

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

1. File Number: 24108	2. Status Change Date: 3-22-19	3. Change Num: C2	4. Field Office: 04	5. GMD: 03
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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: 3/8/2019
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8a. Applicant, Landowner New to system <input type="checkbox"/> J & L SMITH FARMS INC BRYAN SMITH 9170 E ROAD 2 ULYSSES KS 67880-8151	Person ID 55420 Add Seq# 1	8c. WUC New to system <input type="checkbox"/> 8a **CHANGE IN WUC	Person ID _____ Add Seq# _____
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8b. Landowner(s) New to system <input type="checkbox"/> 8a	Person ID _____ Add Seq# _____	8d. WUC New to system <input type="checkbox"/>	Person ID _____ Add Seq# _____
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9. Documents and Enclosure(s): DWR Meter(s) Date to Comply: **12/31/19** N & P Date to Comply: **12/31/2019**

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: _____

Date Prepared: **3/20/2019** By: **AM**
 Date Entered: _____ By: _____

File No. **24108** 11. County: GT Basin: ARKANSAS RIVER Stream: Formation Code: 211/331 Special Use:

12. Points of Diversion Rate and Quantity
CHK Authorized Additional
MOD Rate Quantity
DEL PDIV Qualifier S T R ID 'N 'W **Comment (AKA Line)** gpm af gpm af Overlap PD Files
ENT

CHK 28252
ENT SW SE NE 5 27S 35W 2923 1356 830 272 830 272

DEL 30811

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

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

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

16. Place of Use CHK MOD DEL ENT	NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg?	Overlap Files
	PUSE	S	T	R	ID	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼				
CHK 7886																		8a	Y	17680; 31268
CHK 1109																		8a	N	17680; 31268

Base Acres: Year: Minimum Reasonable Quantity:
 Comments: ****OWNERSHIP CHANGE ON PUSE ID 7886 **SEE DEEDS**

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



Phone: 620-276-2901
Fax: 620-276-9315
www.agriculture.ks.gov

Mike Beam, Interim Secretary

Laura Kelly, Governor

March 22, 2019

J & L SMITH FARMS INC
BRYAN SMITH
9170 E ROAD 2
ULYSSES KS 67880-8151

RE: Water Right, File No. 24108

Dear Sir and Madam:

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

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in this approval for change. A condition of this approval is that acceptable water flowmeter must be installed on the diversion works authorized under the referenced file number and meet current specifications. Please return the required notification of completion of the diversion works and 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.

Should you have any questions, please feel free to call this office. If you would prefer, you could arrange an appointment for additional assistance.

Sincerely,

A handwritten signature in blue ink, appearing to read "Michael A. Meyer".

Michael A. Meyer
Water Commissioner

MAM:
enclosures
pc:

GROUNDWATER MANAGEMENT DISTRICT NO. 3

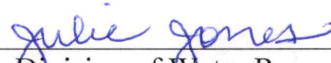
CERTIFICATE OF SERVICE

On this 22nd day of March, 2019, I hereby certify that the foregoing Approval of Application for Change in Point of Diversion, Water Right, File No. 24,108, dated 22nd day of March, 2019 was mailed postage prepaid, first class, US mail to the following:

J & L SMITH FARMS INC
BRYAN SMITH
9170 E ROAD 2
ULYSSES KS 67880-8151

With photocopies to:

GROUNDWATER MANAGEMENT DISTRICT NO. 3



Division of Water Resources Staff

Submit completed application to:
 Kansas Department of Agriculture
 Division of Water Resources
 Field Office for your area.

Call for address:

Topeka -- (785) 296-5733
 Stafford -- (620) 234-5311
 Stockton -- (785) 425-6787
 Garden City -- (620) 276-2901
<http://agriculture.ks.gov/dwr>

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



STATE OF KANSAS

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

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

File No. 24108

RECEIVED
 1:30 pm
 MAR 08 2019

Garden City Field Office
 DIVISION OF WATER RESOURCES

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

Place of Use Point of Diversion

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

The source of supply is: Groundwater Surface water

2. Name and address of Applicant: J&L SMITH FARMS INC, BRYAN SMITH

9170 E ROAD 2, ULYSSES KS 67880-8151

Phone Number: () _____

Email address: _____

Name and address of Water Use Correspondent: J&L SMITH FARMS INC, BRYAN SMITH

9170 E ROAD 2, ULYSSES KS 67880-8151

Phone Number: () _____

Email address: _____

3. The presently authorized place of use is:

Owner of Land ---- NAME: _____

ADDRESS: _____

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

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

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

Owner of Land ---- NAME: NO CHANGE

ADDRESS: _____

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

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

For Office Use Only: Code _____ Fee \$ <u>200.00</u> TR # _____ Receipt Date <u>3-8-19</u> Check # <u>010076</u>

5. **Presently authorized point of diversion:**
 One in the _____ Quarter of the NC Quarter of the NW Quarter
 of Section 4, Township 27 South, Range 35 (E/W),
 in GT County, Kansas, _____ feet North _____ feet West of Southeast corner of section.
 Authorized Rate _____ Authorized Quantity _____ Depth of well _____ (feet)
 (DWR use only: Computer ID No. 04 GPS 37.73246 feet North -101.15800 feet West)
 This point will not be changed This point will be changed as follows: No change, point better described with GPS as follows:
Proposed point of diversion: (Complete only if change is requested or if existing point is better described by GPS)
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter
 of Section _____, Township _____ South, Range _____ (E/W),
 in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section.
 Proposed Rate _____ Proposed Quantity _____ Proposed well depth (feet) _____
 This point is: Additional Well Geo Center List other water rights that will use this point _____

6. **Presently authorized point of diversion:**
 One in the _____ Quarter of the NC Quarter of the NE Quarter
 of Section 5, Township 27 South, Range 35 (E/W),
 in GT County, Kansas, _____ feet North _____ feet West of Southeast corner of section.
 Authorized Rate _____ Authorized Quantity _____ Depth of well _____ (feet)
 (DWR use only: Computer ID No. 02 GPS 37.73254 feet North -101.167384 feet West)
 This point will not be changed This point will be changed as follows: No change, point better described with GPS as follows:
Proposed point of diversion: (Complete only if change is requested or if existing point is better described by GPS)
 One in the SW Quarter of the SE Quarter of the NE Quarter
 of Section 5, Township 27 South, Range 35 (E/W),
 in GT County, Kansas, 2923 feet North 1356 feet West of Southeast corner of section.
 Proposed Rate _____ Proposed Quantity _____ Proposed well depth (feet) _____
 This point is: Additional Well Geo Center List other water rights that will use this point _____

7. The changes herein are desired for the following reasons?
 (please be specific) _____

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

9. The change(s) (was)(will be) completed by?

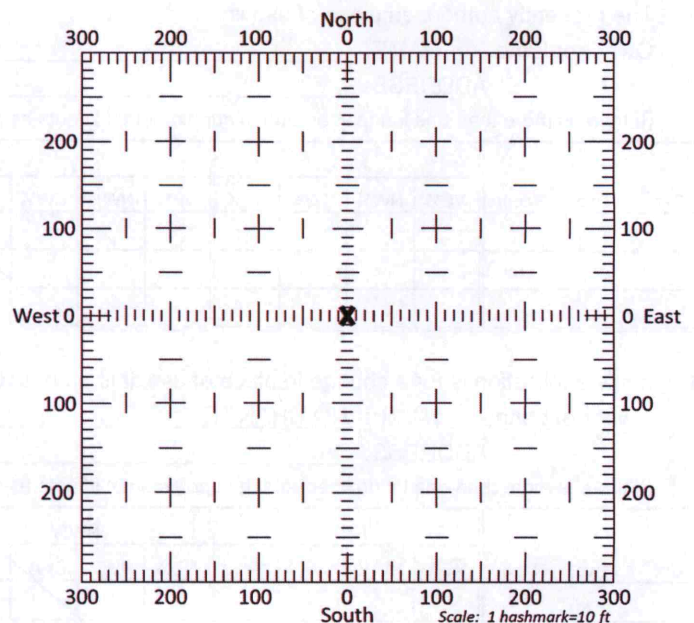
10. If the point of diversion is a well:
 (a) What are you going to do with the old well?

