

Kansas Department of Agriculture
Division of Water Resources

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

1. File Number: 27188	2. Status Change Date: <i>5/20/2019</i>	3. Change Num: C4	4. Field Office: 4	5. GMD: 3	
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: 4/10/2017	
8a. Applicant(s) New to system <input type="checkbox"/> CLAYTON J & SHARON K BEFORT 1177 COMMERCE PKWY HAYS KS 67601		Person ID 58614 Add Seq# _____	8c. Landowner(s) New to system <input type="checkbox"/> Person ID _____ Add Seq# _____		
8b. Landowner(s) New to system <input type="checkbox"/> CLAYTON J & SHARON K BEFORT 1177 COMMERCE PKWY HAYS KS 67601		Person ID _____ Add Seq# _____	8d. WUC New to system <input type="checkbox"/> JOHN D BORTH PO BOX 754 MEADE KS 67864		
9. Documents and Enclosure(s): <input checked="" type="checkbox"/> DWR Meter(s) Date to Comply: 12/31/2019 <input checked="" type="checkbox"/> N & P Date to Comply: 12/31/2019					
<input type="checkbox"/> Anti-Reverse Meter <input type="checkbox"/> Meter Seal <input checked="" type="checkbox"/> Check Valve <input checked="" type="checkbox"/> N & P Form <input checked="" type="checkbox"/> Water Tube <input type="checkbox"/> Driller Copy <input type="checkbox"/> H & E Letter <input type="checkbox"/> Conservation Plan Date Required: _____ Date Approved: _____ Date to Comply: _____					
10. Use Made of Water From: _____ To: _____					
Date Prepared: 5/20/2019 By: LI Date Entered: <i>5/21/2019</i> By: <i>LM</i>					

File No. **27188** 11. County: **SW** Basin: **CROOKED CREEK** Stream: **NA** Formation Code: **211** Special Use: **NA**

12. Points of Diversion										Rate and Quantity							
CHK	MOD	DEL	ENT	PDIV	Qualifier	S	T	R	ID	'N	'W	Comment (AKA Line)	Rate gpm	Quantity af	Rate gpm	Quantity af	Overlap PD Files
CHK					86259 NE NW SE ✓	11	32	31W	5	2268	1688		690	171	690	171	NONE
MOD					15304 SE SW SW ✓	11	32	31W	2	24	4382	GPS UPDATE	650	300	650	300	NONE
ENT					86254 SW NW SW ✓	11	32	31W	4	1612	5258	ADL WELL (GPS UPDATE)	450	236	450	236	NONE

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

14. Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) **NONE**
 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										NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg?	Overlap Files
CHK	MOD	DEL	ENT	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	SE ¼								
NO CHANGE																													

Base Acres: _____ Year: _____ Minimum Reasonable Quantity: _____
 Comments: **SPECIAL CONDITIONS: Additional Well ID 4 PDIV ID 86254 & MONITORING WELL**

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

MEMORANDUM

TO: Files

DATE: May 20, 2019

FROM: Leslie Ireland

RE: Water Right,
File No. 27,188

Clayton and Sharon Befort as owners of the referenced water right authorized for irrigation use, have filed an application for approval to change the point of diversion which was received on April 10, 2017. The proposal is to drill a new well which was for evaluation of well spacing and then modified to propose an additional well. The water use correspondent John D. Borth has been greatly involved in the well testing and application processing.

The referenced water right appears to be in good standing as per KSA 82a-718 and 82a-732. The application appears to comply with K.A.R. 5-5-2a, *Complete change application*.

The referenced file authorizes 707 acre-feet at a rate of 2,000 gallons per minute from two (2) wells to irrigate 640 acres all in Section 11, Township 32, Range 31 West, Seward County. The right is not located in a special use area but is located within the boundaries of Southwest Kansas Groundwater Management District No. 3. The locations of the approved diversions changed several times, and also authorized under a term permit. The right currently authorizes one(1) well in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ at 2,268'N and 1,688'W of the Southeast corner identified as the *East Well*, authorized to divert 171 acre-feet(AF) at 690 gallons per minute(gpm) and the other well authorized in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ at 100'N and 4,420'W of the Southeast corner identified as the *South Well*, to divert 536 AF and 1310 gpm. There are no overlaps in the points of diversion or place of use.

The proposed change was modified from a proposal of two wells that failed to meet spacing as it was determined the wells to be 1,781 feet apart. The owners proposed to a reduced quantity and rate at the proposed West Well to operate as an additional well per K.A.R. 5-5-16, *Additional well*. The application was modified by the owners on March 4, 2019. The proposal requests to keep the currently authorized points of diversion and authorize a *West Well* to be located approximately 1,612 feet North and 5,258 feet West of the Southeast corner to divert 236 AF at a rate of 450 gpm. The proposed quantity and rate was determined after the rate test of the South Well completed on March 20, 2019, yielded approximately 1,100 gpm. The owners requested to retain 300 AF at 650 gpm at the South Well. The West Well will remain as authorized. The proposed additional well will require the overall rate to be reduced to 1,790 gpm for the referenced file. A review of the consumptive use found the right developed 640 maximum acres irrigated with would allow 1,031.5 AF to be retained for irrigation use in Seward County. The right only authorizes 707 AF, so no quantity reduction will be required and the proposal complies with part (a)(2)(c)(i) of K.A.R. 5-5-16.

In summary the application for change proposes to retain the East Well and divide the quantity and rate of the South Well to authorize both a South and West Well. The West Well considered to be the additional well with a priority date of April 10, 2017. The change proposes the actual well locations with the requested rate and quantity as follows:

East Well	2,268' North and 1,688' West at 690 gpm to divert 171 AF
South Well	24' North and 4,382' West at 650 gpm to divert 300 AF
West Well	1,612' North and 5,258' West at 450 gpm to divert 236 AF

The source of supply for the presently authorized points of diversion had not been determined. Information in KGS Bulletin No. 69 and a the submitted drillers log indicates that the source of supply for the wells located in this area at this depth is the Ogallala Formation (211). The proposed change will not alter the local source of supply for the referenced file.

There is one (1) irrigation well and one (1) domestic well located within one-half ($\frac{1}{2}$) mile of the proposed wells. Notification letters sent June 29, 2017 about the previous change and then on April 4, 2019, to the nearby owners resulted in a comment from each party notified. In a letter received April 15, 2019, the domestic well owners, Scott and Trudy Reiss expressed concerns but did not provide any new data beyond their April 24, 2017 letter regarding the reworking of their well in January 2017 and water levels. The Reiss's are owners of an irrigation well, File No. 19,712, approximately 2,604 feet from the well in the well in the Southwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$). The second comment was received from Doug and Melissa Langhofer, File No. 24,758, on April 19, 2019. His irrigation well is approximately 2,350 feet away from the proposed well in the Northwest Quarter of the Southwest Quarter (NW $\frac{1}{4}$ SW $\frac{1}{4}$). This letter like their 2017 letter expresses concerns about continued depletion. The standard reply letter was sent to both commenters in 2017 & 2019. The required notifications to the nearby well owners per K.S.A. 82a-1906 has been completed.

The water right is within the boundaries of Groundwater Management District No. 3, (GMD 3) and therefore is subject to K.A.R. 5-23-3; *Minimum well spacing requirements: high plains aquifer*. K.A.R. 5-23-3(b) states that an application for change in point of diversion shall be no more than 2,640 feet from it's existing well. The proposed location of the new well and moving of quantity and rate are both less than 2,640 feet. K.A.R. 5-23-3(a) further indicates that the minimum well spacing requirement to other wells for the 353 and 354 AF that is proposed to be authorized by the wells needs to be a minimum of 1,900 feet. This original proposal meet the spacing requirement to all other wells, but did not meet the well to well spacing requirement by 86 feet between the wells under the referenced file and was recommended by GMD 3 for denial by letter dated February 16, 2019. The modified application was resubmitted to the GMD on April 23, 2019. A requested extension for additional time to comment on the modified application was no granted. A letter of the GMD dated May 10, 2019, summarized the Board review on May 8, 2019, did not recommend approval or denial, but instead requested a hearing for the proposed change. The Chief Engineer determined a hearing for the proposed change was not needed and informed the GMD by letter dated May 17, 2019.

The submitted well log indicates the proposed additional well "West Well" to be completed to a depth of 460 feet. At the time of drilling it had a static water level of 275 feet. The currently authorized South Well is approximately 459 feet with a static water level of 237 feet.

The original application proposing two (2) wells was studied during the summer of 2018, with a summary completed by John Munson, Environmental Scientist, Division of Water Resources evaluated the aquifer properties. The additional well proposal was reviewed by David Engelhaupt, E.I., Engineering Associate, completed a Theis analysis that showed little decline in the nearby wells. This information was reviewed with that of the GMD and considered to meet K.A.R. 5-5-2a(c).

Michael Meyer, Water Commissioner of the Garden City Field Office was contacted for a comment on the proposed change. In an email dated May 20, 2019, Mike requested the monitoring well that had been required with the 2017 term permit, be a condition of the change approval and further recommended the proposed change be approved.

All wells will be required to have a flow-meter installed. The Term Permit File No. 20179074 required a monitoring well, it will be a condition of the approval. A check valve will be required on all points of diversion if chemigating. As a well log was submitted with the application, a WWC-5 will not be a condition of the approval.

The proposed change appears to be reasonable, the source of supply will remain unchanged. It is unlikely that the change will cause impairment to any existing water rights, therefore it has been recommended for approval.



Leslie Ireland
Environmental Scientist
Water Appropriation Program

1320 Research Park Drive
Manhattan, KS 66502
785-564-6700
www. agriculture.ks.gov



900 SW Jackson, Room 456
Topeka, KS 66612
785-296-3556

Mike Beam, Secretary

Laura Kelly, Governor

May 22, 2019

FILE COPY

CLAYTON J & SHARON K BEFORT
1177 COMMERCE PKWY
HAYS KS 67601

RE: Water Right, File No. 27,188

Dear Mr. & Mrs. Befort:

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

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in this approval for change. A condition of the approval is that an acceptable water flow meter must be installed on the diversion works authorized under the referenced file number. Please return the required enclosed forms, Notification of the Completion of the Diversion Works prior to December 31, 2019.

Please note that the application to change the point of diversion is subject to the condition that for the sole purpose of administering wells concerning direct impairment, the approval under File No. 25,031, shall be considered to have the priority date of the date the application was filed, April 10, 2017. In addition, the Chief Engineer specifically retains jurisdiction in this matter.

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

If you have any questions, please contract Leslie Ireland, Environmental Scientist, at (785) 564-6633 or Michael Meyer, Water Commissioner, Garden City Field Office at (620) 76-2901. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

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

BAT:LI:li:
Enclosures

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

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE
Mike Beam, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

**APPROVAL OF APPLICATION
FOR
CHANGE IN POINT OF DIVERSION
AND
ORDER IN THE MATTER OF THE AUTHORIZED RATE OF DIVERSION
WATER RIGHT,
FILE NO. 27,188**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Clayton J. & Sharon K. Befort, 1177 Commerce Parkway, Hays, Kansas 67601, received in this office on April 10, 2017, for approval of a change in the location of the point of diversion under the certificate of appropriation issued pursuant to the application for permit to appropriate water for beneficial use, as modified and amended by the Orders of the Chief Engineer dated April 12, 2006; October 3, 2013; August 9, 2016 and July 26, 2017 approving the applications to change the points of diversion, finds that the change is reasonable and will not impair existing rights, that the change relates to the same local source of supply and that the application should be and is hereby approved.

This order effectively reduces the authorized diversion rate of diversion to 1,790 gallons per minute (3.99 c.f.s.) in accordance with the Application for Approval to Change the Point of Diversion received in this office on April 10, 2017.

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

one (1) well located in the Southwest Quarter of the Northwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 11, more particularly described as being near a point 1,612 feet North and 5,258 feet West of the Southeast corner of said section, at a rate not in excess of 450 gallons per minute (1.00 c.f.s.) and a quantity not to exceed 236 acre-feet per calendar year, and

one (1) well located in the Southeast Quarter of the Southwest Quarter of the Southwest Quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 11, more particularly described as being near a point 24 feet North and 4,382 feet West of the Southeast corner of said section, at a rate not in excess of 650 gallons per minute (1.45 c.f.s.) and a quantity not to exceed 300 acre-feet per calendar year, and

one (1) well located in the Northeast Quarter of the Northwest Quarter of the Southeast Quarter (NE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 11, more particularly described as being near a point 2,268 feet North and 1,688 feet West of the Southeast corner of said section, at a rate not in excess of 690 gallons per minute (1.54 c.f.s.) and a quantity not to exceed 171 acre-feet per calendar year.

all in Township 32 South, Range 31 West, Seward County, Kansas.

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

The Chief Engineer specifically retains jurisdiction in this matter with authority to make such reasonable reductions in the authorized rate of diversion, and such changes in other terms, conditions, and limitations set forth in this approval of application to change the point of diversion as may be deemed to be in the public interest.

The application is approved subject to the condition that for the sole purpose of administering wells concerning direct impairment, the well located in the Southwest Quarter of the Northwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 11, more particularly described as being near a point 1,612 feet North and 5,258 feet West of the Southeast corner of said section, in Township 32 South, Range 31 West, Seward County, Kansas, approved by this order shall be considered to have the priority of the date the application was filed (April 10, 2017).

That the water right owner shall install and maintain a groundwater monitoring well at a location specified and approved by the Chief Engineer. Such observation well shall be installed and equipped to allow monitoring of water levels. Installation of the groundwater monitoring well and the associated equipment shall be at the expense of the water right owner.

That the groundwater monitoring well shall be located in the Southwest Quarter of the Northwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 11, more particularly described as being near a point 1,485 feet North and 5,244 feet West of the Southeast corner of said section, in Township 32 South, Range 31 West, Seward County, Kansas.

That the groundwater monitoring well shall be constructed and developed to ensure that it is hydraulically connected to the same aquifer as the well authorized by this water right and the well must be advanced to the bedrock surface. The observation well required herein shall be maintained, by the water right owner, in a condition that is satisfactory to the Chief Engineer.

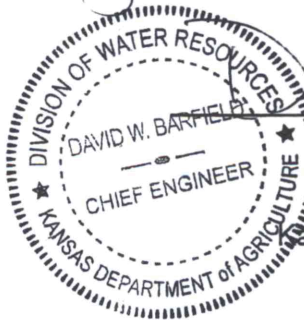
The water right owner shall properly install an acceptable water meter on each of the diversion works authorized under this water right, prior to the use of water, in strict accordance with the Kansas Administrative Regulations 5-1-4 through 5-1-12 adopted by the Chief Engineer. The water right owner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

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

Installation of the works for diversion of water shall be completed on or before December 31, 2019, or within any authorized extension of time. The applicant shall notify the Chief Engineer of the Division of Water Resources, Kansas Department of Agriculture, when construction of the works for diversion has been completed.

In all other respects, the Certificate of Appropriation issued pursuant to Approval of Application, File No. 27,188, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated June 19, 1987, as modified and amended by the aforementioned orders

Ordered this 20th day of May, 2019, in Manhattan, Riley County, Kansas.



David W. Barfield

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

State of Kansas)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this 20th day of May, 2019, by David W. Barfield, P.E., Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.



Karen Hunter

Notary Public

RIGHT TO A HEARING AND TO ADMINISTRATIVE REVIEW

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

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

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

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

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

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

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

CERTIFICATE OF SERVICE

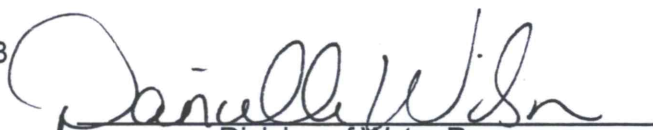
On this *22nd* day of *May*, 2019, I hereby certify that the attached Approval of Application for Change, File No. 27,188, dated *May 20th, 2019* was mailed postage prepaid, first class, US mail to the following:

Clayton J. & Sharon K. Befort
1177 Commerce Parkway
Hays, KS 67601

With photocopies to:

John D. Borth
10211 L Road
Plains, KS 67869

Garden City Field Office
Groundwater Management District No. 3


Division of Water Resources

SEP 05 2017

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

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

KS DEPT OF AGRICULTURE



State of Kansas

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

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

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

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

WATER RESOURCES RECEIVED
APR 10 2017
1:05
KS DEPT OF AGRICULTURE

File No. 27188

2. Name of applicant: CLAYTON J & SHARON K BEFORT

Address: 1177 COMMERCE PKWY

City, State and Zip: HAYS KS 67601

Phone Number: (785) 625-7628 OR 785-623-1255* E-mail address: claytonbefort@gmail.com*

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

Name of water use correspondent: JOHN D BORTH

Address: PO BOX 754

City, State and Zip: MEADE KS 67864

Phone Number: () _____ E-mail address: johnnyborth@gmail.com

3. The change(s) proposed herein are desired for the following reasons (please be specific):
to relocate both wells and alter the rate and quantity assigned to each.

The change(s) (was) (will be) completed by upon approval (Date)

For Office Use Only:							
F.O. Code	<u>4</u>	GMD	<u>3</u>	Meets K.A.R. 5-5-1 (YES / NO)	Use	<u>lrv</u>	Source
	<u>CGT</u>						<u>G/S</u>
				Fee \$	<u>200</u>	TR #	
						Receipt Date	<u>4/10/17</u>
						By	<u>ADW</u>
						Date	<u>4/10/17</u>
						Check #	<u>22989</u>

APPLICATION COMPLETE
5/15/19
Reviewer LT

LS / ADW 12/10/18

SCANNED

Assisted by: TPM
4/12/2017 UM
SCANNED

* CB 3-4-19

Amended 3-4-19
DWR

File No. 2782

6. The presently authorized point(s) of diversion (is) (are) TWO WELLS

(Provide description and number of points)

7. The proposed point(s) of diversion (is) (are) THREE WELLS

(Provide description and number of points)

List all presently authorized point(s) of diversion:

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

One in the SW Quarter of the SW Quarter of the SW Quarter of Section 11, Township 32 South, Range 31 W, in SW County, Kansas, 100 feet North 4420 feet West of Southeast corner of section. Authorized Rate 1310 GPM Authorized Quantity 536 AF
(DWR use only: Computer ID No. 02 GPS _____ feet North _____ feet West)
 This point will not be changed This point will be changed as follows:

Proposed point of diversion: (Complete only if change is requested)

One in the SE Quarter of the SW Quarter of the SW Quarter of Section 11, Township 32 South, Range 31 W, in SW County, Kansas, 100 feet North 4420 feet West of Southeast corner of section. Proposed Rate 810 GPM Proposed Quantity 300 AF
This point is: Additional Well Geo Center List other water rights that will use this point _____

COMPLIANCE, COMPLETED 7/26/18 DWR.

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

One in the NE Quarter of the NW Quarter of the SE Quarter of Section 11, Township 32 South, Range 31 W, in SW County, Kansas, 2268 feet North 1688 feet West of Southeast corner of section. Authorized Rate 690 GPM Authorized Quantity 171 AF
(DWR use only: Computer ID No. 05 GPS _____ feet North _____ feet West)
 This point will not be changed This point will be changed as follows:

Proposed point of diversion: (Complete only if change is requested)

One in the _____ Quarter of the _____ Quarter of the _____ Quarter of Section _____, Township _____ South, Range _____ (E/W), in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section. Proposed Rate _____ Proposed Quantity _____
This point is: Additional Well Geo Center List other water rights that will use this point _____

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

One in the _____ Quarter of the _____ Quarter of the _____ Quarter of Section _____, Township _____ South, Range _____ (E/W), in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section. Authorized Rate _____ Authorized Quantity _____
(DWR use only: Computer ID No. _____ GPS _____ feet North _____ feet West)
 This point will not be changed This point will be changed as follows:

Proposed point of diversion: (Complete only if change is requested)

One in the SW Quarter of the NW Quarter of the SW Quarter of Section 11, Township 32 South, Range 31 W, in SW County, Kansas, 1612 feet North 5258 feet West of Southeast corner of section. Proposed Rate 590 GPM Proposed Quantity 236 AF
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. _____

* WILL SUPPLY ADDITIONAL WELL RATE TEST SOON.

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

* Asper Clayton Report 4-4-19

WATER RESOURCES

APR 23 2019

KS DEPT OF AGRICULTURE

SEP 05 2017

* Clayton Report 8-30-17

File No. 27188

KS DEPT OF AGRICULTURE

12. The presently authorized use of water is for irrigation purposes. It is proposed that the use be changed to nc purposes.

13. If changing the place of use and/or use made of water, describe how the consumptive use will not be increased.
na ADDITIONAL WELL PROPOSED 3/4/19 - **
RETAIN EXISTING MODIFY Q & R - SWSWSW ID2 100'N 4420'W 650 GPM 300AF
RETAIN EXISTING AS AUTHORIZED Q & R - NENWSE IDS 2268'N 1688'W 690GPM 171AF
ADD ADLWELL MOD Q & R TO MEET SPACING SW NWSW ID 4 1612'N 5258'W 450 GPM 236AF
CONFIRMED 640 ACRES WITH 2 WELLS - 5-5-16 - (640 X 1.37) - 0.85 = 1,031.5 AF AUTHORIZED 707 AF NOT Q
(Please show any calculations here.)
RATE TEST -

14. It is requested that the maximum annual quantity of water be reduced to nc 707 (acre-feet or million gallons).

15. It is requested that the maximum rate of diversion of water be reduced to nc 1790 gallons per minute (3.99 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.

wells requested are 1/2 mile from any of the other water rights in the area.
DOMESTIC WELL REISS - APPROX 1100' TO SW IRR WELL - LANGHOPE 2350 TO NNW FILE NO 24,754
IRR WELL REISS APPROX 2604 TO SSW - FILE NO. 19,712

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.

wells do not meet the 1900 foot spacing to each other on this same water right: - REDUCED Q ON PROPOSED ID 4 AND
WELL ID 5 TO 300AF

WATER RESOURCES RECEIVED

APR 10 2017

** 4/23/19

KS DEPT OF AGRICULTURE

SCANNED

CB INITIAL 8-30-17 DATE

* LI/DWR 6/20/17
* LI/DWR 3/6/19
* LI/DWR 4/1/19

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 _____, Kansas, this _____ day of _____, 20_____.

(Owner)

CLAYTON J BEFORT
(Please Print)

(Owner)

(Please Print)

(Owner)

(Please Print)

(Spouse)

SHARON K BEFORT
(Please Print)

(Spouse)

(Please Print)

(Spouse)

(Please Print)

State of Kansas)
County of _____) SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this _____ day of _____, 20_____.

Notary Public

My Commission Expires _____.

FEE SCHEDULE

Each application to change the place of use, the point of diversion or the use made of the water under this section shall be accompanied by the application fee set forth in the schedule below:

- (1) Application to change a point of diversion 300 feet or less \$100
- (2) Application to change a point of diversion more than 300 feet \$200
- (3) Application to change the place of use \$200
- (4) Application to change the use made of the water \$300

Make check payable to **Kansas Department of Agriculture.**

SEP 05 2017

KS DEPT OF AGRICULTURE

File No. 27188

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.

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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 Ways, Kansas, this 30th day of March, 20 17.

Clayton J Befort
(Owner)

Sharon K Befort
(Spouse)

CLAYTON J BEFORT
(Please Print)

SHARON K BEFORT
(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

State of Kansas }
County of Ellis } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 30th day of March, 20 17.

Linda Sue Boone

My Commission Expires 1-15-19

Notary Public
NOTARY PUBLIC - State of Kansas
Linda Sue Boone
My Appt. Expires 1-15-19

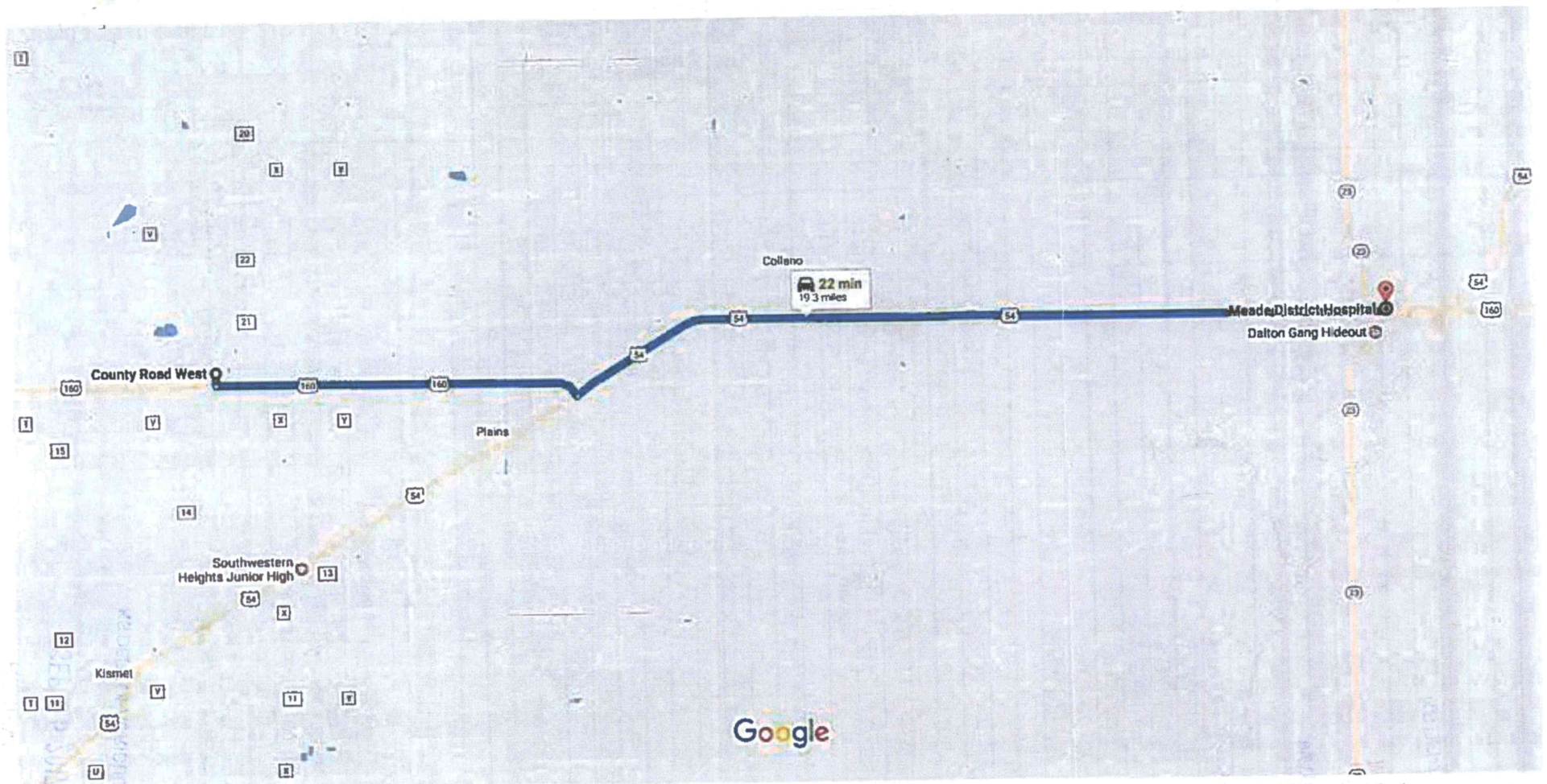
FEE SCHEDULE

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- (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.

APR 10 2017



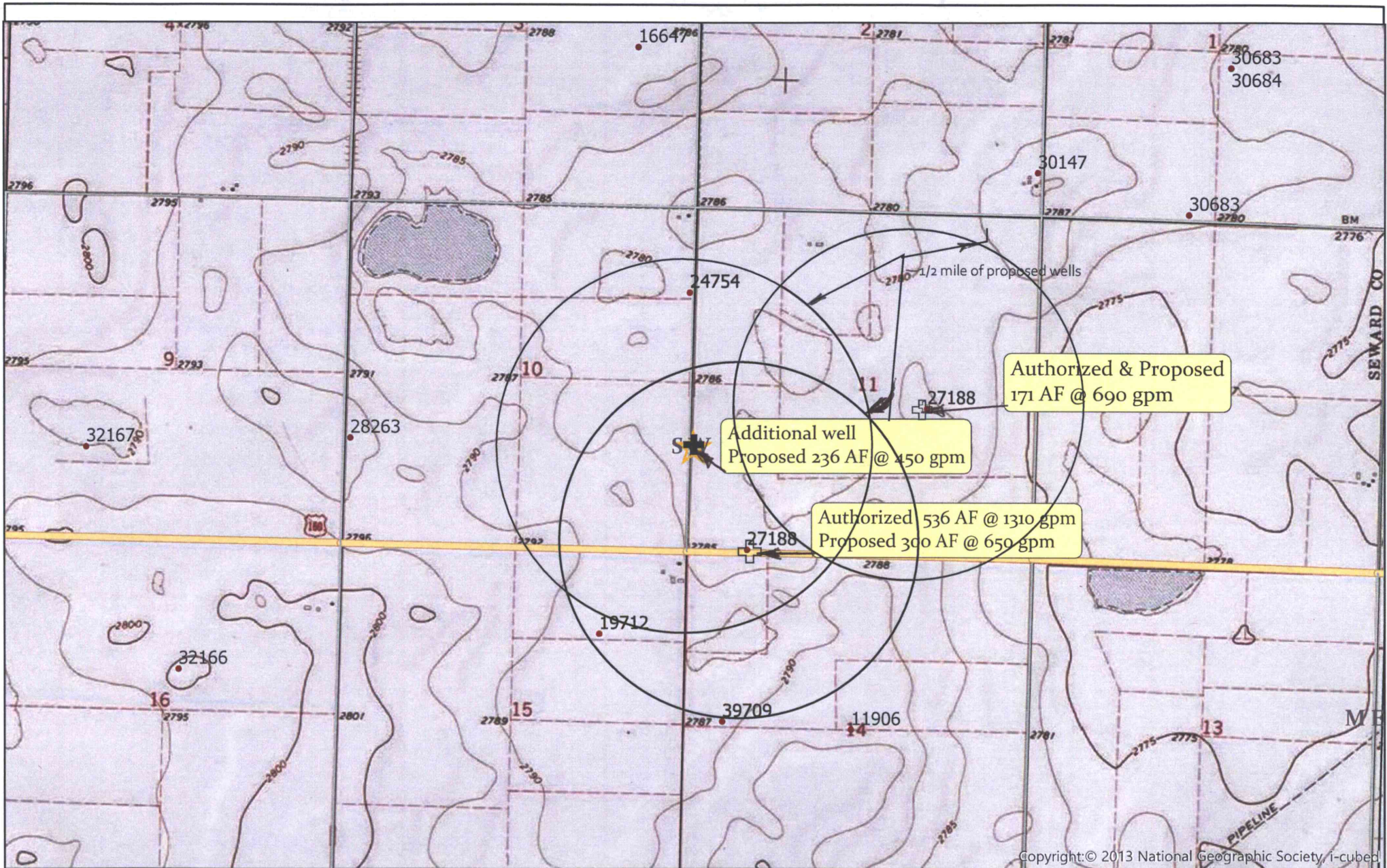
Map data ©2017 Google 1 mi

WATER RESOURCES
RECEIVED

MAY 31 2017

KS DEPT OF AGRICULTURE

File No. 27,188 CHANGE POINT OF DIVERSION ADDITIONAL WELL



Copyright:© 2013 National Geographic Society, i-cubed

0 2.3 4.6 9.2 Miles

User LIRELAND
 Path C:\Users\lreland\Documents\ArcGIS Pro 2.1\27188 adl well.aprx

- Modifies 2017 Application Map
- Authorized & Proposed Well
- Additional well



Kansas Department of Agriculture
 Division of Water Resources
 23 Apr 2019

Clayton Befort

SW 11-32-31 SW
TH #11
3/8/17
WELL LOCATION

37.27611, -100.67116

Co-Rd-W

U.S. Hwy-160

20

Google Earth

© 2016 Google



1000 ft

1320 Research Park Drive
Manhattan, KS 66502
785-564-6700
www.agriculture.ks.gov



900 SW Jackson, Room 456
Topeka, KS 66612
785-296-3556

Mike Beam, Secretary

Laura Kelly, Governor

May 20, 2019

DOUG & MELISSA LANGHOFER
20960 ROAD W
PLAINS KS 67869-6803

RE: Change Application, Water Right, File No. 27,188

Dear Mr. & Mrs. Langhofer :

This will acknowledge receipt of your letter received in this office on April 19, 2019, in which you expressed comments concerning the application for approval to change the point of diversion authorized under Water Right, File No. 27,188.

