20, 2017, email requesting additional time in which to submit a recommendation concerning the March 2, 2017, application to change the point of diversion for the above referenced file, the Chief Engineer has extended the time in which to supply a recommendation.

At your request the Chief Engineer has delayed any further action until May 25, 2017.

Please submit your recommendation within the allotted time, or any authorized extension of time thereof. If you wish to refer to a specific file, please reference it when you contact us.

Sincerely,

Leslie Ireland

Environmental Scientist

Water Appropriation Program

FILE COPY

LI:li

pc:

Garden City Field Office

Gary Wilbur



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

Jackie McClaskey, Secretary

Governor Sam Brownback

March 30, 2017

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

Re: Application for Change, Water Right, File No. 14,695

Dear Mr. Spencer:

We are enclosing a copy of the application referred to above which appears to be in proper form as the signature of James Perry has been provided. As of March 29, 2017, we have had no replies to the March 2, 2017, notice to nearby well notification.

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

Please submit your recommendation within the allotted time, or any authorized extension of time thereof. If you wish to refer to a specific file, please reference it when you contact us.

Sincerely,

Leslie Ireland

Environmental Scientist

Water Appropriation Program

LĮ:li

Enclosure

pc: Garden City Field Office

Gary Wilbur

SCANNED



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

Jackie McClaskey, Secretary

Governor Sam Brownback

March 22, 2017

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

RE:

Water Right, File No. 14,695

Dear Mr. Wilbur:

Reference is made to the application for approval of the Chief Engineer to change the point of diversion under the referenced file number which was received in this office on March 13, 2017. Upon review of the application, we find that additional information is needed.

It is required by K.A.R. 5-5-1(c) Filing an application for change, that the Division of Water Resources, is require to obtain a notarized signature from each landowner and their spouse, or a duly authorized agent. All signing must be done with a notary public present. Should an agent sign on behalf of the owners, please provide legal documentation that grants the agent the authority to sign property documents, specifically water rights.

The records for Wichita County and the application indicate a portion of the authorized place of use is owned by James D. Perry.

In order for the application to retain its priority of filing the needed signature page or documentation to show that you have the authority to sign for the property associated with the referenced right must be completed and returned to this office on or before, Thursday, April 6, 2017. According to law, default in returning requested information as outlined above within the time allowed or any authorized extension of time, shall cause dismissal of the application for change under the above referenced file number.

Should you need to request additional time in which to return the requested information please do so prior to the deadline.

If you have any questions, please contact me at (785) 564-6633 or via email at Leslie.Ireland@KS.GOV. Please reference the water right file number listed above so that I may help you more efficiently.

Sincerely,

Leslie Ireland

Environmental Scientist

Pestic Ineland

Water Appropriation Program

LI:li

Enclosure

pc:

Garden City Field Office

Groundwater Management District No. 1

FILE COPY SCANNED



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

Jackie McClaskey, Secretary David W. Barfield, Chief Eugineer Michael A. Meyer, Water Commissioner Phone: (620) 276-2901 Fax: (620) 276-9315 www.agriculture.ks.gov

Sam Brownback, Governor

March 2, 2017

STEWART A WHITHAM RR 2 BOX 200 LEOTI KS 67861-9586

RE: Water Right 14695

Dear Sir;

This is to advise you that the Gary Wilbur has filed an application for approval of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, to change the point of diversion under the above referenced application.

You can find the complete application posted by water right file number as referenced above at www.agriculture.ks.gov/divisions-programs/dwr/water-appropriation/notices

You are notified on this proposed change in point of diversion so that you may furnish this office with any comments or other information you may want to submit. Such comments or other information must be received in this office within 15 days from the date of this letter.

Should you have any questions, please feel free to call this office. If you would prefer, an appointment could be arranged for additional assistance. Please refer to the file number when you contact us if you wish to discuss a specific file.

Sincerely,

Thomas P. Makens

Environmental Scientist III

pc: GMD#1 WHITHAM LAND & CATTLE LP WATER RESOURCES RECEIVED

MAR 1 3 2017

KS DEPT OF AGRICULTURE



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

March 8, 2017

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

Re: Water Right file number 14695.

Dear Mr. Spencer;

Gary Wilbur has applied to move the point of diversion for the above referenced file. There are five neighboring wells within ½ mile of the requested location. Gary has worked out a deal with James Perry to use his wells. Gary wants to spread out the well locations more evenly so they will hopefully pump more efficiently.

