

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

Document Signature LPL

1. File Number: <p style="text-align: center; font-size: 1.2em;">30093</p>	2. Status Change Date: <p style="text-align: center; font-size: 1.2em;">12/6/2017</p>	3. Change Num: <p style="text-align: center; font-size: 1.2em;">C1</p>	4. Field Office: <p style="text-align: center; font-size: 1.2em;">04</p>	5. GMD: <p style="text-align: center; font-size: 1.2em;">3</p>
6. Status: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied by DWR/GMD <input type="checkbox"/> Dismiss by Request/Failure to Return				7. Filing Date of Change: <p style="text-align: center; font-size: 1.2em;">11/2/2016</p>
8a. Applicant(s) New to system <input type="checkbox"/> DDD FARMS LLC 301 W CARTHAGE PO BOX 489 MEADE KS 67864		Person ID <u>61038</u> Add Seq# _____		8c. Landowner(s) New to system <input type="checkbox"/> Person ID _____ Add Seq# _____
8b. Landowner(s) New to system <input type="checkbox"/> Person ID _____ Add Seq# <u>1</u>		8d. WUC New to system <input type="checkbox"/> No change FRANK P DEVINE PO BOX 489 MEADE KS 67864-0489 Person ID <u>3990</u> Add Seq# _____		
9. Documents and Enclosure(s): <input checked="" type="checkbox"/> DWR Meter(s) Date to Comply: <u>12/31/18</u> <input checked="" type="checkbox"/> N & P Date to Comply: <u>12/31/18</u>				
<input checked="" type="checkbox"/> Check Valve <input checked="" type="checkbox"/> N & P Form <input checked="" type="checkbox"/> Water Tube <input checked="" type="checkbox"/> Driller Copy <input type="checkbox"/> H & E Letter <input type="checkbox"/> Conservation Plan Date Required: _____ Date Approved: _____ Date to Comply: _____				
10. Use Made of Water From: _____ To: _____				
Date Prepared: 12/5/2017 By: BAT Date Entered: <u>12/7/2017</u> By: <u>UM</u>				

File No **30093** 11. County: **ME** Basin **CROOKED CREEK** Stream: **NA** Formation Code: **211** Special Use:

12. Points of Diversion										Rate and Quantity					
MOD	DEL	PDIV	Qualifier	S	T	R	ID	'N	'W	Comment	Rate gpm	Quantity AF	Rate gpm	Quantity AF	Overlap PD Files
ENT	86456		SE SE NW	4	31	27W		2645	2681		1640	320	1640	320	NONE
DEL	30593		NW NW SE	4	31	27W		2558	2578		1640	320	1640	320	NONE

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

14. Limitation: _____ Limitation: _____ when combined with file number(s) _____

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

16. Place of Use	NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg?	Overlap Files
	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				
ENT PUSE S T R ID																				
No changes to pu																				

Comments

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: December 6, 2017

FROM: Brent A. Turney

RE: Water Right
File No. 30,093

Dorothy Devine on behalf of DDD Farms, LLC, owner of Water Right, File No. 30,093 has filed an application to change the point of diversion.

The referenced file number does not appear to be abandoned as per K.S.A. 82a-718.

The proposed well will be located approximately 129 feet from the existing irrigation well. There are no other wells of any kind located within one half mile of the proposed point. There should be no change in the local source of supply as both the existing and proposed wells appear to be from the Ogallala aquifer.

Because the referenced water right has been the subject of a prior impairment investigation, the application had originally proposed a much greater move for the proposed well. However, after a hydrologic analysis indicated the proposed location may cause impairment to nearby water rights, the application was modified to change the location of the point of diversion less than 300 feet.

In a telephone conversation on today's date, Mike Meyer, Water Commissioner of the Garden City Field Office, recommended approval of the application. Furthermore, Mr. Meyer advised that because the move was less than 300 feet, the GMD does not want to make a recommendation.

A water flow meter will be required on the point of diversion as well as a check valve if any chemical or foreign substance is injected into the water through the diversion works.

Based on the above discussion, that the changes are reasonable, that impairment to existing water rights is unlikely, that no change in the local source of supply will occur and that the files will have a complete overlap in the place of use, it is recommended that the referenced applications be approved.


Brent A. Turney, P.G.
Change Application Unit Supervisor



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

December 12, 2017

DDD FARMS LLC
FRANK DEVINE
PO BOX 489
MEADE KS 67864-0489

FILE COPY

RE: Water Right
File No. 30,093

Dear Mr. Devine:

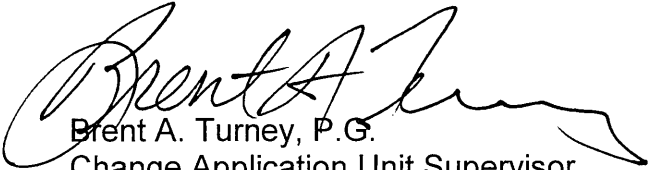
Enclosed is the order executed by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the applications for change under the above referenced file.

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in the approvals for change. A condition of the approvals is that an acceptable water flow meter must be installed on the diversion works authorized under the above referenced water rights. Please return the required notification of installation of the required meter as soon as these actions are completed.

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

Sincerely,



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

BAT
Enclosures
pc: Garden City Field Office
GMD No. 3

THE STATE



OF KANSAS

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
WATER RIGHT
FILE NO. 30,093**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Dorothy Devine on behalf of DDD Farms, LLC, PO Box 489, Meade, Kansas 67864-0489, received in this office on October 10, 2017, for approval of a change in the location of the point of diversion under the certificate of appropriation issued pursuant to the application for permit to appropriate water for beneficial use, finds that the change is reasonable and will not impair existing rights and that the applications should be and are hereby approved.

The effective date of the change shall be the date this order is executed by the Chief Engineer, after which the location of the point of diversion shall be described as follows:

one (1) well located in the Southeast Quarter of the Southeast Quarter of the Northeast Quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 4, more particularly described as being near a point 2,645 feet North and 2,681 feet West of the Southeast corner of said section, in Township 31 South, Range 27 West, Meade County, Kansas

located substantially as shown on the topographic maps accompanying the applications to change the use made of water and point of diversion.

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.