We understand your concerns that the well proposed by the referenced application for change in point of diversion may impair your existing water right by causing an unreasonable lowering of the static water level. However, we have studied the potential impacts the proposed well may have on your well and have determined that it appears there will be little chance for direct impairment to your well. Based upon our study, the application for change in point of diversion should be approved.

Your comments have been considered, and approval of the application will authorize diversion of water only when it does not impair existing rights. Should the diversion of water under this application substantially impair your earlier rights, you should notify the field office in your area. The field office in your area is:

Division of Water Resources
4532 W Jones Ave, Ste B
Garden City, KS 67846
Telephone Number: (620) 276-2901

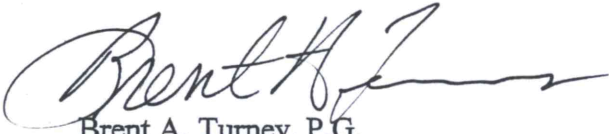
The proposed application meets the Rules and Regulations of the Water Appropriations Act minimum well spacing requirements. (Please refer to our website of all studies and data conducted to conclude approval of this applications. You can find the complete application posted by water right file number as referenced above at www.agriculture.ks.gov/divisions-programs/dwr/water-appropriation/notices.

FILE COPY

RE: Change Application, Water Right, File No. 27,188

If you have any questions, please contact Michael Meyer, Water Commissioner Garden City Field Office at (620) 276-2901. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,



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

BAT:LI:li

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

1320 Research Park Drive
Manhattan, KS 66502
785-564-6700
www. agriculture.ks.gov



900 SW Jackson, Room 456
Topeka, KS 66612
785-296-3556

Mike Beam, Secretary

Laura Kelly, Governor

May 20, 2019

SCOTT & TRUDY K REISS
22958 HIGHWAY 160
PLAINS KS 67869-6809

RE: Change Application, Water Right, File No. 27,188

Dear Mr. & Mrs. Reiss :

This will acknowledge receipt of your letter received in this office on April 15, 2019, in which you expressed comments concerning the application for approval to change the point of diversion authorized under Water Right, File No. 27,188.

We understand your concerns that the well proposed by the referenced application for change in point of diversion may impair your existing well by causing an unreasonable lowering of the static water level. However, we have studied the potential impacts the proposed well may have on your well and have determined that it appears there will be little chance for direct impairment to your well. Based upon our study, the application for change in point of diversion should be approved.

Your comments have been considered, and approval of the application will authorize diversion of water only when it does not impair existing rights. Should the diversion of water under this application substantially impair your earlier rights, you should notify the field office in your area. The field office in your area is:

Division of Water Resources
4532 W Jones Ave, Ste B
Garden City, KS 67846
Telephone Number: (620) 276-2901

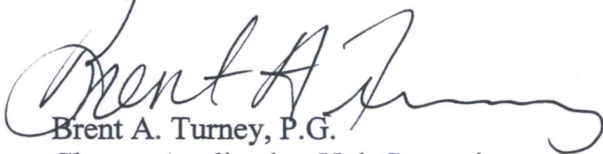
The proposed application meets the Rules and Regulations of the Water Appropriations Act minimum well spacing requirements. (Please refer to our website of all studies and data conducted to conclude approval of this applications. You can find the complete application posted by water right file number as referenced above at www.agriculture.ks.gov/divisions-programs/dwr/water-appropriation/notices.

FILE COPY

RE: Change Application, Water Right, File No. 27,188

If you have any questions, please contact Michael Meyer, Water Commissioner Garden City Field Office at (620) 276-2901. 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". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Brent A. Turney, P.G.
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, KS 66502
785-564-6700
www. agriculture.ks.gov



900 SW Jackson, Room 456
Topeka, KS 66612
785-296-3556

Mike Beam, Secretary

Laura Kelly, Governor

May 17, 2019

Mark Rude, Executive Director
Board of Directors
Southwest Kansas Groundwater Management District No. 3
2009 E. Spruce Street
Garden City, Kansas 67846

Sent via email to mrude@gmd3.org and bret.rooney@yahoo.com

Re: Befort Additional Well Change Application, Water Right File No. 27,188.

Mr. Rude and Board of Directors:

On May 10, 2019, we received GMD 3 Board's recommendations and review materials regarding the Befort additional well change application for Water Right No. 27,188. This supplements more than two years of data collection, analysis, review, and consideration of this matter by GMD 3 and the Division of Water Resources ("DWR"), including significant recent interaction on the pending change application for an additional well (see attached).

Although the Board of Directors was unable to provide a definitive recommendation on the change application, DWR has reviewed your work related to this application and the GMD's guidance on how to interpret state law and DWR's regulations.

In particular, we have reviewed your enclosed guidelines for assessment of well drawdown estimates for water right application processing and the specific technical work done by GMD 3 in connection with this application including your critical well determinations, as well as our own evaluation. After a careful review of all relevant material, I have determined that the change application can be approved as currently proposed, which I expect to occur next week. In addition, I find that an administrative hearing regarding this matter is not warranted, and therefore, your request for a hearing is denied.

I would like to make myself available to attend your next Board meeting to discuss these matters, including specifics that have led to my decision, as well as to provide feedback on your guidelines noted above.

As has been communicated in DWR's correspondence on this matter, if the GMD wishes additional restrictions on "supplemental wells and chasing water" or related matters, the Legislature has provided GMDs with the path to accomplish this in K.S.A. 82a-1029(o), "to recommend the adoption of regulations within the District." We would be happy to work with you on such.

Sincerely,

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

FILE COPY

Enclosure

Brent Turney, Kansas Department of Agriculture
Leslie Ireland, Kansas Department of Agriculture
Lane Letourneau, Kansas Department of Agriculture
Chris Beightel, Kansas Department of Agriculture

FILE COPY

From: [Turney, Brent \[KDA\]](#)
To: [Mark Rude](#)
Cc: [Meyer, Mike \[KDA\]](#); [Jason Norquest](#); claytonbefort@gmail.com; nelson_seth1@hotmail.com; fred.jones@gardencityks.us; westacre@pld.com; bret.rooney@yahoo.com; [Barfield, David \[KDA\]](#); [Letourneau, Lane \[KDA\]](#); [Beightel, Chris \[KDA\]](#)
Subject: Recommendation for Change, File No. 27188
Date: Tuesday, May 7, 2019 7:08:57 AM
Attachments: [2015-07-06_Rude_Impairment_letter.pdf](#)
[Theis_27188_20190506_wAttachment.pdf](#)

Mark,

I apologize for any confusion that my email from yesterday may have caused.

Please see the corrected email with dates below.

Brent

I have met and discussed the issues and comments you provided in your last two emails of **May 2, 2019**, with the Chief Engineer, Lane Letourneau, and Mike Meyer.

With respect to additional information you have requested, please see enclosed:

1. **An updated Theis evaluation** – While we previously provided our Theis evaluation of November 7, 2018, and while it was apparent that the effects of the reduced rate and quantity on of the requested additional well would have less effects on nearbys, we went ahead and updated the evaluation for your information. See attached evaluation of May 6, 2019. Recall that our Theis methodology, assumptions, and data were provided prior to our October 2017 workshop with the GMDs and discussed in significant detail at the workshop. David Barfield resent this information to you on September 7, 2018 at your request.
2. **John Munson's aquifer characteristics evaluation**

As stated in my previous email, the applicant made the decision to use the rate from only one of the two authorized wells authorized by Water Right, File No. 27,188, to create the proposed additional well. No rate from the second authorized well will be used to create the additional well. As previously noted and in keeping with our historical application of K.A.R. 5-5-16, the well chosen by the applicant has been tested and the applicant has modified the application accordingly to divide the rate of diversion. The modified application satisfies our requirements of K.A.R. 5-5-16(a)(3). No additional rate tests are required to process the application.

With respect to the impairment evaluations in our application decisions under K.S.A. 82a-706b and 711, much of that evaluation is done pursuant to statewide and GMD regulations. In the case of the declining Ogallala, statewide rules are supplemented by the Theis evaluation noted above.

We feel that the GMD has had sufficient time to review the application. Therefore, we respectfully deny your request for additional time. You (and DWR) have already solicited comments from the nearbys on a less restrictive change application so there is little to be gained from additional comments. Comments received on the more restrictive application from the nearbys were the same comments.

FILE COPY

The application meets existing regulations, including a finding by KDA-DWR that there is no evidence that impairment will occur in the future. And of course, our approval will be conditioned appropriately to allow for water administration in the future should it be required.

If you would like your recommendation to be considered when processing this application please have it to our office by **Friday May 10, 2019** at 5:00 p.m.

Brent

Brent A. Turney, P.G.
Kansas Department of Agriculture
Division of Water Resources
1320 Research Park Drive
Manhattan Kansas 66502
(785) 564-6645
Brent.Turney@ks.gov
www.agriculture.ks.gov

From: Mark Rude <mrude@gmd3.org>

Sent: Thursday, May 2, 2019 6:18 PM

To: Turney, Brent [KDA] <Brent.Turney@ks.gov>; Ireland, Leslie [KDA] <Leslie.Ireland@ks.gov>

Cc: Meyer, Mike [KDA] <Mike.Meyer@ks.gov>; Jason Norquest <norquest@gmd3.org>

Subject: RE: Recommendation for Change, File No. 27188

EXTERNAL: This email originated from outside of the organization. Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Friends,

In lights of a number of factors that include the concerns raised by our members over the current proposal, our hope to provide some reasonable calculations and analysis to the applicant and the neighbors, and the need for some additional information we still don't have, we would like to request more time in which to provide a recommendation.

Thanks for your considerations,

Mark

Mark E. Rude, Executive Director

Southwest Kansas Groundwater Management District No. 3

2009 E. Spruce Street

Garden City, KS 67846

O (620) 275-7147

C (620) 272-3001

From: Turney, Brent [KDA] <Brent.Turney@ks.gov>
Sent: Thursday, May 2, 2019 5:30 PM
To: Mark Rude <mrude@gmd3.org>; Ireland, Leslie [KDA] <Leslie.Ireland@ks.gov>
Cc: Meyer, Mike [KDA] <Mike.Meyer@ks.gov>; Jason Norquest <norquest@gmd3.org>
Subject: RE: Recommendation for Change, File No. 27188

Mark,

In response to your email concerns about the proposed change in point of diversion File No. 27,188, we feel that no further explanation is needed to define impairment. We have stated in previous correspondence that we will only consider direct well to well impairment and we have determined that in this case it is not a factor.

K.A.R. 5-5-16 does require a test or tests of the wells to be used for an additional well or wells. However, the applicant has made the decision to use the rate from only one of the two authorized wells authorized by File No. 27,188, for the proposed additional well. If the applicant had proposed to use the rates from both authorized wells to determine the rate for the proposed additional well then a test from the second authorized would have been required. Therefore, a test on the second authorized well will not be required to process the application.

Brent

Brent A. Turney, P.G.
Kansas Department of Agriculture
Division of Water Resources
1320 Research Park Drive
Manhattan Kansas 66502
(785) 564-6645
Brent.Turney@ks.gov
www.agriculture.ks.gov

From: Mark Rude <mrude@gmd3.org>
Sent: Thursday, May 2, 2019 2:30 PM
To: Turney, Brent [KDA] <Brent.Turney@ks.gov>; Ireland, Leslie [KDA] <Leslie.Ireland@ks.gov>
Cc: Meyer, Mike [KDA] <Mike.Meyer@ks.gov>; Jason Norquest <norquest@gmd3.org>
Subject: RE: Recommendation for Change, File No. 27188

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Brent or others,

In addition to the description of what constitutes impairment in this area, we also still need the

FILE COPY

second well test under question (1) per 5-5-16(a)(3). If not tested, would you like for us to get a test?
Mark

From: Mark Rude

Sent: Wednesday, May 1, 2019 5:06 PM

To: 'Turney, Brent [KDA]' <Brent.Turney@ks.gov>; Ireland, Leslie [KDA] <Leslie.Ireland@ks.gov>

Cc: Meyer, Mike [KDA] <Mike.Meyer@ks.gov>; Jason Norquest <norquest@gmd3.org>

Subject: RE: Recommendation for Change, File No. 27188

Brent,

Thank you for this response. This is helpful.

I don't see an answer to question 4. A "maybe someday" approach does not answer question 4. Question 4 is not whether impairment may be evaluated someday, but for today's evaluation activity. We are finding members need some assurance of some protection of water right supply afforded to them by the requirements of water rights administration law in a declining supply and also need some administrative confidence over potential future impairment administration against their investment if approved. There is no definition by rule, so rules don't help. So, what is the definition our members are subject to for this area recently studied by DWR? What is the definition of impairment we should use to judge whether it will occur or not? We can then plug that into our calculations and make a recommendation.

Thanks in advance,

Mark

Mark E. Rude, Executive Director

Southwest Kansas Groundwater Management District No. 3

2009 E. Spruce Street

Garden City, KS 67846

O (620) 275-7147

C (620) 272-3001

From: Turney, Brent [KDA] <Brent.Turney@ks.gov>

Sent: Wednesday, May 1, 2019 12:21 PM

To: Mark Rude <mrude@gmd3.org>; Ireland, Leslie [KDA] <Leslie.Ireland@ks.gov>

Cc: Meyer, Mike [KDA] <Mike.Meyer@ks.gov>; Jason Norquest <norquest@gmd3.org>

Subject: RE: Recommendation for Change, File No. 27188

Mark,

I am responding on behalf of Leslie to your email of April 25, 2019. Please find our responses to the questions and comments as outlined in your email.

Brent

1. With respect to your request for tested rate(s) and the sleeve factor used, here is additional information from Mike Meyer which he intended to submit with the application.

The current well is drilled to 390 feet deep (documentation attached with the application from invoice), less than the total aquifer depth in this area based on complete well logs from the local area shows an aquifer depth of 490 to 515 feet below land surface. As documented by Mr. Befort in the application (copy of invoice work order), prior to 2002, the well developed a hole in the casing. Rather than drilling a new well at that time, the owners installed a sleeve in the casing to plug the hole until they felt they needed to re-drill the well. K.A.R. 5-5-16(a)(3)(B) allows for KDA-DWR's interpretation of appropriate rate if the well is not in physical condition to represent the aquifer yield at that location and other reliable data is available to support determination of an appropriate aquifer yield flow rate for that location.

Because the well is over 43 years old, the current pump test from the current location is not representative of the aquifer yield at the local source of supply. Mr. Befort had three options to evaluate while he was contemplating an additional well and the aquifer yield at that location: 1) re-drill the well within 300 feet, gaining over 70' feet of saturated thickness and improved well hydraulics to achieve a rate up to the currently authorized 1310 gpm, 2) pull the pump and have Hydro Resources jet and clean the well to gain additional diversion rate, or 3) settle for the current tested flow rate with adjustment for the reduction in rate caused by the well casing sleeve. Mr. Befort chose the last option rather than spending several thousand dollars to produce a higher flow rate as he is legally entitled to. Mr. Befort's intention is to maintain the current well and pump it at a lower diversion rate to extend the life of the aquifer with two wells. With the DWR test rate at 998 gpm and the proposed additional 10% of rate (as recommended by Hydro Resources in consideration of the well casing sleeve), DWR finds that Mr. Befort's proposal meets the regulation.

2. With respect to your request for information regarding implementation of evaluations under K.A.R. 5-5-16 (f), we have not done any such evaluation for a water right that has been authorized an additional well as per K.A.R. 5-5-16 as we have received no complaints to precipitate such review. All additional wells include permit conditions retaining jurisdiction and reserving the right to review any such approval now and, in the future, if the need arises.
3. With respect to your information provided from GMD3's draft management program on supplemental wells and "chasing water", we certainly will support GMD3 as they seek to develop regulations to implement the such provisions in a well-reasoned and consistent manner. However, until this is done, applicants are entitled to consideration of their applications under the existing statutes, rules and regulations. The application is not proposing restoring pumping capacity but maintenance of such, which is allowed.

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4. With respect to your comments on direct impairment, based on our analysis, we have no evidence to substantiate direct impairment will be caused by approval of applicant's request and, as you are aware K.A.R. 5-5-16 requires that the following condition shall be placed of any additional well:

The application, therefore, is approved subject to the condition that for the sole purpose of administering wells concerning direct impairment, the additional wells shall be considered to have the priority of the date the application was filed to add the additional wells.

If direct impairment of any well with a priority senior to the date the change application is found, KDA-DWR will administer pumping of the additional well accordingly.

5. Finally, with respect to your question on economic limit criteria used by DWR in evaluating the potential for impairment, KDA-DWR relies on existing statutory and regulatory requirements, supplemented by our Theis analysis to evaluate the potential for impairment.

Brent A. Turney, P.G.
Kansas Department of Agriculture
Division of Water Resources
1320 Research Park Drive
Manhattan Kansas 66502
(785) 564-6645
Brent.Turney@ks.gov
www.agriculture.ks.gov

From: Mark Rude <mrude@gmd3.org>

Sent: Thursday, April 25, 2019 6:29 PM

To: Ireland, Leslie [KDA] <Leslie.Ireland@ks.gov>

Cc: Meyer, Mike [KDA] <Mike.Meyer@ks.gov>; Turney, Brent [KDA] <Brent.Turney@ks.gov>; Jason Norquest <norquest@gmd3.org>

Subject: FW: Recommendation for Change, File No. 27188

EXTERNAL: This email originated from outside of the organization. Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Leslie,

Thank you for the letter of April 23rd providing a revised change app to add the unpermitted well under Water Right, File No. 27,188 as a third well. Staff is currently reviewing the application and we plan to have the policy committee review it and agenda it at our May 8th meeting if possible. Several preliminary question have been identified for attention and additional information may exist to provide the requested information.

1. 5-5-16 is the statewide additional well rule with general water right administration provisions. Paragraph (a)(3) information may be missing from what you have provided. Specifically (A) total tested rates of the two existing wells or (B) Hydrologic Analysis... Do you have that information? Also, why was there a well sleeve factor used to adjust the well test?
2. Also, is there any available information in log or report form available to demonstrate the implementation of section (f) evaluations and whether they have ever occurred under this rule?
3. As a matter of information regarding the proposal prejudicing or unreasonably affecting the public interest, the Conservation section of the GMD3 draft management program language forwarded to the chief engineer contains the following general language on Supplemental (additional) wells:
 - a. **Supplemental wells and "chasing water."** Prohibiting adding additional wells to water rights or in use flexibilities between wells for the purpose of adding or restoring groundwater extraction capacity in declining aquifer supply has been a Board policy concern since the 1980's as being inconsistent with the district water conservation strategy. Additional wells to restore extraction capacity raises a "chasing water" concern of disproportionately adding water mining capacity and increasing projected rates of depletion into the future. As cautioned in the description of type (1) water conservation, improving use efficiency carries risk of added capacity to consume every drop of a declining aquifer supply and further reducing already declining supply to other water rights. Individual members may still favor a better management of allocations using additional well sites added to their base water right. Careful evaluation procedures are necessary to identify critical wells under such proposals to: conserve and protect the future local source of supply of prior water rights; preserve local water conservation effort benefits; preserve management program strategies and limits future adverse economic impacts from surprise administrative fiat resulting from impairment claims.
4. Concerning direct impairment in this case studied by DWR, we recognize the courts and DWR have relied in other cases on the following definition: "...when that [action] *diminishes, weakens, or injures the diversions of water under a prior right*" (Garetson Bros. v. Am. Warrior, Inc. , 51 Kan. App. 2d 370, 389, 347 P.3d 687 (2014), review denied (Jan. 25, 2016)). We would like to know if this definition is applicable in this case?
5. Also, the economic limit standard of 82a-711 has not been implemented by the chief engineer nor evaluated by the court, that we are aware. Are there any economic limit criteria used by DWR?

If you could respond to these questions and provide the needed additional information, it will help us provide an appropriate recommendation.

Thank you for your assistance,
Mark
Mark E. Rude, Executive Director
Southwest Kansas Groundwater Management District No. 3
2009 E. Spruce Street

FILE COPY

Garden City, KS 67846
O (620) 275-7147
C (620) 272-3001

From: Ireland, Leslie [KDA] <Leslie.Ireland@ks.gov>
Sent: Tuesday, April 23, 2019 2:54 PM
To: Jason Norquest <norquest@gmd3.org>
Cc: Meyer, Mike [KDA] <Mike.Meyer@ks.gov>; Turney, Brent [KDA] <Brent.Turney@ks.gov>
Subject: Recommendation for Change, File No. 27188

Jason,

Attached is a letter requesting the review and recommendation of the modified application for this file.

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

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

July 6, 2015

Southwest Kansas GMD No. 3
Board of Directors and Mark Rude
2009 East Spruce Street
Garden City, KS 67846-6352

Members of the Board and Mark,

Thank you for taking the time to meet with staff from the Kansas Department of Agriculture (KDA) and Kansas Water Office (KWO) in June. Our discussion on the topic of impairment was constructive and enlightening. As promised at that meeting, we have further discussed the questions and issues that we heard during the meeting and, where possible, identified potential actions to address concerns and reduce confusion. A summary of our internal agency discussion is included below and is organized by the primary points identified in the PowerPoint slide shared by Mark Rude in June.

1. *Differing views of the rights and priority of appropriation under the WAA and the GMD Act for organized groundwater areas.*

We acknowledge that there are differing views on priority, however the concept, as identified in statute, has provided clear direction to KDA in the administration of the act, and it appears to be clear to the courts.

That said, we recognize there is a need for more outreach and stakeholder interaction to reduce confusion and harmonize our collective understanding of what priority means in this prior appropriation state.

2. *Differing views of how the rights of priority of appropriation of local groundwater rights may change in processing a local change application.*

As we discussed at the June 4 meeting, we acknowledge that there is a difference between a prospective, procedural evaluation of likely impairment, such as must occur when a new permit or change is being processed, and a physical investigation and evaluation of a claim of actual impairment after a permit or change has been approved.

In the case of the prospective evaluation of change applications and especially changes in point of diversion, the agency relies on its rules, especially spacing rules, to determine whether a proposed change will impair an existing permitted use. The spacing rules have been relatively effective to date,

but they're not perfect and with the dewatering of the aquifer, we are getting more and more concerns from neighbors.

We believe that Kansas has sound, well-established, and well-tested statutes and regulations that avoid impairment and administer water rights if impairment occurs, but we believe it is time to look at whether we can allow more than short-moves in areas of declining water levels.

As in the first point, we see a strong need for more outreach and stakeholder interaction to increase awareness and understanding of the process to evaluate change applications.

We may also consider strengthening our rules to be more conservative and more rigorous when we process changes. One of the action items in the 50-Year Water Vision for Kansas is to limit changes in declining areas to 300 feet from the original point of diversion. When this limitation is implemented, the issue of water right changes causing impairment will likely become moot.

3. *Differing views of the need to obligate water right owners to participate in administrative actions that affect their rights to use Kansas water.*

During our June meeting, we heard frustration expressed regarding when an individual who is potentially affected by an action, like a new application or change to a water right, has the opportunity to participate in hearings, comment periods, or other public processes designed to engage the public in a community issue, but declines to involve themselves, and instead takes their grievances to court. We acknowledge that this may be frustrating but stand by a citizen's right to seek relief from the courts to protect their property from damage. Additionally, as you know, exhaustion of administrative remedies is not presently a requirement in disputes between water right owners.

One way to improve the level of community participation is to demonstrate and build a record proving that the process works to protect everyone's rights, from large irrigation rights to small domestic rights and everyone in between. If the process cannot be shown to satisfactorily protect all interests, then the process will be of little worth in avoiding litigation.

4. *Differing views of assurances that a water right is more than a state permit.*

Water rights are real property rights and senior rights are superior to junior rights. The date of priority determines the right to use water at any time the water supply cannot provide water to all of the water rights in an area. These tenets of Kansas water law have been upheld by the agency and the court system time and again. This may be another opportunity for outreach and stakeholder involvement.

5. *Differing views of how the rights of priority of appropriation is incorporated in management programs for the Ark River, LEMA limits administration or other water management programs adopted to protect the public interest.*

We understand the concern and question here to be whether someone in, or perhaps just outside, a special management area like a LEMA, WCA, IGUCA, etc., should be able to make a claim of impairment against a water right that is participating in the special management area. This is much like the issue in #3 above. Even though the enacting legislation and the agency's regulations are carefully crafted to protect the public interest, and even though we would all prefer that the process to establish the special management area would address any concerns of participating or nearby water right holders,

there is no such guarantee, and all property right owners are entitled to relief from harm through the court system.

6. *Limited public and court knowledge of actions of the agency that may affect stakeholders.*

KDA seeks to be as transparent and informative as possible with all actions of the agency. Our discussion identified an opportunity to increase transparency with the information we use to investigate and analyze impairment claims. If KDA is ordered to act as referee in a court case of water right impairment, we will provide, as part of our report to the court, the following information:

- a. KDA-DWR regulations on impairment
- b. GMD management plan (if applicable) and any management actions specific to the area of concern

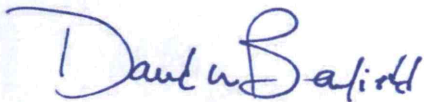
7. *Water right owners retain an independent right to seek injunctive relief from "impair" based solely on first in time claim.*

Yes, this is specifically reserved in statute for the protection of water right holders. Again, water rights are real property rights and property right holders are entitled to seek relief/protection from harm to their property through the courts.

We appreciate the GMD3 board's interest in understanding how impairment fits into the agency's processes to consider, create, manage, and protect Kansas water rights, and that the board needs to understand the facts upon which they are basing their recommendations. We also appreciate that water right owners need to know what kinds of risks they're being exposed to when they apply for a new water right or consider changing an existing water right.

Our challenge is to increase awareness and understanding of the agency's processes and their underlying statutes and regulations so that water right owners, or prospective water right owners, have the information they need to make the best decisions they can for their businesses and livelihoods. To that end, we want to continue to meet with your board and the other GMD boards, and engage the community of water rights stakeholders in general on the topic of impairment and a host of other water rights issues. We are working to develop and implement a statewide outreach plan in the coming months. We look forward to continuing to work with our partners to best manage our invaluable water resources for the benefit of all Kansans.

Sincerely,



David W. Barfield
Chief Engineer



Jackie McClaskey
Secretary of Agriculture

C:
Tracy Streeter, Director, KWO

FILE COPY

D. Engelhaupt, E.I.
 KDA-DWR
 5/6/2019

This analysis for File No. 27,188

A This analysis was used to evaluate the impacts of a change in point of diversion for File No. 27,188. The net impact of the change at a nearby domestic well and a point of diversion authorized by File No. 24,754 was evaluated. The assumed transmissivity (3,681.5 ft²/day) and storage coefficients (0.02664) are from a seasonal aquifer test analyzed by John Munson, KDA-DWR (Attachment A). The drawdown under the requested rate and quantity was compared to both currently authorized quantity and historic average use (2003-2017) at currently authorized rate. When compared to historic use (average 2008-2017), the proposed change decreases drawdown by 1.86 feet at the domestic well and increases drawdown by 2.60 feet at the point of diversion authorized by File No. 24,754. When compared to currently authorized, the proposed change decreases drawdown by 3.14 feet at the domestic well and increases drawdown by 1.45 feet at the point of diversion authorized by File No. 24,754.

Table 1: This analysis of drawdown at the domestic well compared to historic use.