 (b) When will this be done? _____

11. Groundwater Management District recommendation attached?
 Yes No

12. Assisted by _____

13a. If the proposed point of diversion will be relocated more than 300 feet but within 2,640 feet of the existing point of diversion, attach a topographic map or aerial photograph. For groundwater sources, show all wells (including domestic) within one-half mile of the proposed point of diversion and the names and mailing addresses of the owners. For surface water sources, show the names and addresses of the landowner(s) one-half mile downstream and one-half mile upstream from your property lines



13b. If the proposed point of diversion will be relocated within 300 feet of the existing point of diversion, indicate its location on the diagram shown above in relation to the existing point of diversion. (PLEASE NOTE: The "X" in center of diagram above represents the presently authorized point of diversion.)

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.

(Please show any calculations here.)

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

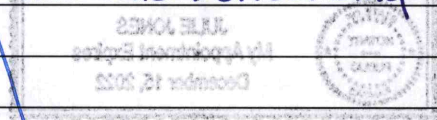
15. It is requested that the maximum rate of diversion of water be reduced to _____ gallons per minute (_____ c.f.s.).

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). 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.

We own the existing wells within the surrounding mile



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.

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 8th day of March, 2019.

JL Smith Farms by [Signature] (Owner) (Spouse)

JL Smith Farms by Bryan Smith (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 8th day of March, 2019.



My Commission Expires [Signature] Notary Public

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.

SUMMARY ORDER APPROVING APPLICATION FOR CHANGE AND IMPOSING CONDITIONS

This Summary Order is issued under authority of K.S.A. 82a-708b, as amended, and K.A.R. 5-5-1, *et seq.* and other applicable provisions of the *Kansas Water Appropriation Law, K.S.A. 82a-701 et. seq.*, and rules and regulations promulgated thereunder. With the exception of those conditions expressly contained herein, this Summary Order does not change the terms, conditions and limitations of File No. 24,108.

1. A change application was received on March 8, 2018 requesting that the place of use and / or point of diversion authorized under the above-referenced file number be changed as described in the application.
2. On and after the effective date of this summary order, the authorized place(s) of use shall be located substantially as shown on the topographic map accompanying the application to change the place of use. Applicable Not Applicable
3. The change in point of diversion shall not impair existing rights and shall be limited to the same source or sources of water as previously authorized. The point of diversion authorized by this summary order shall be located within a 50 foot radius of the authorized point(s) of diversion. Applicable Not Applicable
4. The point(s) of diversion described herein is administratively corrected to be more accurately described using the Global Positioning System (GPS), as described in the application. Applicable Not Applicable
5. The point(s) of diversion authorized herein shall not actually be located more than ----- feet from the previously authorized point(s) of diversion. Applicable Not Applicable
6. As required by K.A.R. 5-3-5d, if the works for diversion is a well with a diversion rate of 100 gallons per minute or more, a tube or other device suitable for making water level measurements shall be installed, operated and maintained in accordance with K.A.R. 5-6-13. Applicable Not Applicable
7. **The owner of the authorized place(s) of use shall properly install an acceptable water flow meter on or before December 31, 2019**, or before the first use of water, whichever occurs first. The water flow meter shall be installed, operated and maintained in accordance with K.A.R. 5-1-4 through 5-1-12. As required by K.S.A. 82a-732, as amended, and K.A.R. 5-3-5e, the owner shall maintain records and report the reading of the water flow meter and the total quantity of water diverted annually to the Chief Engineer by March 1 following the end of each calendar year. Applicable Not Applicable
8. **Installation of the works for diversion of water shall be completed on or before December 31, 2019**, or within any authorized extension of time. By March 1, 2020 the applicant shall notify the Chief Engineer that construction of the works for diversion has been completed, on the form provided by the Chief Engineer, as required by K.A.R. 5-8-4e. Applicable Not Applicable
9. **The completed well log shall be submitted with the required notice.** Applicable Not Applicable
10. All diversion works into which any type of chemical or other foreign substance will be injected into the water shall be equipped with an in-line, automatic, quick-closing check valve capable of preventing pollution of the source of the water supply. The check valve(s) shall be installed, operated and maintained in accordance with K.A.R. 5-3-5c. Applicable Not Applicable
11. Additional Conditions are attached. Yes No
12. In accordance with K.S.A. 82a-708a, as amended, and K.A.R. 5-5-14, all of the owners of the authorized place(s) of use of water appropriated under the above-referenced file number are responsible for compliance with its terms, conditions and limitations, as amended and/or supplemented by this Summary Order, and with applicable provisions of the *Kansas Water Appropriation Law* and the *Rules and Regulations* promulgated thereunder. Failure to comply with these provisions may result in civil penalties pursuant to K.S.A. 82a-737, as amended, and/or the suspension or revocation and dismissal of the water or appropriation right or any other enforcement actions authorized by law.

Administrative Appeal and Effective Date of Order

If you are aggrieved by this order, pursuant to K.S.A. 82a-1901, you may request an evidentiary hearing before the Chief Engineer or request administrative review by the Secretary of Agriculture. A request for hearing by the Chief Engineer must be filed within **15 days** of service of this Order and a request for administrative review by the Secretary must be filed within **30 days** pursuant to K.S.A. 77-531. Any request for administrative review must state a basis for review pursuant to K.S.A. 77-527. File any request with **Kansas Department of Agriculture, Legal Division, 1320 Research Park Drive, Manhattan, KS 66502**. Failure to timely request a hearing or review may preclude review under the Kansas Judicial Review Act.

For Use by Register of Deeds

FOR OFFICE USE ONLY
APPLICATION APPROVED AND SUMMARY ORDER ISSUED

By: *Michael A. Meyer*
Duly Authorized Designee of the Chief Engineer

(Print Name): MICHAEL A. MEYER
Division of Water Resources - Kansas Department of Agriculture

Date of Issuance: March 22, 2019

State of Kansas)

) SS

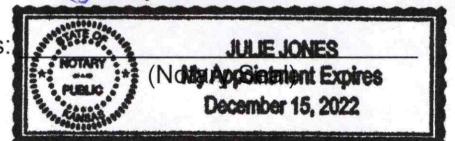
County of Finney)