Installation of the works for diversion of water shall be completed on or before December 31, 2018, 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.

In all other respects, the Certificate of Appropriation issued pursuant to Approval of Application, File No. 30,093, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated December 23, 1992.

RIGHT TO A HEARING AND TO ADMINISTRATIVE REVIEW

If you are aggrieved by this Order, then pursuant to K.S.A. 82a-1901, you may:

- 1) request an evidentiary hearing before the Chief Engineer, or
- 2) request administrative review by the Secretary of Agriculture.

Failure to request an evidentiary hearing before the Chief Engineer does not preclude your right to administrative review by the Secretary.

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

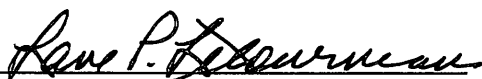
If you do not file a request for an evidentiary hearing before the Chief Engineer, you may petition for administrative review of the Order by the Secretary of Agriculture. A petition for review shall be in writing and state the basis for requesting administrative review. The request for hearing may be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

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

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

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, 109 SW 9th Street, 4th Floor, Topeka, Kansas 66612, Fax: (785) 368-6668.

Ordered this 10th day of December, 2017, in Topeka, Shawnee County, Kansas.




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

State of Kansas)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this 10th day of December 2017, by Lane P. Letourneau, P.G., Program Manager, Water Appropriation Program, Division of Water Resources, Kansas Department of Agriculture.




Notary Public

CERTIFICATE OF SERVICE

On this ^{12th} day of December, 2017, I hereby certify that the attached original Approval of Change in point of diversion, File No. 30,093, dated December 6th, 2017, was mailed postage prepaid, first class, US mail to the following:

DDD FARMS LLC
PO BOX 489
MEADE KS 67864-0489

With photocopies to:

Garden City Field Office
GMD No. 3


Staff

Submit To: CHIEF ENGINEER
Division of Water Resources
Kansas Department of Agriculture
1320 Research Park Drive
Manhattan, Kansas 66502
http://agriculture.ks.gov/dwr

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



State of Kansas

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

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

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

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

**WATER RESOURCES
RECEIVED**

OCT 10 2017

4:59

KS DEPT OF AGRICULTURE

File No. 30093

2. Name of applicant: FRANK P DEVINE

Address: PO BOX 489

City, State and Zip: MEADE KS 67864-0489

Phone Number: () _____

E-mail address: _____

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

Name of water use correspondent: NO CHANGE

Address: _____

City, State and Zip: _____

Phone Number: () _____

E-mail address: _____

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

TO CHANGE THE POINT OF DIVERISON

The change(s) (was) (will be) completed by _____

(Date)

For Office Use Only:

F.O. 4 GMD 3 Meets K.A.R. 5-5-1 (YES / NO) Use IRR Source (G)S County ME By AW Date 10/10/17
Code CAI Fee \$ 200 TR # _____ Receipt Date 10/10/17 Check # 2060

4. The presently authorized place of use is:

Owner of Land — NAME: NO CHANGE

ADDRESS: _____

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

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

Owner of Land — NAME: _____

ADDRESS: _____

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

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

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

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

Owner of Land — NAME: NO CHANGE

ADDRESS: _____

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

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

Owner of Land — NAME: _____

ADDRESS: _____

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

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

WATER RESOURCES RECEIVED

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY **OCT 10 2017**

- 6. The presently authorized point(s) of diversion (is) (are) ONE WELL
(Provide description and number of points)
- 7. The proposed point(s) of diversion (is) (are) ONE WELL
(Provide description and number of points)

List all presently authorized point(s) of diversion:

8. **Presently authorized point of diversion:**
 One in the NW Quarter of the NW Quarter of the SE Quarter of Section 4, Township 31 South, Range 27 W, in ME County, Kansas, 2558 feet North 2578 feet West of Southeast corner of section.
 Authorized Rate NA Authorized Quantity NA
 (DWR use only: Computer ID No. 01 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 SE* Quarter of the NE SE* Quarter of the _____ Quarter of Section 4, Township 2645 31 South, Range 27 W, in ME County, Kansas, 1408 feet North 1460* feet West of Southeast corner of section.
 Proposed Rate NA Proposed Quantity NA 2681
 This point is: Additional Well Geo Center List other water rights that will use this point _____

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

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

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

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

*BAT/DWR 12-4-17
AS PER EMAIL/LOG MIKE MEYER.

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 Garden City, Kansas, this 5th day of October, 20 17.

AAA Farm LLC by Darahy Devine
(Owner)

(Spouse)

(Please Print)

(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

(Owner)

(Spouse)

(Please Print)

(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 5th day of October, 2017.



Julie Jones
Notary Public

My Commission Expires _____

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.**

12. The presently authorized use of water is for IRR purposes.
It is proposed that the use be changed to NO CHANGE purposes.

13. If changing the place of use and/or use made of water, describe how the consumptive use will not be increased.
NA

(Please show any calculations here.)

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

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

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

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

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

THE LOCAL SOURCE OF SUPPLY WILL NOT CHANGE

MAY NEED EVALUATION DUE TO CONCERNS EXPRESSED IN NEIGHBORHOOD

MONITORING NETWORK IN THE AREA BY DWR

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

**WATER RESOURCES
RECEIVED**

OCT 10 2017

KS DEPT OF AGRICULTURE

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

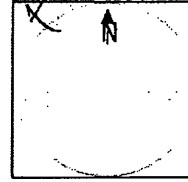
SCANNED

Elite Irrigation & Drilling

Ag/Domestic/Municipal
PO Box 1318
Liberal, KS 67901



Jim Waters Tyler Palmer
620-482-5157 580-716-8758
RR2 Box 284G Turpin, OK 73951



Customer Frank Deviene Date 11-20-17
Address _____ Test # 2 E-Log 2
City/State/Zip Meade, KS 67864 Driller Mauricio
County Meade KS Quarter NW SW Section 4 Township 31 S Range 27 W
Location 37, 379897, -108, 263224

FOOTAGE			Description of Strata
From	Pay	To	
0		12	top soil
12		18	fine sand
18		25	clay
125		224	sand gravel
224		297	fine sand clay streaks
297		309	clay little sand
309		360	blue shale
FOOTAGE			

INPUTS	
Target Section Definition	
Section	4
Township	31
Range	27
Range Direction	W
Target Point Coordinates (NAD27 or NAD83)	
Target Longitude	-100.263224
Target Latitude	37.379897

Load Data and Compute

- Instructions
1. Enter values for section, township, range and range direction.
 2. Enter **NAD27** or **NAD83** longitude and latitude of target point.
 3. Click "Load Data and Compute" button.
 4. Use feet distances corresponding to datum of target point.