Pumping Well ¹	Rate ² (gpm)		Volume ³ (AF)		Distance ⁴ (ft)	Drawdown ⁵ (ft)		Change in Drawdown ⁶	
	Base.	Prop.	Base.	Prop.		Base.	Prop.	Feet	% of ST ⁷
ID #2	1,310	650	491	300	1,369	20.07	11.11	-8.96	-7.49 %
ID #5	690	690	152	171	4,808	2.82	3.15	0.33	0.28 %
New Well	0	450	0	236	2,052	0.00	6.77	6.77	5.74 %
			643	707	Net:	22.89	21.03	-1.86	-1.55 %

T = 3,681.5 ft²/day; S = 0.02664

¹Sequence within section of the pumping well. Pumping well is authorized by File No. 27,188

²Pumping rate. Assumes authorized rate.

³Volume pumped. For baseline scenario this is the average use 2003-2017. For ID #5 use on ID Nos. 1 and 3 is included.

⁴Distance between the pumping well and the nearby domestic well

⁵Maximum drawdown after 50-years of pumping cycles under the assumed conditions.

⁶Difference in maximum drawdown between proposed and baseline scenarios.

⁷Difference in maximum drawdowns expressed as percentage of the 2066 saturated thickness as projected by the GMD No. 3 model

Table 2: This analysis of drawdown at the domestic well compared to currently authorized.

Pumping Well ¹	Rate ² (gpm)		Volume ³ (AF)		Distance ⁴ (ft)	Drawdown ⁵ (ft)		Change in Drawdown ⁶	
	Base.	Prop.	Base.	Prop.		Base.	Prop.	Feet	% of ST ⁷
ID #2	1,310	650	536	300	1,369	21.02	11.11	-9.91	-8.28 %
ID #5	690	690	171	171	4,808	3.15	3.15	0.00	0.00 %
New Well	0	450	0	236	2,052	0.00	6.77	6.77	5.64 %
			643	707	Net:	24.17	21.03	-3.14	-2.63 %

T = 3,681.5 ft²/day; S = 0.02664

¹Sequence within section of the pumping well. Pumping well is authorized by File No. 27,188

²Pumping rate. Assumes authorized rate.

³Volume pumped is authorized.

⁴Distance between the pumping well and the nearby domestic well

⁵Maximum drawdown after 50-years of pumping cycles under the assumed conditions.

⁶Difference in maximum drawdown between proposed and baseline scenarios.

⁷Difference in maximum drawdowns expressed as percentage of the 2066 saturated thickness as projected by the GMD No. 3 model

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Table 3: This analysis of drawdown at File No. 24,754 compared to historic use.

Pumping Well ¹	Rate ² (gpm)		Volume ³ (AF)		Distance ⁴ (ft)	Drawdown ⁵ (ft)		Change in Drawdown ⁶	
	Base.	Prop.	Base.	Prop.		Base.	Prop.	Feet	% of ST ⁷
ID #2	1,310	650	491	300	4,039	10.00	5.92	-4.08	-3.41 %
ID #5	690	690	152	171	4,038	3.28	3.65	0.37	0.31 %
New Well	0	450	0	236	2,344	0.00	6.31	6.31	5.27 %
			643	707	Net:	13.28	15.88	2.60	2.17 %

T = 3,681.5 ft²/day; S = 0.02664

¹Sequence within section of the pumping well. Pumping well is authorized by File No. 27,188

²Pumping rate. Assumes authorized rate.

³Volume pumped. For baseline scenario this is the average use 2003-2017. For ID #5 use on ID Nos. 1 and 3 is included.

⁴Distance between the pumping well and the well authorized by File No. 24,754

⁵Maximum drawdown after 50-years of pumping cycles under the assumed conditions.

⁶Difference in maximum drawdown between proposed and baseline scenarios.

⁷Difference in maximum drawdowns expressed as percentage of the 2066 saturated thickness as projected by the GMD No. 3 model

Table 4: This analysis of drawdown at File No. 24,754 compared to currently authorized

Pumping Well ¹	Rate ² (gpm)		Volume ³ (AF)		Distance ⁴ (ft)	Drawdown ⁵ (ft)		Change in Drawdown ⁶	
	Base.	Prop.	Base.	Prop.		Base.	Prop.	Feet	% of ST ⁷
ID #2	1,310	650	536	300	4,039	10.78	5.92	-4.86	-4.06 %
ID #5	690	690	171	171	4,038	3.65	3.65	0.00	0.00 %
New Well	0	450	0	236	2,344	0.00	6.31	6.31	5.27 %
			643	707	Net:	14.43	15.88	1.45	1.21 %

T = 3,681.5 ft²/day; S = 0.02664

¹Sequence within section of the pumping well. Pumping well is authorized by File No. 27,188

²Pumping rate. Assumes authorized rate.

³Volume pumped is authorized.

⁴Distance between the pumping well and the well authorized by File No. 24,754

⁵Maximum drawdown after 50-years of pumping cycles under the assumed conditions.

⁶Difference in maximum drawdown between proposed and baseline scenarios.

⁷Difference in maximum drawdowns expressed as percentage of the 2066 saturated thickness as projected by the GMD No. 3 model

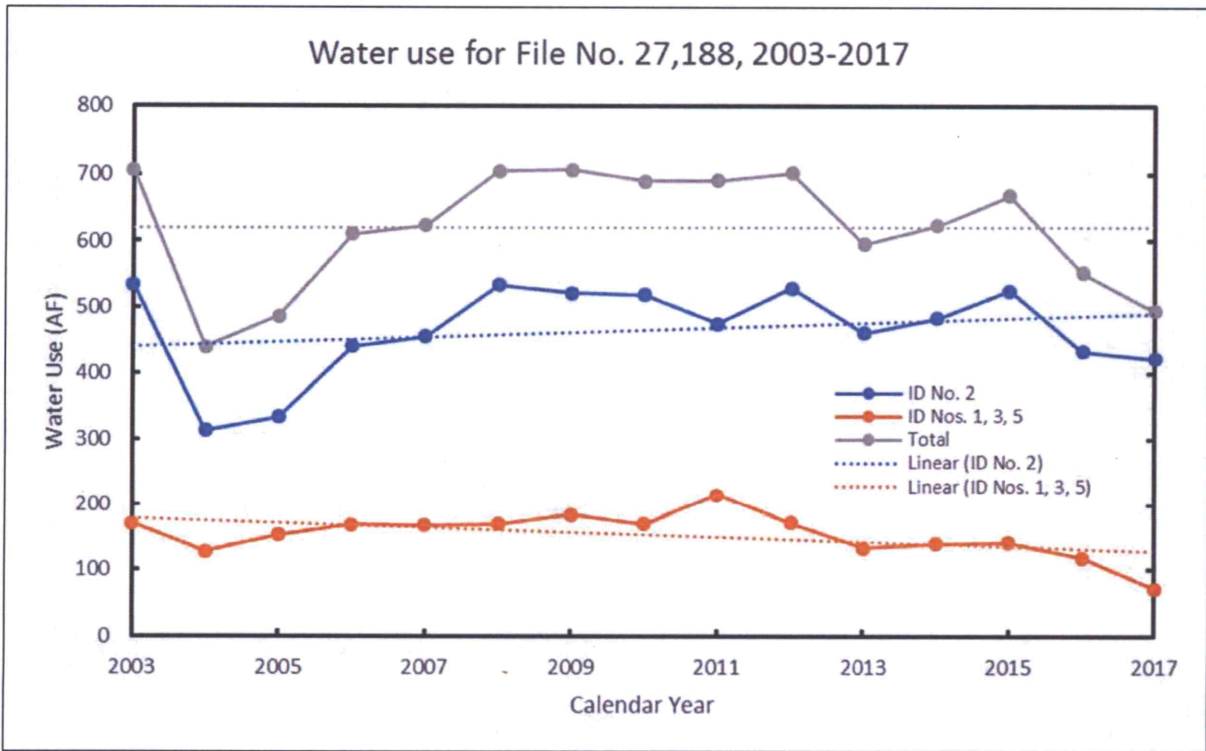


Figure 1: Historic water use on File No. 27,188, 2003-2017

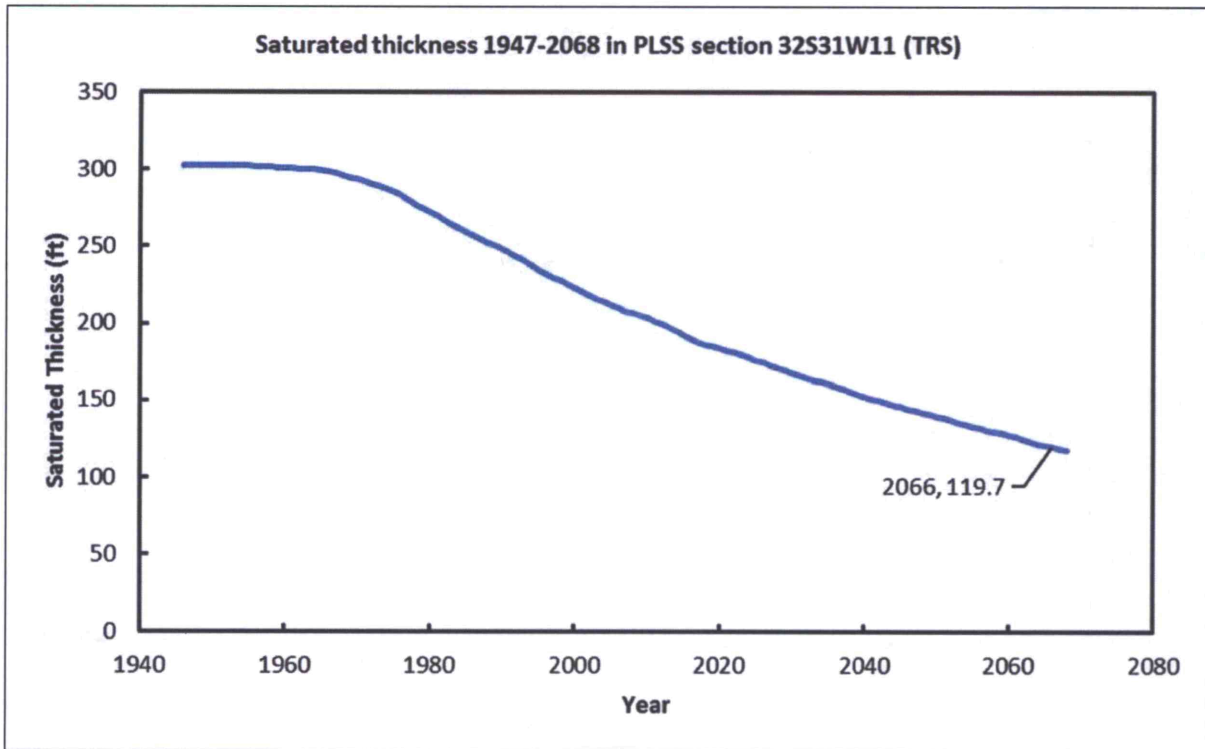


Figure 2: Modeled saturated thickness, 1947-2068

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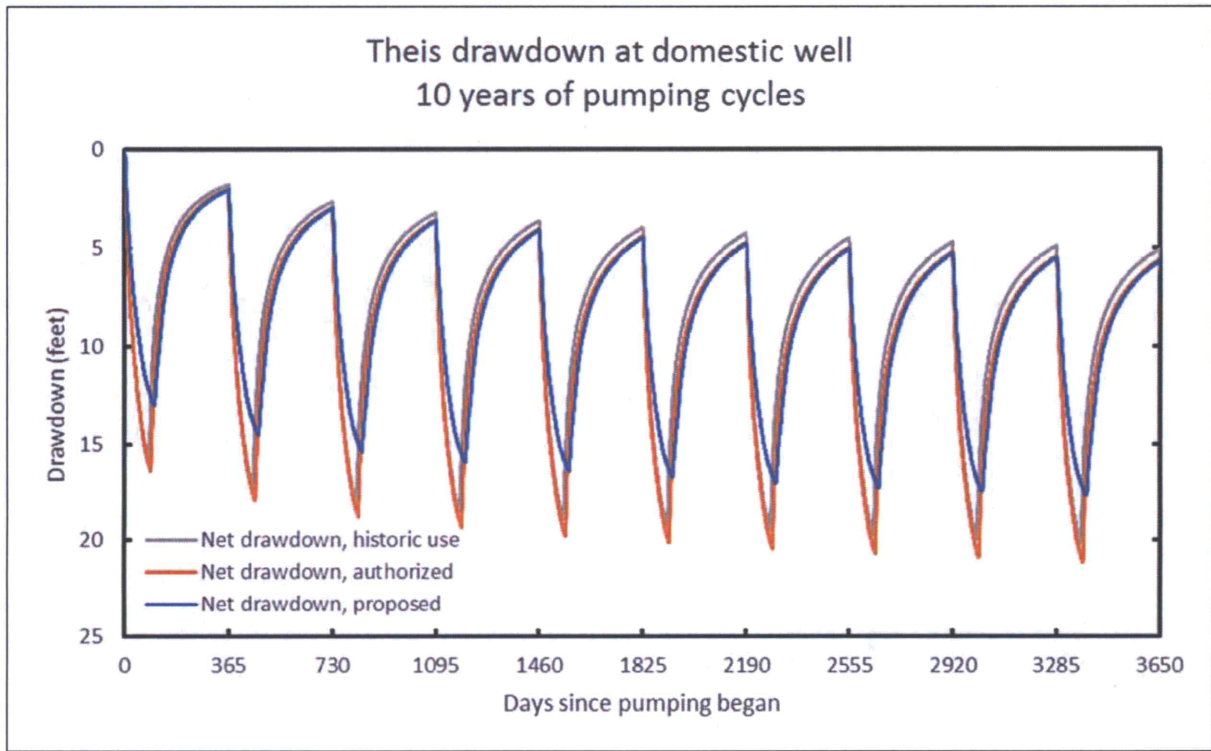


Figure 3: This drawdown at the domestic well for the first 10 years of pumping cycles

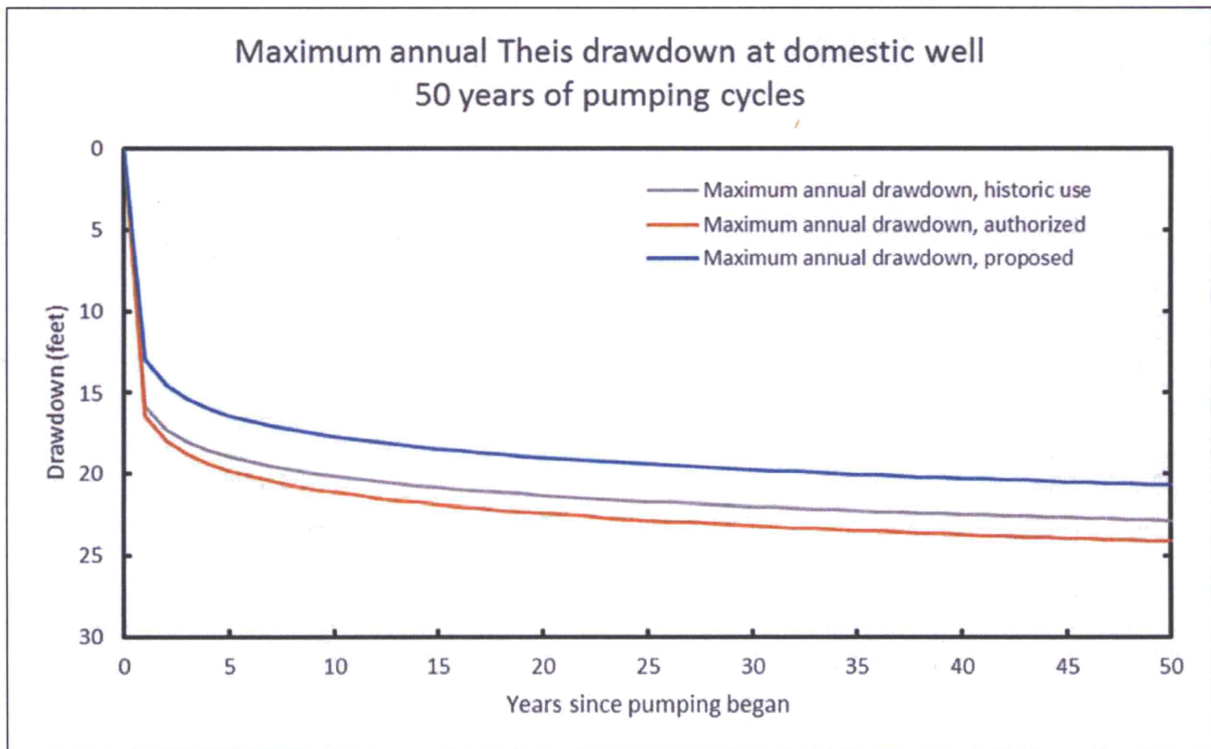


Figure 4: Maximum annual This drawdown at the domestic well for 50 years of pumping cycles

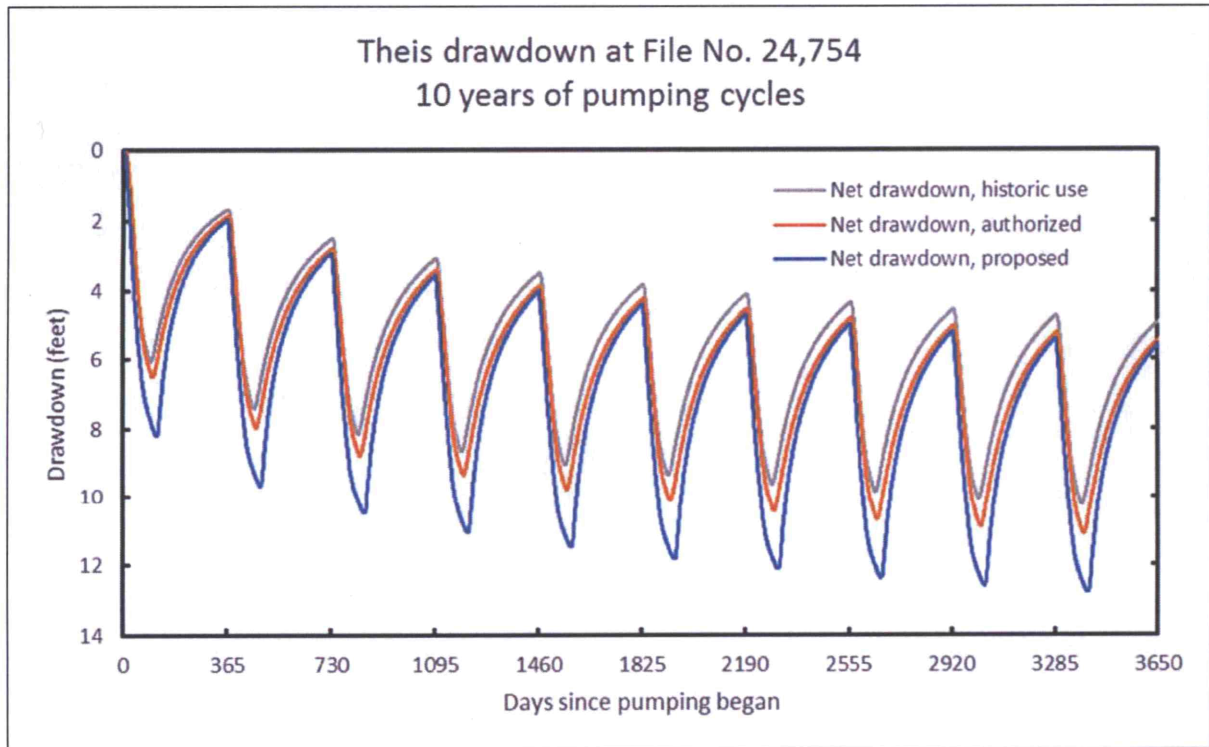


Figure 5: This drawdown at File No. 24,754 for the first 10 years of pumping cycles

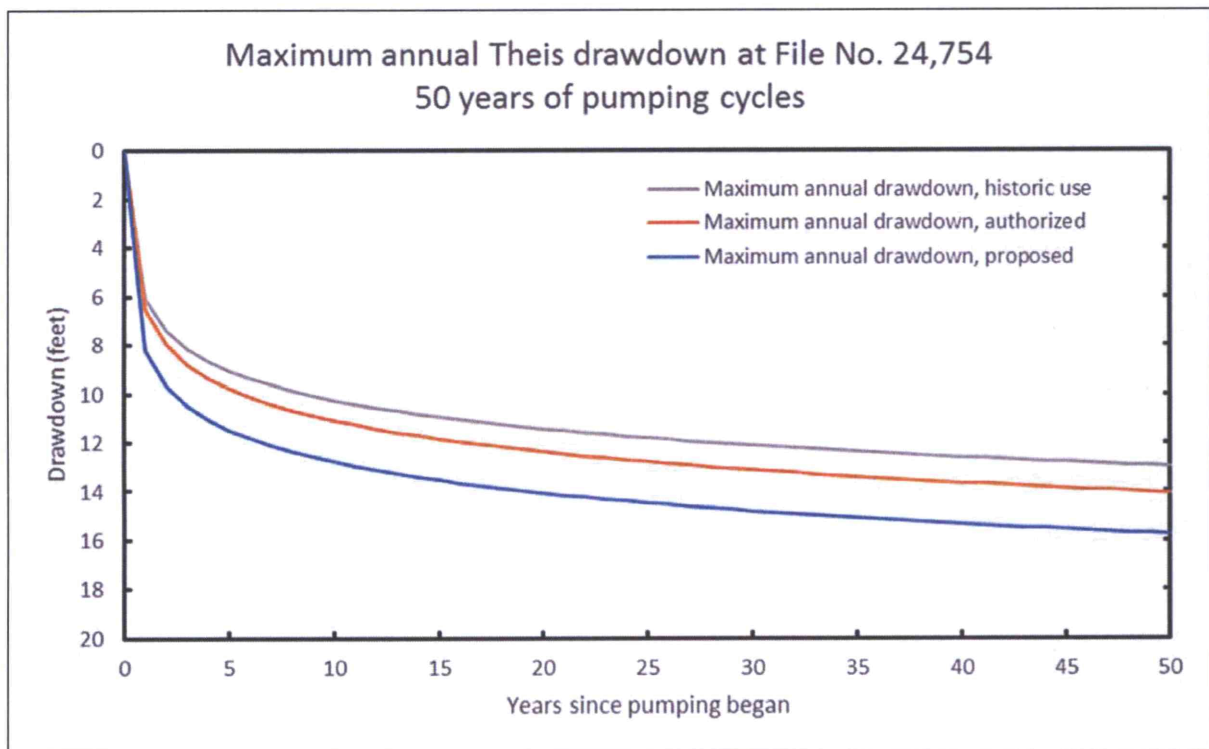


Figure 6: Maximum annual This drawdown at File No. 24,754 for 50 years of pumping cycles

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References:

Kansas Geological Survey. Ground-Water Model for Southwest Kansas Groundwater Management
District No. 3. KGS Open File Report 2010-18. 2010.

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Seasonal Aquifer Test Proposed Change in Point of Diversion John Borth, Clayton and Sharon Befort File No. 27,188

April 10, 2017 a change in point of diversion for Water Right, File No. 27,188 was filed for a new well for owners Clayton and Sharon Befort and operator John Borth. The new irrigation well is significantly closer to neighboring irrigation well Water Right, File No. 24,754 owned by Darrell Langhofer and to a domestic house well of Scott and Trudy Reiss. Written concerns were received from both parties. The new irrigation well has already been drilled and the chief engineer decided to require an observation well drilled near the new irrigation well so a seasonal aquifer test could be conducted to determine present aquifer properties for the best analysis of potential drawdowns at the complainant's wells. During the 2018 irrigation season data was collected from neighboring irrigation wells for analysis using AQTESOLV¹ to determine aquifer properties. The seasonal aquifer test was conducted by Kansas Department of Agriculture, Division of Water Resources, Technical Services.

An aquifer transmissivity of $T = 27,538$ gallons per day per foot ($3,681.5 \text{ ft}^2/\text{day}$) and a storage coefficient $S = 0.02664$ was determined using AQTESOLV. **Figure 1.**

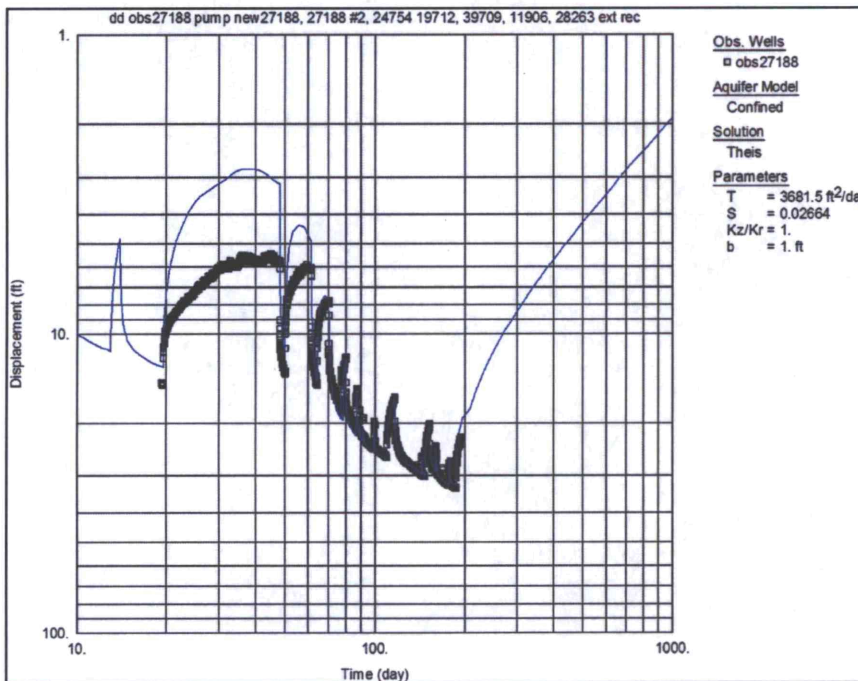


Figure 1 – Curve matching observation well data in black with This solution in blue using AQTESOLV.

¹ AQTESOLV is a registered trademark of ARCADIS Geraghty & Miller, Inc. and is an aquifer test analysis software developed and sold by HydroSOLVE, Inc. Kansas Department of Agriculture, Division of Water Resources uses AQTESOLV to determine aquifer properties from a aquifer test data.

All seven irrigation wells operated within one mile of the new well were monitored in 2018. **Figure 2.** Water meters were read periodically by field staff. Water level transducers with data loggers were installed at the new irrigation well 27,188, irrigation well 24,754 to the north, and irrigation well 11,906 to the southeast. Water meter monitoring equipment was installed at the nearest irrigation well 27,188 to the southeast to record pumping. Water level transducers with data loggers were also installed in four well casings not being pumped to the east to record water levels at those locations. The aquifer test was based on water level changes at the observation well near the new irrigation well 27,188 and pumping data from the seven irrigation wells. Water level in the well casing labeled "th 3 ne" in Figure 2 outside of the red one-mile circle appeared to be influenced by wells to the north and northeast, not shown in Figure 2, as were well casings labeled "th 4 nw" and "cas27188 #5". Water level at well casing labeled "cas27188 #3" appeared to be influenced from area well pumping but the casing may be partially clogged in the lower formations making it not useful for aquifer test analysis.



Figure 2 - New irrigation well 27,188 located in the center of the red one-mile circle. The star to lower right of the new well represents the observation well located 89 feet to the southeast. Farther to the lower right is the other irrigation well 27,188 operated in 2018. The five other irrigation wells operated and monitored in 2018 were 24,754 to the north, 28,263 to the west, 19,712 to the southwest, 39,709 to the south and 11,906 to the southeast. Water levels were monitored at the other four well casing locations to the east labeled "th 4 nw", "th 3 ne", "cas27188 #5", and "cas27188 #3". The Reiss domestic well located in the ne $\frac{1}{4}$, ne $\frac{1}{4}$, ne $\frac{1}{4}$ of Section 15, Township 32 South, Range 31 West, is to the south of the new irrigation well 27,188 and is between irrigation wells 19,712 and 27,188.