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

MAR 1 3 2017

KS DEPT OF AGRICULTURE

Kansas Department of Agriculture / Division of Water Resources <u>Garden City</u> Field Office

TO: HEADQUARTERS (Brown Turney)	
RE	
File No(s). 14695 County WICHETA	
Enclosed are the following checked items:	
A FIR	ice
☐ A Compliance Check Inspection on ☐ Meter Install ☐ New App ☐ Chg App ☐ Other ☐ In Compliance ☐ Not in Compliance, why ☐ Modify Point of Diversion ☐ No ☐ Yes, document attached ☐ Indicate all overlapping p/d files	
An application and judgment sheet with recommendation.	
A request for an extension of time to perfect or complete RECEIVED	
A varified report	
A closure request. MAR 1 3 2017	
☐ A field investigation report. KS DEPT OF AGRICULTURE Notice of Non-Compliance	•
An ownership change (name(s) and address(es) below).	•
A water use report for	
A letter dated	
A copy of an Approval to Change the place of use and/or point of diversion, Filing Fee attached.	
An Advanced <u>copy</u> of a change application and the filing fee, to be processed at the office.	field
An original field office change <u>application</u> and the filing fee needing headquarters or review and further processing.	ffice
Other: DOES NOT MOST SPACING CMD#)	<i></i>
TPM 3/8/17	
Water Commissioner Date	

OFFICE USE ONLY

	V	. Ju	JW14 5	WATER WE	LL RECORE) Form \	MWC-5	KSA 82a-	1212 ID N o.	٠	
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2 WATER	WELL OWNE	R· Wh	itham Lan	d & Cattle	LP	,					:
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KGS
Water Well
Database
Query

NOT SHOWN ON MAP

Scan of WWC5 Form

	ATER WELL REG		WWC-5 KS	A 82a-1212 ID				
LOCATION OF WATER WELL:	Fraction			Section Number		p Number	Range Nu	usper
County Wichita	NE &	NE X	MW x	23	T	<i>18</i> s	R 38	<u> </u>
Distance and direction from nearest	fown or city stree	t address of we	ll if located with	in city?				~,
·			•			٦		
2 WATER WELL OWNER: FA	ank Whithai	m 754x+ =	# 2			•		
	.R. #2 80			٠.	Board o	l Agriculture, [Division of Watar	r Resources
	coti. KS			•		on Number:		
SI LOCATE WELL'S LOCATION WITH	14 DEPTH OF	COMPLETED W	ELLZZ	8 ELEVA	TION:			
AN "X" IN SECTION BOX:	Death(s) Groun	dwater Encount	ered 1		2			ft.
	WELL'S STATIC	WATER LEVEL	94 4	tt. below land surfac	e measured on	mo/day/yr	8-22-02	<u>L</u>
 	Pun	no test data: W	ol water was .		Bor	hours i	umoina	
NWNE	Est. Yield	3.5oom: W	ell water was .		iter	hours t	oumping	
	Bore Hole Diam	seter 10	in to	11 8 R.	nnd		in. 10	i i i i i i i i i i i i i i i i i i i
\$ w - - 6				uter supply I				
	(1)Domestic	3 Feedfol			Oowataring		Other (Specify be	elow)
\$W \$E	2 Irrigation	4 Industrial		(favor & garden) 11				
						/	44 4	
<u> </u>		Dacienologica: sa	mple submitted i	o Department? Yes	anakan Mulai	: ir yes, r	ng dayiyas samp	xo was sud
S TYPE OF BLANK CASING USEC	i mitted	5 Wrought iron	~~	oncrete tile .	CASINIO	OMES Cha	odV Clamp	70d
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②PVC 4A85	321)	7 Fiberalass		and topoeny color			aded	
Blank casing diameter								
	<i>t</i> •							
Casing height above land surface. ,	, , , , , C pts, , , , , , , ,	in., weight					,	S.s
TYPE OF SCREEN OR PERFORA	NTION MATERIAL	in., weight	c_{i}	VPVC	10	Aspestos-cen	eni 	
1 Steel 3 Stainle 2 Brass 4 Galvan	ss steet Ezed steet	6 Concrete tiln		HAND (SR)		Omer (specey) None used (or		
SCREEN OR PERFORATION OPI	ENUME ARE.	O CONCINCO MA	5 Gauzod wrap 6 Wire wrapped	,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	(B)Saw cut		11 None (cpe	a haial
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3 tourseard shoulder 41	Kau amakad				10 Cebar (en	انظامه		h.
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	Front	2 Cement grou	t X 8-	ontonite 4	Other			
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6 GROUT MATERIAL: 1 Neat Grout Intervals: From	From	2 Cement groupstt. From the property of the	it to I XBs n it privy swage lagoon sectyard FRC	ntonite 4 in the second of the	Other	14 A 15 C 18 C	o	rweil
6 GROUT MATERIAL: 1 Neat Grout Intervals: From	From	2 Cement groupstt., From the Property of th	it X8- n	nt, it, io	Other	14 A 15 C 18 C	o	ft.
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6 GROUT MATERIAL: 1 Neat Grout Intervals: From	From	2 Coment groups. It. From the Property of the	it to	nt, From ntonite 41 .tt, 10 10 Lives 11 Fuel 12 Fertil 13 Insect How man M TO postructed, (2) rec and this record was completed.	Other	PLUGGING III	der my jurisdictio	n and was
6 GROUT MATERIAL: 1 Neat Grout Intervals: From	From	2 Coment groups. It. From the Property of the	it to	nt, From 10 Lives 11 Peel 12 Fertill 13 Insect How man M TO 10 Insect How m To 10 Insect	Other	PLUGGING III	der my jurisdick	ft. rwei rłow) on and was liel. Konsaś