Loaded Section Data From LEOBASE using NAD83		
Corner	Corner Latitudes	Corner Longitudes
SW	37.37252177	-100.27260745
NW	37.38724559	-100.27265355
NE	37.38726168	-100.26440397
SE	37.37265890	-100.25441889
Degrees Longitude per Foot		3.44138402E-06
Degrees Latitude per Foot		2.74638453E-06
Target Point Distances from Corners using NAD83		
Corner	Feet North(+)/South(-)	Feet East(-)/West(+)
SW	2685	-2727
NW	-2676	-2740
NE	-2682	2563
SE	2636	2559

Loaded Section Data From LEOBASE using NAD27		
Corner	Corner Latitudes	Corner Longitudes
SW	37.37249800	-100.27218600
NW	37.38722200	-100.27223200
NE	37.38723800	-100.26398300
SE	37.37263500	-100.25399800
Degrees Longitude per Foot		3.44138294E-06
Degrees Latitude per Foot		2.74598553E-06
Target Point Distances from Corners using NAD27		
Corner	Feet North(+)/South(-)	Feet East(-)/West(+)
SW	2694	-2604
NW	-2668	-2618
NE	-2673	2685
SE	2645	2681

Difference (NAD83 Minus NAD27)		
Corner	Corner Latitudes	Corner Longitudes
SW	0.00002377	-0.00042145
NW	0.00002359	-0.00042155
NE	0.00002368	-0.00042097
SE	0.00002390	-0.00042089
Difference (NAD83 Minus NAD27)		
Corner	Feet North(+)/South(-)	Feet East(-)/West(+)
SW	-9.04647314	-122.46444253
NW	-8.20193179	-122.49349640
NE	-8.23385584	-122.32663068
SE	-9.08655985	-122.30338284

Elite Irrigation & Drilling

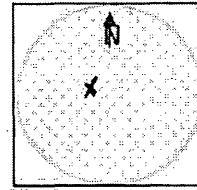
Ag/Domestic/Municipal
 PO Box 1318
 Liberal, KS 67901



Jim Walters
 620-482-5157

Tyler Palmer
 580-716-8758

RR2 Box 284G Turpin, OK 73951



Customer Frank Devine Date 10-4-17
 Address _____ Test # 1 E-Log yes
 City/State/Zip Meade, KS, 67864 Driller Mauricio
 County Meade Quarter NW, SW Section 4 Township 31S Range 27W
 Location 37.376502, -100.259042

FOOTAGE			Description of Strata
From	Pay	To	
0	-	8	top soil
8	-	24	soft tan clay
24	-	52	white clay soft
52	-	95	blue clay loose
95	-	181	blue clay line stone streaks
181	-	210	loose blue clay
210	15	225	medium to coarse sand
225	65	290	coarse sand gravel mix
290	14	304	fine to medium sand
304	11	326	sandy clay
326	30	366	fine to medium sand clay streaks
366	-	371	yellow clay
371	-	380	tight gray shale
			TD: 380'
			pay: 125'
			static: 135'
FOOTAGE			

WATER RESOURCES
 RECEIVED

OCT 10 2017

KS DEPT OF AGRICULTURE

SCANNED

**Technical Evaluation
Proposed Change in Point of Diversion
Frank Devine
File No. 30,093**

October 10, 2017 Frank Devine filed a change in point of diversion for Water Right, File No.30,093 to drill a new well about 1,800 feet southeast of the present location. The proposed location is significantly closer to two neighboring senior water rights and three other neighboring wells monitored during a seasonal aquifer test previously conducted in response to an impairment complaint submitted in 2007 by Mr. Devine¹. The aquifer test conducted in 2009 showed significant well interference between all eight area wells during the last 60 days of the pumping season when they were all pumping.

Water Right, File No. 30,093 is authorized 320 acre-feet per year and a maximum pumping rate of 1,640 gallons per minute. Water use reports that reported pumping rate show 400 gallons per minute starting in the year 2000 except for in 2006 when 550 gallons per minute was reported then the impairment complaint was filed in 2007. The reported pumping rate in 2008 was 450 gallons per minute then 400 gallons per minute was reported again in 2009. The highest quantity of water reported since year 2000 was 220 acre-feet and then next highest quantity was 201 acre-feet at a reported 400 gallons per minute.

During the 2009 aquifer test, when well 30,093 was in good condition as the impairment complaint was filed, the pumping rate was monitored continuously with a data logger. The average rate from all readings when the well was pumping was 470 gallons per minute. The average rate from all readings when the well was pumping during the last 90 days June 9 to September 9 was 443 gallons per minute.

Due to the high degree of well interference, typical reported pumping rates of 400 gallons per minute when well 30,093 was in good condition, and the average pumping rates monitored during the 2009 aquifer test it is apparent that expecting to pump at a higher pumping rate would exceed recent pumping and may lead to impairment of exiting water rights if pumping could be maintained at a higher rate. Five of the eight neighboring wells interfering with each other are senior to well 30,093 (8,895, 10,841-D1, 13,386, 17,301 and 27,301) and one of the junior wells is owned by Devine (42,316).

Figure 1 shows the location of the present old well 30,093 near the center of Section 4 and the proposed location to the southeast near the center of the southeast quarter of the section. The proposed location is nearly one-quarter of a mile closer to wells 10,841-D1 and 13,386.

¹ The impairment complaint was not finalized as water leaked near the water meter located at the center pivot riser damaging monitoring equipment. Jim Devine verbally indicated he did not know when the leak would be repaired and stated that the impairment complaint did not need to be continued due to it developing difficulties and hardships between him and the neighbors.