Acknowledged before me on March 22, 2019

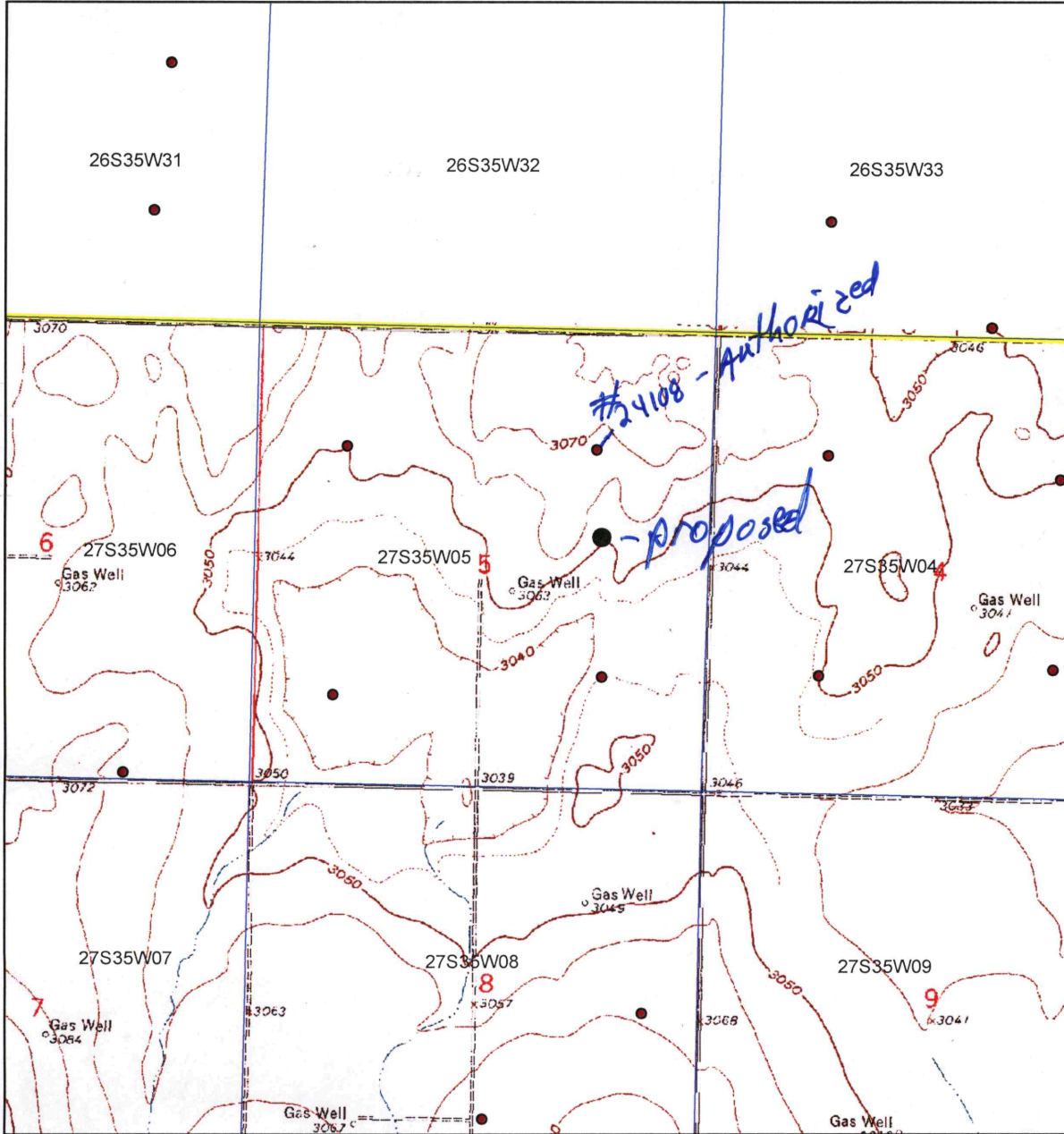
by Michael A. Meyer

Signature: *Julie Jones*
Notary Public

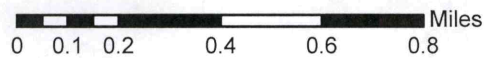
My commission expires:



Change in point of diversion for Water Right 24108



● Authorized Point of Diversion



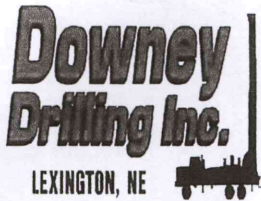
● Proposed Point of diversion

All wells within 1/2 miles are on this map.

X *[Handwritten signature]*

WR 24 108

Q20 356-1070



Well Design & Construction

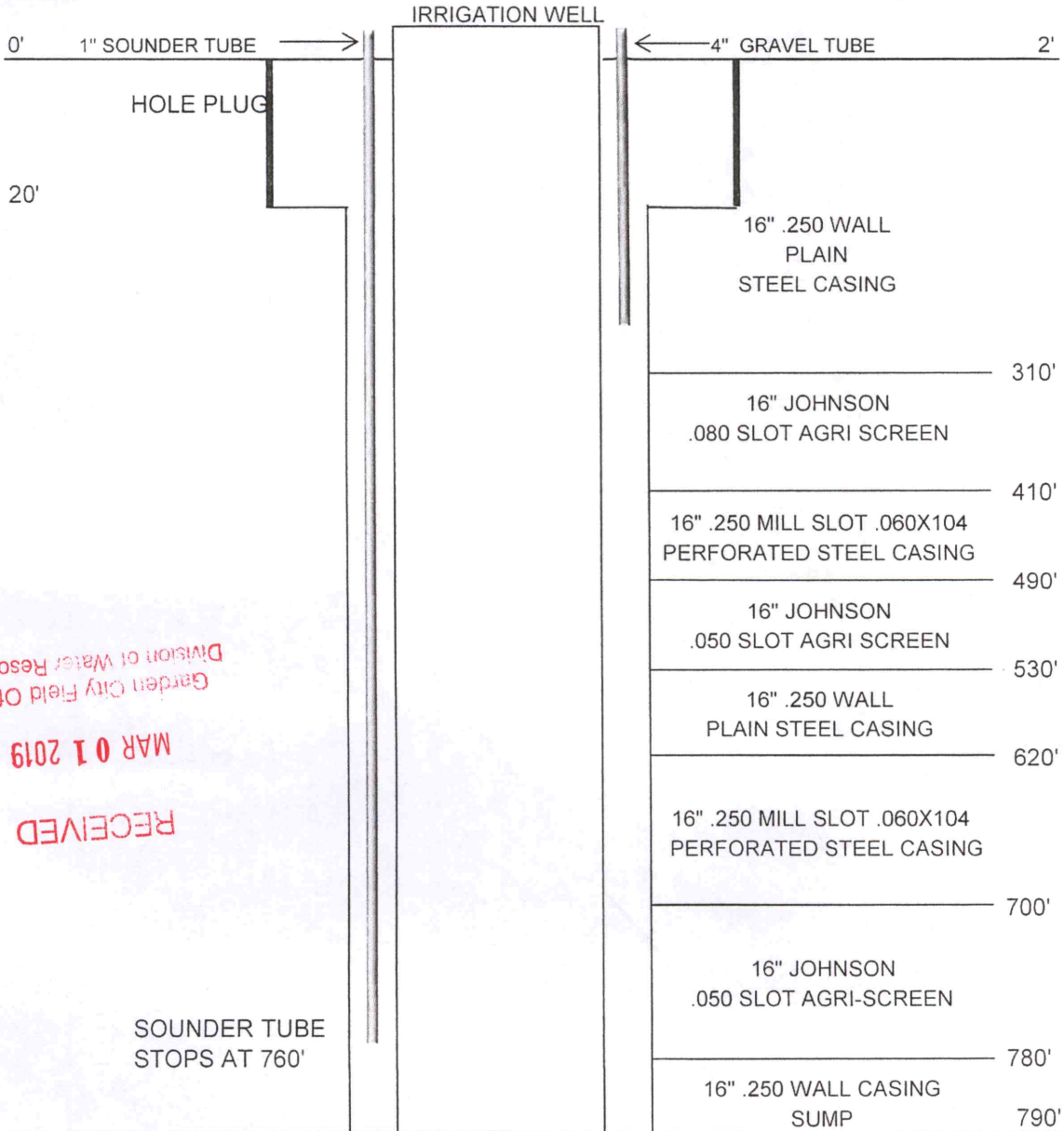
Larry Smith

Customer Name: J & L SMITH FARMS OPTION #1 - 790'
 Legal: NE 5-27S-35W 9015 County: GRANT
 G.P.S.: 37* 43' 48.09" N Date: _____
 101* 10' 03.98" W WO #: _____

DRILLER: 37.730025 101.167772 WATER SUPPLY: CUSTOMER'S WELL
 HELPER(S): 37.7297222 101.1675 DRILLING RIG: M-100
 BOREHOLE DIAMETER: 30" DRILLING METHOD: REVERSE CIRCULATION
 CASING DIAMETER: 16" QUIKGEL: TBD HOLE PLUG: 20' +
 TOTAL WELL DEPTH: 790' GRAVEL: #1 COARSE - #1 FINE DW 175+ TONS
 DRILLING FLUID: TBD GRAVEL SUPPLIER: HUBER
 ADDITIONAL INFO: AT TEST HOLE #2 LOCATION

