

Kansas Department of Agriculture  
Division of Water Resources  
**CHANGE: PD WORKSHEET & ACTION TRAIL MODIFICATION**

Document Signature LPL

*landowner Modification*

1. File Number: <b>FI 039</b>	2. Status Change Date: <i>2/6/2017</i>	3. Change Num: <b>C1</b>	4. Field Office: <b>04</b>	5. GMD: <b>03</b>
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6. Status: <input type="checkbox"/> Approved <input type="checkbox"/> Denied by DWR/GMD <input checked="" type="checkbox"/> Dismiss by Request	7. Filing Date of Change: <b>11/24/14</b>
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8a. Applicant(s) New to system <input type="checkbox"/>  <b>WORF LAND LLC MARK WORF CO-MGR 1407 MELS DR GARDEN CITY KS 67846</b>	Person ID <b>56534</b> Add Seq# _____	8c. Landowner(s) New to system <input type="checkbox"/>  	Person ID _____ Add Seq# _____
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8b. Landowner(s) New to system <input type="checkbox"/>  <i>Subdivision (04) Field Office 4*</i>	Person ID <i>39126</i> Add Seq# _____	8d. WUC New to system <input type="checkbox"/>  <b>NO CHANGE WORF LAND LLC MARK WORF CO-MGR 1407 MELS DR GARDEN CITY KS 67846</b>	Person ID <b>56534</b> Add Seq# _____
---	--	--	--

9. Documents and Enclosure(s):  DWR Meter(s) Date to Comply: \_\_\_\_\_  N & P Date to Comply: \_\_\_\_\_

Anti-Reverse Meter  
  Meter Seal  
  Check Valve  
  N & P Form  
  Water Tube  
  Driller Copy  
  H & E Letter

Conservation Plan  
 Date Required: \_\_\_\_\_  
 Date Approved: \_\_\_\_\_  
 Date to Comply: \_\_\_\_\_

10. Use Made of Water    From: \_\_\_\_\_    To: \_\_\_\_\_

\*  
ACTION TRAIL ENTRY: WATER RIGHT RESERVED FROM PLACE OF USE  
*(SEE DOCUMENTS DEEDS)  
FOR DETAILS*

Date Prepared: **1/25/17**    By: **LI**  
 Date Entered: *2/8/2017*    By: *LM*

KANSAS DEPARTMENT OF AGRICULTURE  
Division of Water Resources

MEMORANDUM

TO: Files

DATE: January 25, 2017

FROM: Leslie Ireland

RE: Vested Right, File Nos. FI 036; FI 039 & FI 040

On November 24, 2014, Mark Worf on behalf of Worf Land LLC, 1407, filed application to change the points of diversion authorized for irrigation use.

The applications for change were to construct a new well for the referenced files as the city has grown resulting in the points of diversion to be plugged due to infrastructure. The rights are withheld from the authorized place of use and the place of use has also been consumed by the infrastructure.

It would appear that the changes were filed to assure the rights would remain in good standing with regard to abandonment. The owner was informed that the change to the statute, K.S.A. 85a-718(e), *Abandonment of water rights; notices; bearing review of action*, would not require a change to facilitate a point of diversion and the rights would comply with K.A.R. 5-7-1, *Due and sufficient cause for nonuse*, as the rights are in an area closed by order of the Chief Engineer.

After explaining the new statute to the owner they determined that they did not want to change the points of diversion that are authorized and submitted a request to voluntarily dismiss the applications for change.

The database should be updated to show that the rights referenced above have been withheld from the authorized place of use per the deeds submitted to the office of the Chief Engineer on April 27, 2015

Based on the above discussion, it is recommended that the applications to change the points of diversion filed on November 24, 2014, for the referenced files, be dismissed.



Leslie Ireland  
Environmental Scientist  
Water Appropriation Program

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



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

Jackie McClaskey, Secretary

Governor Sam Brownback

February 9, 2017

WORF LAND LLC  
MARK WORF CO-MGR  
1407 MELS DR  
GARDEN CITY KS 67846

**FILE COPY**

RE: Vested Right, File Nos. FI 036; FI 039 & FI 040

Dear Mr. Worf:

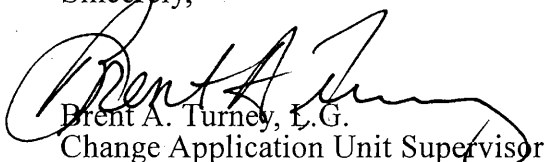
Enclosed are the Findings and Orders by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, regarding the Applications for Change under the referenced files.

Your request for the voluntary withdraw of the November 24, 2014, applications for change in point of diversion under the referenced files, was received in the office of the Chief Engineer on January 17, 2017, and has been processed in accordance with your request. The November 24, 2014, *Application to Change the Point of Diversion* for each of the referenced files has been dismissed and any priority held by the applications 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,



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

BAT:LI:li  
Enclosures  
pc: Garden City Field Office  
Groundwater Management District No. 3

THE STATE



OF KANSAS

KANSAS DEPARTMENT OF AGRICULTURE  
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES  
David W. Barfield, Chief Engineer

**FINDINGS AND ORDER  
IN THE MATTER OF THE DISMISSAL  
OF AN APPLICATION FOR APPROVAL  
TO CHANGE THE AUTHORIZED  
POINT OF DIVERSION  
UNDER VESTED RIGHT, FILE NO. FI 039**

**FILE COPY**

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

FINDINGS

1. That on January 27, 1955, the Chief Engineer, in accordance with K.S.A. 82a-704a, issued an order determining and establishing a vested right, then identified as Vested Right, Code 6239, Finney County, now identified as Vested Right, File No. FI 039, to continue the beneficial use of groundwater for irrigation use.
2. That on November 24, 2014, Mark Worf on behalf of Worf Land LLC, 1407 Mels Drive, Garden City, Kansas 67846, owner of the place of use authorized under the Vested 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 January 11, 2017, and received in the Office of the Chief Engineer on January 17, 2017, Mark Worf on behalf of Worf Land LLC, 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 November 24, 2014, under Vested Right, File No. FI 039, 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 Vested Right, File No. FI 039, dated January 27, 1955, 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 6<sup>th</sup> day of February, 2017, at Topeka, Shawnee County, Kansas.

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

State of Kansas        }  
County of Riley        }        SS

The foregoing instrument was acknowledged before me this 6<sup>th</sup> day of February, 2017, by Lane P. Letourneau, P.G., Program Manager, Division of Water Resources, Kansas Department of Agriculture.