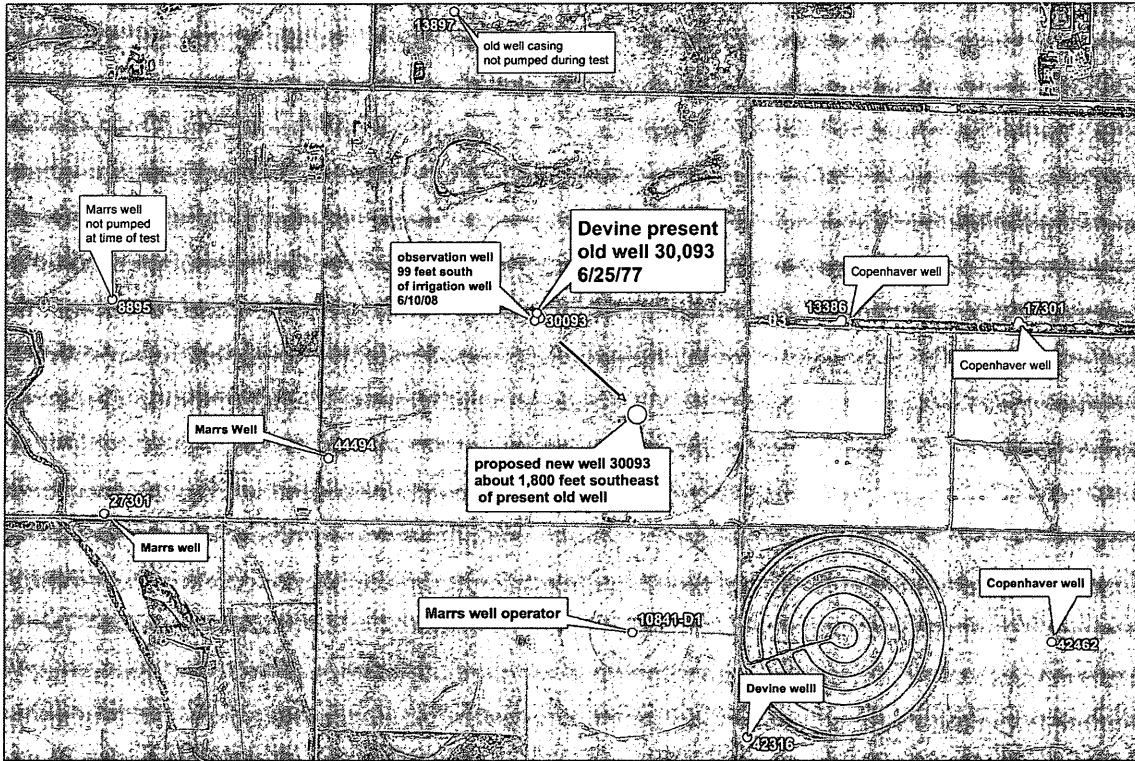


Figure 1 - Present and proposed locations of well 30,093 and locations of neighboring wells monitored during the seasonal aquifer test in 2009.

In 2009 DWR conducted a seasonal aquifer test monitoring the pumping of all eight wells being used shown in Figure 1 and monitored water level changes at the observation well near irrigation well 30,093. Aquifer parameters of transmissivity $T = 960.8 \text{ ft}^2/\text{day}$ or 7,187 gallons per day per foot and Storage Coefficient $S = 0.0009031$ were found with close agreement with all wells pumping during the last 60 days in parts of June, July and August of the irrigation season. **Figure 2**

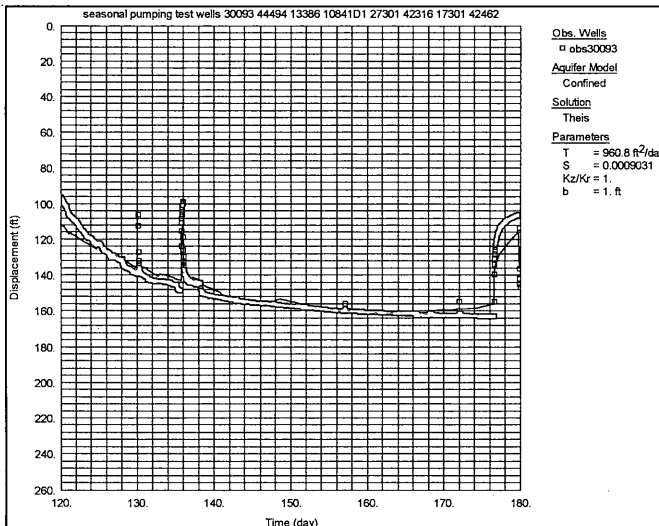


Figure 2 –Chart showing Theis curve matching analysis of drawdown at the observation well during the last 60 days of the seasonal aquifer test and the resultant aquifer transmissivity and storage coefficient. The black line is drawdown measured at the observation well and the red line is Theis curve matching.

Simulating pumping 450 gallons per minute at the present old location of well 30,093 during a 90-day period of mid-May to mid-August of a typical irrigation season when all area wells are pumping shows drawdown at well 10,841-D1 due to pumping well 30,093 is expected to be about 11 feet at 30 days, 15.5 feet at 60 days and 18 feet at 90 days and drawdown at well 13,386 is expected to be about 12 feet at 30 days, 16.5 feet at 60 days and 19 feet at 90 days. **Figure 3**

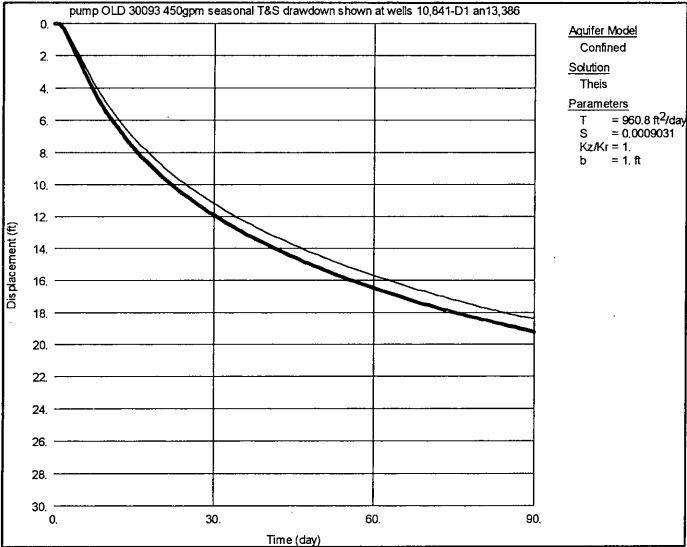


Figure 3 – Simulated Thisis drawdown at well 10,841-D1 shown in red and drawdown at well 13,386 shown in blue due to pumping well 30,093 at the present old location during irrigation season when all neighboring wells are pumping.