GROUT AND GRAVEL

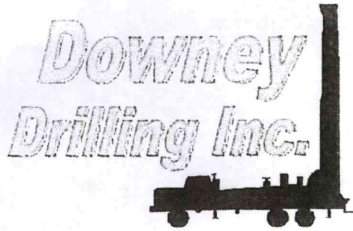
SCREEN AND CASING



Garden City Field Office
 Division of Water Resources
 RECEIVED
 MAR 01 2019

WELL LOG

DATE: 11/28/2028



#2

CUSTOMER NAME: J & L SMITH FARMS

LEGAL: NE 5-27S-35W

COUNTY: GRANT

GPS: 37 43' 48.09" N ELEVATION: 3057'

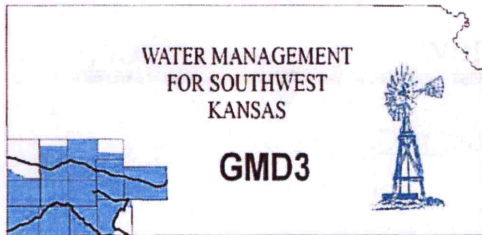
-101 10' 03.98" W

DRILLER: CHRIS P

WO: 18-815

TW	FROM	TO	TYPE	HARDNESS	COLOR	SPEED	PULL DOWN	OTHER / DRILLING ACTION
	0	2	TOP SOIL	SOFT	DARK	FAST		SMOOTH
	2	71	SILTY CLAY	SOFT	TAN	FAST		SMOOTH
	71	87	SILTY CLAY, SILT, AND A TRACE OF FINE SAND	SOFT	TAN	FAST		SMOOTH
	87	100	FINE-MEDIUM-COARSE SAND AND FINE-MEDIUM-COARSE GRAVEL	SOFT	RED	FAST		SLIGHT CHATTER
	100	256	FINE-MEDIUM-COARSE SAND AND FINE-MEDIUM-COARSE GRAVEL	FIRM	BLUE	FAST		CHATTER
	256	283	SANDY SILTY CLAY	SOFT	RED	FAST		SMOOTH
	283	300	FINE-MEDIUM-COARSE SAND, FINE-MEDIUM GRAVEL, AND SOME CLAY	SOFT	RED	FAST		SLIGHT CHATTER
	300	333	FINE-MEDIUM-COARSE SAND AND FINE-MEDIUM GRAVEL <i>30'</i>	SOFT	RED	FAST	<i>33</i>	CHATTER
	333	348	SANDY CLAY	SOFT	TAN	FAST		SMOOTH
	348	371	FINE-MEDIUM-COARSE SAND AND FINE GRAVEL	SOFT	RED	FAST	<i>23</i>	SLIGHT CHATTER
	371	400	FINE-MEDIUM-COARSE SAND AND SANDY CLAY	SOFT	TAN	FAST	<i>17</i>	SMOOTH
	400	434	FINE-MEDIUM SAND AND SOME SANDY CLAY	SOFT	TAN	FAST	<i>13</i>	SMOOTH
	434	470	SILTY CLAY	SOFT	TAN	FAST		SMOOTH
X	470	478	WEATHERED SHALE, OCHRE, TRACE OF SHALE, AND CLAY(RED)	FIRM	GRAY	SLOW	<i>87</i>	SMOOTH
	478	540	FINE-MEDIUM SAND AND SANDSTONE	SOFT	GRAY	FAST	<i>62</i>	SLIGHT CHATTER
	540	610	SHALE	FIRM	GRAY	SLOW		SMOOTH
	610	662	FINE-MEDIUM SAND AND SANDSTONE	SOFT	GRAY	SLOW	<i>57</i>	CHOPPY AT TIMES
	662	688	SHALE	FIRM	GRAY	SLOW		SMOOTH
X	688	780	FINE-TRACE OF MEDIUM SAND AND SANDSTONE	SOFT	GRAY	FAST	<i>72</i>	SLIGHT CHATTER
	700 774	800	RED BED	FIRM	RED	SLOW		SMOOTH
							<i>216</i>	
			USED 4 LOADS OF WATER					
			PUT ON PDC AT 460'				<i>Total 213</i>	
			470-478 - TOOK A BIG DRINK					
			USED 12 SACKS OF QUIK GEL, 1 SACK OF SODA ASH, AND 2 SACKS OF BRAN					

RECEIVED
MAR 01 2019
Garden City Field Office
Division of Water Resources



Southwest Kansas
Groundwater Management District No. 3
2009 E. Spruce Street
Garden City, Kansas 67846
(620) 275-7147 phone (620) 275-1431 fax
www.gmd3.org

March 19, 2019

Michael A. Meyer
Division of Water Resources
2508 N Johns Street
Garden City, Kansas 67846

RE: Application for Change in Point of Diversion
Water Right, File No. 24108

Dear Mike:

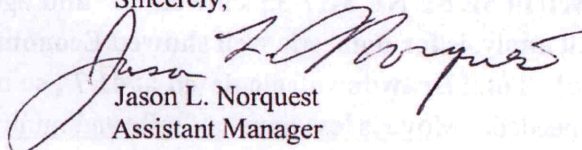
We have completed a review of the application for the above referenced water right. The proposed change in point of diversion is in accordance with current area rules, K.A.R. 5-23-3, as it pertains to distance moved and minimum spacing to neighboring wells.

Well evaluations were conducted to estimate possible effects of the proposal on the supply of other wells with water rights prior to the proposal per K.S.A. 82a-708b, and the draft revised management program. Under K.S.A. 82a-708b, an applicant requesting a change in point of diversion must demonstrate to the chief engineer that any proposed change is reasonable and will not impair. The enclosed report is an analysis performed by the GMD on behalf of our membership. Under this analysis, the proposed change is considered to be reasonable and unlikely to impair if either the net in-season well-to-well effect of the proposed change is less than a strict maximum allowable threshold (4 ft in cases where saturated thickness is greater than 200 ft), or if no well with a net well-to-well effect exceeding the threshold is identified as critical. Critical wells are identified as wells that are expected to either lose or greatly diminish water supply over the next 25 years. The attached review information is based on a Theis analysis using inputs from the GMD3 aquifer model, which is considered to be the best information on well and aquifer data readily and easily available to the public. If either the applicant or the neighbors believe they have better data that might change the result of the analysis, they should contact GMD3. Conclusions of the well analysis may change if better information on well and aquifer data can be made available.

Every neighboring well within 1 mile of the proposed move was evaluated. Evaluations showed that the well under Water Right 17680 was close and a domestic well in SE SE NE of 5-27-35 exceeded the 4.0 ft maximum allowable threshold. Further analysis showed that the change did not exceed the Economic Drawdown Constraint for each well and is not considered critical. It was also determined that the wells in question are operated/owned by the applicant. Therefore, GMD3 sees this move as reasonable and unlikely to impair neighboring wells.

Thank you for the opportunity to review the applications and to provide a recommendation. If you have any questions, please don't hesitate to contact us.

Sincerely,


Jason L. Norquest
Assistant Manager

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MAR 19 2019

GMD3 Change Review

File No(s): 24108.

DWR office: GC.

App filed to change: PD.

Is Landowner(s) correct in WRIS: J&L Smith Farms.

If NO, is documentation included?

Is Water Use Correspondent correct in WRIS? Yes.

If NO, is documentation included?

Regulation(s) Reviewed: KAR 5-23-3

Point of diversion ID No(s) 02 being changed.

	ft. North	ft. West			
Authorized PD					
Proposed PD					
Difference	0	0			
$a^2 + b^2 = c^2$	0	0	0		

GPS for proposed PD: Lat: 37.7297222 Long: -101.1675 .

Is proposed PD stacking on existing WRs? No.

Is Proposed PU overlapping existing WRs? Land already overlaps 17680 & 31268, no change.

Land Owner(s) notified: DWR only showed applicant with wells within half mile.

Name ___.

Name ___.

Address ___.

Address ___.

Zip ___.