Kansas Geological Survey Comments to webadmin@kgs.ku.edu URL=http://www.kgs.ku.edu/Magellan/WaterWell/index.html Display Programs Updated July 2, 2014 Data added continuously.

	Thickness	, Depth
Sand, medium to fine; contains coarse sand		: teet
Sand, fine to medium	D	40
Sand, fine to medium, and silt; contains gray clay	. 10	- 50
Sand, fine to coarse, silt, and fine gravel	. 10	60
Gravel, fine	7.5	67.5
Gravel, fine, and coarse sand	2.5	. 70≗
Clay, light brown; contains silt and fine sand	2	72.
Sand fine to medium, contains silt and line sand	. 5	77
Sand, fine to medium; contains coarse sand	. 3	80
Sand, fine to medium; contains some coarse sand an	d	
fine gravel	. 10	90
Sand, fine to medium; contains some coarse sand	. 3	93
Clay, sandy, yellow; contains fine gravel	. 7	100
Sand, fine to medium; contains yellow clay	. 10	110
Sand, fine to medium; contains coarse sand	. 11	121
Clay, yellow	. 2	123
Sand, fine to medium	. 22	145
Sand, coarse to medium	. 5	150
Sand, coarse to medium; contains fine sand and fin	e	· 李 35
gravel	. 8	158
Cretaceous—Gulfian		73
Niobrara formation—Smoky Hill chalk member		
Chalk, soft, yellow	. 5 .	163
Chalk, gray	. 7	170
18-38-20bb. Drillers log of well in the NW% NW% sec. 20, T.	_18 S., R.	
Wichita County; Walter R. Gorsuch, owner, driller un altitude, 3,441 feet.	known.	Surface
ammute, 0, 11 jeet.	Thickness,	Depth,
Soil	feet	feet
"Gyp"-like rock ["mortar bed"]	18	18
Sand	36	54
Hard rock	3	57
Hard rock Clay	11	68
	24	92
Sand, soft	3	95 , .
Sand, hard	5	100
Sand, soft, with hard streaks	7.	107
Clay, hard, yellow	2	109
Clay, soit, yellow	16	125
Sand	19	144
Sand, hard, and clay	2	146
Clay, white, and sand	4	150
Sand	9	159
Sand, hard, coarse	9	168
Sand, extra coarse	5	173
Clare vollane		1.10
Clay, yellow Shale, dark	4	177

18-40-5da. Sample log of test hole in the NE% SE% sec. 5, T. 18 S., R. 40 W., Greeley County, drilled by State Geological Survey, October 1947. Surface altitude, 3,615.8 feet. Water level, 121.1 feet October 4, 1947.

attitude, 5,010.5 feet.		
Quaternary—Pleistocene	Thickness, feet	Depth, feet
a 1 famotion	.5	.5
Silt, dark brown	10.5	11
Silt, dark brown Silt, light brown		•
Tertiary—Pliocene		. •
	4	•
- t t t t containe a small amount of sum-	. 6	17
gravel		
1 C - to course travel: Cultums so	-	20
		27
		28
		28 34
Silt and fine sand, clayey, white to have gravel Sand, medium to coarse, and fine to medium gravel	. 6.	34,
		40
		46
Sand, fine to coarse, party comordants son Sand, fine to coarse, and fine gravel; contains son	ne	
Sand, fine to coarse, and time graver,	9.5	55.5
brown clay and silt	4.5	60
Sand, fine, and sticky light-tan silt	m-	
		7.0
		•
a 1 Con contains narriy cemented, model		78
		80
a a 1 - Light tan	–	-
		85
		90
and silf contains mic flator		100
Sand, fine to coarse, and fine to coarse gravel	10	100
		100
		122
a 1. Le coorde and fine to medium broth		132
		140
Gravel, fine to coarse	17	157
Gravel, fine to coarse	gray	
Gravel, to coarse; contains some coarse sand and	3	160
clay	5	165
Sand, medium to coarse, and fine gravel	4	169
		5 172.5
Gravel, coarse, and yellow clay	. ,	,
0.10		
	. Q	.5 181
Niobrara formation—Smoky 1111 Chalk, yellow		100
Chalk, yellow Chalk, gray	2	. 100
Gilaik, gray		-