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Well logs were available for five of the seven irrigation wells. Plotting lithologic data in the same chart according to elevation shows all wells were screened in the same elevations. Three well logs were for wells that had water level transducers and data loggers installed so the deepest pumping levels observed could be observed. Water levels in new well 27,188 and neighboring Langhofer well 24,754 both reached about the same pumping depth and appeared to be near the bottom of the primary yielding sand and gravel formation. The Langhofer well appeared to have about 80 feet of screened sandy clay and clayey sand formations between the pumping level and shale. **Figure 3.**

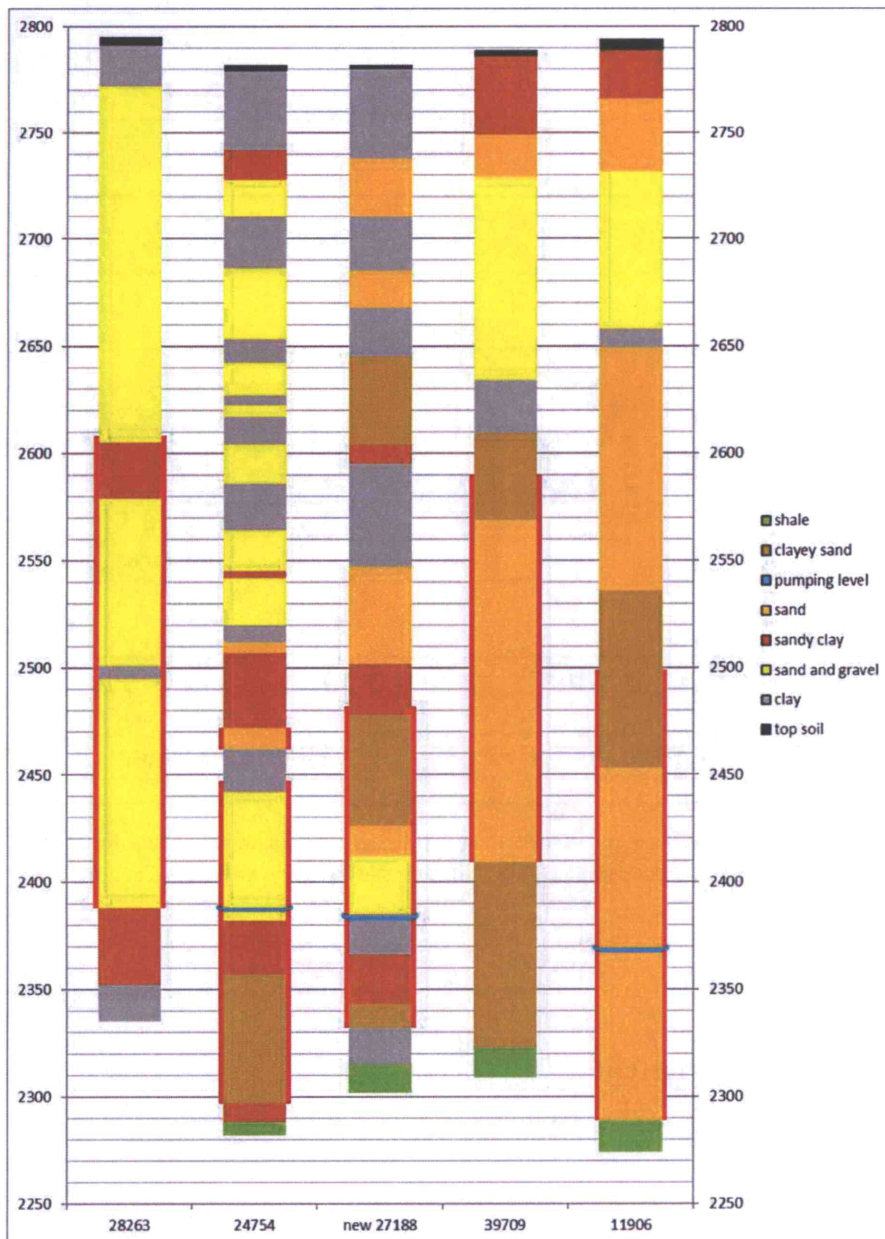


Figure 3 – Lithologic plots of well log data for irrigation wells with available well logs. Deepest pumping levels observed shown as blue lines are near the bottom of the sand and gravel formations in the new well 27,188 and the neighboring Langhofer well 24,754. There appears to be about 80 feet of sandy clay and clayey sand formations between the pumping level and shale in the Langhofer well 24,754 and only 34 feet in the new irrigation well 27,188.

Drawdown at the observation well 89 feet from the new irrigation well 27,188 was used to determine aquifer properties. Area water level was recovering from previous season pumping at the time of first pumping in 2018 so measured water level recovery was extended into the 2018 season to determine total water level drawdown due to pumping. Drawdown was measured from the extended recovery water level rather than from the initial water level when pumping first started. **Figure 4.**

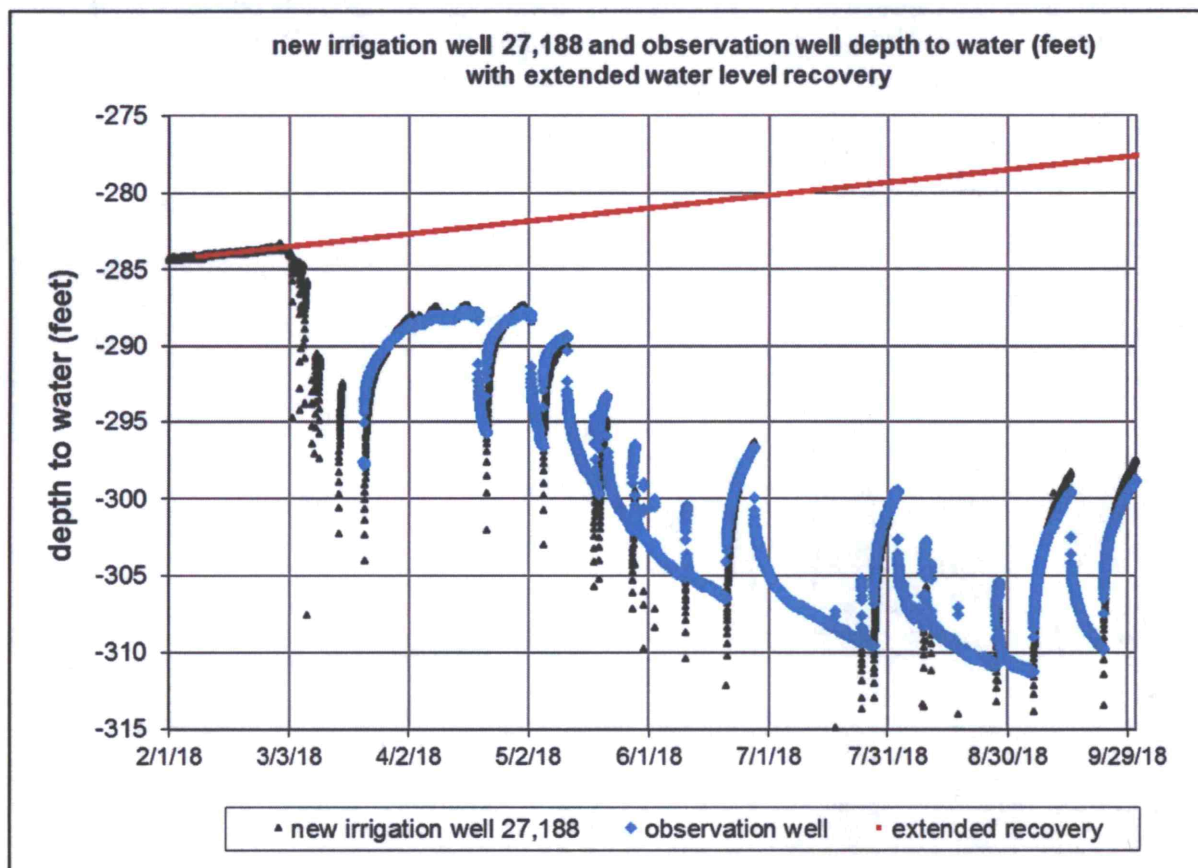


Figure 4– Plots of depth to water at the observation well and the extended recovery used to compute drawdown for aquifer test analysis. The observation well was drilled after seasonal pumping began so extended recovery was determined from water level changes at new irrigation well 27,188.

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

November 1, 2018

FILE COPY

Ireland, Leslie [KDA]

From: Barfield, David [KDA]
Sent: Friday, May 17, 2019 4:18 PM
To: Mark Rude; Bret Rooney (bret.rooney@yahoo.com) (bret.rooney@yahoo.com)
Cc: Turney, Brent [KDA]; Ireland, Leslie [KDA]; Letourneau, Lane [KDA]; Beightel, Chris [KDA]; Meyer, Mike [KDA]
Subject: FW: Befort letter
Attachments: 2019.5.14_Befort Hearing Letter.pdf

Mark and Bret,

Please see the attached.

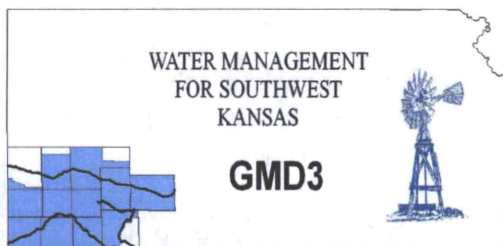
As I indicated in the attached, I would appreciate the opportunity to visit with the Board at your next meeting to discuss this matter.

Thanks.

David

David W. Barfield, P.E.
Chief Engineer
Kansas Department of Agriculture, Division of Water Resources
1320 Research Park Drive, Manhattan, KS 66502
David.Barfield@ks.gov
785-564-6670
<http://agriculture.ks.gov/dwr>
<http://agriculture.ks.gov/dwr-updates>
<https://twitter.com/KSChiefEngineer>

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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

May 10, 2019
(VIA e-mail)

Leslie Ireland
Division of Water Resources
Kansas Department of Agriculture
1320 research park drive
Manhattan Kansas 66502

WATER RESOURCES
RECEIVED

MAY 13 2019

KS DEPT OF AGRICULTURE

RE: Befort additional well change application,
Water Right, File No. 27,188.

Dear Leslie,

This letter is to provide the boards recommendation and review material for the above referenced application. The letter from DWR allowing 15 days to submit the recommendation concerning this application was received on April 23, 2019. Our request for more time to conduct new well evaluations based on new proposal elements and to follow our fact-finding review process was denied except for two additional days. Based on the denied request for the needed review time, the boards application review process had to be abandoned and only available information was collected for a board review on May 8, 2019.

During the review, the board considered available facts and had many unanswered questions or answers in dispute between parties attending the board meeting. The GMD3 well evaluations that included critical wells indicating impairment concerns were reviewed along with other information. There appears to be information indicating that statute and rule standards may not be met for this application. A review of the statewide additional well rule prepared by GMD3 staff also occurred. Both well evaluation and rule review are included with this letter along with the well evaluation guidelines for reference.

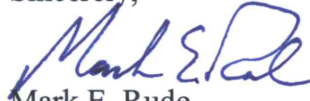
Board intent is to learn and to advise the members and the chief engineer on such matters prior to agency action. It is noteworthy that DWR has responded to site specific data, observation GMD3 questions and impairment concerns with the following: *"With respect to the impairment evaluations in our application decisions under K.S.A. 82a-706b and 711, much of that evaluation is done pursuant to statewide and GMD regulations. In the case of the declining Ogallala, statewide rules are supplemented by the Theis evaluation. We feel that the GMD has had sufficient time to review the application. Therefore, we respectfully deny your request for additional time. The application meets existing regulations, including a finding by KDA-DWR that there is no evidence that impairment will occur in the future."* GMD3 found otherwise. The obvious two questions raised by the DWR conclusion for the declining local supply with existing dry wells is by what standard did DWR define impairment and find this conclusion for this statutory review and what is the significance of the discovery of critical wells by GMD3 that will directly suffer the results of an approved proposal.

SCANNED

From Wednesday's (05/08/19) board discussion, the board elected to follow the additional well review and recommendation and request an orderly administrative hearing be conducted to sort out the divergent conclusions of DWR, GMD3 and other parties that may participate. Though more time for GMD review process to evaluate aquifer site specifics and policy were deemed not necessary in the opinion of DWR, it is the recommendation of the board that a hearing be conducted for orderly and transparent fact finding, discovery, determinations and conclusions of law.

Thank you for receiving this recommendation as summarized in the Additional well rule review. Please let us know if you have any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "Mark E. Rude".

Mark E. Rude
Executive Director

Attachments

Befort, 27,188 additional well change application review by GMD3

5/7/19 GMD Staff review of the statewide additional well rule.

Rule is in black font with [staff comment in blue font] & GMD3 staff recommendation in red.

K.A.R. 5-5-16. Additional wells. (a) *An application to change a point of diversion by adding an additional point of diversion to divert groundwater, by either constructing a new well or moving a portion of a water right to a well that has previously been authorized by the chief engineer, shall not be approved unless the application meets the following requirements:*

[GMD Staff comment: The statewide rule section (a) is written to prohibit approval of additional wells unless rule provisions are met. So even if all provisions of the rule are met, there is no rule requirement to approve an additional well application. This is different than the view communicated by DWR staff that somehow meeting the rule provisions is an adequate basis or demonstration of meeting other statutory provisions of review under the law. Any actual compliance with this rule alone would not be a reasonable basis for application approval.]

(1) Each proposed point of diversion shall meet the requirements of K.S.A. 82a-708b, and amendments thereto, and any applicable regulations adopted by the chief engineer.

[K.S.A. 82a-708b provides the sole legal authority for making changes to any existing water right. (a) *Any owner of a water right may change the place of use, point of diversion or the use made of the water, provided such owner shall:*

(1) Apply in writing to the chief engineer for approval of such proposed change,

(2) Demonstrate to the chief engineer that any proposed change is reasonable and will not impair existing rights.

(3) Demonstrate to the chief engineer that any proposed change relates to the same local source of supply as that to which the water right relates.

(4) ... The chief engineer shall approve or reject the application for change in accordance with the provisions and procedures prescribed for processing original applications to appropriate water

If a water right is to be changed pursuant to K.S.A. 82a-708b, the provisions for processing a new application to appropriate water, found at K.S.A. 82a-708a, 82a-709 through 714, and the appropriate regulations must also be followed.

The Chief Engineer must consider various factors in approving the applicants proposal.

Among other things, K.S.A. 82a-711(a) provides,

"If a proposed use neither impairs a use under an existing water right nor prejudicially and unreasonably affects the public interest, the chief engineer shall approve all applications for such use made in good faith in proper form which contemplate the utilization of water for beneficial purposes, within reasonable limitations "

Subsection (b) provides:

"In ascertaining whether a proposed use will prejudicially and unreasonably affect the public interest, the chief engineer shall take into consideration:

(1) established minimum desirable streamflow requirements;

(2) the area, safe yield and recharge of the appropriate water supply;

- (3) the priority of existing claims of all persons to use the water of the appropriate water supply;*
- (4) the amount of each claim to use water from the appropriate water supply; and*
- (5) all other matters pertaining to such question.”*

[Note: The Chief Engineer has indicated this provision (5) mandated consideration of the GMD3 management program is contrary to Kansas law. GMD3 opinion is that provision (5) shall include the GMD3 management program and recommendations as part of “all other matters pertaining to such question.”]

Subsection (c) of K.S.A. 82a-711 concludes:

With regard to whether a proposed use will impair a use under an existing water right, provides that impairment shall include: the unreasonable raising and lowering of the static water level or the unreasonable increase or decrease of the streamflow or the unreasonable deterioration of the water quality at the water user's point of diversion beyond a reasonable economic limit.

So, by combining the provisions of K.S.A. 82a-708b and K.S.A. 82a-711, if a water right owner proposes a change to an existing water right, the burden is on the owner of the water right to demonstrate to the chief engineer that the proposed change:

- (1) Is reasonable,*
- (2) Will not impair existing water rights [meaning all water rights, permits, and applications with a priority date senior to the change application (senior water rights) not just those water rights that are senior to the original priority,*
- (3) Will not prejudicially and unreasonably affect the public interest [includes the GMD3 management program],*
- (4) Will not cause an unreasonable raising and lowering of the static water level,*
- (5) Will not cause an unreasonable increase or decrease of the streamflow,*
- (6) Will not cause the unreasonable deterioration of the water quality beyond a reasonable economic limit,*
- (7) Will withhold from appropriation that amount of water necessary to establish and maintain for the identified watercourse the minimum desired streamflow.*

The Chief Engineer must fully employ or consider this analysis in reaching a conclusion at the time of administrative review of the application for final agency action. The lack of adequate demonstration of these factors may require a modification or denial of the applicant's proposal.

To appropriately apply the GMD3 well evaluation guidelines and calculations into a meaningful “711” evaluation for the applicant and other members under the above review considerations, and in light of the objections of the change by local members, GMD3 has asked DWR for the proper definition of impairment to apply in this case where DWR has studied the local aquifer hydrology. DWR has responded commenting they consider only well-to-well interaction and therefor impairment is not a factor.

GMD3 staff does not understand this response and requested clarification in light of the common knowledge that direct well-to-well interactions is demonstrated in both DWR and GMD3 This

calculations and well evaluations, and local wells have gone dry and the continued declining local aquifer supply makes impairment a guaranteed condition and insufficient supply an unavoidable factor that is a question that appears to be avoided by DWR. The findings of critical well conditions under the GMD3 well evaluation guidelines raise impairment concerns as an eminent condition of the additional well application and therefore the necessity for a full impairment evaluation employed or considered in reaching a conclusion under the additional well rule part 5-5-16(a)(1). Thus, a reasonable description of what impairment entails is needed and appropriate for the required impairment consideration. GMD3 continues to ask for one.

The only definition GMD3 currently has available for use as adopted and sustained by the courts and in use by the Chief Engineer administratively within GMD3 as the basis for curtailing pumping and evaluating well-to-well effects is from the Black's law dictionary definition: **when that [action] diminishes, weakens, or injures the diversions of water under a prior right.** (Garetson Bros. v. Am. Warrior, Inc., 51 Kan. App. 2d 370, 389, 347 P.3d 687 (2014), review denied (Jan. 25, 2016)) and associated administrative curtailment of nearby wells.

Economic limit evaluations have not been implemented by the chief engineer nor evaluated by the Kansas courts. DWR recently provided this view to a GMD3 request:

“With respect to your question on economic limit criteria used by DWR in evaluating the potential for impairment, KDA-DWR relies on existing statutory and regulatory requirements, supplemented by our Theis analysis to evaluate the potential for impairment.”

DWR has not disclosed what other existing statutory and regulatory requirements they are referring to satisfy this statutory requirement. The only available implementation known to GMD3 staff for this required evaluation exists in the GMD3 well evaluation guidelines, which calculations for this change application have yielded critical well concerns.

The adopted Black's Law definition of impairment, if that is the definition to use, certainly appears to raise immediate concern for the calculated well-to-well effects of the additional well application under present conditions. They demonstrate a genuine impermeant concern for the additional well application in the proposal aquifer setting. So, section (a)(1) of the additional well application appears to not be met.]

(2) The total maximum quantity of water authorized to be diverted each calendar year by the original well or wells, and the additional well or wells, shall not exceed any of the following limits:

- (A) The maximum annual quantity of water that has been perfected;
- (B) the maximum annual quantity of water authorized to be diverted before approval of the change; or
- (C) the maximum consumptive use of water during the perfection period as required by K.A.R. 5-5-3 and as specified in either of the following:
 - (i) If the water right authorizes the use of water for irrigation use, the consumptive use of water shall be presumed to not be increased in violation of K.A.R. 5-5-3 if the maximum annual

quantity requested does not exceed the quantity in acre-feet calculated by use of the following formula: multiply the maximum number of acres legally irrigated in any one year during the perfection period by the 80 percent chance net irrigation requirements (N.I.R.), as specified in K.A.R. 5-5-12 expressed in acre-feet, and divide that number by a delivery efficiency of 0.85; or

[GMD3 Note: rule 5-5-16(a)(2) condition is met under the change application as consumptive use calculation is greater than the annual quantity that is proposed]

(ii) if the water right authorizes the use of water for irrigation and an additional well or wells are authorized for a beneficial use of water that is not irrigation, the consumptive use of the portion of the water right used for irrigation shall be determined as specified in paragraph (a)(2)(C)(i). The non-irrigation portion of the water right available for diversion shall be determined as specified in K.A.R. 5-5-9 and K.A.R. 5-5-10.

(3) The total maximum rate of diversion that may be authorized for the original well or wells and the additional well or wells shall not be greater than the total maximum rate of diversion that could have been diverted from the original well or wells if they were currently being replaced by new wells at substantially the originally authorized location or locations in the same local source of supply. The maximum rate of diversion be one of the following:

(A) The total rate of diversion based on a current water flow rate test done on the point or points of diversion; or

[GMD3 Note: Requirement not met under the plain language of the rule. A flow test and evaluation are included for one of the two authorized wells (SW well) but not for the east well as required by this regulation section. DWR has stated;

“The application is not proposing restoring pumping capacity but maintenance of such, which is allowed [under the rule.”

However, not all of the present pumping capacity under the water right has been tested to evaluate this provision. GMD3 staff have requested the missing information from DWR and were informed the applicant elected not to do a test and DWR will not be required it. So, there appears to be insufficient information to evaluate section (a)(3) of the rule. Additionally, the test was conducted in March of the year under ideal aquifer conditions that may not be sustainable on average through the year. The aquifer evaluations of DWR provided on Monday, May 6, 2019 may provide additional opportunity to evaluate what can actually be sustained using the amended aquifer report]

(B) a value resulting from a hydraulic analysis, which may include rate tests, pump tests, and water level data, submitted by the applicant and acceptable to the chief engineer based on the veracity of its data and its proper application of scientific principles, showing the current capacity of the aquifer to yield water at the currently authorized point or points of diversion.

(4) A condition shall be placed on the approval of the application for change authorizing the additional well or wells that provides that, for the sole purpose of administering wells concerning direct impairment, the additional well or wells shall be considered to have the priority of the date the application was filed to add the additional well or wells.

[GMD3 staff note: Though not a bad provision in concept, there is some question whether this provision of the rule is lawful under K.S.A. 82a-708(b) based on prior correspondence from DWR to that effect. DWR indicated this to a proposed rule reply to the GMD3 board regarding a duplicate provision in a Long Move draft regulation proposed after the additional well rule was in place, stating this provision is not consistent with the preservation of priority in K.S.A.82a-708(b) and therefor illegal.]

(b) The applicant shall submit the following information:

- (1) A well completion log of the currently authorized well or a stratigraphic log of a test hole located within 300 feet of the currently authorized well;
- (2) the depth of the currently authorized well;
- (3) the current depth to the static water level of the currently authorized well;
- (4) a stratigraphic log of a test hole located within 300 feet of the proposed location of each of the proposed additional well or wells; and
- (5) any additional information that the chief engineer may require to understand the nature of the proposed additional well or wells.

(c) The proposed additional well or wells shall meet one of the following conditions:

- (1) Meet the well spacing requirements to all other wells with a priority earlier than the date on which the change application was filed; or
- (2) demonstrate by a hydraulic analysis, which may include rate tests, pump tests, and water level data, as submitted by the applicant and acceptable to the chief engineer based on the veracity of its data and its proper application of scientific principles, that the approval of an additional well within 300 feet of a currently authorized well location, or within the geographic center of a currently authorized battery of wells, will neither impair any water rights senior to the date on which the application for change was filed nor prejudicially affect the public interest.

(d) Each point of diversion authorized by an approval of an application for change for an additional well shall have a specific assignment of a maximum instantaneous rate of diversion and a maximum annual quantity of water.

[GMD3 staff concern: Again, this rule provision (c)(2)(D) cannot be done properly under provision (a)(3)(A) without a test of the total rate that can be withdrawn by all the wells, which includes the east well authorized under this water right. Additional information is needed to evaluate the application under the purposes of the additional well rule and reasonable application of the rule in GMD3]

(e) Each well authorized by a water right that has been changed under the provisions of this regulation shall be equipped with a separate water flowmeter that meets or exceeds the specifications for water flowmeters adopted by the chief engineer.

(f) Each approval of an additional well or wells shall have a condition that reserves jurisdiction for the chief engineer to review the approval of the additional well or wells at intervals of at least five years,

and not more than 10 years, to determine if the total annual quantity of water actually being withdrawn by all wells authorized by the approval of an application for change is exceeding the total annual quantity of water that could have been physically withdrawn if the additional well or wells had not been approved. If the chief engineer determines during the review that the total annual quantity being withdrawn by all the wells, including the additional wells, exceeds the total annual quantity of water that could have been physically withdrawn by the original well or wells, the total maximum annual quantity that can be withdrawn by all the wells shall be reduced by the chief engineer to the total maximum annual quantity that could have been physically withdrawn by the original well or wells. (Authorized by K.S.A. 82a-706a; implementing K.S.A. 82a-706a and K.S.A. 2016 Supp. 82a-708b; effective Sept. 22, 2000; amended Oct. 24, 2003; amended Sept. 22, 2017.)

[GMD3 Staff concern: DWR has indicated in the last several days the following:

“With respect to your request for information regarding implementation of evaluations under K.A.R. 5-5-16 (f), we have not done any such evaluation for a water right that has been authorized an additional well as per K.A.R. 5-5-16 as we have received no complaints to precipitate such review. All additional wells include permit conditions retaining jurisdiction and reserving the right to review any such approval now and, in the future, if the need arises.”

DWR has indicated that section (f) review has never occurred. Again, the provisions of this section of the rule appear to reserve jurisdiction for the chief engineer for a later date “to determine if the total annual quantity of water actually being withdrawn by all wells authorized by the approval of an application for change is exceeding the total annual quantity of water that could have been physically withdrawn if the additional well or wells had not been approved.”

We question if the Chief Engineer is not conducting this evaluation now as required under the rule for all wells under this water right, then how can the Chief Engineer retain this jurisdiction for the future as a condition of approval? Also, there appears to be some question under this provision of the adopted rule whether the Chief Engineer can grant a change application and then later decide at his discretion to alter it under the prescribed authorities from the legislature for review of new application and change applications (See *Clawson v. State*, 49 Kan. App. 2d 789, 792, 315 P.3d 896(2013)).

Additionally, the section (f) of the rule says that in some future time known perhaps to no one at this time, and the Chief Engineer as yet has never actually practiced, “the total maximum annual quantity that can be withdrawn by all the wells shall be reduced by the chief engineer to the total maximum annual quantity that could have been physically withdrawn by the original well or wells. It is GMD3 staff opinion that such an evaluation can and should be done today as part of the prescribed review. What authority does the Chief Engineer have to avoid the present required evaluation and retained jurisdiction to exercise some future discretion when and if determined necessary by DWR? Is there never a final agency action for our members under this statewide additional well rule?

GMD3 staff have been allowed only 15 days to provide a review and recommendation on this change application for an additional well and were told it meets the rules and no board review is necessary. However, the application is in a known impairment concern area. DWR has

responded to requests by GMD3 staff within the 15 day window providing more information and an updated Theis evaluation today as new information that has generated more questions from GMD3 staff and further made evident the need for more time in which to evaluate, provide information to members, receive comments and provide a recommendation to the chief engineer.

The GMD3 preferred process of application review is described in the draft management program under water rights administration program section and includes a process of conducting well evaluations and assimilating information into a report for review by the applicant and the other member water users within one mile of the proposed wells. We have completed well evaluations, which have identified critical well concerns in the area. More time is needed to provide the information to those concerned and receive comments.

The request to DWR for more time than the allotted 15 day to review and develop a recommendation was denied on Monday (5/6/19) in an e-mail stating the following:

With respect to the impairment evaluations in our [DWR] application decisions under K.S.A. 82a-706b and 711, much of that evaluation is done pursuant to statewide and GMD regulations. In the case of the declining Ogallala, statewide rules are supplemented by the Theis evaluation...

We feel that the GMD has had sufficient time to review the application. Therefore, we respectfully deny your request for additional time. You (and DWR) have already solicited comments from the nearbys on a less restrictive change application so there is little to be gained from additional comments. Comments received on the more restrictive application from the nearbys were the same comments.

The application meets existing regulations, including a finding by KDA-DWR that there is no evidence that impairment will occur in the future. And of course, our approval will be conditioned appropriately to allow for water administration in the future should it be required.

If you would like your recommendation to be considered when processing this application please have it to our office by Friday May 10, 2019 at 5:00 p.m.

GMD3 staff object to the apparent summary dismissal of concerns of prior water right owners and the concerns and questions of GMD3 with the denial of the request for more time for review. GMD3 staff object to flagrant strong arming by DWR to truncate or hide or dis-allow or minimize findings of facts and opportunity for local water users and land owners and GMD3 public interest presence and purpose on a number of important state policy and public interest concerns. The GMD3 staff object to DWR agency tactics for mis-using administrative authority and discretion to abbreviate regulatory duties and meaningful external party participation supporting an appropriate application review process of an application that will affect private property rights and adversely affect the management program for the area. GMD3 staff object to the DWR actions that prejudicially and unreasonably affect the public interest in prohibiting and discouraging actions that include:

- 1) GMD3 requests for reasonable process for discovery and consideration of the application, available information and facts, some of which were provided with the email denying GMD3 more review time, which further precludes meaningful time for review.
- 2) Adequate time and consideration of the policy and aquifer management concerns of GMD3,
- 3) discovery of facts and opinions that affect member property rights and adopted well evaluations,
- 4) adequate evaluation of new disclosures and apparent potential for other relevant information known or possessed exclusively by DWR,
- 5) dissemination of factual information to concerned member water users and proposed effects on their private property rights,
- 6) DWR to fully employ or consider and conduct statutory duties and standards,
- 7) the intended or unintended lead by DWR of the applicant and others down a prim rose path to after the fact administration of water rights and curtailed pumping,
- 8) restricting time to consider concerns and facts from outside evaluations and the formulation of reasonable recommendations,
- 9) restricting advice and challenge to apparent DWR preconceived and potentially erroneous conclusions that obviously diverge from known facts associated with the application and orderly review with GMD3 and member water right owners.

Staff Recommendation:

In consideration of the above review that includes the following:

- That the statewide additional well rule is written to not require approval of an application that may meet all rule conditions, and
- That significant deficiencies exist in the proposal for meeting rule requirements, and
- That a lack of adequate time has been provided by DWR to GMD3 to conduct discovery, fact finding, policy considerations, review process with member water users and formulating a reasonable recommendation to assist the agency in finding appropriate facts and conclusions of law, and
- That there is demonstrated impairment concerns of water rights with critical wells discovered in the well-to-well evaluations of GMD3,

Therefor the staff of GMD3 recommends that the governing body of GMD3 request a hearing process to provide an administrative remedy of the significant concerns associated with the application and application review process, and

if a hearing process is denied, the board should recommend denial of the application in light of the apparent failure of the application proposal to satisfy statute and rule requirements based on site specific information available for consideration in the time allowed.

D. Engelhaupt, E.I.
 KDA-DWR
 5/6/2019

This analysis for File No. 27,188

A This analysis was used to evaluate the impacts of a change in point of diversion for File No. 27,188. The net impact of the change at a nearby domestic well and a point of diversion authorized by File No. 24,754 was evaluated. The assumed transmissivity (3,681.5 ft²/day) and storage coefficients (0.02664) are from a seasonal aquifer test analyzed by John Munson, KDA-DWR (Attachment A). The drawdown under the requested rate and quantity was compared to both currently authorized quantity and historic average use (2003-2017) at currently authorized rate. When compared to historic use (average 2008-2017), the proposed change decreases drawdown by 1.86 feet at the domestic well and increases drawdown by 2.60 feet at the point of diversion authorized by File No. 24,754. When compared to currently authorized, the proposed change decreases drawdown by 3.14 feet at the domestic well and increases drawdown by 1.45 feet at the point of diversion authorized by File No. 24,754.

Table 1: This analysis of drawdown at the domestic well compared to historic use.