Simulating pumping 450 gallons per minute at the new proposed location of well 30,093, drawdown at well 10,841-D1 due to pumping well 30,093 is expected to be about 16.5 feet at 30 days, 21.5 feet at 60 days and 24 feet at 90 days and drawdown at well 13,386 is expected to be about 16 feet at 30 days, 20.5 feet at 60 days and 23 feet at 90 days. **Figure 4**

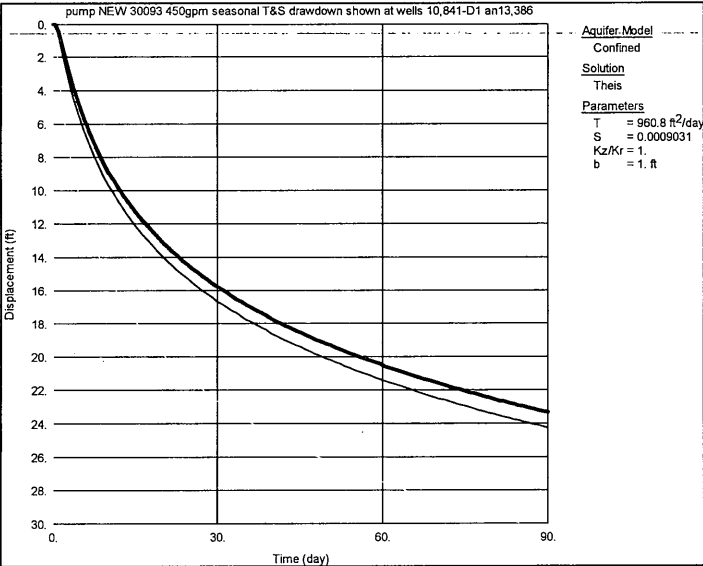


Figure 4 - Simulated Thisis drawdown at well 10,841-D1 shown in red and drawdown at well 13,386 shown in blue due to pumping well 30,093 at the proposed new location during irrigation season when all neighboring wells are pumping.

Drawdown due to pumping a new well 30,093 at the proposed location is expected to be about 6 feet greater at well 10,841-D1 than if a new well was located where the present old well is located. Drawdown at well 13,386 is expected to be about 4 feet greater if completed at the new proposed compared to the present old well is located. **Table 1**

Well 30,093 at new location	Drawdown at 10,841-D1	Drawdown at 13,386
pumping 450 gpm	Greater than pumping 30,093 at old location by about:	Greater than pumping 30,093 at old location by about:
30 Days	5.5 feet	4 feet
60	6 feet	4 feet
90	6 feet	4 feet

Table 1 – Addition drawdown expected at well 10,841-D1 and 13,386 if new well is located at the proposed location.

Well driller completion logs are readily available for five of the eight wells interfering with each other during the seasonal aquifer test. There is also a well driller’s log available for a new irrigation well 8,895 drilled after the aquifer test and a test hole log for the new well location proposed for well 30,093. **Figure 4** is the same map as in Figure 1 but shows a line connecting the locations of the driller logs and test hole locations.

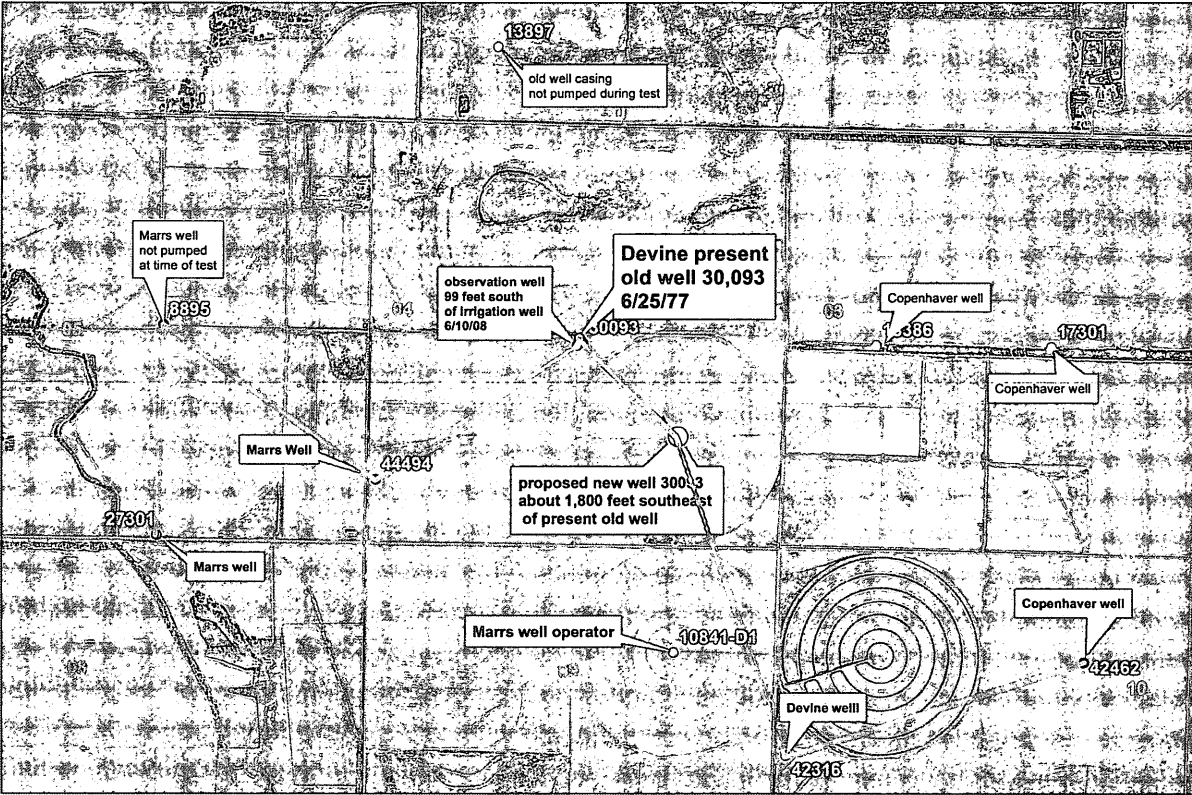


Figure 4 – Same map as in Figure 1 but showing a line connecting locations of well driller completion logs for sites 27301, 8895, 44494, 30093, test hole for proposed new well 30093, and completion logs for sites 42316 and 42462.