	Thickness,	Depth,
	feet	feet
Sand, fine, tight	. 17	138
Sand, little, tight	. 20	158
Clay		164 : **; 170 ·
Sand, good		175
Clay		187
Sand		The second of the second
Clay	_	2055
Shale	. 5	210/2
18-38-8aa. Sample log of test hole in the NE% NE% NE%	sec. 8, T	18 S.
R. 38 W., Wichita County, drilled by State Geological S	urvey, Sep	tember
1947. Surface altitude, 3,424.1 feet.		
		1 A N
Quaternary—Pleistocene	Thickness, feet	Depth;
Sanborn formation		2
Silt, dark brown	. 8	10
Silt, light brown	. 3	13
Clay, light gray	. У	
Tertiary—Pliocene		
Ogallala formation	. 9	22
Sand, medium, red; contains silt and fine sand	. 13	35
Caliche, sandy, hard, white	. 15	50
Silt, sandy, hard, reddish brown		
	_	58
solidated		60
Clay, silty, gray	. 7	. 67
Clay, silty, gray; contains sand	. 3	70
Silt, sandy, hard, brown	. 10	80
Silt, sandy, hard, brown	. 6	. 86
Sand, medium to fine	. 4	90
Sand, medium to coarse; contains fine sand	. 6	96
Silt and fine sand, clayey, light tan	. 2	98
Sand, medium to fine	. 2	100
Sand, medium to fine; contains coarse sand	. 6	106
Clay, soft, yellow	. 10	116
Sand, medium; contains fine sand	. 2	118
Sand, coarse, and fine to medium gravel	2	120
Clay, light tan	7	127
Clay, sandy, light tan	. 10	137
Sand, fine to medium	. 3	140
Sand, coarse to medium	5	145
Gravel, fine, and coarse sand	. 5	150
Sand, coarse to medium, and fine gravel		158
Clay, brown; contains fine gravel and coarse sand	2	160
Gravel, fine to medium; contains silty clay	7	167
Clay, calcareous, soft, brown	9	176
Sand, coarse to medium, and fine gravel	. 4	180
Sand, coarse, and fine gravel; contains layers of brow	yn	
silty clay	10	190
Sand, coarse, and fine gravel	. 5	195
Daild, compos, and and Bearing		

C-10	-	
Cretaceous—Gulfian	Thickness,	Depth.
Niobrara formation—Smoky Hill chalk member	feet	feet
Chalk, soft, yellow	6	201
Chalk, gray	5	206
18-38-17aa. Sample log of test hole in the NE% NE% NE% NE% R. 38 W., Wichita County, drilled by State Geological	sec. 17, T Survey, ('. 18 S., October
1947. Surface altitude, 3,355.5 feet.		
Quaternary—Pleistocene		
Alluvium	Thickness, feet	Depth, feet
Silt, sandy, light brown	.5	.5
Gravel, coarse to fine; contains coarse sand	19.5	20
Tertiary—Pliocene		
Ogallala formation		
Sand, medium to coarse, and fine gravel	4	24
Clay, sandy, yellow brown; contains fine to coarse		24
sand and fine gravel at 39 to 42 feet	` 18	42
Gravel, fine, and medium to coarse sand		42 49
Clay, sandy, yellow brown; contains fine to coarse		49
sand at 54 to 59 feet	10	. 59
Gravel, fine to coarse; contains fine to coarse sand		
and clayey silt		70
Sand, coarse, and fine to coarse gravel	10	80
Gravel, fine to coarse; contains fine to coarse sand	10	90
Gravel, fine to medium; contains medium to coarse		
sand, light-brown clayey silt, and fine sand	13	103
Clay, sandy, yellow brown	3 .	106
Sand, medium to coarse, and fine to medium gravel;		
contains a small amount of clay	4	110
Gravel, fine to coarse; contains yellow-brown sandy		
clay in thin layers	12	122
Cretaceous—Gulfian		100
Niobrara formation—Smoky Hill chalk member	-	
Chalk, gray	. 6	128
•		
18-38-17dd. Sample log of test hole in the SE% SE% SE% Se R. 38 W., Wichita County, drilled by State Geological Su 1947. Surface altitude, 3,422.2 feet.	c. 17, T. rvey, Sep	18 S., tembe r
QUATERNARY—Pleistocene	Thickness,	Depth,
Sandom formation	feet	feet.
Silt, dark brown	2	2
Silt, light brown	6	8
Tertiary—Pliocene		
Ogallala formation		
Clay, sandy, white	2	10
Caliche, white; contains fine to medium gravel and		
coarse sand	10	20
Caliche, sandy, white; contains many dendrites and		
fragments of opal	10	30
Caliche, white; contains opal fragments	4	34

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