Pumping Well ¹	Rate ² (gpm)		Volume ³ (AF)		Distance ⁴ (ft)	Drawdown ⁵ (ft)		Change in Drawdown ⁶	
	Base.	Prop.	Base.	Prop.		Base.	Prop.	Feet	% of ST ⁷
ID #2	1,310	650	491	300	1,369	20.07	11.11	-8.96	-7.49 %
ID #5	690	690	152	171	4,808	2.82	3.15	0.33	0.28 %
New Well	0	450	0	236	2,052	0.00	6.77	6.77	5.74 %
			643	707	Net:	22.89	21.03	-1.86	-1.55 %

T = 3,681.5 ft²/day; S = 0.02664

¹Sequence within section of the pumping well. Pumping well is authorized by File No. 27,188

²Pumping rate. Assumes authorized rate.

³Volume pumped. For baseline scenario this is the average use 2003-2017. For ID #5 use on ID Nos. 1 and 3 is included.

⁴Distance between the pumping well and the nearby domestic well

⁵Maximum drawdown after 50-years of pumping cycles under the assumed conditions.

⁶Difference in maximum drawdown between proposed and baseline scenarios.

⁷Difference in maximum drawdowns expressed as percentage of the 2066 saturated thickness as projected by the GMD No. 3 model

Table 2: This analysis of drawdown at the domestic well compared to currently authorized.

Pumping Well ¹	Rate ² (gpm)		Volume ³ (AF)		Distance ⁴ (ft)	Drawdown ⁵ (ft)		Change in Drawdown ⁶	
	Base.	Prop.	Base.	Prop.		Base.	Prop.	Feet	% of ST ⁷
ID #2	1,310	650	536	300	1,369	21.02	11.11	-9.91	-8.28 %
ID #5	690	690	171	171	4,808	3.15	3.15	0.00	0.00 %
New Well	0	450	0	236	2,052	0.00	6.77	6.77	5.64 %
			643	707	Net:	24.17	21.03	-3.14	-2.63 %

T = 3,681.5 ft²/day; S = 0.02664

¹Sequence within section of the pumping well. Pumping well is authorized by File No. 27,188

²Pumping rate. Assumes authorized rate.

³Volume pumped is authorized.

⁴Distance between the pumping well and the nearby domestic well

⁵Maximum drawdown after 50-years of pumping cycles under the assumed conditions.

⁶Difference in maximum drawdown between proposed and baseline scenarios.

⁷Difference in maximum drawdowns expressed as percentage of the 2066 saturated thickness as projected by the GMD No. 3 model

Table 3: This analysis of drawdown at File No. 24,754 compared to historic use.

Pumping Well ¹	Rate ² (gpm)		Volume ³ (AF)		Distance ⁴ (ft)	Drawdown ⁵ (ft)		Change in Drawdown ⁶	
	Base.	Prop.	Base.	Prop.		Base.	Prop.	Feet	% of ST ⁷
ID #2	1,310	650	491	300	4,039	10.00	5.92	-4.08	-3.41 %
ID #5	690	690	152	171	4,038	3.28	3.65	0.37	0.31 %
New Well	0	450	0	236	2,344	0.00	6.31	6.31	5.27 %
			643	707	Net:	13.28	15.88	2.60	2.17 %

T = 3,681.5 ft²/day; S = 0.02664

¹Sequence within section of the pumping well. Pumping well is authorized by File No. 27,188

²Pumping rate. Assumes authorized rate.

³Volume pumped. For baseline scenario this is the average use 2003-2017. For ID #5 use on ID Nos. 1 and 3 is included.

⁴Distance between the pumping well and the well authorized by File No. 24,754

⁵Maximum drawdown after 50-years of pumping cycles under the assumed conditions.

⁶Difference in maximum drawdown between proposed and baseline scenarios.

⁷Difference in maximum drawdowns expressed as percentage of the 2066 saturated thickness as projected by the GMD No. 3 model

Table 4: This analysis of drawdown at File No. 24,754 compared to currently authorized

Pumping Well ¹	Rate ² (gpm)		Volume ³ (AF)		Distance ⁴ (ft)	Drawdown ⁵ (ft)		Change in Drawdown ⁶	
	Base.	Prop.	Base.	Prop.		Base.	Prop.	Feet	% of ST ⁷
ID #2	1,310	650	536	300	4,039	10.78	5.92	-4.86	-4.06 %
ID #5	690	690	171	171	4,038	3.65	3.65	0.00	0.00 %
New Well	0	450	0	236	2,344	0.00	6.31	6.31	5.27 %
			643	707	Net:	14.43	15.88	1.45	1.21 %

T = 3,681.5 ft²/day; S = 0.02664

¹Sequence within section of the pumping well. Pumping well is authorized by File No. 27,188

²Pumping rate. Assumes authorized rate.

³Volume pumped is authorized.

⁴Distance between the pumping well and the well authorized by File No. 24,754

⁵Maximum drawdown after 50-years of pumping cycles under the assumed conditions.

⁶Difference in maximum drawdown between proposed and baseline scenarios.

⁷Difference in maximum drawdowns expressed as percentage of the 2066 saturated thickness as projected by the GMD No. 3 model

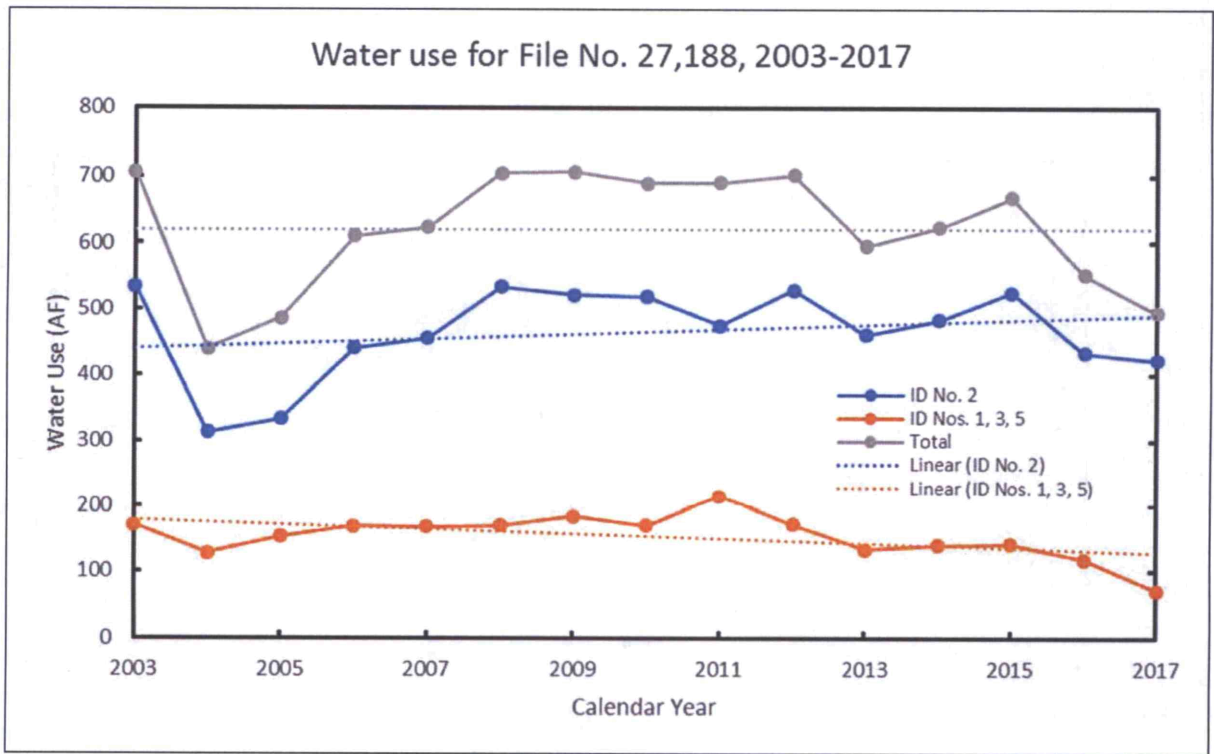


Figure 1: Historic water use on File No. 27,188, 2003-2017

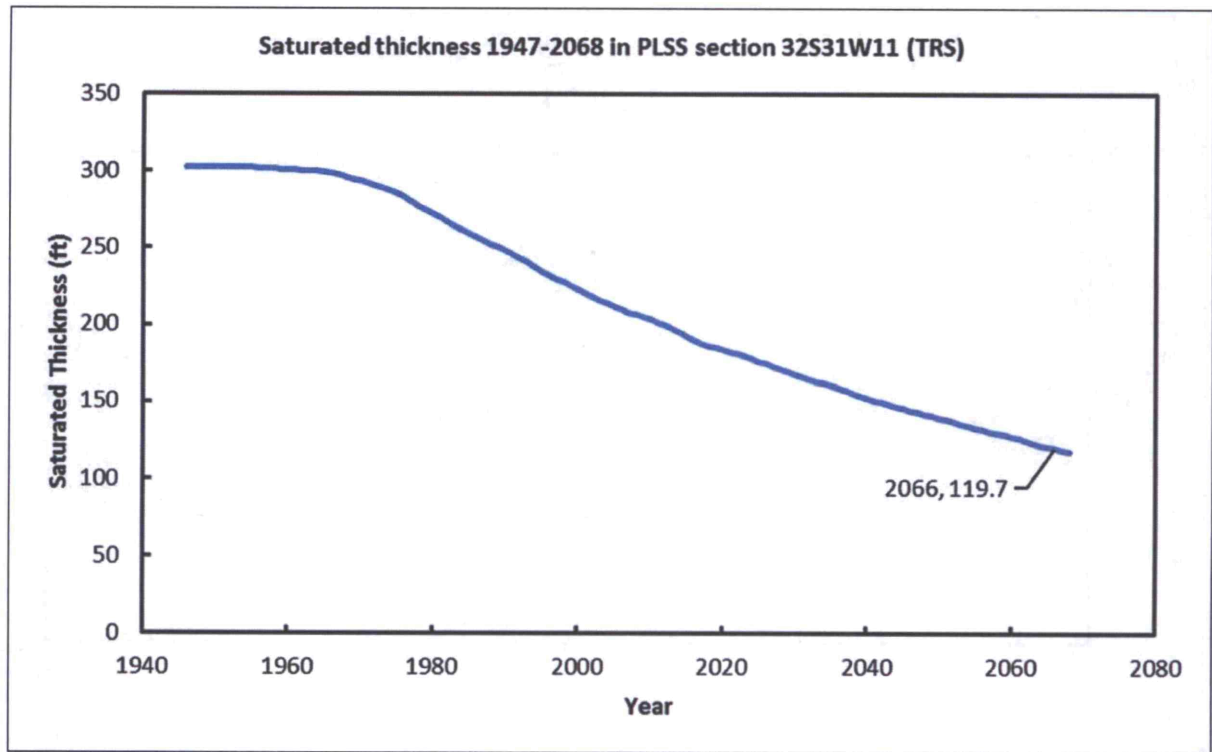


Figure 2: Modeled saturated thickness, 1947-2068

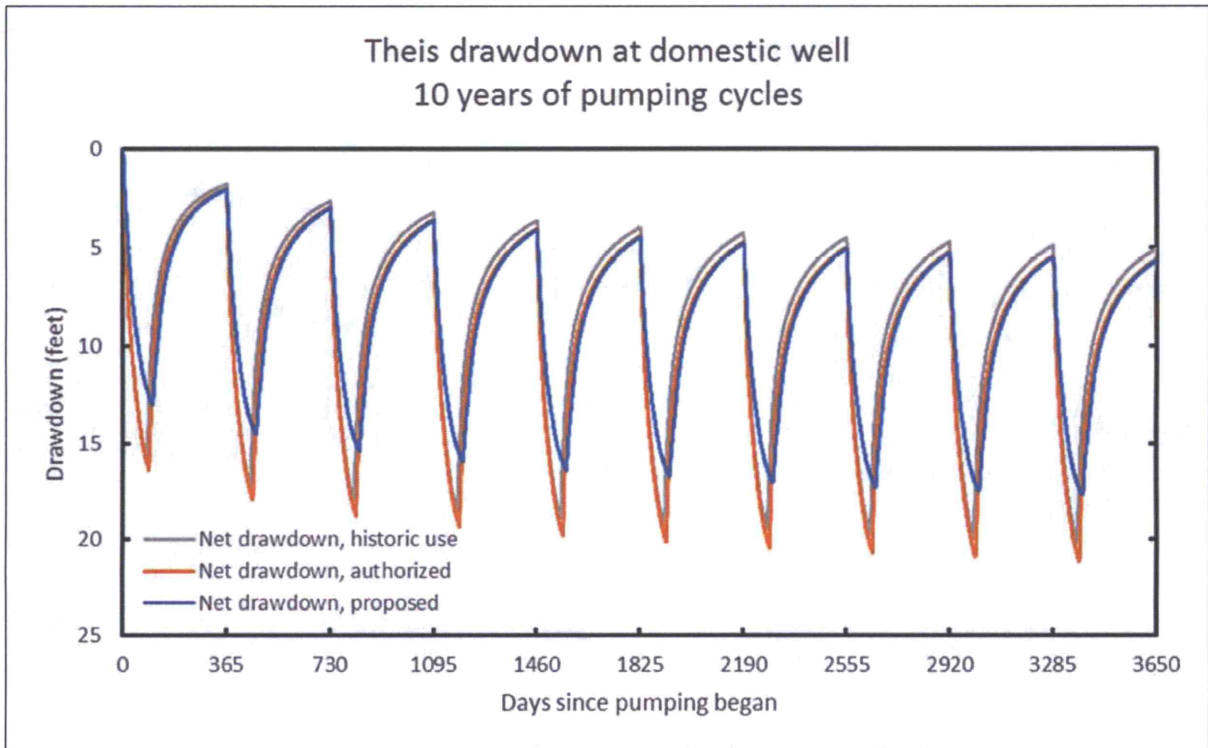


Figure 3: This drawdown at the domestic well for the first 10 years of pumping cycles

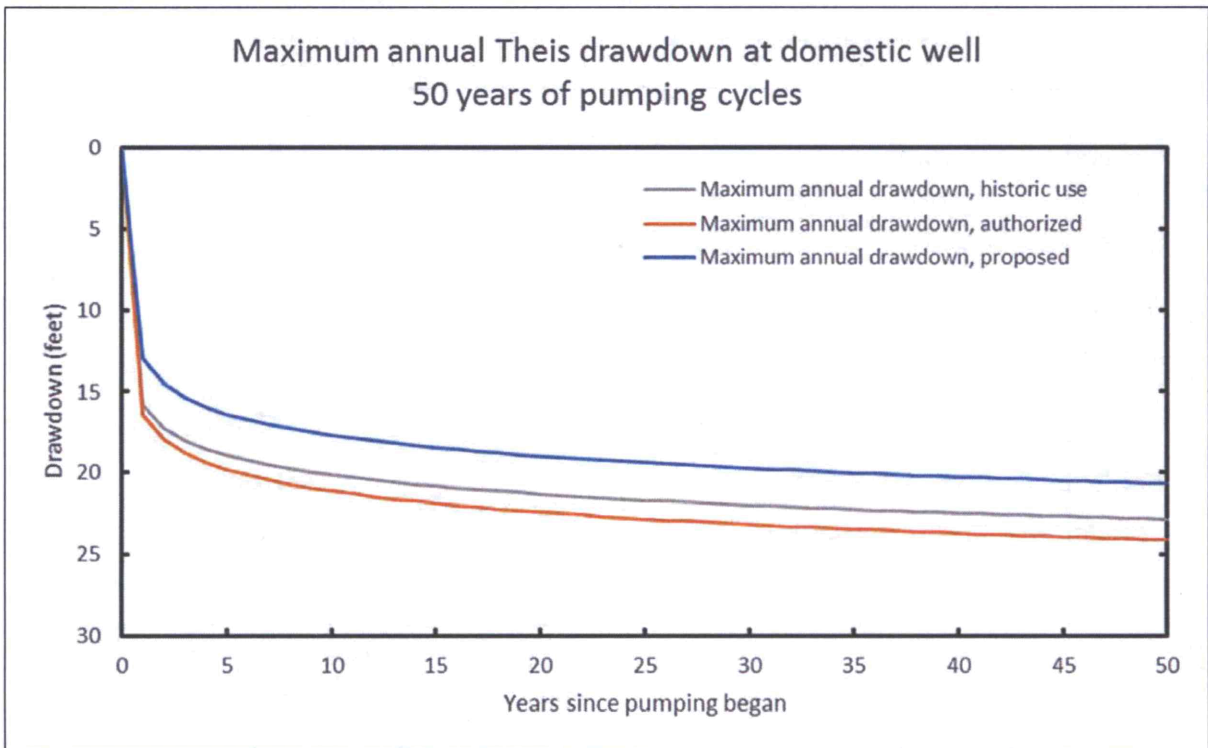


Figure 4: Maximum annual This drawdown at the domestic well for 50 years of pumping cycles

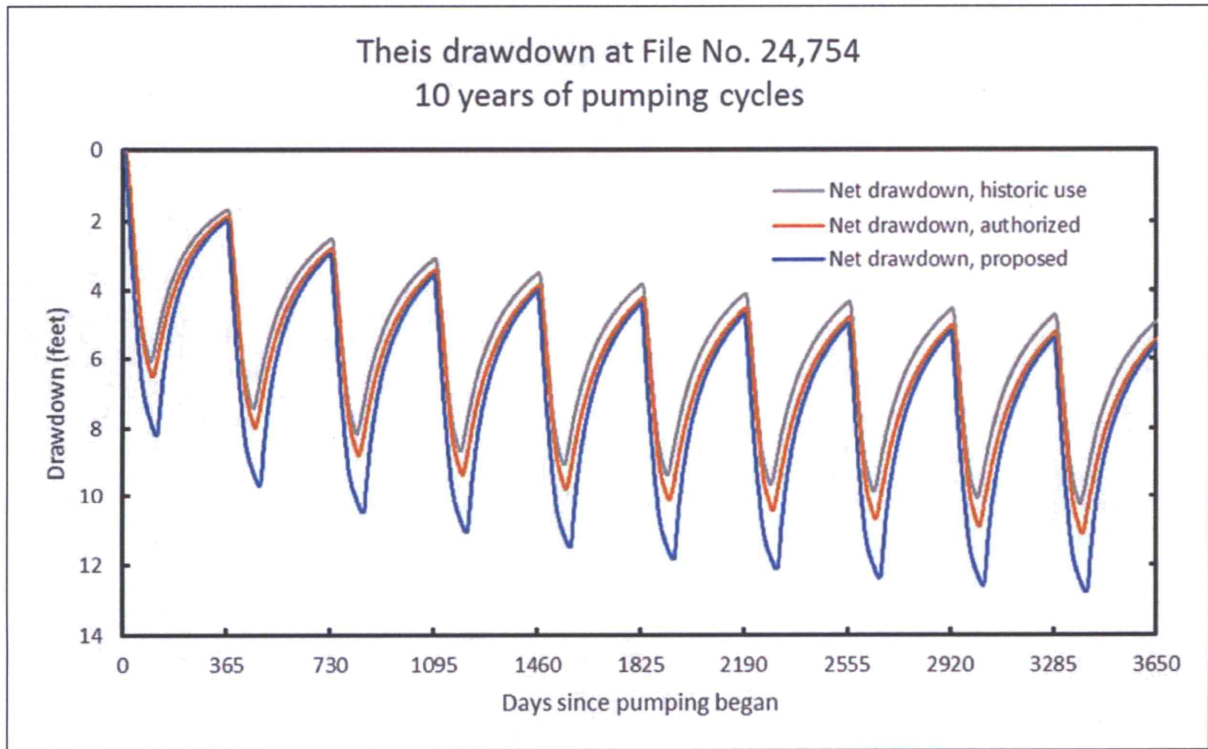


Figure 5: This drawdown at File No. 24,754 for the first 10 years of pumping cycles

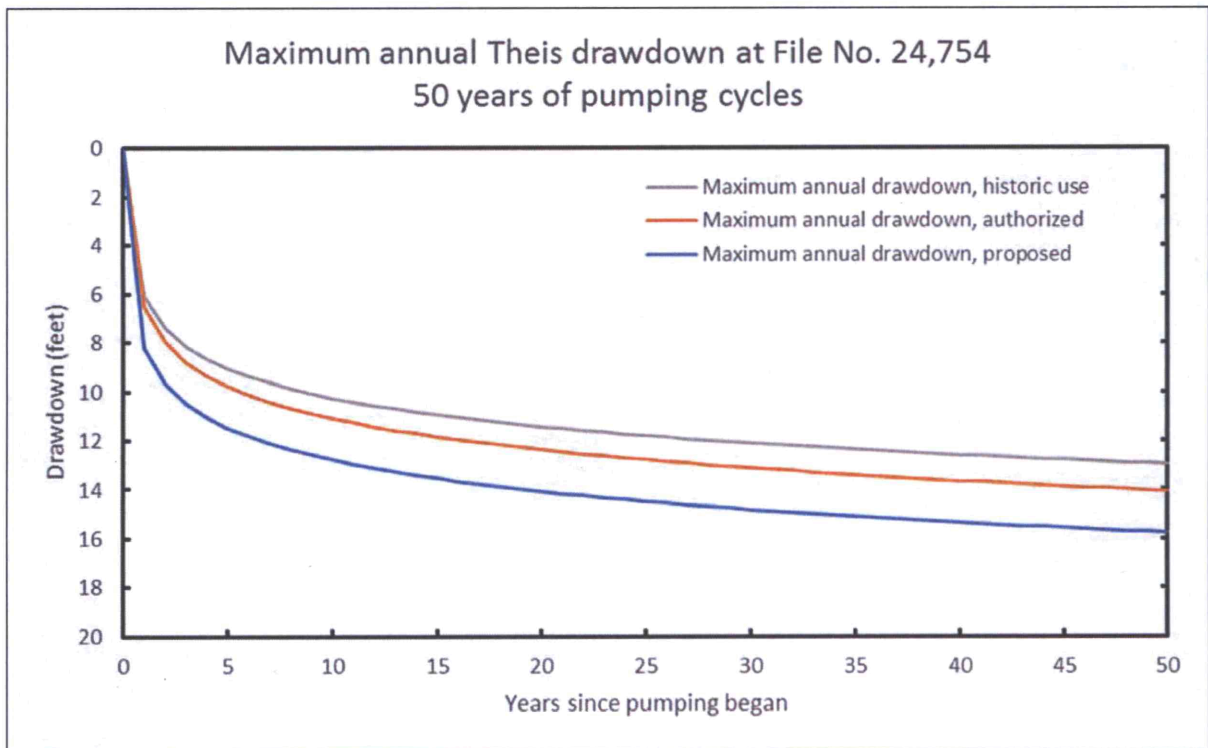


Figure 6: Maximum annual This drawdown at File No. 24,754 for 50 years of pumping cycles

References:

Kansas Geological Survey. Ground-Water Model for Southwest Kansas Groundwater Management District No. 3. KGS Open File Report 2010-18. 2010.

Seasonal Aquifer Test Proposed Change in Point of Diversion John Borth, Clayton and Sharon Befort File No. 27,188

April 10, 2017 a change in point of diversion for Water Right, File No. 27,188 was filed for a new well for owners Clayton and Sharon Befort and operator John Borth. The new irrigation well is significantly closer to neighboring irrigation well Water Right, File No. 24,754 owned by Darrell Langhofer and to a domestic house well of Scott and Trudy Reiss. Written concerns were received from both parties. The new irrigation well has already been drilled and the chief engineer decided to require an observation well drilled near the new irrigation well so a seasonal aquifer test could be conducted to determine present aquifer properties for the best analysis of potential drawdowns at the complainant's wells. During the 2018 irrigation season data was collected from neighboring irrigation wells for analysis using AQTESOLV¹ to determine aquifer properties. The seasonal aquifer test was conducted by Kansas Department of Agriculture, Division of Water Resources, Technical Services.

An aquifer transmissivity of $T = 27,538$ gallons per day per foot ($3,681.5 \text{ ft}^2/\text{day}$) and a storage coefficient $S = 0.02664$ was determined using AQTESOLV. Figure 1.

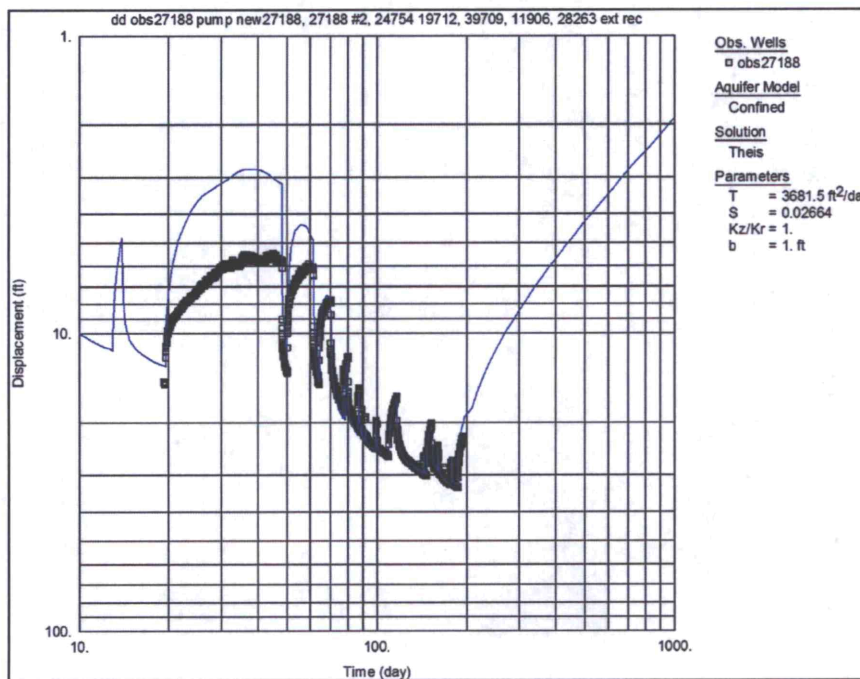


Figure 1 – Curve matching observation well data in black with Theis solution in blue using AQTESOLV.

¹ AQTESOLV is a registered trademark of ARCADISGeraghty & Miller, Inc. and is an aquifer test analysis software developed and sold by HydroSOLVE, Inc. Kansas Department of Agriculture, Division of Water Resources uses AQTESOLV to determine aquifer properties from a aquifer test data.

All seven irrigation wells operated within one mile of the new well were monitored in 2018. **Figure 2.** Water meters were read periodically by field staff. Water level transducers with data loggers were installed at the new irrigation well 27,188, irrigation well 24,754 to the north, and irrigation well 11,906 to the southeast. Water meter monitoring equipment was installed at the nearest irrigation well 27,188 to the southeast to record pumping. Water level transducers with data loggers were also installed in four well casings not being pumped to the east to record water levels at those locations. The aquifer test was based on water level changes at the observation well near the new irrigation well 27,188 and pumping data from the seven irrigation wells. Water level in the well casing labeled “th 3 ne” in Figure 2 outside of the red one-mile circle appeared to be influenced by wells to the north and northeast, not shown in Figure 2, as were well casings labeled “th 4 nw” and “cas27188 #5”. Water level at well casing labeled “cas27188 #3” appeared to be influenced from area well pumping but the casing may be partially clogged in the lower formations making it not useful for aquifer test analysis.

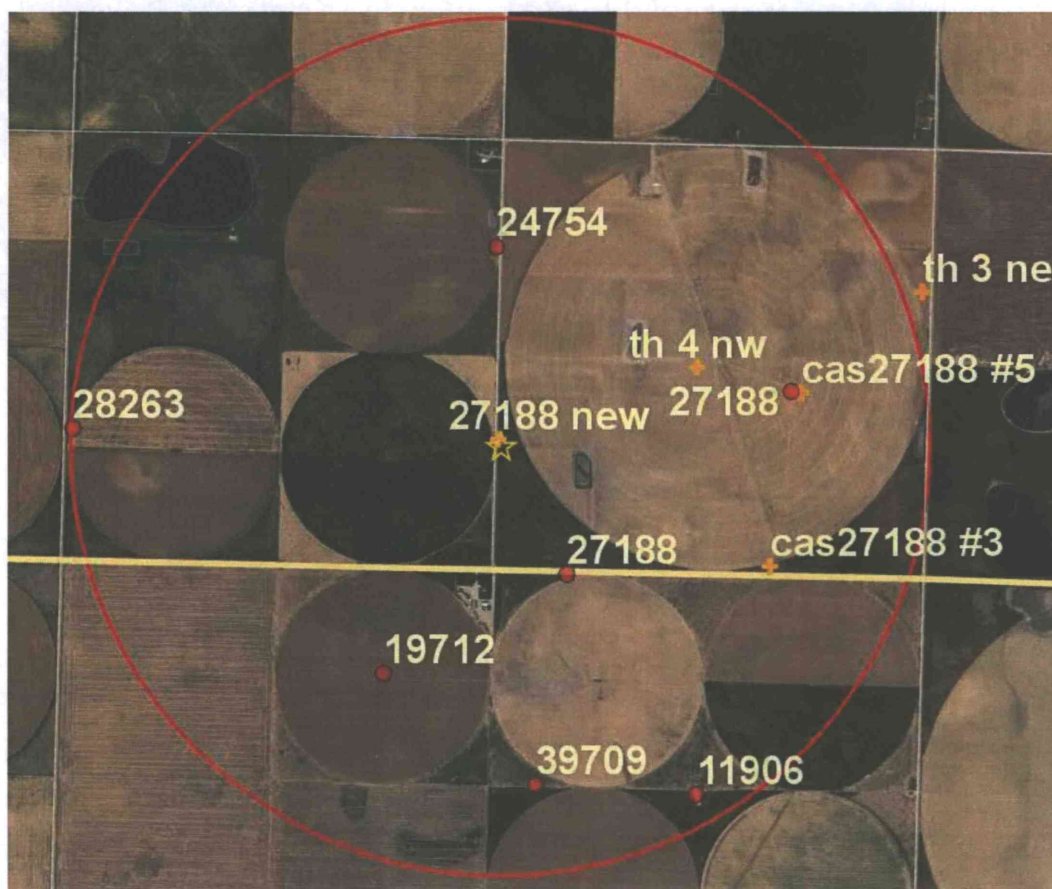


Figure 2 - New irrigation well 27,188 located in the center of the red one-mile circle. The star to lower right of the new well represents the observation well located 89 feet to the southeast. Farther to the lower right is the other irrigation well 27,188 operated in 2018. The five other irrigation wells operated and monitored in 2018 were 24,754 to the north, 28,263 to the west, 19,712 to the southwest, 39,709 to the south and 11,906 to the southeast. Water levels were monitored at the other four well casing locations to the east labeled “th 4 nw”, “th 3 ne”, “cas27188 #5”, and “cas27188 #3”. The Reiss domestic well located in the ne $\frac{1}{4}$, ne $\frac{1}{4}$, ne $\frac{1}{4}$ of Section 15, Township 32 South, Range 31 West, is to the south of the new irrigation well 27,188 and is between irrigation wells 19,712 and 27,188.