*Danielle Wilson*  
Notary Public



CERTIFICATE OF SERVICE

On this 6<sup>th</sup> day of February, 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 Vested Right, File No. FI 039, was mailed postage prepaid, first class, US mail to the following:

Worf Land LLC  
Mark Worf Co-Mgr  
1407 Mels Drive  
Garden City, KS 67846

With photocopies sent to:

Garden City Field Office  
Groundwater Management District No. 3

*Danielle Wilson*  
Division of Water Resources

**Voluntary Dismissal of an Application for Change in Point of Diversion**

January 11, 2017  
(Date)

Kansas Department of Agriculture  
Division of Water Resources  
1320 Research Park Drive  
Manhattan, Kansas 66502

RE: Application for Change in Point of Diversion, File No. FI 036, FI 039, FI 040

Chief Engineer:

I am submitting this statement in regard to Application for Approval to Change the Authorized Point of Diversion, File No. FI 036, FI 039, FI 040. I am the applicant who filed this application. I now wish to voluntarily withdraw that application. I realize such withdrawal means the application will be dismissed and whatever priority it may have had will be forfeited. Please withdraw Application to Change the Point of Diversion, Vested File No. FI 036, FI 039, FI 040

Sincerely,

Mark Worf, Worf Land LLC  
(Applicant)

Mark Worf  
(Applicant)

1407 Mels Drive  
(Mailing Address)

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\_\_\_\_\_  
(Mailing Address)

Garden City KS 67846  
(City, State, Zip)

JAN 17 2017

\_\_\_\_\_  
(City, State, Zip)

KS DEPT OF AGRICULTURE

\_\_\_\_\_  
(Applicant)

\_\_\_\_\_  
(Applicant)

\_\_\_\_\_  
(Mailing Address)

\_\_\_\_\_  
(Mailing Address)

\_\_\_\_\_  
(City, State, Zip)

\_\_\_\_\_  
(City, State, Zip)

RECEIVED

JAN 11 2017

SCANNED

Garden City Field Office  
Division of Water Resources

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

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



State of Kansas

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

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

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

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

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2:18  
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File No. FI 39

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2. Name of applicant: WORF LAND LLC MARK WORF CO-MGR

Address: 1407 MELS DR

City, State and Zip: GARDEN CITY KS 67846

Phone Number: (620)272-5426

E-mail address: \_\_\_\_\_

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

Name of water use correspondent: WORF LAND LLC MARK WORF CO-MGR

Address: 1407 MELS DR

City, State and Zip: GARDEN CITY KS 67846

Phone Number: ( ) \_\_\_\_\_

E-mail address: \_\_\_\_\_

3. The change(s) proposed herein are desired for the following reasons (please be specific): to redrill wells which  
to a location where irrigation is possible. authorized wells are both plugged under parking lots of new retail developments.

The change(s) (will be) completed by spring 2015

(Date)

**For Office Use Only:**

F.O. 4 GMD 3 Meets K.A.R. 5-5-1 (YES/NO) Use IAP Source G/S County FI By AAR Date 12-1-14  
Code CPU Fee \$ 200 TR # 15015478 Receipt Date 11/24/14 Check # 1102

12/4/2014 um

6. The presently authorized point(s) of diversion are 2 wells  
(Provide description and number of points) WATER RESOURCES RECEIVED
7. The proposed point(s) of diversion is 1 well  
(Provide description and number of points)

NOV 24 2014

List all presently authorized point(s) of diversion:

8. **Presently authorized point of diversion:**

One in the      nw      Quarter of the      sw      Quarter of the      ne      Quarter of Section      9     , Township      24      South, Range      32      W, in Finney County, Kansas,      3750      feet North      2300      feet West of Southeast corner of section. Authorized Rate      Authorized Quantity     

(DWR use only: Computer ID No. 7 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      ne      Quarter of the      se      Quarter of the      ne      Quarter of Section      9     , Township      24      South, Range      32      W, in Finney County, Kansas,      3464      feet North      265      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 FI 36, FI 39, FI 40

9. **Presently authorized point of diversion:**

One in the      nw      Quarter of the      sw      Quarter of the      se      Quarter of Section      9     , Township      24      South, Range      32      W, in Finney County, Kansas,      1125      feet North      2475      feet West of Southeast corner of section. Authorized Rate      Authorized Quantity     

(DWR use only: Computer ID No. 6 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      ne      Quarter of the      se      Quarter of the      ne      Quarter of Section      9     , Township      24      South, Range      32      W, in Finney County, Kansas,      3464      feet North      265      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 FI 36, FI 39, FI 40

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. the wells are already plugged and under parking lots.

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

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12. The presently authorized use of water is for irr purposes.  
It is proposed that the use be changed to irr 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 (\_\_\_\_ 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](http://www.usgs.gov)). The map should show the location of the presently authorized point(s) of diversion. Distances North and West of the Southeast corner of the section must be shown. The presently authorized place of use should also be shown. Identify the center of the section, the section lines and the section corners and show the appropriate section, township, and range numbers on the map. In addition the following information must also be shown on the map.

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

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

Same aquifer, changing from two wells to one.

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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.

moving well over 1/2 mile 5-23-3 b

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spacing to 12806 does not met 2100 feet as required by 5-23-3a

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

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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

December 28, 2016

WORF LAND LLC  
MARK WORF CO-MGR  
1407 MELS DR  
GARDEN CITY KS 67846

RE: Vested Right, File Nos. FI 036, FI 039 & FI 040

Dear Mr. Worf:

Reference is made to the applications for the approval of the Chief Engineer to change the points of diversion under the referenced files which were received in this office on November 24, 2014. In a letter dated May 12, 2016, the Southwest Kansas Groundwater Management District No. 3 (GMD3) recommended approval of the proposed applications for change and waiver of K.A.R. 5-23-3, *Minimum well spacing requirements: high plains aquifer*, with the additional stipulation that the authorized quantity be restricted to the acres that remain for irrigation use.

In summary, GMD3 recommended approval of the changes for the referenced files authorization of one (1) well to be constructed in the in the Northeast Quarter of the Southeast Quarter of the Northeast Quarter (NE $\frac{1}{4}$  SE $\frac{1}{4}$  NE $\frac{1}{4}$ ) of Section 9, to be located approximately 3,464 feet North and 265 feet West of the Southeast corner of said section in Township 24 South, Range 32 West, Finney County, to be authorized by the referenced files. Their recommendation indicated the Board supported a waiver of K.A.R. 5-23-3(a)(1), but conditioned the waiver with a restriction on the usage to a quantity reasonable for the acres available for irrigation use. Their recommendation stated that there are 35 acres of land available to be irrigated and required the quantity to be restricted to that reasonable for the land available for irrigation use. In Finney County the quantity reasonable for irrigation use as defined by K.A.R. 5-3-23, *Maximum reasonable annual quantity approvable for irrigation use for an application for change in place of use and a request to reduce a water right*, would allow is two (2) acre-feet per acre. The 35 acres which appear to be available for irrigation use, would allow for 70 acre-feet to be put to beneficial use as irrigation use.

Please be advised that on July 1, 2012, K.S.A. 82a-718, *Abandonment of water rights; notices; hearing; review of actions; exceptions*, was modified to allow the closer of an area to new appropriations to be due and sufficient cause for nonuse and water rights located in the closed area shall not be deemed abandoned. The referenced files are located in an area that is closed to new appropriations, therefor will not be deemed abandoned for nonuse.