Figure 5 is a color legend for generalized interpretation of the lithology of the sediments described in the well driller logs. This color legend is for interpretation of Figure 6.

COLOR	LEGEND
(Solid black)	shale
(Solid dark grey)	clay
(Dotted pattern)	sandy clay
(Horizontal line pattern)	clayey sand
(Vertical line pattern)	sandstone
(Diagonal line pattern)	fine sand
(Stippled pattern)	sand
(Large stippled pattern)	sand and gravel
(White)	screen
(XXXX)	well depth

Figure 5 – Color Legend used for description of the sediments in well driller logs and the test hole shown in Figure 6.

Figure 6 shows well driller logs and the test hole from left to right to agree with the line on the map in Figure 4 from the left side of the map at site 27301 to the right side of the map at site 42462. The third log from the right is the test hole for the proposed new well 30,093. The fourth log from the right is the present location of well 30,093 and the associated observation well is the fifth log. Both the present old site 30,093 and the new location are shown to be drilled to shale but shale is shown as 78 feet deeper at the new location.

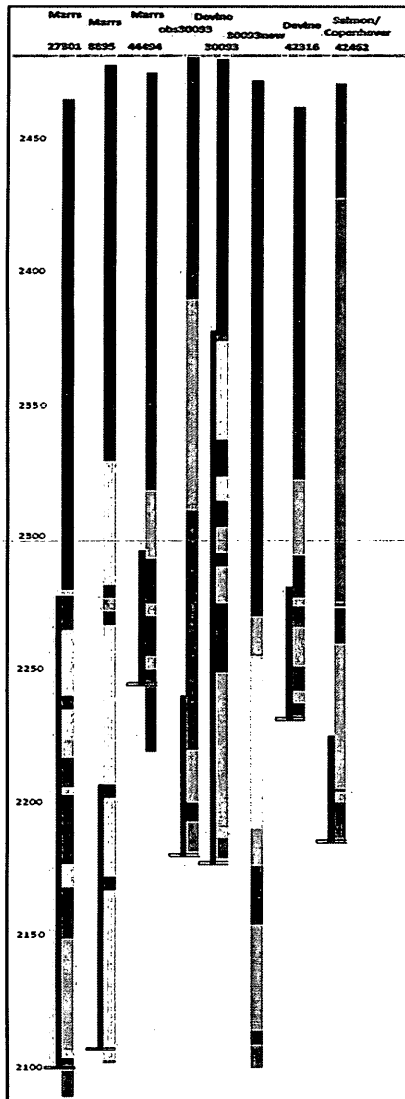


Figure 6 – Color description of sediments interpreted from area well driller completion logs and test hole for proposed new well 30,093 oriented from left to right to correlate with connecting line on map in Figure 4. Names associated with each site are listed on the top of the chart and elevations are shown to the left. Color legend is in Figure 5.

The proposed location for the new well 30,093 is about 78 feet deeper than the present location of the old well but the water bearing formation at the proposed site is overlain by about 202 feet of continuous confining clay and the present old location is overlain by about 100 feet of continuous confining clay. The new location appears to have about 15 feet (65 ft – 50 ft = 15 ft) more formation described as sand and gravel and about 11 feet (29 ft – 18 ft = 11 ft) more of formations described as sand, with the total water bearing formations including clayey sand and sandy clays about 19 feet greater (156 ft – 137 ft = 19 ft). **Table 2**

Present old well site 30,093	Proposed new well site 30,093
100 feet overlying clay	202 feet overlying clay
50 total sand and gravel	65 feet sand and gravel
18 feet sand	29 total feet sand
69 total clayey sand and sandy clay	62 total clayey sand and sandy clay
137 total water bearing	156 total water bearing

Table 2 – Feet of continuous overlying confining clay, total feet of sand and gravel formations, total feet of sand formations, total clayey sand and sandy clay formations, and total of all water bearing formations described in the well log for the present old well site 30,093 and the test hole for the proposed new well site 30,093.

The greater thickness of water bearing formation shown for the proposed new site may yield more water for a well initially and may help sustain moderate pumping during seasonal stress of interference between area wells in this highly developed area, but the new location is significantly closer to other existing neighboring water rights and would appear to cause additional drawdown and greater interference with wells that the new site is closer to even when simulating a continuous modest pumping rate of 450 gallons per minute.

Total drawdown of about 160 feet observed at the observation well shown in Figure 2 is in the same range of drawdown observed at irrigation wells where pumping levels could be monitored. It appears that when water level declines due to well interference are added to drawdown at a well due to pumping that well, end of the season water levels are near the bottom of the water-producing zones causing wells to run out of water and pumping rates to decline.

John Munson
Groundwater Impairment Investigator
Water Management Services
Division of Water Resources
Kansas Department of Agriculture

October 19, 2017



109 SW 9th Street, 2nd Floor
Topeka, Kansas 66612-1283

Dale A. Rodman, Secretary
David W. Barfield, Chief Engineer

phone: (785) 296-3717
fax: (785) 296-1176
www.ksda.gov/dwr

Sam Brownback, Governor

December 5, 2017

SOUTHWEST KANSAS GROUNDWATER
MANAGEMENT DISTRICT NO 3
2009 E SPRUCE STREET
GARDEN CITY KS 67846

FILE COPY

Re: Water Right
File No. 30,093

Dear Sir or Madam:

We are enclosing a copy of the application referred to above, received in the office of the Chief Engineer October 10, 2017, which appears to be in proper form.

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 these application.