Well logs were available for five of the seven irrigation wells. Plotting lithologic data in the same chart according to elevation shows all wells were screened in the same elevations. Three well logs were for wells that had water level transducers and data loggers installed so the deepest pumping levels observed could be observed. Water levels in new well 27,188 and neighboring Langhofer well 24,754 both reached about the same pumping depth and appeared to be near the bottom of the primary yielding sand and gravel formation. The Langhofer well appeared to have about 80 feet of screened sandy clay and clayey sand formations between the pumping level and shale. **Figure 3.**

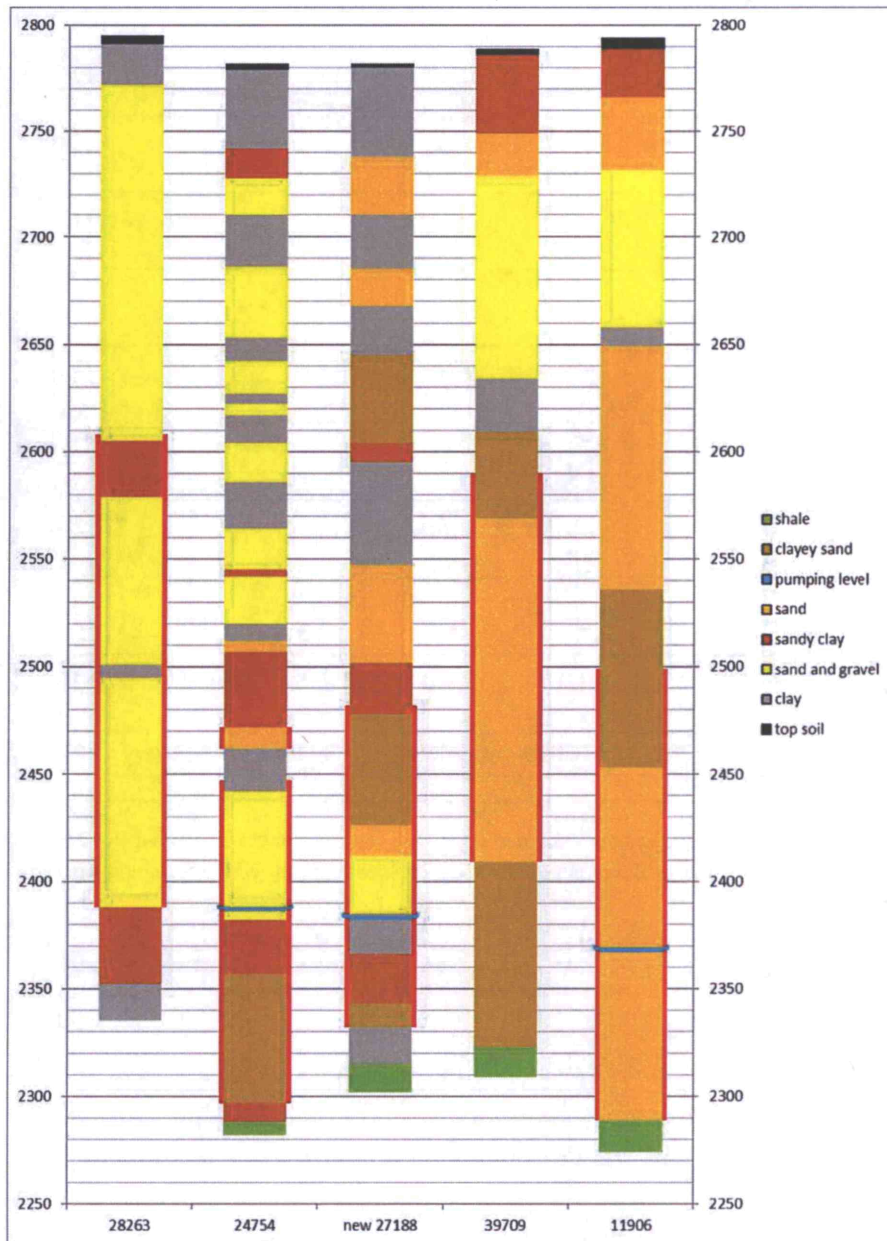


Figure 3– Lithologic plots of well log data for irrigation wells with available well logs. Deepest pumping levels observed shown as blue lines are near the bottom of the sand and gravel formations in the new well 27,188 and the neighboring Langhofer well 24,754. There appears to be about 80 feet of sandy clay and clayey sand formations between the pumping level and shale in the Langhofer well 24,754 and only 34 feet in the new irrigation well 27,188.

Drawdown at the observation well 89 feet from the new irrigation well 27,188 was used to determine aquifer properties. Area water level was recovering from previous season pumping at the time of first pumping in 2018 so measured water level recovery was extended into the 2018 season to determine total water level drawdown due to pumping. Drawdown was measured from the extended recovery water level rather than from the initial water level when pumping first started. **Figure 4.**

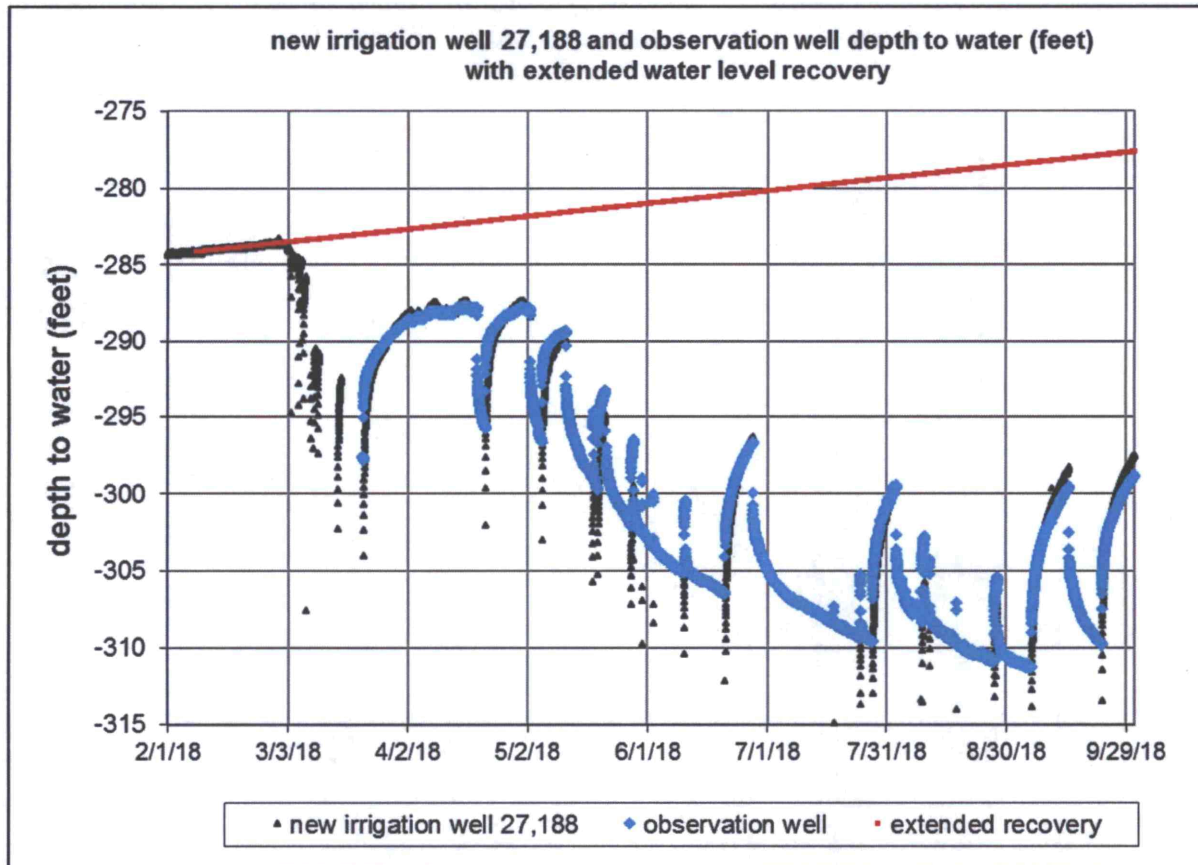


Figure 4—Plots of depth to water at the observation well and the extended recovery used to compute drawdown for aquifer test analysis. The observation well was drilled after seasonal pumping began so extended recovery was determined from water level changes at new irrigation well 27,188.

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

November 1, 2018



Hydro Resources
PO Box 639
Garden City, KS 67846
April 2, 2019

Clayton Befort
1177 Commerce Pkwy
Hays, KS 67601
785-623-1255

Mr. Befort:

You have asked for Hydro Resources professional opinion as to how much yield reduction you could expect to see if a liner is added to a well. In particular you have asked about a well located in the SW 11-32-31 Seward county and the effects a liner would have.

There are many factors that go into how much a liner could potentially restrict water flow into a well. Those factors include, but are not limited to:

- 1) The age of the well and of the liner.
- 2) The current production of the well.
- 3) The slot sizes in the liner.
- 4) The number of slots per foot in the liner.
- 5) How many feet of perforations there are and where they are located.

As a result of the wild variability of wells within the SW KS region it is extremely difficult to calculate. Each well is unique and behaves in its own way. Couple that with the very limited information for this specific well, and I cannot give you a calculated amount.

What I can give you is a "rule of thumb" that Hydro Resources uses in SW KS. In general, we anticipate that a 14-inch liner inside of a 16-inch well will reduce the production by 10%.

We look forward to doing business with you again, and please feel free to call if you have any questions.

Sincerely,

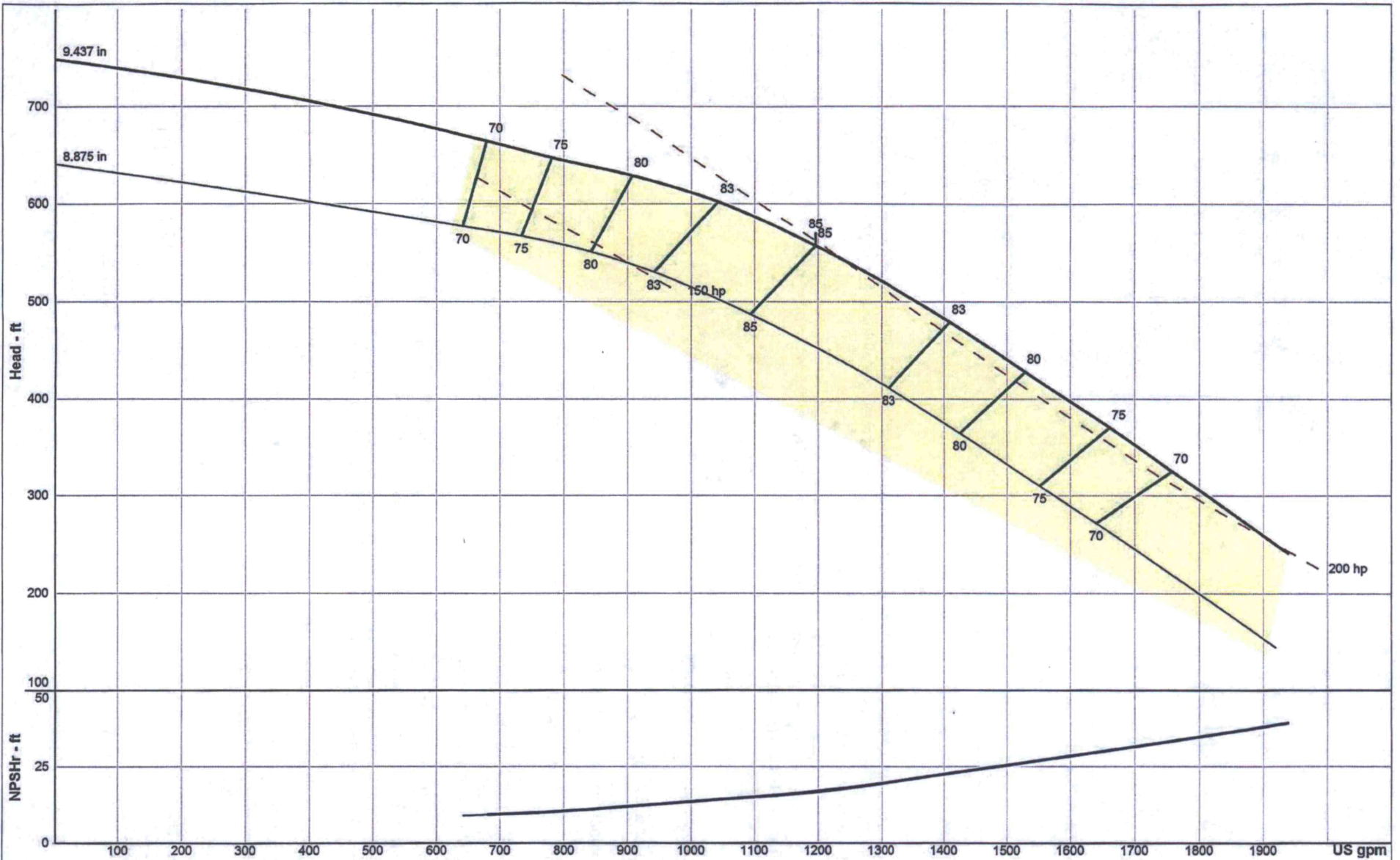
A handwritten signature in black ink, appearing to read "Tony Wedel", written over a faint circular stamp.

Tony Wedel
General Manager
Office: 620-277-2389
Cell: 620-640-1178
awedel@hydroresources.com

WATER RESOURCES
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APR 4 2019

KS DEPT OF AGRICULTURE



Discharge size also available in 10in.

WATER RESOURCES RECEIVED

Company: Hydro Resources
 Name: Tony
 Date: 03/25/2019

SIMFLO
 Catalog: SIMFLO.60, Vers 3.2
 VERTTURBINE - 1800 rpm
 Design Point: 1200 US gpm
 Static Head: 0 ft

APR 4 2019

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Size:
 Speed:
 Dia:
 Curve:
 Impeller:

SJ12M (stages: 8)
 1770 rpm
 9.437 in
 SJ12M

SIMFLO

Company: Hydro Resources
 Name: Tony
 Date: 03/25/2019

SIMFLO

Pump:
 Size: SJ12M (stages: 8) Dimensions:
 Type: VERTTURBINE Suction: 8 in
 Synch Speed: 1800 rpm Discharge: 8 in
 Dia: 9.437 in Vertical Turbine:
 Curve: Eye Area: 28.2 in²
 Impeller: SJ12M Bowl Size: 12 in
 Specific Speeds: Ns: 2538 Max Lateral: 1.19 in
 Nss: 7410 Thrust K Factor: 11 lb/ft

Fluid:
 Name: Water
 SG: 1 Vapor Pressure: 0.256 psi a
 Density: 62.4 lb/ft³ Atm Pressure: 14.7 psi a
 Viscosity: 1.1 cP
 Temperature: 60 °F

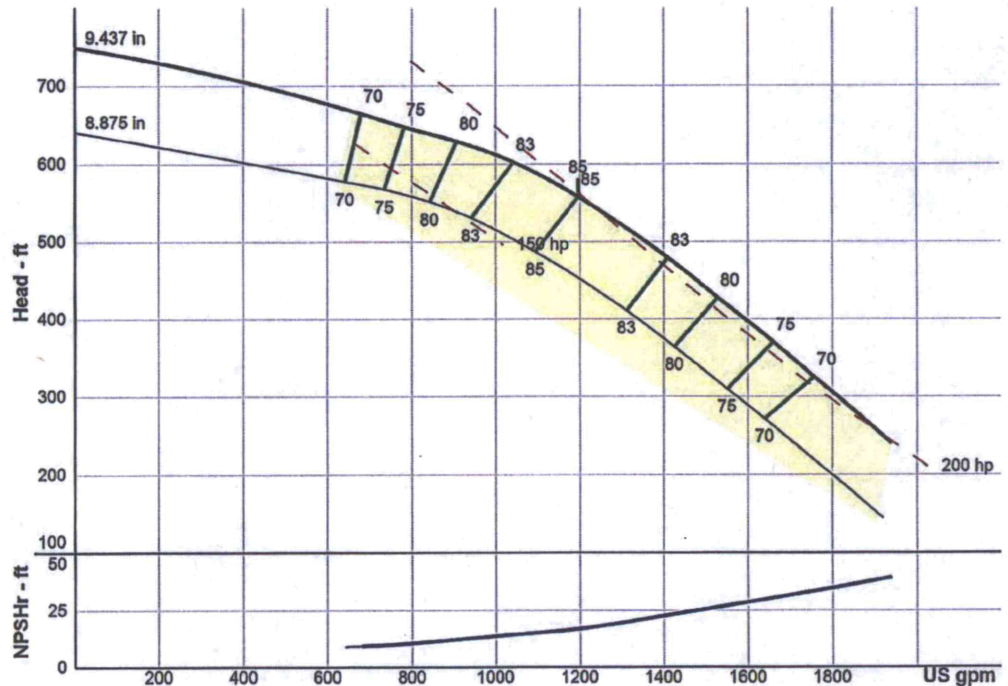
Pump Limits:
 Temperature: --- Sphere Size: 0.875 in
 Wkg Pressure: 619 psi g Power: 376 hp

Motor:
 Standard: US Size: 250 hp
 Enclosure: TYPE 1 Speed: 1800 rpm
 Frame: ---
 Sizing Criteria: Max Power on Design Curve

Search Criteria:
 Flow: 1200 US gpm Near Miss: ---
 Head: --- Static Head: 0 ft

Pump Selection Warnings:
 None

--- Duty Point ---	
Flow:	1196 US gpm
Head:	557 ft
Eff:	85%
Power:	198 hp
NPSHr:	16.7 ft
Speed:	1770 rpm
--- Design Curve ---	
Shutoff Head:	749 ft
Shutoff dP:	324 psi
Min Flow:	--- US gpm
BEP:	85% @ 1196 US gpm
NOL Power:	207 hp @ 1661 US gpm
--- Max Curve ---	
Max Power:	207 hp @ 1661 US gpm



Discharge size also available in 10in.

Performance Evaluation:

Flow	Speed	Head	Efficiency	Power	NPSHr
US gpm	rpm	ft	%	hp	ft
1440	1770	466	82.2	206	23.7
1200	1770	556	85	198	16.9
960	1770	618	81.2	184	13
720	1770	658	72	166	9.72
480	1770	---	---	---	---

WATER RESOURCES
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APR 4 2019

KS DEPT OF AGRICULTURE

Selected from catalog: SIMFLO.60, Vers 3.2

D & D PUMP, INC.
P.O. BOX 950
SUBLETT, KS 67877
620-675-2222

INVOICE

DATE	INVOICE #
10/1/2002	5379

TO:
JOHN DREITZ 1261 S. PERSHING LIBERAL, KS 67901

INFORMATION:
<i>sw</i> 11-32-31 Seward 237 sac July 412 TMD

QTY	DESCRIPTION	TERMS	NET 10th
		UNIT PRICE	NET
390	FT. PUMP PULLING	3.00	1,170.00
385	FT. PUMP SETTING	3.00	1,155.00
1	8 STAGE SJ12M BOWL ASSEMBLY	5,280.00	5,280.00
80	FT. LINER MATERIAL	28.50	2,280.00
1	2 PC. STRETCH TUBE	140.00	140.00
1	OIL	25.00	25.00
1	THREAD COMPOUND	37.50	37.50
1	5 FT. SECTION 10" PIPE	185.00	185.00
1	LABOR TO INSTALL LINER	250.00	250.00
1	CAMERA WELL ——— NO CHARGE	0.00	0.00
		Sales Tax (0.0%)	\$0.00
THANK-YOU ! WE APPRECIATE YOUR BUSINESS ! PLEASE PAY FROM INVOICE. NO STATEMENT UNLESS REQUESTED.		TOTAL	\$10,522.50

WATER RESOURCES
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APR 4 2019

KS DEPT OF AGRICULTURE



RECEIVED

MAR 31 2017

Garden City Field Office
Division of Water Resources

TEST PUMP ANALYSIS

NAME: CLAYTON BEFORT

DATE: 3-20-2017

COUNTY: SEWARD

QUARTER: SW

SECTION: 11

TOWNSHIP: 32

RANGE: 31

TOTAL DEPTH OF WELL: 460'

DRILLERS: RAMOS & MUNOZ

STATIC WATER LEVEL: 283'

TYPE OF WELL: IRRIGATION

WELL DRILLED ON TEST: 11 (2017)

TESTING EQUIPMENT: 7.75 FACTOR: 6"

CASING DIAMETER: 16"

ENGINE: ENGINE FACE:

TOAL PERFORATION: 150'

PUMP SET: 442'

TOP PERFORATION: 300'

DISCHARGE FACE:

SCREEN:

PIT ON:

<u>GPM</u>	<u>RPM</u>	<u>TOTAL LIFT</u>	<u>DRAW DOWN</u>	<u>TIME</u>	<u>REMARKS</u>
				2:00-5:15	START PUMPING FOR DEVELOPMENT, BACK FLUSHING
				9:20	CONTINUE BACK FLUSHING
				9:50	START TEST
617		347'	64'	10:20	NO SAND, NO AIR
700		360'	77'	10:50	NO SAND, NO AIR
808		385'	102'	11:50	NO SAND, PUMPING A LITTLE AIR
903		401'	118'	12:20	NO SAND, PUMPING A LITTLE AIR
1210		422'		5 MINUTES	SLIGHT SURGE W/AIR
1420		442'		5 MINUTES	SURGING

THE ABOVE RESULTS ARE AS OBSERVED ON THIS DATE. THERE IS NO GUARANTEE THE WELL WILL CONTINUE TO PRODUCE AS TESTED AFTER LONG PERIODS OF PUMPING OR AT DIFFERENT TIMES OF THE YEAR.

WATER RESOURCES
RECEIVED

APR 4 2019

KS DEPT OF AGRICULTURE

TESTED BY: BRUCE REICMUTH/JUAN MARTINEZ

DATE: 3-21-17

Casing/Screen/Gravel Schedule

March 13, 2017

WO# 11789

Clayton Befort
Hays, KS
SW 11-32-31 SW

Test Hole - #11 of 3/8/17

Drill 24" Hole

<u>Depth</u>		<u>16" Agri Screen</u>	<u>Slot Size</u>	<u>16" Casing (.219"w)</u>	<u>Cone</u>
460	459				1
459	450			9	
450	390	60	0.050"		
390	300	90	0.080"		
300	0			300	
Totals		150		309	1
				TOTAL	460

460 Ft 1" PVC Water Level Measuring Pipe (Bottom 2 sections perforated)
10 Doubles and 1 Single
And 1 Double Perforated

220 Gal Sodium Hypochlorite (2 -110 Gal Totes)

30 Ft 3" PVC Gravel Tube

395 460 Huber #1 Fine Double Wash 9 Tons - Approx 30% Excess

20 395 Huber - #1 Coarse 50 Tons - Approx 30% Excess

0 20 Bentonite Chips 60 Sacks

WATER RESOURCES
RECEIVED

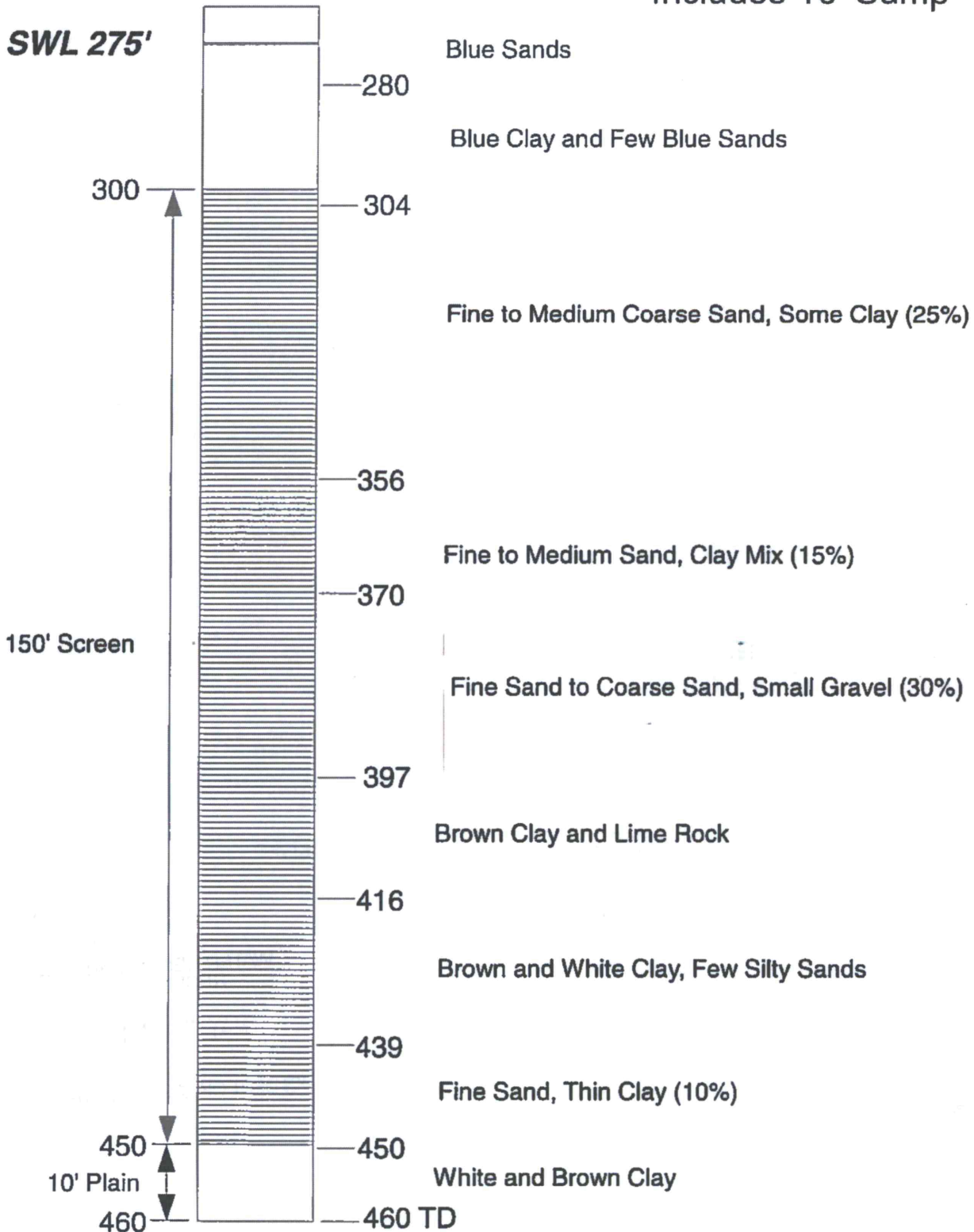
MAY 31 2017

KS DEPT OF AGRICULTURE



Clayton Befort
SW 11-32-31 SW
Test Hole #11 of 3/8/17
Proposed Well Design
Total Depth 460'
Includes 10' Sump

*well D04
LS
AW*



Seasonal Aquifer Test Proposed Change in Point of Diversion John Borth, Clayton and Sharon Befort File No. 27,188

April 10, 2017 a change in point of diversion for Water Right, File No. 27,188 was filed for a new well for owners Clayton and Sharon Befort and operator John Borth. The new irrigation well is significantly closer to neighboring irrigation well Water Right, File No. 24,754 owned by Darrell Langhofer and to a domestic house well of Scott and Trudy Reiss. Written concerns were received from both parties. The new irrigation well has already been drilled and the chief engineer decided to require an observation well drilled near the new irrigation well so a seasonal aquifer test could be conducted to determine present aquifer properties for the best analysis of potential drawdowns at the complainant’s wells. During the 2018 irrigation season data was collected from neighboring irrigation wells for analysis using AQTESOLV¹ to determine aquifer properties. The seasonal aquifer test was conducted by Kansas Department of Agriculture, Division of Water Resources, Technical Services.

An aquifer transmissivity of **T = 27,538 gallons per day per foot (3,681.5 ft²/day)** and a storage coefficient **S = 0.02664** was determined using AQTESOLV. **Figure 1.**

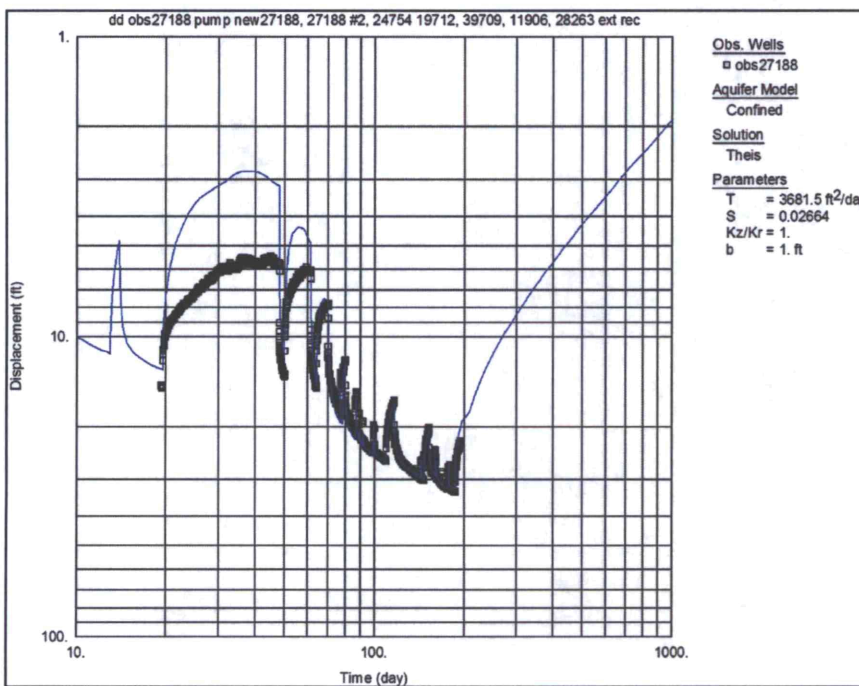


Figure 1 – Curve matching observation well data in black with Theis solution in blue using AQTESOLV.