Should you choose to proceed with the pending applications for change the recommendation of GMD3 will be applied.

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In light of the recommendation by GMD3 and further review of the rights, it appears several options would be available to proceed with the processing of the applications. To aide you in your decision a summary sheet and list of several options has been enclosed for your use in determining your course of action.

Please contact Michael Meyer, Water Commissioner, in our Garden City Field Office, at (620) 276-2901 to schedule an appointment so the he may assist you with the modification of the applications referenced above.

**You have a period of 15 days (until January 12, 2017) to either (1) submit the applications with a modification of the proposed changes or (2) to request additional time beyond the 15 days to modify and return the applications.** 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 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 applications.

If you have any questions, please contact our office, my desk phone is (785) 564-6633, or you may contact me via email at [Leslie.Ireland@ks.gov](mailto:Leslie.Ireland@ks.gov). Please reference your file numbers when contacting our offices so that we may help you more efficiently.

Sincerely,



Leslie Ireland  
Change Application  
Water Appropriation Program

LI:li

Enclosures

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

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VESTED RIGHT, FILE NOS. FI 036, FI 039 & FI 040  
SUMMARY & OPTIONS

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SUMMARY

The referenced files each authorize a blanket quantity and rate with no additional limitations. They overlap in point of diversion authorizing two wells.

(NW¼ SW¼ SE¼) of Section 9, in Township 24 South, Range 32 W, Finney County. WRIS ID 6  
(NW¼ SW¼ NE¼) of Section 9, in Township 24 South, Range 32 W, Finney County. WRIS ID 7

Authorizing a combined total of 480 acre-feet.

FILE NO.	QUANTITY, AF	RATE, GPM
FI 036	176	750
FI 039	154	1000
FI 040	150	1000

The referenced files are located in the Ark River Intensive Groundwater Utilization Control Area.

It appears the wells have been plugged as the South well is under a shopping development and the North well is under a parking lot. Per the Southwest Kansas Groundwater Management District No. 3, (GMD3) Memo Change Review.

The rights are authorized to irrigate 196 acres in the East half of Section 9, Township 24 South Range 32 West, Finney County. Records indicate the rights have been withheld by deed from the authorized place of use.

A review and Email dated May 23, 2016, Mike Meyer, Water Commissioner, Garden City Field Office determined the total acres perfect to be 202.5 acres. Assigning the acres per right and estimate of water available by another use per the criteria for a change in the use made of water.

FILE NO.	ACRES IRRIGATED	K.A.R. 5-5-9 QUANTITY, AF
FI 036	58.0	70.18
FI 039	77.0	93.17
FI 040	67.5	81.68

The November 24, 201, applications for change are to drill a new well to be constructed in the Northeast Quarter of the Southeast Quarter of the Northeast Quarter (NE¼ SE¼ NE¼) of Section 9, approximately 3,464 feet North and 265 feet West of the Southeast corner of Section 9, in Township 24 South, Range 32 W, Finney County. The GMD letter dated May 12, 2016 indicates owners wants to keep the water rights intact, but stated he needs to move the diversions due to the development in the area. This would result in 480 acre-feet to be authorized by the new well.

The move to the East and Northeast from the existing wells is approximately 2,067 feet from the North well and 3,200 feet from the South well, but the rights have a blanket quantity, the South well could be reduced resulting in a move that complies with K.A.R. 5-23-3(b), *Minimum well spacing requirements, high plains aquifer*, as one of the wells are less than 2,640 feet from the presently authorized and completed North point of diversion.

The proposed changes in point of diversion have been recommended for approval by GMD3. They have recommended all three rights move to the proposed well with the 480 acre-feet which requires 2,300 feet of spacing to nearby wells. As there is a junior right, File No. 12,806 located 1,820 feet to the South of the proposed well, so a waiver of K.A.R. 5-23-3(a)(1) was recommended by the Board of GMD 3. The Board recommended an additional condition restricting the irrigation quantity to the acres available, due to the concerns of the neighboring water rights owners about the amount of water that is authorized in comparison to the current acres still available to be watered.

It appears 35 acres remain within the currently authorized place of use indicating 70 acre-feet authorized from the new well and used for the options.

**OPTIONS**

**Option 1 Withdraw applications for change**

The referenced files are located in an area that is closed to new appropriations, therefor will not be deemed abandoned for nonuse. Withdrawing the applications for change will not jeopardize the rights as long as the statute K.S.A. 82a-718, *Abandonment of water rights; notices; hearing; review of actions; exceptions*, remains as adopted. Annual water use reports need to be filed.

**Option 2 Modify change applications assigning quantity and rate for two wells. Assign a quantity to the new well that correlates to the to the acres that will be authorized.**

The assignment can be one right or any combination of rights as long as the new well is authorized a quantity reasonable for the acres that will be irrigated. In this area, 2 acre-foot of water per acre is considered reasonable. Authorized the new well under File No. FI 040 and retain the South well by modifying the applications for change. These examples are based on 35 acres of irrigated land. No waiver needed.

**Example 2a**

<b>New Well NE SE NE 9-24-32W</b>		
<u>File No.</u>	<u>Quantity, AF</u>	<u>Rate, gpm</u>
FI 040	70	500

<b>Existing Well ID 6 NW SE SE 9-24-32W</b>		
<u>File No.</u>	<u>Quantity, AF</u>	<u>Rate, gpm</u>
FI 036	176	750
FI 039	154	1000
FI 040	80	500

**Example 2b**

<b>New Well NE SE NE 9-24-32W</b>		
<u>File No.</u>	<u>Quantity, AF</u>	<u>Rate, gpm</u>
FI 036	20	To be determined
FI 039	20	To be determined
FI 040	30	To be determined

<b>Existing Well ID 6 NW SE SE 9-24-32W</b>		
<u>File No.</u>	<u>Quantity, AF</u>	<u>Rate, gpm</u>
FI 036	156	To be determined
FI 039	134	To be determined
FI 040	130	To be determined

SCANNED

Kansas Department of Agriculture  
1320 Research Park Drive  
Manhattan, KS 66502-5000

May 13, 2015

RE: Vested Right, File Nos. FI 036; FI 039 and FI 040

Attention: Leslie Ireland

Dear Leslie,

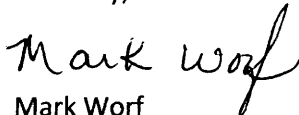
In reference to our conversation on May 4, 2015.

The following are the addresses for the domestic wells that are referenced on the map that you provided.

1. Kansas Schneider Family LLC, PO Box 457, Stillwater OK, 74076-0457
2. The house has been demolished, and it appears the well has been capped. We were not able to locate the well. This land is now part of a housing development that is under construction.
3. Merle and Polly Witt, 3360 E US Highway 50, Garden City KS, 67846
4. Grace Bible Church, 2595 N Jennie Barker Road, Garden City, KS 67846
5. Worf Land LLC, 1407 Mel's Drive, Garden City, KS 67846

Thank you for your assistance.