Please submit your recommendation within the allotted time, or any authorized extension of time thereof. If you have any questions, please contact me at (785) 564-6645. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

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

BAT
Enclosures

pc: Garden City Field Office

SCANNED

Turney, Brent

From: Meyer, Mike
Sent: Monday, December 4, 2017 4:54 PM
To: Turney, Brent
Subject: 30093
Attachments: 20171204164826771.pdf

Brent here is the proposed well log and location
Just got off the phone, frank approves of this amendment and process asap.
Thanks!

Mike

1320 Research Park Drive
Manhattan, Kansas 66502

Jackie McClaskey, Secretary



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

November 2, 2017

FRANK P DEVINE
PO BOX 489
MEADE KS 67864-0489

RE: Water Right
File No. 30,093

FILE COPY

Dear Mr. Devine:

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 October 10, 2017.

The application proposes to move the authorized point of diversion to a point located near the center of the Southeast Quarter (SE $\frac{1}{4}$) of Section 4, more particularly located near a point 1,408 feet North and 1,466 feet West of the Southeast corner of said Section, Township 31 South, Range 27 West, Meade County, Kansas. The proposed well would be expected to operate at a higher pumping rate than the existing well, which would exceed recent pumping of water. The increased pumping may lead to impairment of existing water rights if pumping could be maintained at a higher rate. Five of the eight neighboring wells under Water Right, File Nos. 8,895, 10,841-D1, 13,386, 17,301 and 27,301 are interacting with each other and are senior to File No. 30,093. Analysis of the potential impact the proposed well will have on nearby water rights indicates that impairment is likely to occur. For your convenience, I have enclosed the report used in making our determination.

K.S.A. 82a-708b states in part that any owner of a water right may change the place of use, the point of diversion or the use made of water, without losing priority of right, provided such owner shall:

“ . . . demonstrate to the Chief Engineer that any proposed change is reasonable and will not impair existing rights . . . ”

As submitted, the application to change the point of diversion does not provide information to show that the drawdown caused by pumping from the proposed well will not impair neighboring wells by the unreasonable lowering of the static water level. For the reason given above, it will be recommended to the Chief Engineer that the Application to Change the Authorized Point of Diversion under Water Right, File No. 30,093, be denied and dismissed due to the failure to comply with K.S.A. 82a-708b.

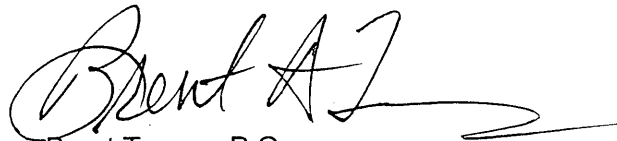
SCANNED

We are advising you of this recommendation in order to allow you an opportunity to submit additional information (such as hydrologic analysis) to show why our evaluation should be reconsidered. You have **a period of 15 days (until November 17, 2017)** to either (1) submit additional information to our office or (2) to request additional time beyond the 15 days to submit additional information. If you wish to request additional time, you must do so in writing, before the 15 day period expires. Such a request should state what steps are being taken to obtain the information and the amount of time you will need to supply the information to our office.

If you do not request more time within the 15 day period, or if your request is not granted, the above-referenced application will be submitted to the Chief Engineer for final decision based on the recommendation stated above. If you do submit additional information within the 15 day period (or any authorized extension), that information will be given due consideration prior to final action on the application.

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

Sincerely,



Brent Turney, P.G.
Change Unit Supervisor
Environmental Scientist
Water Appropriation Program

BAT

Enclosure

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



534 S. Kansas Ave., Suite 1420
Topeka, KS 66603
Office - (785) 246-8444 Fax - (866) 588-9472
www.devineanddonley.com

November 7, 2017

Mr. Lane Letourneau

Water Appropriations Program Manager

Kansas Department of Agriculture

1320 Research Park Drive

Manhattan, Kansas 66502

RE: Water Right File No. 30,093

Sent via email and mail November 7, 2017

Dear Lane:

Please be advised that we represent Mr. Frank Devine regarding a change of point of diversion application for File No. 30,093. Mr. Devine received your letter dated November 2, 2017 on November 6, 2017.

We request additional time, at least 60 days, to provide additional information and/or modify the application for change of point of diversion. We plan to consult with local drillers and KDA offices to develop options. Once we have outlined options, we will pursue completion of this application and project. As you can understand, we are entering the holiday season and seasonal weather changes which may preclude us from getting quick responses. We ask for your consideration of these factors when setting a schedule.

Again, thank you for your time and consideration. We look forward to your response.

Sincerely,

Allie Devine

Cc: Frank Devine

Cc: Brent Turney, P.G.

WATER RESOURCES
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NOV 07 2017

KS DEPT OF AGRICULTURE

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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

November 7, 2017

FRANK P DEVINE
PO BOX 489
MEADE KS 67864-0489

RE: Water Right, File No. 30,093

Dear Mr. Devine:

This will acknowledge receipt of a request for extension made on your behalf by Allie Devine, received in this office on November 7, 2017, in which she requests an extension of time to supply the Chief Engineer with additional information concerning the above referenced application.

The Chief Engineer has extended until January 19, 2018, the time in which to submit additional information to be considered before final action will be taken on your application.

If additional information is not supplied by the deadline, or any authorized extension of time thereof, the application will be submitted to the Chief Engineer for final action.

If you wish to request additional time, you must do so in writing, before the period expires. Such a request should state what steps are being taken to supply the requested information.

If you have any questions, please contact our office, my desk phone is (785) 564-6645. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

Brent A. Turney
Change Application Unit
Water Appropriation Program

pc: Garden City Field Office
GMD No. 3
Allie Devine

FILE COPY

SCANNED



534 S. Kansas Ave., Suite 1420
Topeka, KS 66603
Office - (785) 246-8444 Fax - (866) 588-9472
www.devineanddonley.com

November 7, 2017

Mr. Lane Letourneau

Water Appropriations Program Manager

Kansas Department of Agriculture

1320 Research Park Drive

Manhattan, Kansas 66502

RE: Water Right File No. 30,093

Sent via email and mail November 7, 2017

Dear Lane:

Please be advised that we represent Mr. Frank Devine regarding a change of point of diversion application for File No. 30,093. Mr. Devine received your letter dated November 2, 2017 on November 6, 2017.