¹ AQTESOLV is a registered trademark of ARCADISGeraghty & Miller, Inc. and is an aquifer test analysis software developed and sold by HydroSOLVE, Inc. Kansas Department of Agriculture, Division of Water Resources uses AQTESOLV to determine aquifer properties from a aquifer test data.

All seven irrigation wells operated within one mile of the new well were monitored in 2018. **Figure 2.** Water meters were read periodically by field staff. Water level transducers with data loggers were installed at the new irrigation well 27,188, irrigation well 24,754 to the north, and irrigation well 11,906 to the southeast. Water meter monitoring equipment was installed at the nearest irrigation well 27,188 to the southeast to record pumping. Water level transducers with data loggers were also installed in four well casings not being pumped to the east to record water levels at those locations. The aquifer test was based on water level changes at the observation well near the new irrigation well 27,188 and pumping data from the seven irrigation wells. Water level in the well casing labeled “th 3 ne” in Figure 2 outside of the red one-mile circle appeared to be influenced by wells to the north and northeast, not shown in Figure 2, as were well casings labeled “th 4 nw” and “cas27188 #5”. Water level at well casing labeled “cas27188 #3” appeared to be influenced from area well pumping but the casing may be partially clogged in the lower formations making it not useful for aquifer test analysis.



Figure 2 - New irrigation well 27,188 located in the center of the red one-mile circle. The star to lower right of the new well represents the observation well located 89 feet to the southeast. Farther to the lower right is the other irrigation well 27,188 operated in 2018. The five other irrigation wells operated and monitored in 2018 were 24,754 to the north, 28,263 to the west, 19,712 to the southwest, 39,709 to the south and 11,906 to the southeast. Water levels were monitored at the other four well casing locations to the east labeled “th 4 nw”, “th 3 ne”, “cas27188 #5”, and “cas27188 #3”. The Reiss domestic well located in the ne $\frac{1}{4}$, ne $\frac{1}{4}$, ne $\frac{1}{4}$ of Section 15, Township 32 South, Range 31 West, is to the south of the new irrigation well 27,188 and is between irrigation wells 19,712 and 27,188.

Well logs were available for five of the seven irrigation wells. Plotting lithologic data in the same chart according to elevation shows all wells were screened in the same elevations. Three well logs were for wells that had water level transducers and data loggers installed so the deepest pumping levels observed could be observed. Water levels in new well 27,188 and neighboring Langhofer well 24,754 both reached about the same pumping depth and appeared to be near the bottom of the primary yielding sand and gravel formation. The Langhofer well appeared to have about 80 feet of screened sandy clay and clayey sand formations between the pumping level and shale. Figure 3.

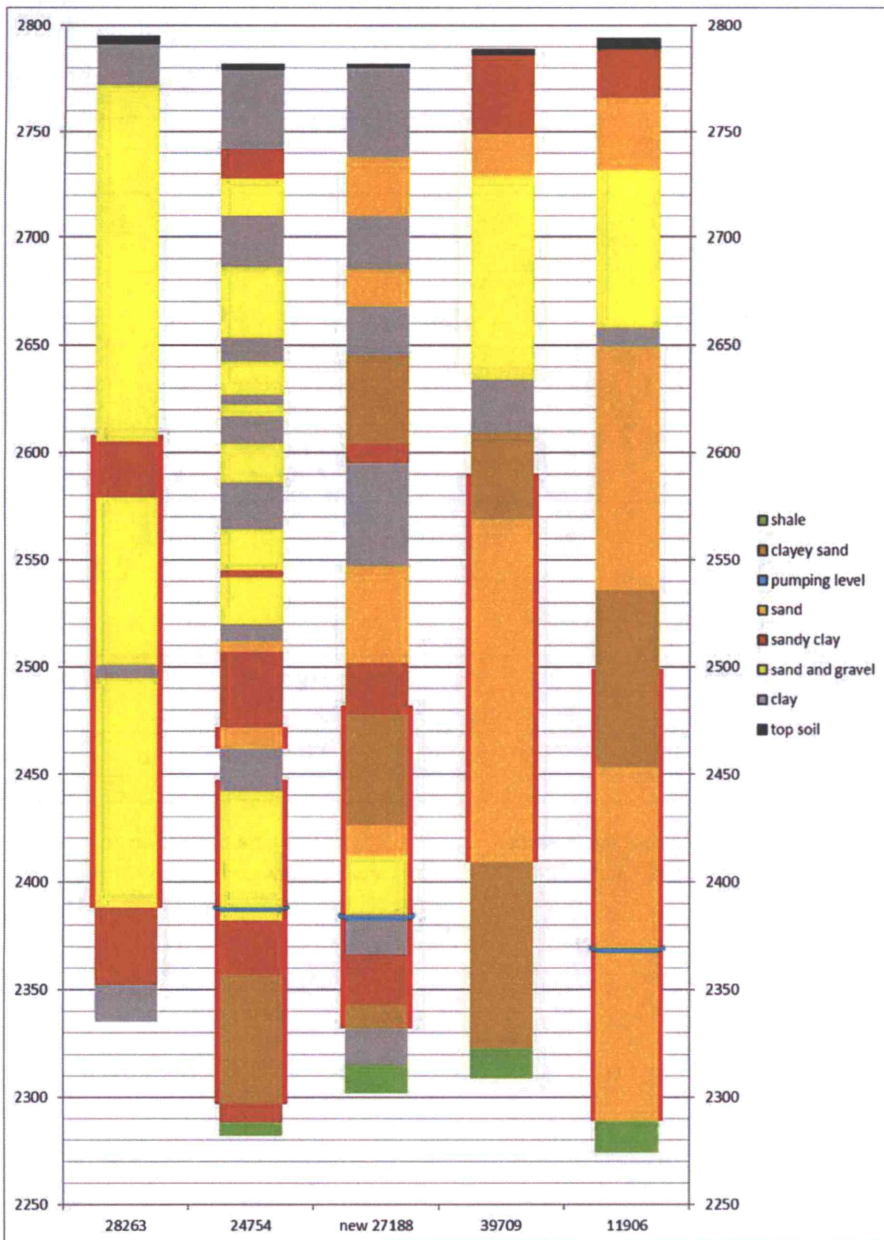


Figure 3 – Lithologic plots of well log data for irrigation wells with available well logs. Deepest pumping levels observed shown as blue lines are near the bottom of the sand and gravel formations in the new well 27,188 and the neighboring Langhofer well 24,754. There appears to be about 80 feet of sandy clay and clayey sand formations between the pumping level and shale in the Langhofer well 24,754 and only 34 feet in the new irrigation well 27,188.

Drawdown at the observation well 89 feet from the new irrigation well 27,188 was used to determine aquifer properties. Area water level was recovering from previous season pumping at the time of first pumping in 2018 so measured water level recovery was extended into the 2018 season to determine total water level drawdown due to pumping. Drawdown was measured from the extended recovery water level rather than from the initial water level when pumping first started. **Figure 4.**

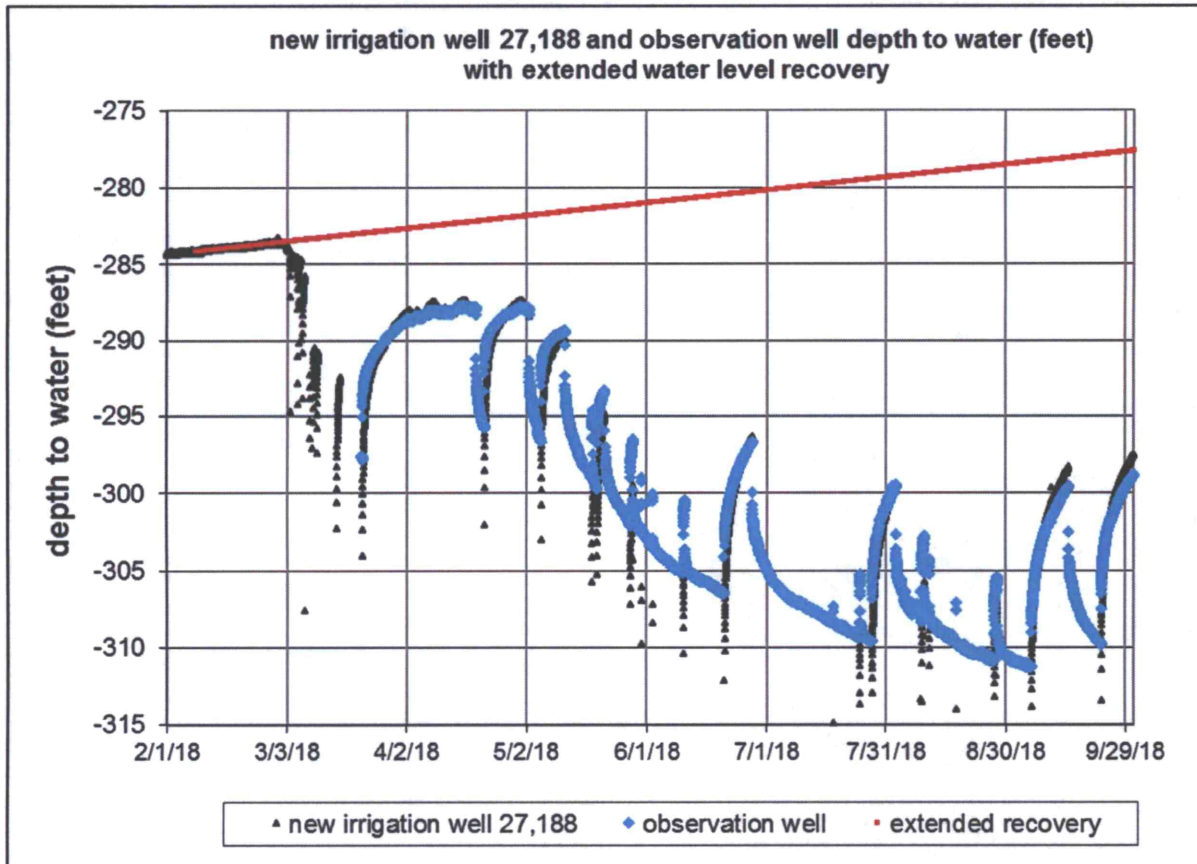


Figure 4– Plots of depth to water at the observation well and the extended recovery used to compute drawdown for aquifer test analysis. The observation well was drilled after seasonal pumping began so extended recovery was determined from water level changes at new irrigation well 27,188.

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

November 1, 2018

D. Engelhaupt, E.I.
 KDA-DWR
 11/7/2018

This analysis for File No. 27,188

A Theis analysis was used to evaluate the impacts of a change in point of diversion for File No. 27,188. The net impact of the change at a nearby domestic well and a point of diversion authorized by File No. 24,754 was evaluated. The assumed transmissivity (3,681.5 ft²/day) and storage coefficients (0.02664) are from a seasonal aquifer test analyzed by John Munson, KDA-DWR (Attachment A). The drawdown under the requested rate and quantity was compared to both currently authorized quantity and historic average use (2003-2017) at currently authorized rate. When compared to historic use (average 2008-2017), the proposed change increases drawdown by 3.73 feet at the domestic well and 4.74 feet at the point of diversion authorized by File No. 24,754. When compared to currently authorized, the proposed change increases drawdown by 2.45 feet at the domestic well and 3.59 feet at the point of diversion authorized by File No. 24,754.

Table 1: This analysis of drawdown at the domestic well compared to historic use.

Pumping Well ¹	Rate ² (gpm)		Volume ³ (AF)		Distance ⁴ (ft)	Drawdown ⁵ (ft)		Change in Drawdown ⁶	
	Base.	Prop.	Base.	Prop.		Base.	Prop.	Feet	% of ST ⁷
ID #2	1,310	1,000	491	354	1,369	20.07	14.88	-5.19	-4.34 %
ID #5	690	0	152	0	4,808	2.82	0.00	-2.82	-2.36 %
New Well	0	1,000	0	353	2,052	0.00	11.74	11.74	9.81 %
Net:						22.89	26.62	3.73	3.11 %

T = 3,681.5 ft²/day; S = 0.02664

¹Sequence within section of the pumping well. Pumping well is authorized by File No. 27,188

²Pumping rate. Assumes authorized rate.

³Volume pumped. For baseline scenario this is the average use 2003-2017. For ID #5 use on ID Nos. 1 and 3 is included.

⁴Distance between the pumping well and the nearby domestic well

⁵Maximum drawdown after 50-years of pumping cycles under the assumed conditions.

⁶Difference in maximum drawdown between proposed and baseline scenarios.

⁷Difference in maximum drawdowns expressed as percentage of the 2066 saturated thickness as projected by the GMD No. 3 model

Table 2: This analysis of drawdown at the domestic well compared to currently authorized.

Pumping Well ¹	Rate ² (gpm)		Volume ³ (AF)		Distance ⁴ (ft)	Drawdown ⁵ (ft)		Change in Drawdown ⁶	
	Base.	Prop.	Base.	Prop.		Base.	Prop.	Feet	% of ST ⁷
ID #2	1,310	1,000	536	354	1,369	21.02	14.88	-6.14	-5.13 %
ID #5	690	0	171	0	4,808	3.15	0.00	-3.15	-2.63 %
New Well	0	1,000	0	353	2,052	0.00	11.74	11.74	9.81 %
Net:						24.17	26.62	2.45	2.05 %

T = 3,681.5 ft²/day; S = 0.02664

¹Sequence within section of the pumping well. Pumping well is authorized by File No. 27,188

²Pumping rate. Assumes authorized rate.

³Volume pumped is authorized.

⁴Distance between the pumping well and the nearby domestic well

⁵Maximum drawdown after 50-years of pumping cycles under the assumed conditions.

⁶Difference in maximum drawdown between proposed and baseline scenarios.

⁷Difference in maximum drawdowns expressed as percentage of the 2066 saturated thickness as projected by the GMD No. 3 model

Table 3: This analysis of drawdown at File No. 24,754 compared to historic use.

Pumping Well ¹	Rate ² (gpm)		Volume ³ (AF)		Distance ⁴ (ft)	Drawdown ⁵ (ft)		Change in Drawdown ⁶	
	Base.	Prop.	Base.	Prop.		Base.	Prop.	Feet	% of ST ⁷
ID #2	1,310	1,000	491	354	4,039	10.00	7.26	-2.74	-2.29 %
ID #5	690	0	152	0	4,038	3.28	0.00	-3.28	-2.74 %
New Well	0	1,000	0	353	2,344	0.00	10.76	10.76	8.99 %
Net:						13.28	18.02	4.74	3.96 %

T = 3,681.5 ft²/day; S = 0.02664

¹Sequence within section of the pumping well. Pumping well is authorized by File No. 27,188

²Pumping rate. Assumes authorized rate.

³Volume pumped. For baseline scenario this is the average use 2003-2017. For ID #5 use on ID Nos. 1 and 3 is included.

⁴Distance between the pumping well and the well authorized by File No. 24,754

⁵Maximum drawdown after 50-years of pumping cycles under the assumed conditions.

⁶Difference in maximum drawdown between proposed and baseline scenarios.

⁷Difference in maximum drawdowns expressed as percentage of the 2066 saturated thickness as projected by the GMD No. 3 model

Table 4: This analysis of drawdown at File No. 24,754 compared to currently authorized

Pumping Well ¹	Rate ² (gpm)		Volume ³ (AF)		Distance ⁴ (ft)	Drawdown ⁵ (ft)		Change in Drawdown ⁶	
	Base.	Prop.	Base.	Prop.		Base.	Prop.	Feet	% of ST ⁷
ID #2	1,310	1,000	536	354	4,039	10.78	7.26	-3.52	-2.94 %
ID #5	690	0	171	0	4,038	3.65	0.00	-3.65	-3.05 %
New Well	0	1,000	0	353	2,344	0.00	10.76	10.76	8.99 %
Net:						14.43	18.02	3.59	3.00 %

T = 3,681.5 ft²/day; S = 0.02664

¹Sequence within section of the pumping well. Pumping well is authorized by File No. 27,188

²Pumping rate. Assumes authorized rate.

³Volume pumped is authorized.

⁴Distance between the pumping well and the well authorized by File No. 24,754

⁵Maximum drawdown after 50-years of pumping cycles under the assumed conditions.

⁶Difference in maximum drawdown between proposed and baseline scenarios.

⁷Difference in maximum drawdowns expressed as percentage of the 2066 saturated thickness as projected by the GMD No. 3 model

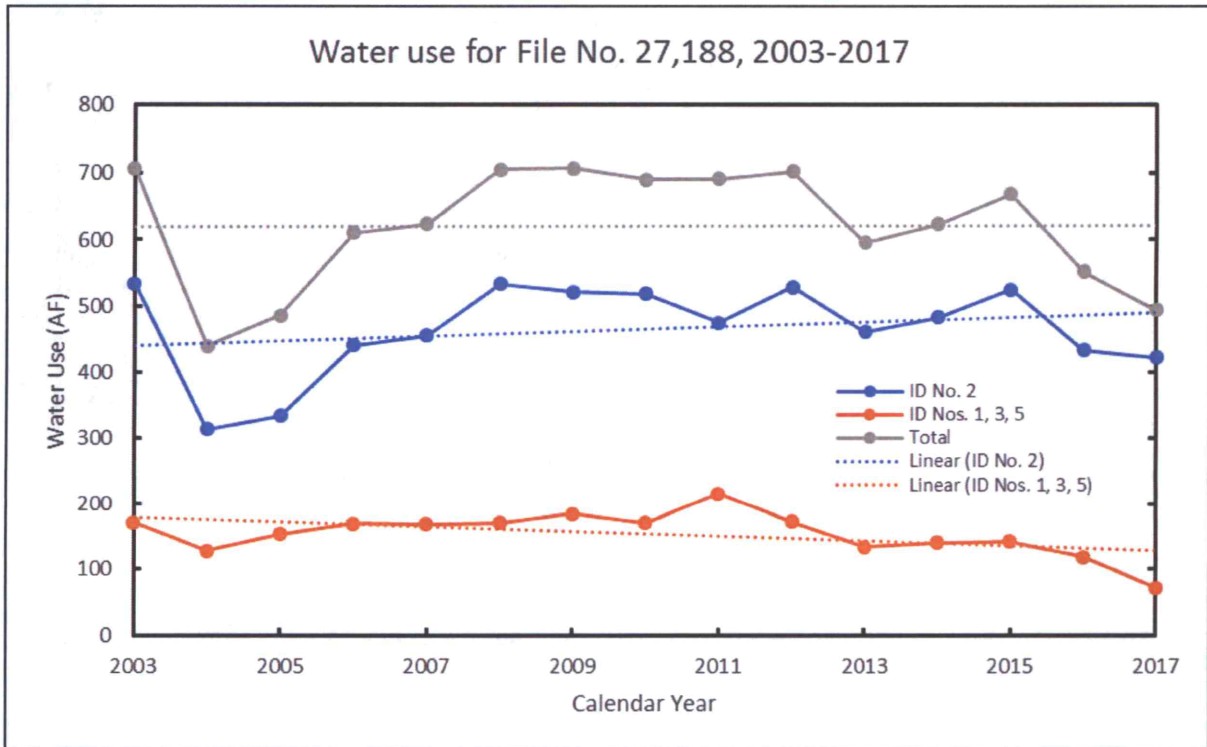


Figure 1: Historic water use on File No. 27,188, 2003-2017

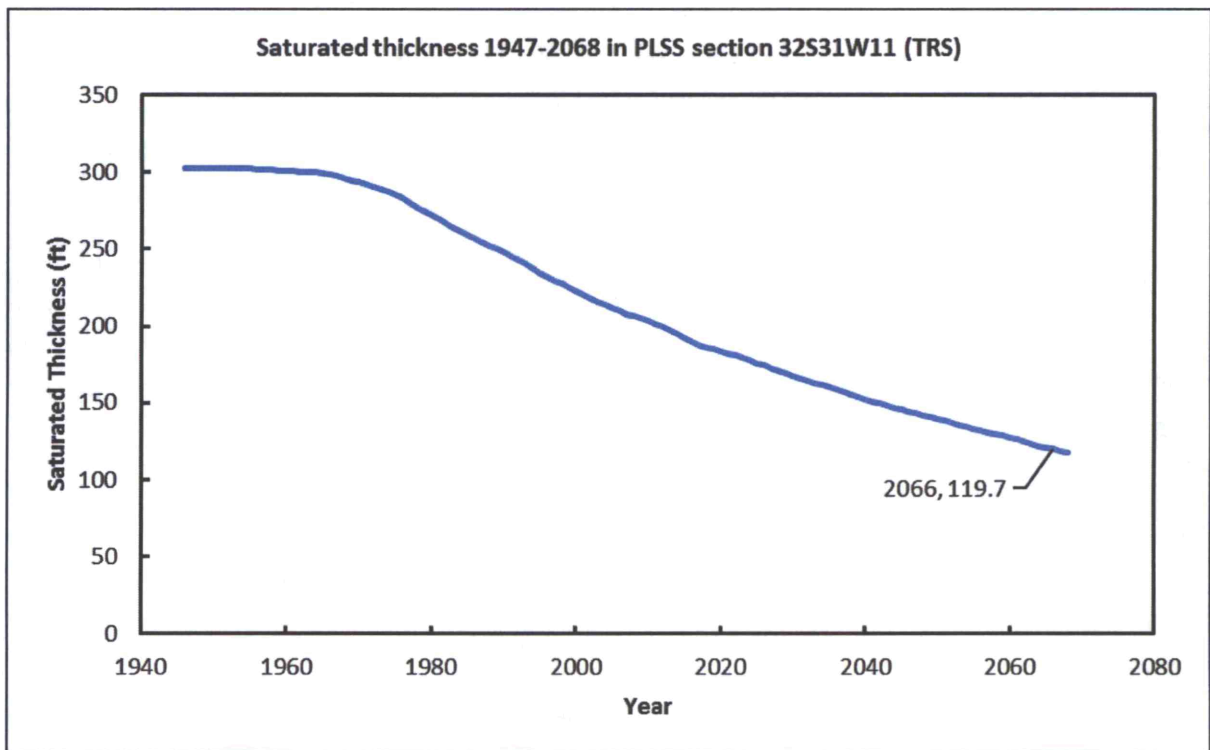


Figure 2: Modeled saturated thickness, 1947-2068

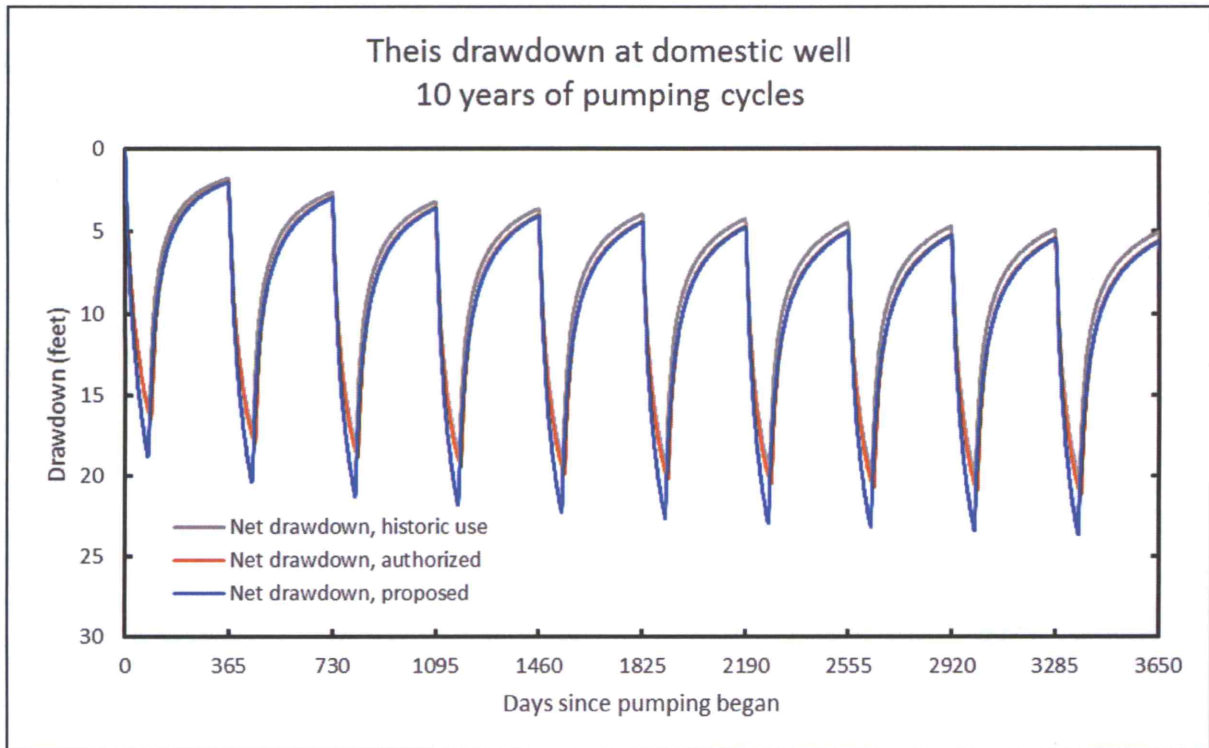


Figure 3: This drawdown at the domestic well for the first 10 years of pumping cycles

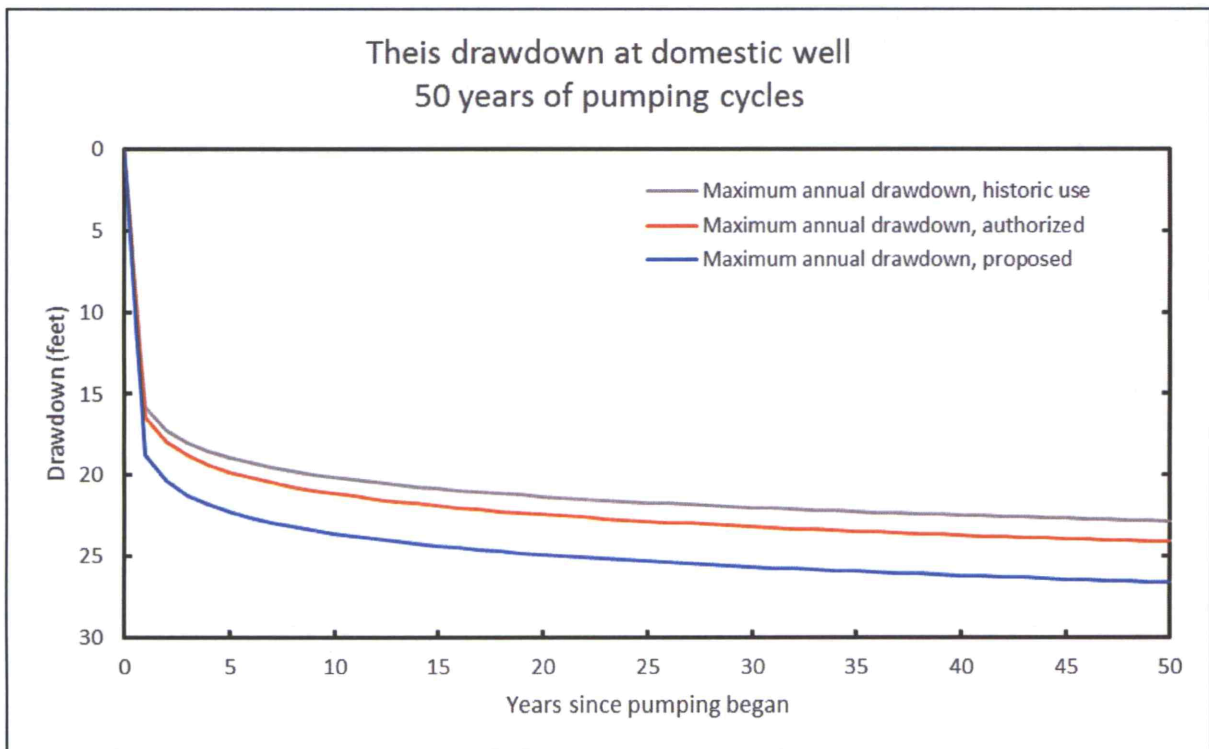


Figure 4: Maximum annual This drawdown at the domestic well for 50 years of pumping cycles