Sincerely,



Mark Worf  
Co-manager, Worf Land LLC

WATER RESOURCES  
RECEIVED

MAY 20 2015

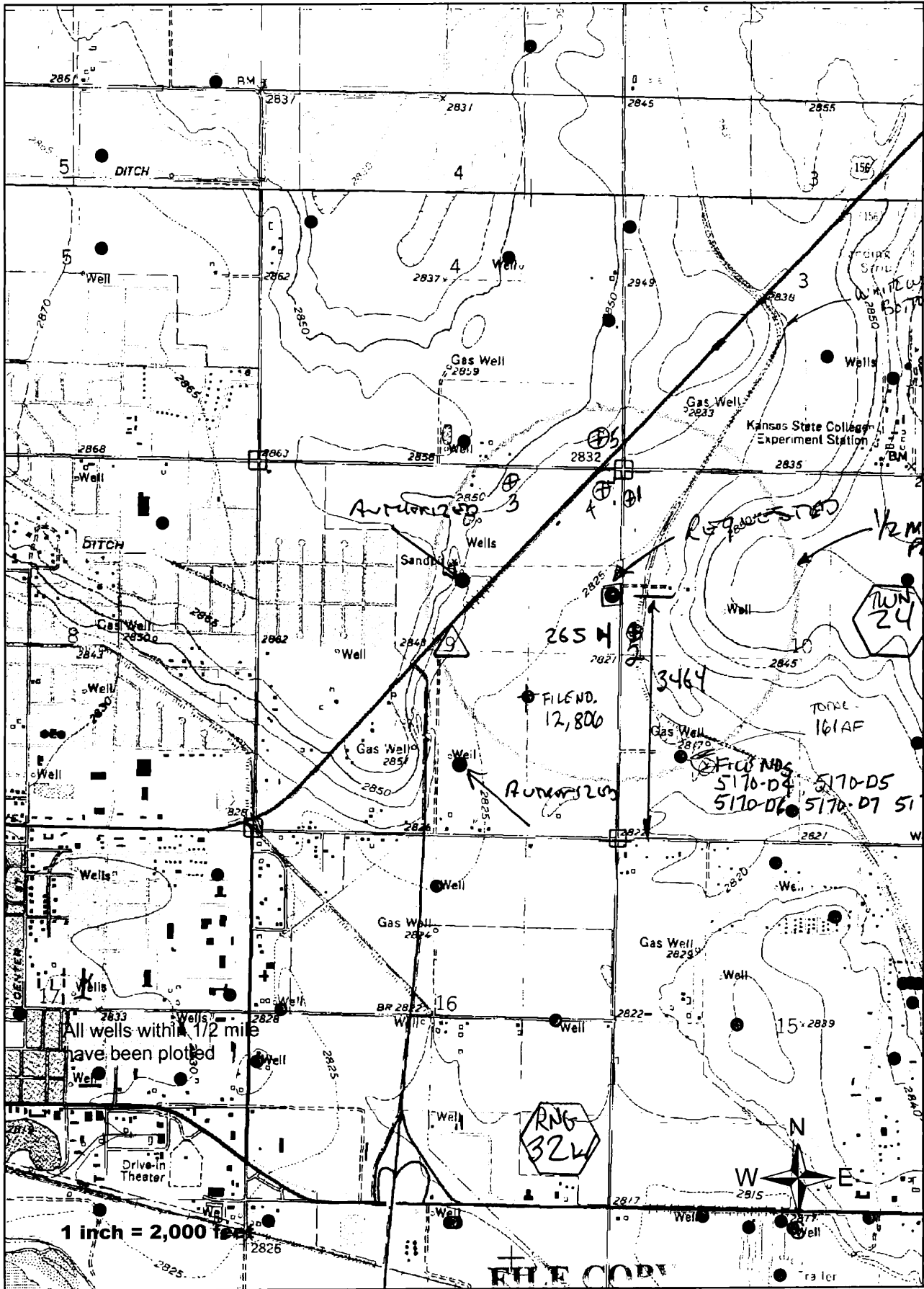
KS DEPT OF AGRICULTURE

SCANNED

NOV 24 2014

# FI36, FI39, FI40

KS DEPT OF AGRICULTURE



1 inch = 2,000 feet

FILE COPY

LI/AWR 3/17/15

Kansas Department of Agriculture  
109 SW 9<sup>th</sup> Street, 2<sup>nd</sup> Floor  
Topeka, KS 66612-1283

April 17, 2015

RE: Vested Right, File Nos. FI 036; FI 039 and FI 040

Attention Leslie Ireland

Dear Leslie,

In reference to your letter of April 3, 2015.

We continue to work with Mark Rude and the Southwest Kansas Ground Water Management District #3 office. We have identified all wells located within ½ mile of the proposed well. However the topographical map that you referenced in your letter was not included in the documents that you sent.

I am requesting that you please send us the map so we may document the location of the wells as requested. I am also requesting that the deadline of April 23, 2015 be extended.

I am enclosing the signed signature page, with my signature as the duly appointed agent for Worf Land LLC. I am also enclosing copies of the deeds for the water rights in question. These deeds convey the water rights in questions to Worf Land LLC.

If it would facilitate the process, you may contact me at my work phone, 620-272-5426, Monday-Friday, 8:00 AM to 5:00 PM.

Thank you for your assistance.

Sincerely,

Mark Worf  
Co-manager, Worf Land LLC

WATER RESOURCES  
RECEIVED

APR 27 2015

KS DEPT OF AGRICULTURE

SCANNED





FROM DATA ENTRY LAND INDEX

#1857

Entered in Transfer Record in my office, this 12 day of March 2002. [Signature] County Clerk.

STATE OF KANSAS, Finney County, } ss.

This instrument was filed for record on the 11 day of March 2002, at 12:27 o'clock P.M., and duly recorded in Book 245 of Deeds, at page 115.

[Signature] Register of Deeds. By [Signature] Deputy.

FEES. Register of Deeds, for recording, \$ 6.00 County Clerk, for transfer, \$ Total, \$

THIS DEED, Made this 28th day of February, 2002, between

Worf Land, L.L.C., a Kansas limited liability company of Scott County, in the State of Kansas

of the first part, and Garden City Hospitality, L.L.C., a South Dakota limited liability company

of Finney County, in the State of Kansas of the second part,

WITNESSETH, That part ies of the first part, in consideration of the sum of One... and NO 100. Dollars, and other valuable consideration, the receipt of which is hereby acknowledged, do es by these presents

convey and warrant unto part ies of the second part, their heirs and assigns, all the following-described real estate situated in the County of Finney and State of Kansas, to-wit:

Lot Five (5), Block One (1), 156 Commercial, Phase Three and a Replat of 156 Commercial, Phase Two, in the Northeast Quarter of Section 9, Township 24 South, Range 32 West of the 6th P.M., Garden City, Finney County, Kansas; EXCEPT all rights to water, minerals, oil, gas and other hydrocarbon substances in, to and under the above-described property, and all rights appurtenant thereto;

\*\*No Sales Validation Questionnaire is required due to K.S.A. 79-1437e Exception No.3 \*\*This is to Correct the signature on Deed recorded March 07, 2002 at 2:52 PM in Book 245 at Page 46.