Zip ___.

Neighboring certified well(s) notified: ___.

Name ___.

Name ___.

Address ___.

Address ___.

Zip ___.

Zip ___.

Domestic well(s) notified: well in same quarter owned by applicant.

Name ___.

Name ___.

Address ___.

Address ___.

Zip ___.

Zip ___.

Base Acres: ___.

Perfected Acres: ___.

Irr. Return-Flow ___%

Saturated thickness in area >200' = deminimus effect standard is 4' or less.

WR 17680 ID5 was close at 3.2', but that well and land is owned by applicant.

Domestic well in SE SE NE 5-27-35 showed 4.7' and again is owned by applicant.

Critical well analysis for domestic well showed Economic Drawdown Constraint set limit of 55.6'. Total Drawdown calculated at 41.7', so not considered a critical well.

Is a waiver needed: Move is less than half mile and minimum spacing to neighboring wells is met.

GMD3 Change Review

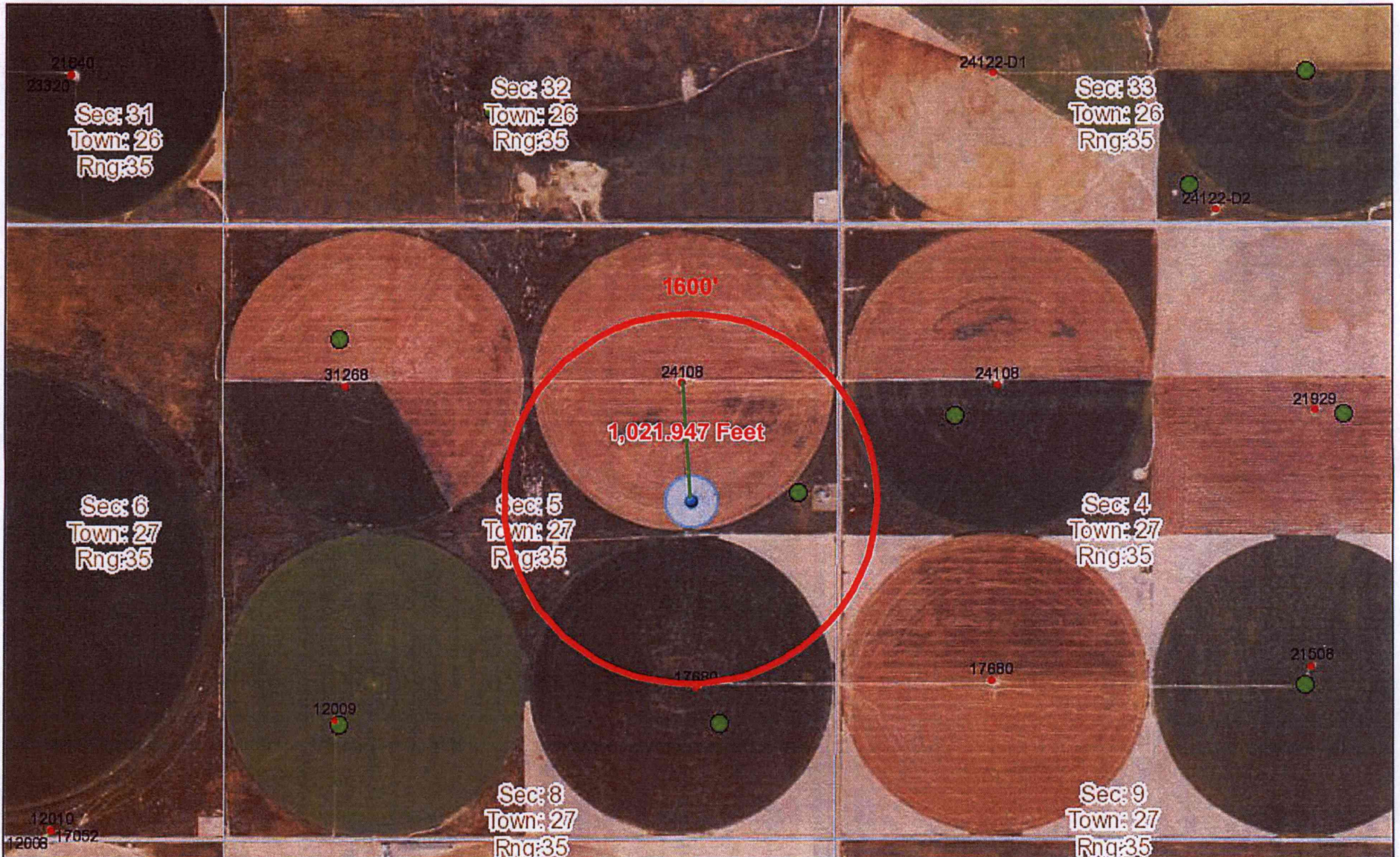
Recommendation: After review of all information, current area rules are met. Well to well analysis showed that none of the wells within a mile studied were considered critical. With no further information, staff would recommend approval.



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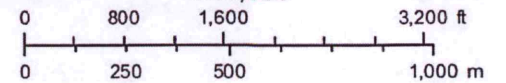
Garden City Field Office
Division of Water Resources



March 8, 2019
16:21 PM

DISCLAIMER: This map is not intended for conveyances, nor is it a legal survey. The information is presented on a best-efforts basis, and should not be relied upon for making financial, survey, legal or other commitments.

1:18,056



	GPS Position	Wells	CON	FPR	MUN	THX
	Other	DEW	HYD	REC	Empty	
	IRR	DOM	IND	STK	WWC5 WELLS GMD3	

INPUTS	
Target Section Definition	
Section	5
Township	27
Range	35
Range Direction	w
Target Point Coordinates (<i>NAD27</i> or <i>NAD83</i>)	
Target Longitude	-101.167500
Target Latitude	37.729722

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 <i>NAD83</i>		
Corner	Corner Latitudes	Corner Longitudes
SW	37.72166927	-101.18144883
NW	37.73630207	-101.18149510
NE	37.73636342	-101.16310789
SE	37.72171554	-101.16325977
Degrees Longitude per Foot		3.45747354E-06
Degrees Latitude per Foot		2.74621894E-06
Target Point Distances from Corners using <i>NAD83</i>		
Corner	Feet North(+)/South(-)	Feet East(-)/West(+)
SW	2932	-4034
NW	-2396	-4048
NE	-2418	1270
SE	2916	1226

Target point is In Section

Loaded Section Data From LEOBASE using <i>NAD27</i>		
Corner	Corner Latitudes	Corner Longitudes
SW	37.72164900	-101.18100000
NW	37.73628200	-101.18104600
NE	37.73634300	-101.16265900
SE	37.72169500	-101.16281100
Degrees Longitude per Foot		3.45747259E-06
Degrees Latitude per Foot		2.74598553E-06
Target Point Distances from Corners using <i>NAD27</i>		
Corner	Feet North(+)/South(-)	Feet East(-)/West(+)
SW	2940	-3905
NW	-2389	-3918
NE	-2411	1400
SE	2923	1356

Target point is In Section



Difference (NAD83 Minus NAD27)		
Corner	Corner Latitudes	Corner Longitudes
SW	0.00002027	-0.00044883
NW	0.00002007	-0.00044910
NE	0.00002042	-0.00044889
SE	0.00002054	-0.00044877
Difference (NAD83 Minus NAD27)		
Corner	Feet North(+)/South(-)	Feet East(-)/West(+)
SW	-7.63093864	-129.81337553
NW	-7.10519281	-129.89146361

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Water Rights and Points of Diversion Within 1.00 miles of point defined as:

2923 ft N and 1356 ft W of the SE Corner of Section 5, T 27S, R 35W

Located at: 101.167499 West Longitude and 37.729722 North Latitude

GROUNDWATER ONLY

1600' on A11

File Number	Use	ST	SR	Dist (ft)	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Twp	Rng	ID	Batt	Auth_Quan	Add_Quan	Unit	
A__ 12009	00	IRR	NK	G	3546	/	NE	SW	SW	1000	4335	5	27	35W	4		222.00	222.00	AF
A__ 17680	00	IRR	NK	G	3134	/	NC	SW	-----	-----		4	27	35W	1		265.00	265.00	AF
Same					1638	/	NW	SE	SE	1293	1191	5	27	35W	5		298.00	298.00	AF
A__ 24108	00	IRR	NK	G*	2924	/	NC	NW	-----	-----		4	27	35W	4		272.00	272.00	AF
Same					1074	/	NC	NE	-----	-----		5	27	35W	2		272.00	272.00	AF
A__ 24122	D1	IRR	NK	G	4604	/	NC	SW	1306	3998	33	26	35W	1		272.00	272.00	AF	
A__ 24122	D2	IRR	NK	G	5252	/	SW	SW	SE	101	2093	33	26	35W	4		272.00	272.00	AF
A__ 31268	00	IRR	NK	G	3067	/	NE	SW	NW	3950	4235	5	27	35W	3		272.00	272.00	AF

Total Net Quantities Authorized:	Direct	Storage
Total Requested Amount (AF) =	.00	.00
Total Permitted Amount (AF) =	.00	.00
Total Inspected Amount (AF) =	.00	.00
Total Pro_Cert Amount (AF) =	.00	.00
Total Certified Amount (AF) =	2145.00	.00
Total Vested Amount (AF) =	.00	.00
TOTAL AMOUNT (AF) =	2145.00	.00

An * after the source of supply indicates a pending application for change for the file number.

An * after the ID indicates a 15 AF exemption was granted for the file number.

A "G" in the Batt column indicates the GEO CTR of a battery. A "B" indicates a well in the battery.

The number in the Batt column is the number of wells in the battery.

Water Rights and Points of Diversion Within 1.00 miles of point defined as:

101.167499 West Longitude and 37.729722 North Latitude

GROUNDWATER ONLY

WATER USE CORRESPONDENTS:

File Number	Use	ST	SR
A__ 12009	00	IRR	NK G
> LARRY K SMITH			
>			
> 8569 E ROAD 2			
> ULYSSES KS 67880			

A__ 17680	00	IRR	NK G
> DEW FARMS INC			
> BRAD DEW			
> 66 NORTH 1000 EAST			
> MAPLETON UT 84664			

> J & L SMITH FARMS INC			
> BRYAN SMITH			
> 9170 E ROAD 2			
> ULYSSES KS 67880			

A__ 24108	00	IRR	NK G

> DEW FARMS INC
> BRAD DEW
> 66 NORTH 1000 EAST
> MAPLETON UT 84664

> J & L SMITH FARMS INC
> BRYAN SMITH
> 9170 E ROAD 2
> ULYSSES KS 67880

A__ 24122 D1 IRR NK G
> GARY V & DONNA COVEY TRUST
>
> PO BOX 845
> ULYSSES KS 67880

A__ 24122 D2 IRR NK G
> J & L SMITH FARMS INC
> BRYAN SMITH
> 9170 E ROAD 2
> ULYSSES KS 67880

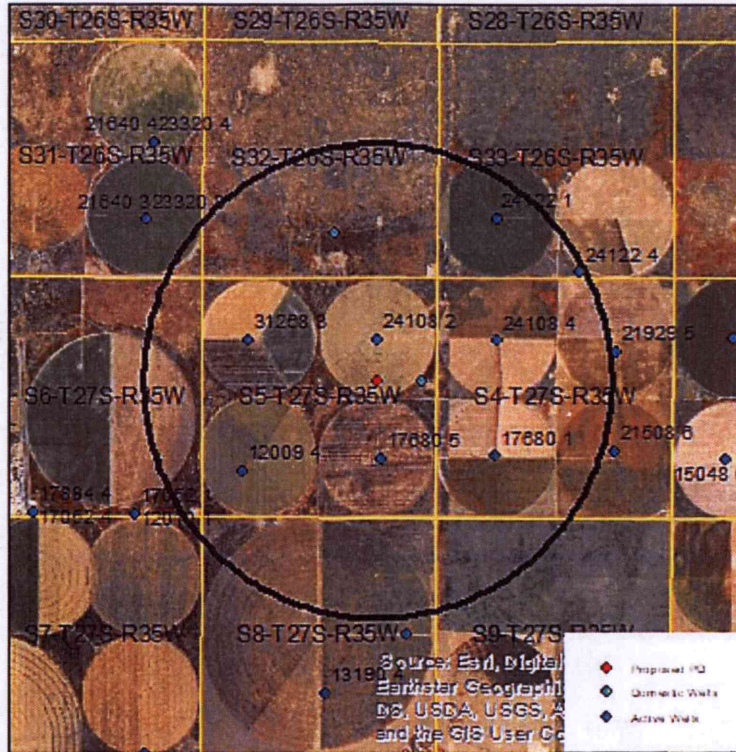
A__ 31268 00 IRR NK G
> J & L SMITH FARMS INC
> BRYAN SMITH
> 9170 E ROAD 2
> ULYSSES KS 67880

=====

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MAR 19 2019
Garden City Field Office
Division of Water Resources

Well Evaluations of proposed move for Water Right No 24108 ID 2

Proposed: Move the well authorized under water right no. 24108 ID 2 905 ft to the south.



Wells within 1 mile: 24108 ID 4, 17680 ID 5, 12009 ID 4, 31268 ID 3, 24122 ID 1, 24122 ID 4, 17680 ID 1, a domestic well in section 32-26-35, and a domestic well in section 5-27-35.

The saturated thickness at the proposed well location is estimated to be 469 ft, based upon the driller's log at the proposed well location and water level information from a monitoring well located in section 1-27-36. Note that this well is drilled well beneath the extent of the Ogallala Aquifer. For saturated thicknesses greater than 200 ft, the maximum allowable Theis drawdown to neighboring critical wells is 4.0 ft.

50 year Theis Analysis: The following values were used to run the analysis:

$S = 0.1683$, $T = 4216 \text{ ft}^2/\text{day}$, $tp_{\text{current}} = 100 \text{ days}$ (based upon reported quantity and observed rate at 2012 inspection), $Q_{\text{current}} = 293 \text{ gpm}$ (observed at 2012 inspection), $tp_{\text{proposed}} = 74 \text{ days}$, $Q_{\text{proposed}} = 830 \text{ gpm}$.

Theis drawdowns were calculated and results are as follows:

- 24108 ID 4: Drawdown from current location = 1.65 ft
- Drawdown from proposed location = 3.38 ft
- Net drawdown = 1.7 ft

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 MAR 1 2011
 LAND USE DIVISION
 WATER RIGHTS SECTION

17680 ID 5:

Drawdown from current location = 1.67 ft

Drawdown from proposed location = 4.87 ft

Net drawdown = 3.2 ft

12009 ID 4:

Drawdown from current location = 1.25 ft

Drawdown from proposed location = 2.86 ft

Net drawdown = 1.6 ft

31268 ID 3:

Drawdown from current location = 1.57 ft

Drawdown from proposed location = 3.20 ft

Net drawdown = 1.6 ft

24122 ID 1:

Drawdown from current location = 1.32 ft

Drawdown from proposed location = 2.51 ft

Net drawdown = 1.2 ft

24122 ID 4:

Drawdown from current location = 1.14 ft

Drawdown from proposed location = 2.29 ft

Net drawdown = 1.1 ft

17680 ID 1:

Drawdown from current location = 1.34 ft

Drawdown from proposed location = 3.15 ft

Net drawdown = 1.8 ft

Domestic 32-26-35:

Drawdown from current location = 1.70 ft

Drawdown from proposed location = 2.95 ft

Net drawdown = 1.3 ft

Domestic 5-27-35:

Drawdown from current location = 2.59 ft

Drawdown from proposed location = 7.32 ft

Net drawdown = 4.7 ft

Net drawdown exceeds 4.0 ft on the domestic well located in section 5-27-35, so critical well analysis is necessary.