We request additional time, at least 60 days, to provide additional information and/or modify the application for change of point of diversion. We plan to consult with local drillers and KDA offices to develop options. Once we have outlined options, we will pursue completion of this application and project. As you can understand, we are entering the holiday season and seasonal weather changes which may preclude us from getting quick responses. We ask for your consideration of these factors when setting a schedule.

Again, thank you for your time and consideration. We look forward to your response.

Sincerely,

Allie Devine

Cc: Frank Devine

Cc: Brent Turney, P.G.

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KS DEPT OF AGRICULTURE

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534 S. Kansas Ave., Suite 1420
Topeka, KS 66603
Office - (785) 246-8444 Fax - (866) 588-9472
www.devineanddonley.com

November 7, 2017

Mr. Lane Letourneau

Water Appropriations Program Manager

Kansas Department of Agriculture

1320 Research Park Drive

Manhattan, Kansas 66502

RE: Water Right File No. 30,093

Sent via email and mail November 7, 2017

Dear Lane:

Please be advised that we represent Mr. Frank Devine regarding a change of point of diversion application for File No. 30,093. Mr. Devine received your letter dated November 2, 2017 on November 6, 2017.

We request additional time, at least 60 days, to provide additional information and/or modify the application for change of point of diversion. We plan to consult with local drillers and KDA offices to develop options. Once we have outlined options, we will pursue completion of this application and project. As you can understand, we are entering the holiday season and seasonal weather changes which may preclude us from getting quick responses. We ask for your consideration of these factors when setting a schedule.

Again, thank you for your time and consideration. We look forward to your response.

Sincerely,

Allie Devine

Cc: Frank Devine

Cc: Brent Turney, P.G.

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KS DEPT OF AGRICULTURE

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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

FRANK P DEVINE
PO BOX 489
MEADE, KS 67864

10/11/2017

FILE COPY

RE: File No 30093

Dear Sir or Madam:

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

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

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

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

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

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

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

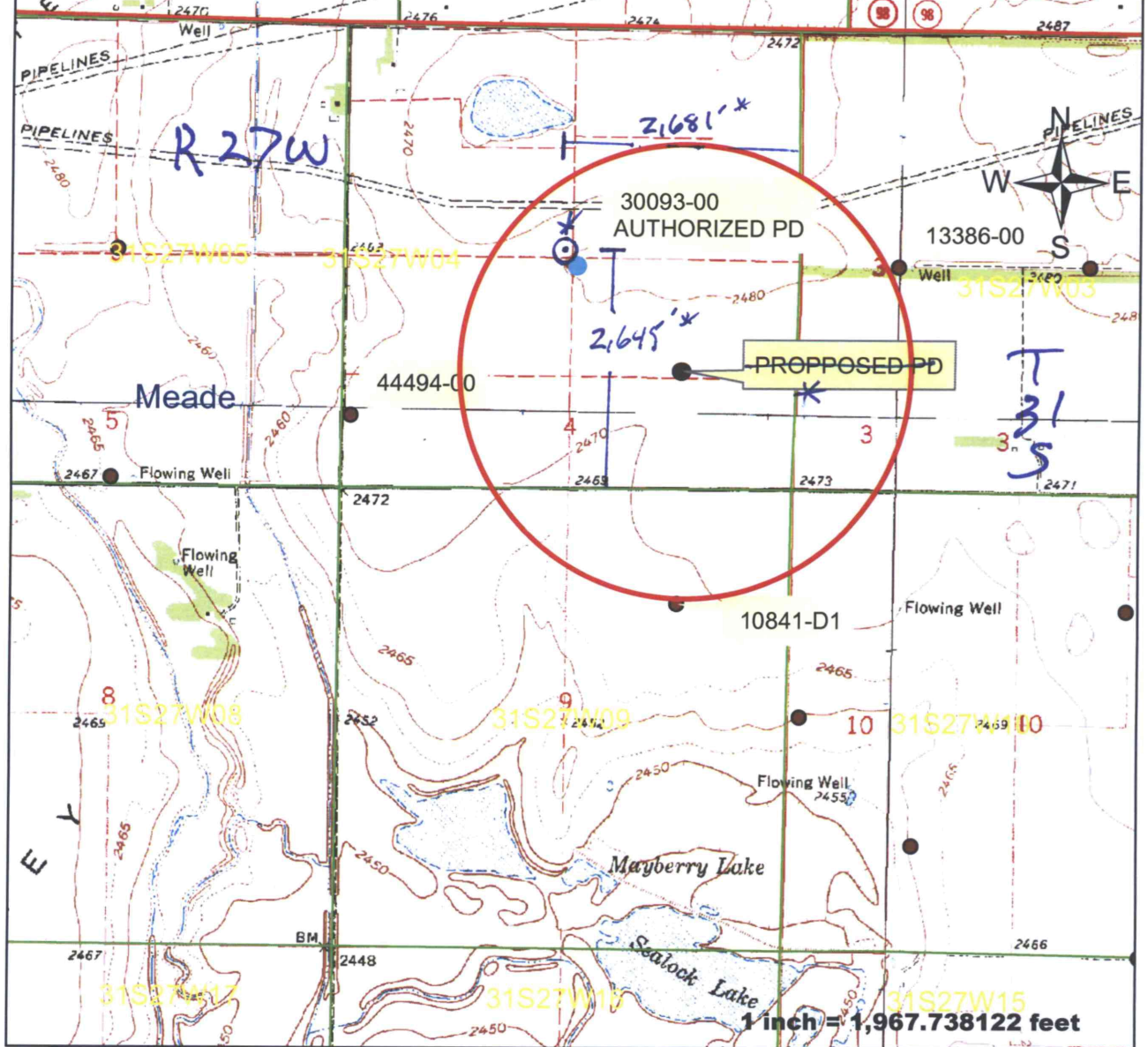
If you have any questions, please contact me at (785) 564-6645. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

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

BAT: DLW
pc: GARDEN CITY Field Office GMD3

APPLICATION TO CHANGE THE POINT OF DIVERSION FILE NO. 30093



X 7. P. Derrine
APPLICANT SIGNATURE
NO OTHER WELLS WITHIN ONE HALF MILE

*BAT/DWR 12-4-17
AS PER M. MEYER/109

WATER RESOURCES
RECEIVED

OCT 10 2017

KS DEPT OF AGRICULTURE

SCANNED