TO HAVE AND TO HOLD THE SAME, Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, forever.

And party of the first part, for themselves, their heirs, executors and administrators, do es hereby covenant, promise and agree to and with part ies of the second part that at the delivery of these presents their lawfully seized in their own right, of an absolute and indefeasible estate of inheritance, in fee simple, of and in all and singular the above granted and described premises, with the appurtenances; that the same are free, clear, discharged and unincumbered of and from all former and other grants, titles, charges, estates, judgments, taxes, assessments and incumbrances of what nature or kind soever except;

Easements, restrictions and right of way of record, if any.

and that they will warrant and forever defend the same unto parties of second part, heirs and assigns, against part ies of the first part, their heirs, and all and every person or persons whomsoever, lawfully claiming or to claim the same.

IN WITNESS WHEREOF, parties of the first part ha ve hereunto subscribed their name, the day and year first above written.

[Signature] Deward E. Worf, its Manager Worf Land, L.L.C. A Kansas Limited Liability Company

STATE OF KANSAS, Finney COUNTY, ss. BE IT REMEMBERED, That on this 28th day of February, 2002, before me, the undersigned, a Notary Public in and for the County and State aforesaid, came Deward E. Worf, its Manager, Worf Land, L.L.C., a Kansas limited liability company who is personally known to me to be the same person who executed the foregoing deed, and duly acknowledged the execution of the same.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my official seal on the day and year last above written.

My appointment expires November 01, 2003

[Signature] Lee Messenger Notary Public.



WATER RESOURCES RECEIVED

APR 27 2015

KS DEPT OF AGRICULTURE

SCANNED

252 49

STATE OF KANSAS

ss. #66047

FINNEY COUNTY

This instrument was filed for Record on the 13 day of Dec. A.D. 2007

at 2:31 o'clock P.M. and duly recorded in book 262 Page 49 Fee \$20.00

Registered by *Elsa Ulrich* Register of Deeds



DATA ENTRY LAND INDEX ✓

Entered in Transfer Record in my office this 14 day of Dec. A.D. 2007  
*Elsa Ulrich*  
Finney County Clerk

**KANSAS BUSINESS ORGANIZATION LIMITED WARRANTY DEED**

On this 4 day of December, 2007, Worf Land, L.L.C., a Kansas limited liability company duly organized and existing under the laws of the State of Kansas, and having its principal place of business at 109 West 8<sup>th</sup> Street, Scott City, County of Scott, State of Kansas ("Grantor"), **CONVEYS AND GRANTS** to: Sam's West, Inc., an Arkansas corporation, ("Grantee") all of the real property (the "Property") in Finney County, Kansas:

Lots 1 and 2, Block 1, as shown on the Final Plat of 156 Commercial, Phase Four, in the Northeast Quarter of Section 9, Township 24 South, Range 32 West of the 6<sup>th</sup> P.M., Garden City, Finney County, Kansas as recorded in ~~Map Book 156~~ *Map Book 156*, Page \_\_\_\_\_ on December 11, 2007 with the Finney County, Kansas, Register of Deeds;

Together with any of the following to the extent appurtenant to the Property and owned and transferrable by Grantor, if any: all improvements thereon, easements, and other rights appurtenant thereto, including mineral rights, and all of Grantor's right, title, and interest in any public rights-of-way adjoining the Property, together with any and all credits for development fees, impact fees, water, sewer or other utility tap, connection, meter or services fees or amounts which have been paid to any governmental authority in connection with any previous development of the Property or any utility service provided to any improvement located on said Property;

Save, Except, and reserving back unto Grantor all water rights and interests in the Property. Such reserved interests include, but are not limited to, all water rights appurtenant to the Property under D.W.R. File Numbers F136, F139, and F140, held in the names of LE and Leona Worf, and Worf Land, L.L.C.; and

SUBJECT TO: current and future real property taxes and special assessments; zoning and other governmental restrictions; and those matters listed on Exhibit A attached hereto and incorporated by reference herein;

(collectively the "Property") for the sum of \$10.00 and other good and valuable consideration.

WATER RESOURCES RECEIVED

APR 27 2015

KS DEPT OF AGRICULTURE

*270404  
Lawyers Title  
Wichita KS  
20.00*

STATE OF KANSAS

SS. # 646

FINNEY COUNTY

DATA ENTRY ✓  
LAND INDEX ✓

This Instrument was filed for Record on  
the 27 day of Jan A.D. 2003  
at 2:29 o'clock P M and duly recorded  
in book 251 Page 546 Fee \$ 20.00  
Rita Alsop  
Register of Deeds

VOL 251 PAGE 516



(Space above reserved for Recorder of Deeds certification)

### KANSAS WARRANTY DEED

**THIS INDENTURE**, Made by and between **Worf Land LLC**, a limited liability company, duly organized, incorporated and existing under and by virtue of the laws of the State of Kansas and having its principal place of business at 109 West 8th Street, Scott County, Kansas 67871, (herein called the "Grantor"), and **Woltemath/Otis Development, Inc.**, a corporation, duly organized, incorporated and existing under and by virtue of the laws of the State of Nebraska and having its principal place of business at 9140 West Dodge Road, Financial Plaza Building, Suite 242, City of Omaha, State of Nebraska 68114 (herein called the "Grantee").

*Home DEPT*

**WITNESSED: THAT GRANTOR**, in consideration of the sum of Ten and NO/100 Dollars (\$10.00) and other valuable consideration duly paid, the receipt of which is hereby acknowledged, does by these presents, sell and convey unto the Grantee, its successors and assigns, the lot, tract or parcel of land, lying, being and situated in the County of **Finney** and State of **Kansas**, described on Exhibit A attached hereto and incorporated by reference herein, **EXCEPT** all rights to water, minerals, oil, gas and other hydrocarbon substances in, to and under the Property, and all rights appurtenant thereto.

**SUBJECT TO** covenants, conditions, easements, restrictions, reservations of record and taxes and assessments, general and special, not now due and payable.

**TO HAVE AND TO HOLD THE SAME**, Together with all and singular, the tenements, hereditaments and appurtenances thereto belonging or in any wise appertaining, forever.