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Garden City Field Office
Division of Water Resources

Critical Well Analysis:

Domestic well in section 5-27-35:

Saturated Thickness = 139 ft. Water column is less, but the well is more than 25 years old, so it is reasonable to expect it to be redrilled to the bottom of the Ogallala formation.

DP = 4.58 ft (based upon 25 yr net Theis drawdown)

DE = 37.1 ft (based upon water level declines predicted by the GMD3 model)

DT = 41.7 ft

Economic Drawdown Constraint (EDC) = $139 \text{ ft} * 0.4 = 55.6 \text{ ft}$

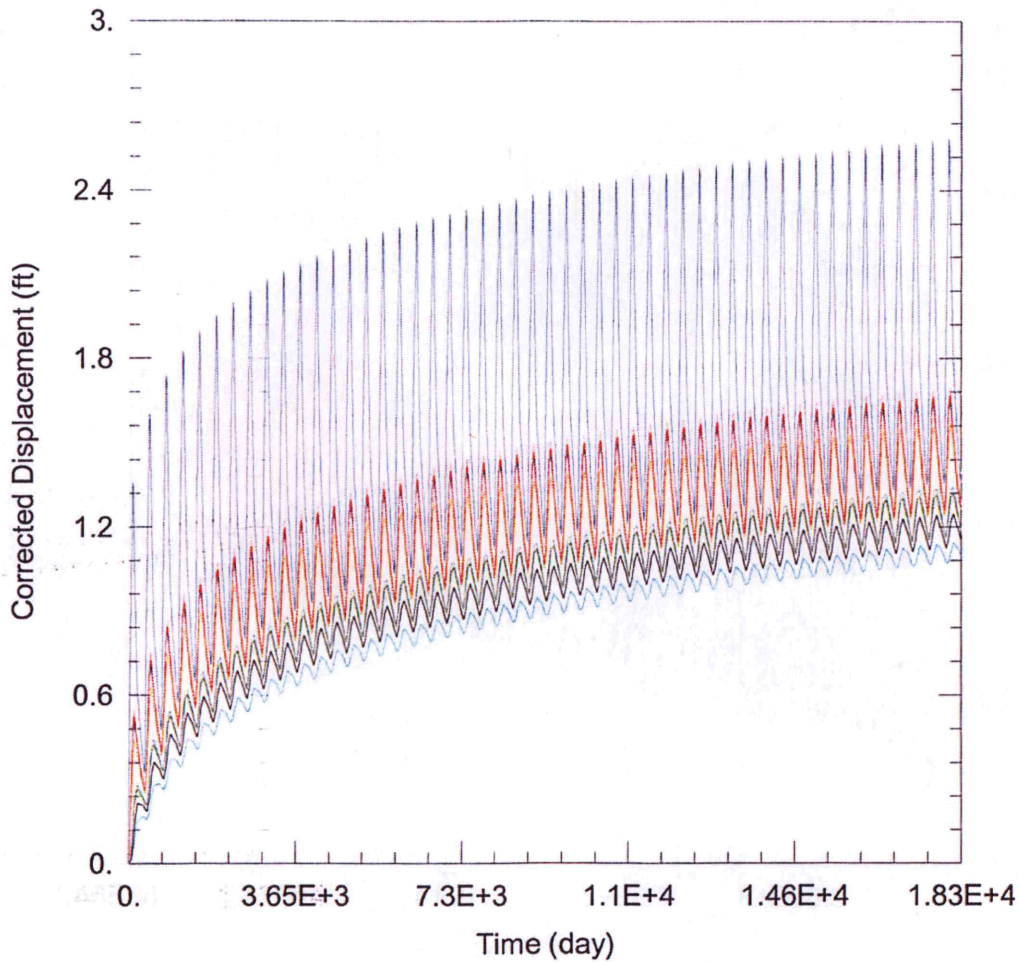
Physical Drawdown Constraint (PDC) = $139 \text{ ft} - 20 \text{ ft} = 119 \text{ ft}$

The economic drawdown constraint is less than the physical drawdown constraint, so the maximum allowable drawdown is 55.6 ft. Total drawdown of 41.7 ft is less than the maximum allowable drawdown, so this well is not critical.

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MAR 1 8 2018

Division of Wildlife Management
Department of Natural Resources



WELL TEST ANALYSIS

Data Set: C:\Users\trevora\Documents\2019_moves\24108\24108 Current.aqt
 Date: 03/11/19 Time: 11:29:12

PROJECT INFORMATION

Company: GMD 3
 Project: 24108
 Location: Grant County
 Test Well: 24108

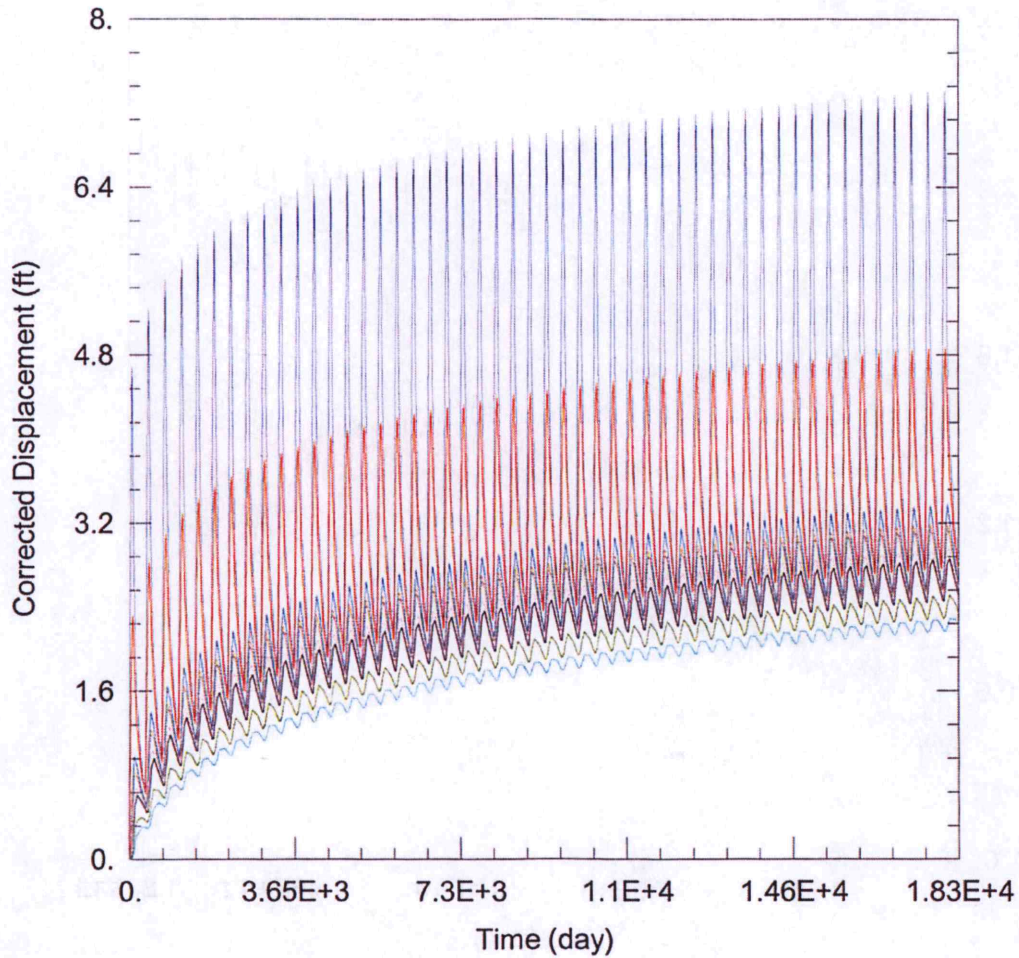
WELL DATA

Pumping Wells			Observation Wells		
Well Name	X (ft)	Y (ft)	Well Name	X (ft)	Y (ft)
241008 ID2	-106526	312441	□	-106526	312441
			□ 24108 ID4	-103834	312423
			□ 17680 ID5	-106418	309802
			□ 12009 ID4	-109546	309536
			□ 31268 ID3	-109438	312430
			□ 24122 ID1	-103855	315132
			□ 24122 ID4	-101960	313938
			□ 17680 ID1	-103895	309863
			□ Domestic 32-26-35	-107487	314819
			□ Domestic 5-27-35	-105526	311505

SOLUTION

Analysis Method: Unconfined

Solution Method: Theis



WELL TEST ANALYSIS

Data Set: C:\Users\trevora\Documents\2019_moves\24108\24108 Proposed.aqt

Date: 03/11/19

Time: 11:39:05

PROJECT INFORMATION

Company: GMD 3

Project: 24108

Location: Grant County

Test Well: 24108

WELL DATA

Pumping Wells

Well Name	X (ft)	Y (ft)
241008 ID2	-106525	311536

Observation Wells

Well Name	X (ft)	Y (ft)
□	-106525	311536
□ 24108 ID4	-103834	312423
□ 17680 ID5	-106418	309802
□ 12009 ID4	-109546	309536
□ 31268 ID3	-109438	312430
□ 24122 ID1	-103855	315132
□ 24122 ID4	-101960	313938
□ 17680 ID1	-103895	309863
□ Domestic 32-26-35	-107487	314819
□ Domestic 5-27-35	-105526	311505

SOLUTION

Aquifer Model: Unconfined

Solution Method: Theis

INPUTS		
	Longitude	Latitude
Point 1	-101.167384	37.732540
Point 2	-101.167500	37.729722

Current 24108

Proposed Sect 5

Degrees Longitude per Foot 3.45757197E-06
 Degrees Latitude per Foot 2.74621938E-06

Distance Between Points (ft) 1027

Compute Distance Between Points

Instructions
 1. Enter Longitudes and Latitudes of the two points (both must be in the same datum, NAD27 or NAD83).
 2. Click "Compute Distance Between Points" button.

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Garden City Field Office
 Division of Water Resources

SOUTHWEST KANSAS GROUNDWATER MANAGEMENT DISTRICT #3
FLOWMETER INSPECTION

FILE(S): 24108

INSPECTOR: Warren

DATE: 6/9/16 TIME: 10:50A

COUNTY: GT

WELL LOCATION: SECTION S T 27 R 35
ID 2 Qrt, Qrt, Qrt _____, NE, NE, or _____

Pump power: NG Electric Diesel

_____ Ft North of the SE corner

_____ Ft West of the SE corner

Pumping? NO RPM _____ Hours _____ PSI _____

GPS: N 37.73254 W 101.167354 101.16734

Well X Meter _____ Nearby _____ Other _____

FLOWMETER: Present? YES

Enter from EAST County Rd U Walk in _____

Location Well X Pivot _____ Vrt or Hrz _____ Other _____

Serial Number 92-8-1276N Model M? 308-1200 SADDLE MTR

Manufacturer McCrometer X Water Specialties _____ Other _____

Pipe Size OD 8.00 ID 7.373?

Totalizer units Acre Feet X Acre Inch _____ Gallons _____ Other _____

Multiplier 0.001 X 100 _____ 1000 _____ Other _____

Anti-reverse gear Yes _____ No X

Straightening vanes No _____ Bolt In _____ Blue Tube X

Straight Run (inches) Upstream 82 Downstream 30 Measurement to meter stem. Must be adjusted for accuracy location.

Manufacturer's Seal - ID Yes GLB No _____

GMD3 Seal Existing X Applied _____ ID# 2294

DWR Chain & seal Yes _____ No X ID# _____

TIMED METER:

Visual rate _____ gpm Full Pipe Flow? _____

Calculated rate

End Read _____ End Time _____

Begin Read 938003 Begin Time _____

Difference _____

Diff. Gal. _____ Time (10th) _____

Calculated GPM = _____

PICTURES: 2 METER / WORKS

TAG: (Y) or N Tag # 19902 Tag Location THROTTLE

COMMENTS: _____

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JUN 13 2016
SWKSGMD3

Southwest Kansas Groundwater
Management District No. 3

Meter Assistance Online

2009 E Spruce Street
Garden City, KS 67846
620-275-7147
www.gmd3.org



Service Tag

19902

Inspector: KKW Date: 6/9/16

Water Right File No. 24100

S 5 T 27 R 35

SubSection NE

Flowmeter SN: 92-0-1276N

Meter Reading: 938,083

Timed Meter gpm NOT RUNNING

Needle gpm _____

Non Compliance

Reason _____

Action Required _____

NONE AT THIS TIME

Contact GMD3 within 5 days

SOUTHWEST KANSAS GROUNDWATER MANAGEMENT DISTRICT #3
FLOWMETER INSPECTION

FILE(S): 24102

INSPECTOR: Warren

DATE: 6/9/2016 TIME: 11:02 A

COUNTY: GT

WELL LOCATION: SECTION 4 T 27 R 35
ID 4 Qrt, Qrt, Qrt NC, NW, or

Pump power: NG Electric Diesel

 Ft North of the SE corner
 Ft West of the SE corner

Pumping? YES RPM Hours PSI

GPS: N 37.73246 W 101.15800

Well Meter Nearby Other

FLOWMETER: Present? YES

Enter from W County Rd J Walk in

Location Well Pivot Vrt or Hrz Other

Serial Number 92-2-1140N Model MO 302-1300

Manufacturer McCrometer Water Specialties Other

Pipe Size OD 8.00 ID 7.731

Totalizer units Acre Feet Acre Inch Gallons Other

Multiplier 0.001 100 1000 Other

Anti-reverse gear Yes No

Straightening vanes No Bolt In Blue Tube

Straight Run (inches) Upstream 55 Downstream 10 Measurement to meter stem. Must be adjusted for accuracy location.

Manufacturer's Seal - ID Yes GLB No

GMD3 Seal Existing Applied ID# 2295

DWR Chain & seal Yes No ID#

TIMED METER:

Visual rate 250 gpm Full Pipe Flow?

Calculated rate

End Read 763.862 End Time 4:594

Begin Read 763.858 Begin Time 0:00

Difference 0.004

Diff. Gal. 1301 Time (10th) 4.99

Calculated GPM = 261

PICTURES:

2 - install / METER

TAG: or N

Tag # 19903 Tag Location Thru

COMMENTS:

5/19/2016

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JUN 13 2016
SWKSGMD3

Southwest Kansas Groundwater
Management District No. 3

Meter Assistance Online

2009 E Spruce Street
Garden City, KS 67846

620-275-7147

www.gmd3.org



Service Tag

19903

Inspector: KKW Date: 6/9/16

Water Right File No. 24100

S 4 T 27 R 35

SubSection NW

Flowmeter SN: 92-0-1140N

Meter Reading: 763.967

Timed Meter gpm 261

Needle gpm 250

Non Compliance

Reason _____

Action Required _____

NONE AT THIS TIME

Contact GMD3 within 5 days

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



Phone: 620-276-2901
Fax: 620-276-9315
www.agriculture.ks.gov

Mike Beam, Interim Secretary

Laura Kelly, Governor

March 8, 2019

SOUTHWEST KANSAS GROUNDWATER
MANAGEMENT DISTRICT NO. 3
409 CAMPUS DRIVE, SUITE 106
GARDEN CITY KS 67846

Re: Water Right File No. 24108

Dear Mr. Norquest:

This is to advise you that J&L Smith Farms Inc. has filed applications for approval of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, to change the place of use for the above referenced files.

We are delaying action on the change applications to allow you time to review and provide a recommendation. Please submit a recommendation within 15 days from the date of this letter.

Thank you and as always feel free to contact this office at any time.

Sincerely,

A handwritten signature in blue ink that reads "Michael A. Meyer".

Michael A. Meyer
Water Commissioner

MAM
Enclosures