And the Grantor, and Grantor's successors and assigns, do hereby covenant, promise and agree to and with the Grantee that at the delivery of these presents Grantor is lawfully seized in Grantor's own right, of an absolute and indefeasible estate of inheritance, in fee simple, of and in all singular the above granted and described premises, with the appurtenances; that the same are free, clear, discharged and unencumbered of and from all former and other grants, titles, charges, estates, judgments, taxes, assessments and encumbrances of what nature of kind whatsoever except as hereinbefore stated, and except for the lien of taxes and assessments both special and general, not now due and payable, and that Grantor will warrant and forever defend the same unto Grantee, and Grantee's successors and assigns, against Grantor, and Grantor's successors and assigns, and all and every person or persons whomsoever, lawfully claiming or to claim the same.

**WORDS** and phrases herein, including acknowledgement hereof, shall be construed as in the singular or plural number, and as masculine or feminine gender, according to the context.

203389.3

WATER RESOURCES  
RECEIVED

APR 27 2015

Entered in Transfer Record in my office this

27 day of Jan A.D., 20 03

[Signature]

Finney County Clerk

SCANNED

State of Kansas, Finney County SS.  
This instrument was filed for Record  
06/06/2012 at 04:26 PM  
& recorded in Book 0305 on Page 21  
Fees: \$16.00

2012-03327

  
ULRIKE LAPPIN,  
FINNEY COUNTY REGISTER OF DEEDS

305 21

DATA ENTRY  
LAND INDEX

### KANSAS SPECIAL WARRANTY DEED

Effective as of 10-6-12, WOLF LAND, L.L.C., a Kansas limited liability company ("Grantor"), CONVEYS AND GRANTS to CITY OF GARDEN CITY, KANSAS, a Kansas municipal corporation ("Grantee"), with an address of P.O. Box 499, Garden City, Kansas 67846, the real estate described on the attached Exhibit A, which is incorporated by reference herein (the "Property"), for the sum of \$10.00 and other good and valuable consideration;

EXCEPTING FROM SUCH GRANT AND CONVEYANCE, AND RESERVING TO GRANTOR: all water rights appurtenant to the Property (including but not limited to those vested water rights recorded in Book 24, Page 572 and Book 24, Page 575); provided, however, Grantor acknowledges that there are no existing diversion points on the Property and Grantor waives the right to add or create any diversion points on the Property; and

SUBJECT TO: Easements, rights-of-way, restrictions, reservations and other matters of record; taxes and assessments not yet due and payable; and zoning and other governmental restrictions.

Grantor, for Grantor and Grantor's successors, covenants that Grantor is lawfully seized of Grantor's fee simple interest in the Property and has good right to convey Grantor's fee simple interest in the Property and guarantees the quiet possession and fee simple ownership of the Property against the claims of those claiming any right, interest or title through Grantor, except as may be described above, and further covenants that the Property is free from all encumbrances created by Grantor, except as may be described above, and Grantor will warrant and defend the Property against all lawful claims of those claiming any right, interest or title through Grantor, except as may be described above; but Grantor does not warrant title against those claiming a right, interest or title that arose prior to, or separate from, Grantor's interest in the Property.

[SIGNATURES COMMENCE ON THE FOLLOWING PAGE]

WATER RESOURCES  
RECEIVED

APR 27 2015

KS DEPT OF AGRICULTURE  
SCANNED

**KANSAS SPECIAL WARRANTY DEED**

Effective as of October 17, 2013, WOLF LAND, L.L.C., a Kansas limited liability company ("Grantor"), CONVEYS AND GRANTS to NCKAN Partners, Inc., a Kansas corporation ("Grantee"), with an address at c/o Collett & Associates, 1111 Metropolitan Avenue, Suite 700, Charlotte, North Carolina 28204, the real estate described on the attached Exhibit A, which is incorporated by reference herein (the "Property"), for the sum of \$10.00 and other good and valuable consideration;

**EXCEPTING FROM SUCH GRANT AND CONVEYANCE, AND RESERVING TO GRANTOR:** all water rights appurtenant to the Property (including but not limited to those vested water rights recorded in Book 24, Page 572; Book 24, Page 573; Book 24, Page 574; Book 68, Page 313; and Book 77, Page 836); provided, however, Grantor acknowledges that there are no existing diversion points on the Property and Grantor waives the right to add or create any diversion points on the Property; and

*Ownership in fee*

**SUBJECT TO:** Easements, rights-of-way, restrictions, reservations and other matters of record; taxes and assessments not yet due and payable; and zoning and other governmental restrictions.

Grantor, for Grantor and Grantor's successors, covenants that *Grantor is lawfully seized* of Grantor's fee simple interest in the Property and has good right to convey Grantor's fee simple interest in the Property and guarantees the quiet possession and fee simple ownership of the Property against the claims of those claiming any right, interest or title through Grantor, except as may be described above, and further covenants that the Property is free from all encumbrances created by Grantor, except as may be described above, and Grantor will warrant and defend the Property against all lawful claims of those claiming any right, interest or title through Grantor, except as may be described above; **but Grantor does not warrant title against those claiming a right, interest or title that arose prior to, or separate from, Grantor's interest in the Property.**

[SIGNATURES COMMENCE ON THE FOLLOWING PAGE]

WATER RESOURCES  
RECEIVED

APR 27 2015

KS DEPT OF AGRICULTURE

SCANNED

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



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

Jackie McClaskey, Secretary

Governor Sam Brownback

February 24, 2016

WOLF LAND LLC  
MARK WOLF  
1407 MELS DR  
GARDEN CITY KS 67846

RE: Vested Right,  
File Nos. FI 036, FI 039 and FI 040

Dear Mr. Wolf:

This will acknowledge receipt of an email from Mark Rude, GMD No. 3, dated February 19, 2016, in which he requested on your behalf an extension of time until March 23, 2016, to supply additional information regarding your applications.

Based upon the request of Mr. Rude the Chief Engineer has extended until **March 23, 2016**, the time in which to submit additional information before final action will be taken on your applications.

If additional information is not supplied by the deadline, or any authorized extension of time thereof, the applications will be submitted to the Chief Engineer for final action. According to the law, default in supplying the requested information, within the time allowed, shall constitute forfeiture of the priority date and dismissal of the applications.

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.

In order to bring the applications into compliance with current rules and regulations, I highly recommend that you contact Mike Meyer, Water Commissioner, Garden City Field Office for assistance. You may contact Mr. Meyer at (620) 276-2901 to set up an appointment.

If you have any questions, please contact our office, my phone number 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,

A handwritten signature in black ink, appearing to read "Brent A. Turney".

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

BAT  
pc: Garden City Field Office  
GMD No. 3



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

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

Jackie McClaskey, Secretary

Governor Sam Brownback

February 8, 2016

WORF LAND LLC  
MARK WORF CO-MGR  
1407 MELS DR  
GARDEN CITY KS 67846

RE: Vested Right, File Nos. FI 036, FI 039 & FI 040

Dear Mr. Worf:

Reference is made to the applications for the approval of the Chief Engineer to change the points of diversion under the referenced files which were received in this office on November 24, 2014. On June 5, 2015, the applications were submitted to Southwest Kansas Groundwater Management District No. 3 (GMD3) for a recommendation on the proposed changes and the requested waiver of K.A.R. 5-23-3, *Minimum well spacing requirements: high plains aquifer*.

Several extensions of time in which to make a recommendation have been requested and granted, GMD3, but as of today's date no recommendation has been received. It appears the applications cannot be approved in their present form.

The proposed changes in point of diversion do not comply with the Rules and Regulations of the Southwestern Kansas Groundwater Management District No. 3. Specifically, as proposed the applications for change do not comply with K.A.R. 5-23-3, *Minimum well spacing requirements: high plains aquifer*, due to the quantity authorized by the referenced files and the distance to a nearby irrigation well.

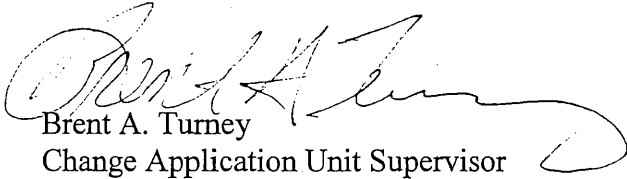
For the reason given above, it will be recommended to the Chief Engineer that the applications for approval to change the points of diversion under File Nos. FI 036, FI 039 & FI 040, be denied and dismissed due to the failure to meet the required well to well minimum allowable spacing as required by K.A.R. 5-23-2. **We are advising you of this recommendation in order to allow you an opportunity consult with the district regarding their recommendation, or to submit additional information to show why the evaluation should be reconsidered.**

**You have a period of 15 days (until February 23, 2016) to either (1) submit additional information to our office or (2) to request additional time beyond the 15 days to submit additional information or to meet with the district.** 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 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 applications.

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 Supervisor  
Water Appropriation Program

BAT:LI:li

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



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



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

Jackie McClaskey, Secretary

Governor Sam Brownback

September 1, 2015

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

RE: Vested Right, File Nos. FI 036, FI 039 & FI 040

Dear Mr. Norquest:

In response to your August 31, 2015, E-mail, the Chief Engineer has extended the time in which to submit a recommendations concerning the November 24, 2014, applications to change the points of diversion for the above referenced files.

At your request the Chief Engineer has delayed any further action until October 30, 2015.

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,

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

Leslie Ireland  
Environmental Scientist  
Water Appropriation Program

LI:li  
pc: Garden City Field Office  
Mark Worf, Co-Mgr, Worf Land LLC

**FILE COPY**

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



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

Jackie McClaskey, Secretary

Governor Sam Brownback

September 1, 2015

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

RE: Vested Right, File Nos. FI 036, FI 039 & FI 040

Dear Mr. Norquest:

In response to your August 31, 2015, E-mail, the Chief Engineer has extended the time in which to submit a recommendations concerning the November 24, 2014, applications to change the points of diversion for the above referenced files.

At your request the Chief Engineer has delayed any further action until October 30, 2015.

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,

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

Leslie Ireland  
Environmental Scientist  
Water Appropriation Program

LI:li

pc: Garden City Field Office  
Mark Worf, Co-Mgr, Worf Land LLC

**FILE COPY**



Department of Agriculture  
Division of Water Resources

109 SW 9th Street, 2nd Floor  
Topeka, Kansas 66612-1280  
Jackie McClaskey, Secretary  
David W. Barfield, Chief Engineer

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

July 8, 2015

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

RE: Vested Right, File Nos. FI 036, FI 039 & FI 040

Dear Mr. Norquest:

In response to your July 7, 2015, E-mail, the Chief Engineer has extended the time in which to submit a recommendations concerning the November 24, 2014, applications to change the points of diversion for the above referenced files.

At your request the Chief Engineer has delayed any further action until August 9, 2015.

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

LI:li

pc: Garden City Field Office  
Mark Worf, Co-Mgr, Worf Land LLC

**FILE COPY**

## Ireland, Leslie

---

**From:** Jason Norquest <norquest@gmd3.org>  
**Sent:** Tuesday, July 07, 2015 11:51 AM  
**To:** Ireland, Leslie  
**Cc:** Mark Rude; Meyer, Mike  
**Subject:** Worf Apps. FI36, FI39 & FI40

Good morning Leslie, hope you survived the storms I heard were going through your area.

After discussion with neighboring water right holders and with Mike at the field office, we are going to remove the waiver review for the above vested rights with the Board at the July meeting. We believe at this time more discussion needs to take place before an informed decision can be made on these applications. The main point is that we are moving the authority of these water rights, which is 480AF, to a well location that will need a waiver of spacing. Due to increased development on this ground, the applicant only has roughly 35-50 acres of land that can still be irrigated at this time. The applicant wishes to maintain his full authority and at the same time we have had a couple of the neighboring water right holders express concern with what could happen with the water rights in the future if the proposed well was allowed to pump close to it's full authority.

We feel that this will need to have further discussion with Mike and your office to come up with the best solution that we can while taking the water right holders concerns into account.

At this time we ask for another 30 day discussion and we will also be talking with the applicant to explain the delay in coming to a recommendation. Please let me know if you have any questions.

Thanks for your time. Have a good day.

*Jason Norquest*

Assistant Manager, GMD3

Office: 620-275-7147 Cell: 620-271-1289

[norquest@gmd3.org](mailto:norquest@gmd3.org)

[www.gmd3.org](http://www.gmd3.org)

FILE COPY



Department of Agriculture  
*Division of Water Resources*

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

Jackie McClaskey, Secretary  
David W. Barfield, Chief Engineer

Phone: (785) 296-3717

Fax: (785) 296-1176

[www.agriculture.ks.gov](http://www.agriculture.ks.gov)

Sam Brownback, Governor

June 17, 2015

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

RE: Vested Right, File Nos. FI 036, FI 039 & FI 040

Dear Mr. Norquest:

In response to your June 15, 2015, E-mail, the Chief Engineer has extended the time in which to submit a recommendations concerning the November 24, 2014, applications to change the points of diversion for the above referenced files.

At your request the Chief Engineer has delayed any further action until July 10, 2015.

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

LI:li

pc: Garden City Field Office  
Mark Worf, Co-Mgr, Worf Land LLC

Ireland, Leslie

FI040

---

**From:** Jason Norquest <norquest@gmd3.org>  
**Sent:** Monday, June 15, 2015 2:54 PM  
**To:** Ireland, Leslie  
**Subject:** Worf Land

Leslie, due to the nature of the application for Vested Water Rights, File Nos. FI36, FI 39 & FI40, we are requesting an extension of time to submit our recommendations. It appears that a waiver may be needed to the spacing rule. We will need an extension of time to collect more information and allow the Board time to consider it at our next monthly meeting. We therefore request an extension of time until July 10<sup>th</sup>. If additional time is needed, we will submit another request for an extension.

Thanks in advanced and have a good day.

*Jason Norquest*

Assistant Manager, GMD3  
Office: 620-275-7147 Cell: 620-271-1289  
[norquest@gmd3.org](mailto:norquest@gmd3.org)  
[www.gmd3.org](http://www.gmd3.org)

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

June 5, 2015

SOUTHWEST KANSAS GROUNDWATER  
MANAGEMENT DISTRICT NO 3  
ATTN MARK RUDE  
2009 E SPRUCE  
GARDEN CITY KS 67846

Re: Application for Change, Vested Right, File Nos. FI 036, FI 039 & FI 040

Dear Mr. Rude:

We are enclosing a copy of the applications referred to above which appear 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 applications.

Please submit your recommendations 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,

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

Leslie Ireland  
Environmental Scientist  
Water Appropriation Program

**FILE COPY**

LI:li  
Enclosure

pc: Garden City Field Office  
Mark Worf, Worf Land LLC



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

Jackie McClaskey, Acting Secretary  
David W. Barfield, Chief Engineer

Phone: (785) 296-3717  
Fax: (785) 296-1176  
<http://agriculture.ks.gov/dwr>

Sam Brownback, Governor

April 3, 2015

WORF LAND LLC  
MARK WORF CO-MGR  
1407 MELS DR  
GARDEN CITY KS 67846

RE: Vested Right, File Nos. FI 036; FI 039 & FI 040

Dear Mr. Worf:

Reference is made to the applications for approval of the Chief Engineer to change the points of diversion under the referenced file numbers which were received in this office on November 24, 2014, and my letter of March 24, 2014.

It is my understanding that you have been working with the Southwest Kansas Groundwater Management District No. 3 and our area Water Commissioner who has informed me that the construction of the proposed well to be authorized by the referenced files will restrict the withdraw of water from the overlying alluvial aquifer. This construction should strive to protect the flows of the Whitewoman Bottoms stream and compliance with K.A.R. 5-5-13.

Further review of the applications found that additional information is needed to process them as proposed. It is required by K.A.R. 5-5-5, *Signatures required on change application*, that the Division of Water Resources, is require to obtain a notarized signature from each landowner and their spouse, or a duly authorized agent of the authorized place of use. Anyone who owns land listed as authorized under the authority of these file numbers may have an ownership interest in whatever water rights may have been developed, unless otherwise indicated by deed or voluntarily surrendered by the owners. If the extent of each owner's interest in a water right has not been legally determined, then all landowners holding an undetermined portion of the water right must sign the change application. Enclosed will be found an additional signature page for the required signatures. Please note that all signatures must be made in the in the presence of a registered notary.

The change application returned for Vested Right, File No. FI 036, contains an updated topographic map. It attempts to show the location of domestic wells as identified by the Kansas Geological Survey, that are located within one-half (1/2) mile of the proposed well. The Chief Engineer has requested that the location of all water wells of every kind within one-half (1/2) mile of a proposed well shall be identified on the topographic map. Identify each as to its use (e.g. domestic, irrigation, industrial, municipal) and furnish the name and mailing address of the owner(s). Please complete the identification and listing of all nearby wells, their owners and add a statement to the map declaring all wells within one-half (1/2) mile of the requested point of diversion have been plotted, and add your signature to it.

**FILE COPY**



Per my letter of March 24, 2015, your applications were to be returned to this office by April 23, 2015. In order for the applications retain their priority of filing the requested information must be supplied to complete the applications on or before April 23, 2015. According to law, default in supplying the requested information as outlined above within the time allowed or any authorized extension of time, shall cause dismissal of the applications for change.

Should you need additional time in which to review and or provide the information and you want to request additional time, you must do so in writing, before the time 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 allowed time period, or if your request is not granted, the above-referenced applications will be submitted to the Chief Engineer for final decision based on the recommendation stated above. If you do submit additional information within the time period (or any authorized extension), that information will be given due consideration prior to final action on the applications.

If you have any questions, please contact me at (785) 564-6633. If you wish to discuss a specific file, please have the file number ready so that I may help you more efficiently.

Sincerely,



Leslie Ireland  
Environmental Scientist  
Change Application Unit  
Water Appropriation Program

LI:li  
Enclosure

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Groundwater Management District No. 3

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Phone: (785) 296-3717  
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Sam Brownback, Governor

March 24, 2015

WOLF LAND LLC  
MARK WOLF CO-MGR  
1407 MELS DR  
GARDEN CITY KS 67846

RE: Vested Right, File Nos. FI 036; FI 039 & FI 040

**FILE COPY**

Dear Mr. Wolf:

Reference is made to the applications for approval of the Chief Engineer to change the points of diversion under the referenced file numbers which were received in this office on November 24, 2014.

Upon review of the applications submitted, which propose to relocate the points of diversion authorized by the referenced files, it appears that the applications cannot be approved as proposed. It appears the applications propose to relocate the points of diversion, to complete a new well located in the Northeast Quarter of the Southeast Quarter of the Northeast Quarter (NE $\frac{1}{4}$  SE $\frac{1}{4}$  NE $\frac{1}{4}$ ) of Section 9, more particularly described as being near a point 3,464 feet North and 265 feet West of the Southeast corner of said section, in Township 24 South, Range 32 West, Finney County, Kansas. A review of that the proposed location appears to decrease the distance to a stream identified in the Office of the Chief Engineer, by the name of Whitewoman Bottoms by more than ten percent (10%) in violation of K.A.R. 5-5-13, *Relocation of alluvial wells*. This regulation of the Water Appropriation Act which states:

“If an authorized point of diversion is a well that has as its source of supply an alluvium in a reach of a basin that is fully appropriated or closed to new appropriations, the approval of a change in point of diversion, and any subsequent approvals of changes in points of diversion, shall not authorize the distance between the well and the centerline of the stream to be decreased by more than 10 percent since the time the source of supply became fully appropriated or was closed to new appropriations.”

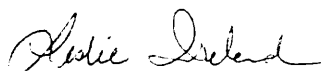
Based on this evaluation of the applications it will be recommended to the Chief Engineer that the Applications for Approval to Change the Authorized Points of Diversion under the referenced files, be denied and dismissed due to the failure to meet K.A.R. 5-5-13, *Relocation of alluvial wells*.

We are advising you of this recommendation and returning your applications in order to allow you an opportunity to modify the applications or submit additional information to show why our evaluation should be reconsidered. **You have a period of 30 days (until April 23, 2015) to either (1) submit modified applications for change, (2) provide additional information to our office or (3) to request additional time beyond the 30 days to submit additional information.** If you wish to request additional time, you must do so in writing, before the 30 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 30 day period, or if your request is not granted, the above-referenced applications will be submitted to the Chief Engineer for final decision based on the recommendation stated above. If you do submit additional information within the 30 day period (or any authorized extension), that information will be given due consideration prior to final action on the applications.

If you have any questions, please contact me at (785) 564-6633. If you wish to discuss a specific file, please have the file number ready so that I may help you more efficiently.

Sincerely,



Leslie Ireland  
Environmental Scientist  
Change Application Unit  
Water Appropriation Program

LI:li

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Groundwater Management District No. 3