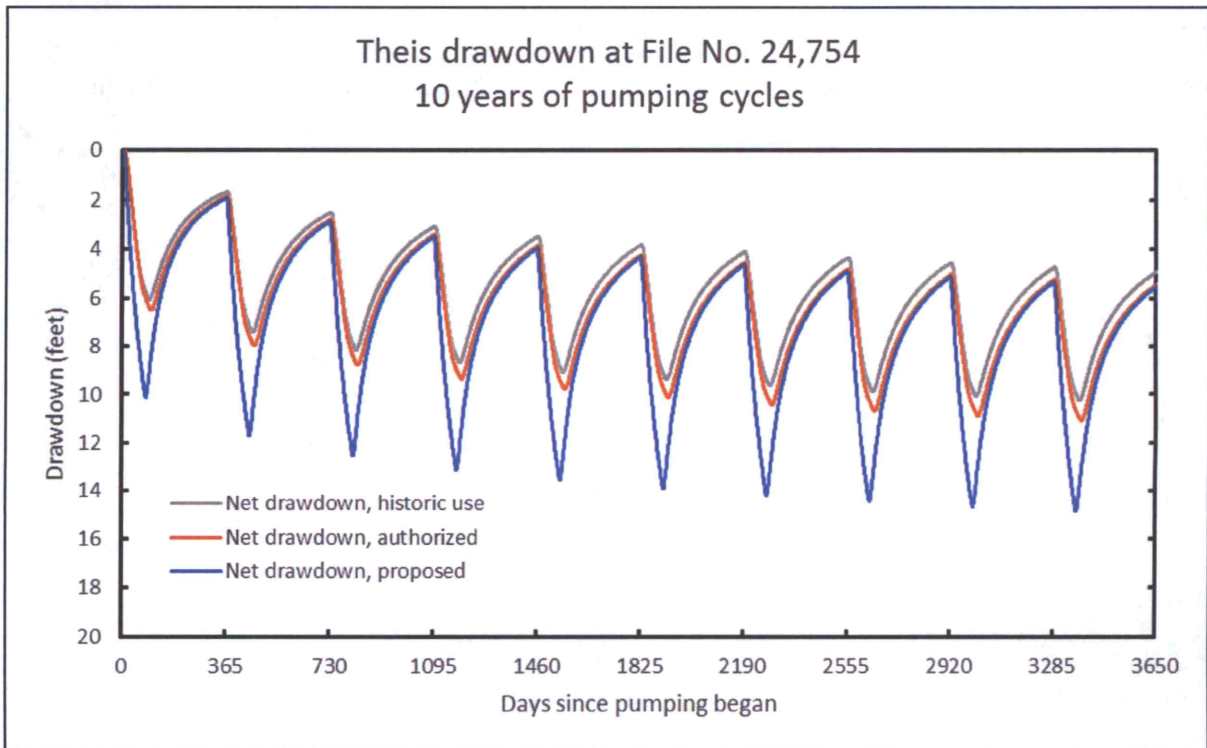


Figure 5: This drawdown at File No. 24,754 for the first 10 years of pumping cycles

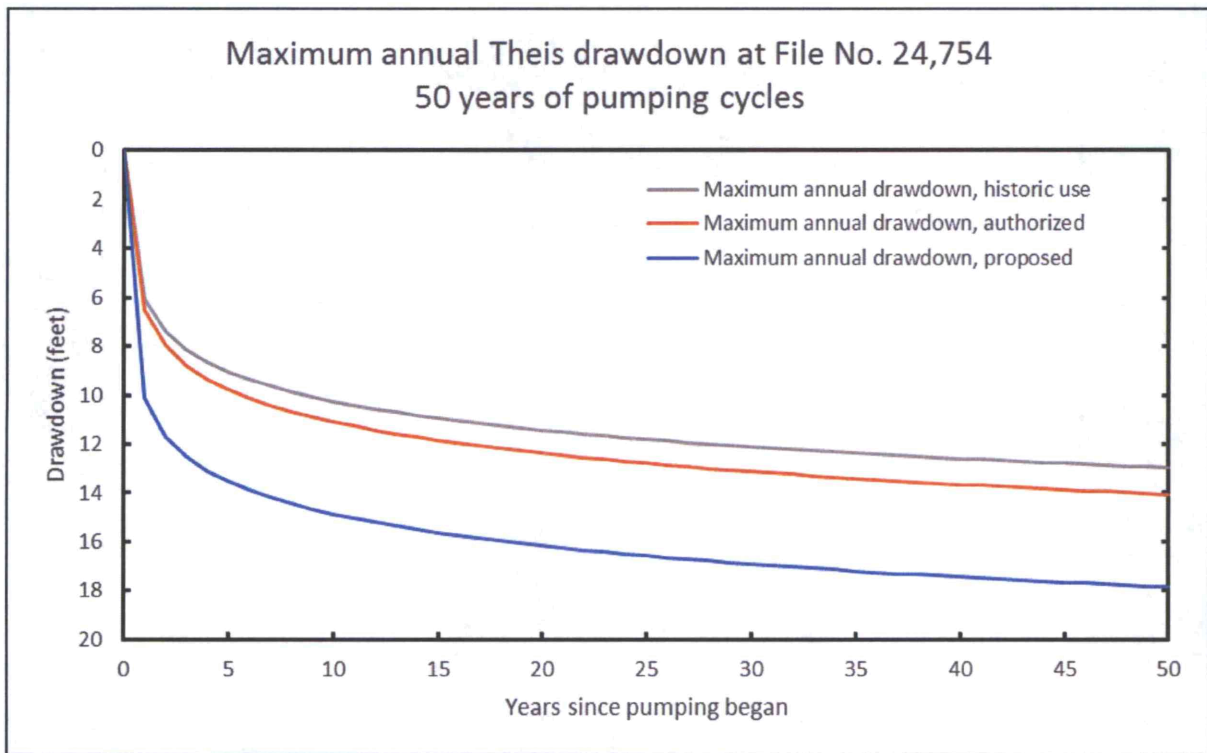


Figure 6: Maximum annual This drawdown at File No. 24,754 for 50 years of pumping cycles

References:

Kansas Geological Survey. Ground-Water Model for Southwest Kansas Groundwater Management District No. 3. KGS Open File Report 2010-18. 2010.

Ireland, Leslie [KDA]

From: Mark Rude <mrude@gmd3.org>
Sent: Monday, May 13, 2019 2:26 PM
To: Ireland, Leslie [KDA]
Cc: Jason Norquest
Subject: FW: Recommendation for Change, File No. 27188

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Leslie,
Director Kent Dunn stated to the chairman that he was unable to determine whether the application should be approved or denied based on the review of available facts and the response to questions, so he recommended following staff (GMD3) recommendation to request a hearing. The denial alternative in the staff recommendation from review of the additional well rule was not part of the board action. DWR communications concluded impairment concern was not a factor and GMD3 staff found otherwise.

Does that help?

Mark

From: Jason Norquest <norquest@gmd3.org>
Sent: Monday, May 13, 2019 12:03 PM
To: Mark Rude <mrude@gmd3.org>
Subject: FW: Recommendation for Change, File No. 27188

From Leslie.

Jason Norquest

Assistant Manager, GMD3

Cell: 620-271-1289

Office: 620-275-7147

www.gmd3.org

From: Ireland, Leslie [KDA] <Leslie.Ireland@ks.gov>
Sent: Monday, May 13, 2019 11:59 AM
To: Jason Norquest <norquest@gmd3.org>
Cc: Meyer, Mike [KDA] <Mike.Meyer@ks.gov>; Turney, Brent [KDA] <Brent.Turney@ks.gov>
Subject: FW: Recommendation for Change, File No. 27188

Jason,

So I've looked at the review/staff recommendation part of this email and Mark's letter. Do I have it correct that without a hearing the GMD recommends denial?

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

From: Ireland, Leslie [KDA]
Sent: Monday, May 13, 2019 8:19 AM
To: Jason Norquest <norquest@gmd3.org>
Subject: RE: Recommendation for Change, File No. 27188

Jason,

Thanks for the review. Both emails will be put together for the file. I've been out of the office, so lots of reading to do.

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

From: Jason Norquest <norquest@gmd3.org>
Sent: Friday, May 10, 2019 3:21 PM
To: Ireland, Leslie [KDA] <Leslie.Ireland@ks.gov>
Cc: Meyer, Mike [KDA] <Mike.Meyer@ks.gov>; Turney, Brent [KDA] <Brent.Turney@ks.gov>; Mark Rude <mrude@gmd3.org>; trevora@gmd3.org
Subject: RE: Recommendation for Change, File No. 27188

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Leslie, not all of the additional well discussion paper was included in the previous email. To make sure you get the full set from the discussion, I have attached the whole thing this time.

Sorry for the confusion on this.

Have a good weekend again.

Jason Norquest

Assistant Manager, GMD3
Cell: 620-271-1289
Office: 620-275-7147
www.gmd3.org

From: Ireland, Leslie [KDA] <Leslie.Ireland@ks.gov>
Sent: Tuesday, April 23, 2019 2:54 PM
To: Jason Norquest <norquest@gmd3.org>
Cc: Meyer, Mike [KDA] <Mike.Meyer@ks.gov>; Turney, Brent [KDA] <Brent.Turney@ks.gov>
Subject: Recommendation for Change, File No. 27188

Jason,

Attached is a letter requesting the review and recommendation of the modified application for this file.

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

Ireland, Leslie [KDA]

From: Mark Rude <mrude@gmd3.org>
Sent: Thursday, May 2, 2019 6:18 PM
To: Turney, Brent [KDA]; Ireland, Leslie [KDA]
Cc: Meyer, Mike [KDA]; Jason Norquest
Subject: RE: Recommendation for Change, File No. 27188

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Friends,

In lights of a number of factors that include the concerns raised by our members over the current proposal, our hope to provide some reasonable calculations and analysis to the applicant and the neighbors, and the need for some additional information we still don't have, we would like to request more time in which to provide a recommendation.

Thanks for your considerations,

Mark

Mark E. Rude, Executive Director

Southwest Kansas Groundwater Management District No. 3

2009 E. Spruce Street

Garden City, KS 67846

O (620) 275-7147

C (620) 272-3001

From: Turney, Brent [KDA] <Brent.Turney@ks.gov>
Sent: Thursday, May 2, 2019 5:30 PM
To: Mark Rude <mrude@gmd3.org>; Ireland, Leslie [KDA] <Leslie.Ireland@ks.gov>
Cc: Meyer, Mike [KDA] <Mike.Meyer@ks.gov>; Jason Norquest <norquest@gmd3.org>
Subject: RE: Recommendation for Change, File No. 27188

Mark,

In response to your email concerns about the proposed change in point of diversion File No. 27,188, we feel that no further explanation is needed to define impairment. We have stated in previous correspondence that we will only consider direct well to well impairment and we have determined that in this case it is not a factor.

K.A.R. 5-5-16 does require a test or tests of the wells to be used for an additional well or wells. However, the applicant has made the decision to use the rate from only one of the two authorized wells authorized by File No. 27,188, for the proposed additional well. If the applicant had proposed to use the rates from both authorized wells to determine the rate for the proposed additional well then a test from the second authorized would have been required. Therefore, a test on the second authorized well will not be required to process the application.

Brent

Brent A. Turney, P.G.
Kansas Department of Agriculture
Division of Water Resources
1320 Research Park Drive
Manhattan Kansas 66502
(785) 564-6645

From: Mark Rude <mrude@gmd3.org>
Sent: Thursday, May 2, 2019 2:30 PM
To: Turney, Brent [KDA] <Brent.Turney@ks.gov>; Ireland, Leslie [KDA] <Leslie.Ireland@ks.gov>
Cc: Meyer, Mike [KDA] <Mike.Meyer@ks.gov>; Jason Norquest <norquest@gmd3.org>
Subject: RE: Recommendation for Change, File No. 27188

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Brent or others,
In addition to the description of what constitutes impairment in this area, we also still need the second well test under question (1) per 5-5-16(a)(3). If not tested, would you like for us to get a test?
Mark

From: Mark Rude
Sent: Wednesday, May 1, 2019 5:06 PM
To: 'Turney, Brent [KDA]' <Brent.Turney@ks.gov>; Ireland, Leslie [KDA] <Leslie.Ireland@ks.gov>
Cc: Meyer, Mike [KDA] <Mike.Meyer@ks.gov>; Jason Norquest <norquest@gmd3.org>
Subject: RE: Recommendation for Change, File No. 27188

Brent,
Thank you for this response. This is helpful.

I don't see an answer to question 4. A "maybe someday" approach does not answer question 4. Question 4 is not whether impairment may be evaluated someday, but for today's evaluation activity. We are finding members need some assurance of some protection of water right supply afforded to them by the requirements of water rights administration law in a declining supply and also need some administrative confidence over potential future impairment administration against their investment if approved. There is no definition by rule, so rules don't help. So, what is the definition our members are subject to for this area recently studied by DWR? What is the definition of impairment we should use to judge whether it will occur or not? We can then plug that into our calculations and make a recommendation.

Thanks in advance,

Mark
Mark E. Rude, Executive Director
Southwest Kansas Groundwater Management District No. 3
2009 E. Spruce Street
Garden City, KS 67846
O (620) 275-7147
C (620) 272-3001

From: Turney, Brent [KDA] <Brent.Turney@ks.gov>
Sent: Wednesday, May 1, 2019 12:21 PM
To: Mark Rude <mrude@gmd3.org>; Ireland, Leslie [KDA] <Leslie.Ireland@ks.gov>
Cc: Meyer, Mike [KDA] <Mike.Meyer@ks.gov>; Jason Norquest <norquest@gmd3.org>
Subject: RE: Recommendation for Change, File No. 27188

Ireland, Leslie [KDA]

From: Mark Rude <mrude@gmd3.org>
Sent: Thursday, May 2, 2019 6:05 PM
To: Turney, Brent [KDA]; Ireland, Leslie [KDA]
Cc: Meyer, Mike [KDA]; Jason Norquest; Barfield, David [KDA]; Letourneau, Lane [KDA]; Titus, Kenneth [KDA]
Subject: RE: Recommendation for Change, File No. 27188

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Thanks, Brent.

The water right under its priority of right has specific rates that the aquifer can yield. Thus the tests. Some information on present aquifer yield for each of the authorized P/Ds is needed under the rule to determine what is available for dividing and distributing at this time. Should we assume zero for the east well or is there better information available?

In your impairment not being a factor, we need to know the basis if your determination, including the definition. Aquifer declines are occurring annually and impairment as a factor is inevitable and guaranteed. so, please provide all data and information you and others in DWR may be relying on as a demonstration that It (impairment) is not a factor. Specifically, what would cause impairment to be considered a factor? Some explanation of standards and definition used in this case to determine it is needed. It might be easier to address it now rather than after a complaint. Do I need to provide an open records request? Thanks for your assistance,
Mark

From: Turney, Brent [KDA] <Brent.Turney@ks.gov>
Sent: Thursday, May 2, 2019 5:30 PM
To: Mark Rude <mrude@gmd3.org>; Ireland, Leslie [KDA] <Leslie.Ireland@ks.gov>
Cc: Meyer, Mike [KDA] <Mike.Meyer@ks.gov>; Jason Norquest <norquest@gmd3.org>
Subject: RE: Recommendation for Change, File No. 27188

Mark,

In response to your email concerns about the proposed change in point of diversion File No. 27,188, we feel that no further explanation is needed to define impairment. We have stated in previous correspondence that we will only consider direct well to well impairment and we have determined that in this case it is not a factor.

K.A.R. 5-5-16 does require a test or tests of the wells to be used for an additional well or wells. However, the applicant has made the decision to use the rate from only one of the two authorized wells authorized by File No. 27,188, for the proposed additional well. If the applicant had proposed to use the rates from both authorized wells to determine the rate for the proposed additional well then a test from the second authorized would have been required. Therefore, a test on the second authorized well will not be required to process the application.

Brent

Brent A. Turney, P.G.
Kansas Department of Agriculture
Division of Water Resources
1320 Research Park Drive
Manhattan Kansas 66502
(785) 564-6645
Brent.Turney@ks.gov

From: Mark Rude <mrude@gmd3.org>
Sent: Thursday, May 2, 2019 2:30 PM
To: Turney, Brent [KDA] <Brent.Turney@ks.gov>; Ireland, Leslie [KDA] <Leslie.Ireland@ks.gov>
Cc: Meyer, Mike [KDA] <Mike.Meyer@ks.gov>; Jason Norquest <norquest@gmd3.org>
Subject: RE: Recommendation for Change, File No. 27188

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Brent or others,

In addition to the description of what constitutes impairment in this area, we also still need the second well test under question (1) per 5-5-16(a)(3). If not tested, would you like for us to get a test?

Mark

From: Mark Rude
Sent: Wednesday, May 1, 2019 5:06 PM
To: 'Turney, Brent [KDA]' <Brent.Turney@ks.gov>; Ireland, Leslie [KDA] <Leslie.Ireland@ks.gov>
Cc: Meyer, Mike [KDA] <Mike.Meyer@ks.gov>; Jason Norquest <norquest@gmd3.org>
Subject: RE: Recommendation for Change, File No. 27188

Brent,

Thank you for this response. This is helpful.

I don't see an answer to question 4. A "maybe someday" approach does not answer question 4. Question 4 is not whether impairment may be evaluated someday, but for today's evaluation activity. We are finding members need some assurance of some protection of water right supply afforded to them by the requirements of water rights administration law in a declining supply and also need some administrative confidence over potential future impairment administration against their investment if approved. There is no definition by rule, so rules don't help. So, what is the definition our members are subject to for this area recently studied by DWR? What is the definition of impairment we should use to judge whether it will occur or not? We can then plug that into our calculations and make a recommendation.

Thanks in advance,

Mark

Mark E. Rude, Executive Director
Southwest Kansas Groundwater Management District No. 3
2009 E. Spruce Street
Garden City, KS 67846
O (620) 275-7147
C (620) 272-3001

From: Turney, Brent [KDA] <Brent.Turney@ks.gov>
Sent: Wednesday, May 1, 2019 12:21 PM
To: Mark Rude <mrude@gmd3.org>; Ireland, Leslie [KDA] <Leslie.Ireland@ks.gov>
Cc: Meyer, Mike [KDA] <Mike.Meyer@ks.gov>; Jason Norquest <norquest@gmd3.org>
Subject: RE: Recommendation for Change, File No. 27188

Mark,

I am responding on behalf of Leslie to your email of April 25, 2019. Please find our responses to the questions and comments as outlined in your email.

Brent

1. With respect to your request for tested rate(s) and the sleeve factor used, here is additional information from Mike Meyer which he intended to submit with the application.

The current well is drilled to 390 feet deep (documentation attached with the application from invoice), less than the total aquifer depth in this area based on complete well logs from the local area shows an aquifer depth of 490 to 515 feet below land surface. As documented by Mr. Befort in the application (copy of invoice work order), prior to 2002, the well developed a hole in the casing. Rather than drilling a new well at that time, the owners installed a sleeve in the casing to plug the hole until they felt they needed to re-drill the well. K.A.R. 5-5-16(a)(3)(B) allows for KDA-DWR's interpretation of appropriate rate if the well is not in physical condition to represent the aquifer yield at that location and other reliable data is available to support determination of an appropriate aquifer yield flow rate for that location.

Because the well is over 43 years old, the current pump test from the current location is not representative of the aquifer yield at the local source of supply. Mr. Befort had three options to evaluate while he was contemplating an additional well and the aquifer yield at that location: 1) re-drill the well within 300 feet, gaining over 70' feet of saturated thickness and improved well hydraulics to achieve a rate up to the currently authorized 1310 gpm, 2) pull the pump and have Hydro Resources jet and clean the well to gain additional diversion rate, or 3) settle for the current tested flow rate with adjustment for the reduction in rate caused by the well casing sleeve. Mr. Befort chose the last option rather than spending several thousand dollars to produce a higher flow rate as he is legally entitled to. Mr. Befort's intention is to maintain the current well and pump it at a lower diversion rate to extend the life of the aquifer with two wells. With the DWR test rate at 998 gpm and the proposed additional 10% of rate (as recommended by Hydro Resources in consideration of the well casing sleeve), DWR finds that Mr. Befort's proposal meets the regulation.

2. With respect to your request for information regarding implementation of evaluations under K.A.R. 5-5-16 (f), we have not done any such evaluation for a water right that has been authorized an additional well as per K.A.R. 5-5-16 as we have received no complaints to precipitate such review. All additional wells include permit conditions retaining jurisdiction and reserving the right to review any such approval now and, in the future, if the need arises.
3. With respect to your information provided from GMD3's draft management program on supplemental wells and "chasing water", we certainly will support GMD3 as they seek to develop regulations to implement the such provisions in a well-reasoned and consistent manner. However, until this is done, applicants are entitled to consideration of their applications under the existing statutes, rules and regulations. The application is not proposing restoring pumping capacity but maintenance of such, which is allowed.
4. With respect to your comments on direct impairment, based on our analysis, we have no evidence to substantiate direct impairment will be caused by approval of applicant's request and, as you are aware K.A.R. 5-5-16 requires that the following condition shall be placed of any additional well:

The application, therefore, is approved subject to the condition that for the sole purpose of administering wells concerning direct impairment, the additional wells shall be considered to have the priority of the date the application was filed to add the additional wells.

If direct impairment of any well with a priority senior to the date the change application is found, KDA-DWR will administer pumping of the additional well accordingly.

5. Finally, with respect to your question on economic limit criteria used by DWR in evaluating the potential for impairment, KDA-DWR relies on existing statutory and regulatory requirements, supplemented by our This analysis to evaluate the potential for impairment.

Brent A. Turney, P.G.
Kansas Department of Agriculture
Division of Water Resources
1320 Research Park Drive
Manhattan Kansas 66502
(785) 564-6645
Brent.Turney@ks.gov
www.agriculture.ks.gov

From: Mark Rude <mrude@gmd3.org>

Sent: Thursday, April 25, 2019 6:29 PM

To: Ireland, Leslie [KDA] <Leslie.Ireland@ks.gov>

Cc: Meyer, Mike [KDA] <Mike.Meyer@ks.gov>; Turney, Brent [KDA] <Brent.Turney@ks.gov>; Jason Norquest <norquest@gmd3.org>

Subject: FW: Recommendation for Change, File No. 27188

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Leslie,

Thank you for the letter of April 23rd providing a revised change app to add the unpermitted well under Water Right, File No. 27,188 as a third well. Staff is currently reviewing the application and we plan to have the policy committee review it and agenda it at our May 8th meeting if possible. Several preliminary question have been identified for attention and additional information may exist to provide the requested information.

- 1) 5-5-16 is the statewide additional well rule with general water right administration provisions. Paragraph (a)(3) information may be missing from what you have provided. Specifically (A) total tested rates of the two existing wells or (B) Hydrologic Analysis... Do you have that information? Also, why was there a well sleeve factor used to adjust the well test?
- 2) Also, is there any available information in log or report form available to demonstrate the implementation of section (f) evaluations and whether they have ever occurred under this rule?
- 3) As a matter of information regarding the proposal prejudicing or unreasonably affecting the public interest, the Conservation section of the GMD3 draft management program language forwarded to the chief engineer contains the following general language on Supplemental (additional) wells:
 - a. **Supplemental wells and "chasing water."** Prohibiting adding additional wells to water rights or in use flexibilities between wells for the purpose of adding or restoring groundwater extraction capacity in declining aquifer supply has been a Board policy concern since the 1980's as being inconsistent with the district water conservation strategy. Additional wells to restore extraction capacity raises a "chasing water" concern of disproportionately adding water mining capacity and increasing projected rates of depletion into the future. As cautioned in the description of type (1) water conservation, improving use efficiency carries risk of added capacity to consume every drop of a declining aquifer supply and further reducing already declining supply to other water rights. Individual members may still favor a better management of allocations using additional well sites added to their base water right. Careful evaluation procedures are necessary to identify critical wells under such proposals to: conserve and protect the future local source of supply of prior water rights; preserve local water conservation effort benefits; preserve management program strategies and limits future adverse economic impacts from surprise administrative fiat resulting from impairment claims.

- 4) Concerning direct impairment in this case studied by DWR, we recognize the courts and DWR have relied in other cases on the following definition: "...when that [action] *diminishes, weakens, or injures the diversions of water under a prior right*" (Garetson Bros. v. Am. Warrior, Inc. , 51 Kan. App. 2d 370, 389, 347 P.3d 687 (2014), review denied (Jan. 25, 2016)). We would like to know if this definition is applicable in this case?
- 5) Also, the economic limit standard of 82a-711 has not been implemented by the chief engineer nor evaluated by the court, that we are aware. Are there any economic limit criteria used by DWR?

If you could respond to these questions and provide the needed additional information, it will help us provide an appropriate recommendation.

Thank you for your assistance,

Mark

Mark E. Rude, Executive Director

Southwest Kansas Groundwater Management District No. 3

2009 E. Spruce Street

Garden City, KS 67846

O (620) 275-7147

C (620) 272-3001

From: Ireland, Leslie [KDA] <Leslie.Ireland@ks.gov>

Sent: Tuesday, April 23, 2019 2:54 PM

To: Jason Norquest <norquest@gmd3.org>

Cc: Meyer, Mike [KDA] <Mike.Meyer@ks.gov>; Turney, Brent [KDA] <Brent.Turney@ks.gov>

Subject: Recommendation for Change, File No. 27188

Jason,

Attached is a letter requesting the review and recommendation of the modified application for this file.

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

1320 Research Park Drive
Manhattan, KS 66502
785-564-6700
www. agriculture.ks.gov



900 SW Jackson, Room 456
Topeka, KS 66612
785-296-3556

Mike Beam, Secretary

Laura Kelly, Governor

April 23, 2019

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

FILE COPY

Re: Application for Change, Water Right, File No. 27,188

Dear Mr. Rude:

We are enclosing a copy of the application referred to above which appears to be in proper form. The application has been modified by the landowner to add an additional well that meets KAR 5-5-16, which also includes spacing criteria set out in that rule.

As the proposal has been modified to lesser amounts than the original proposal, no analysis such as Theis was performed again as the original analysis would be a more extreme test than that which is being proposed by the current application. That analysis was forwarded to your staff in the past from Mike Meyer, Water Commissioner, Garden City Field Office.

Comment letters are attached from the same two neighbors having concerns of the lowering of the water table in the future, operation of a domestic well, and seniority in the neighborhood. We are waiting to respond to the neighbors once you provide a recommendation.

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 recommendation concerning this application.

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

Sincerely,

Leslie Ireland
Environmental Scientist
Water Appropriation Program

LI:li
Enclosure

pc: Garden City Field Office
Clayton J. & Sharon K. Befort
John Borth

FILE COPY

SCANNED

Douglass Langhofer
20960 Road W
Plains, KS 67869

April 19, 2019

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

Re: Concern for changes to Water Right, File No. 27,188

Dear KDA:

I am writing to express my concerns for water well right # 24,754. This well was first drilled in 1975, which lasted for forty-one (41) years before having to drill a new well in July of 2016. As you well know this is an extremely costly investment. Multiple test holes were completed before going back to an original test hole from 1975. The 1975 test hole is where our current new well of 2016 was drilled. As you can see from this information water is difficult to find.

Our neighbor drilled a new well that did not meet the minimum spacing distance between wells. To our understanding this well was drilled prior to permission being granted by ground water management. Due to that fact, I personally feel said well is an illegal well. Regulations clearly state you must have prior authorization from ground water management before drilling can commence. Drilling companies are also aware of these regulations and must wait for approval from ground water management. We understand there has been a new plan filed to change the points of diversion plus additional well regulation K.A.R. 5-5-16. Changing the point of diversion has permitted correct spacing between the old well and the new well. Lowering the gallons per minute and allowing a third well with the theory of working three slow wells as opposed to two hard wells does not make sense. The same acre feet will still be drawn from the aquifer. This brings me to the question--how many wells is a person or entity allowed to have? I am confused why we have regulation that are supposed to protect the aquifer, but yet continue to allow additional wells to be drilled and used. In my estimation, if this situation is allowed, a new precedent will be set.

Various persons in our town have asked questions concerning the current case and have compared it to theirs. In one situation, the well over-pumped and then shut down for a year. Another well was actually closed forever because of improper paper work to the well. These may be different situations but evidently the regulations were strictly adhered to and the owners of the wells were not permitted a chance to correct their mistakes.

WATER RESOURCES
RECEIVED

APR 19 2019

SCANNED

KS DEPT OF AGRICULTURE

Protection of the aquifer is my first priority and I am greatly concerned in regard to the water table decreasing and compromising our new well. Someday I would like to leave our family farm to my son just as my dad did for me. If there is not adequate water to run a sprinkler for irrigated farming, then a switch to dry land farming would need to be made and that would be an extreme financial loss to the family legacy. Purportedly there are regulations in place to protect the aquifer and they should be adhered to. However, if "Leap Frogging" and drilling additional wells are not covered under current regulations, then I believe new regulations need to be implemented.

We are concerned of the water table decreasing and compromising our new well. I do not want to create a hardship on our neighbors, just want to express some of my thoughts and concerns. Should you have any questions, please feel free to contact me at 620-629-5252.

Respectfully,

Douglass Langhofer, Executor
Estate of Darrell Langhofer

WATER RESOURCES
RECEIVED
APR 19 2019
KS DEPT OF AGRICULTURE

Ireland, Leslie [KDA]

From: Melissa Langhofer <melissalanghofer@gmail.com>
Sent: Friday, April 19, 2019 1:13 PM
To: Ireland, Leslie [KDA]
Subject: water right concern letter.
Attachments: water right concern 2019.docx

EXTERNAL: This email originated from outside of the organization. Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Please find attached a letter concerning the changes being made to Water Right File #27,188.

--

Melissa Langhofer

April-8-2019

In Reference to Water right #1
27,188

from- April 4, 2019-

No! We have not changed
our minds. This has been going on-
Now- for 2 yrs or more! Almost
to point of harassment.

Our Domestic well, is pumping
sand from outside faucets!

WATER RESOURCES
RECEIVED

APR 15 2019

KS DEPT OF AGRICULTURE

Scott: Tredy Weiss
22950 Hwy 160
Plainville, KS 67869
620-629-7674-
SCANNED
Scott

Concerns regarding the latest modified
Proposal of water right 27,188.

- (1) spacing of wells, are they within regulations
- (2) 90% of water for section comes from
SW corner of section, negative effect
on domestic well of our farmstead
- (3) supposedly original well was split,
where does second well or new well stand
in regards to seniority?!

WATER RESOURCES
RECEIVED

APR 15 2019

KANSAS DEPT OF AGRICULTURE

SCANNED

April 4, 2019

DARRELL D LANGHOFER
20960 ROAD W
PLAINS KS 67869-6803

FILE COPY

Re: Water Right, File No. 27,188

Dear Mr. Langhofer:

This letter is to inform you that Clayton J. and Sharon K. Befort, have modified the application submitted on April 10, 2017 to change the points of diversion under the referenced file authorized for irrigation use.

The modified application proposes the following change per K.A.R. 5-5-16, *Additional well regulation*

from: one (1) well located in the Southeast Quarter of the Southwest Quarter of the Southwest Quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 11, more particularly described as being near a point 100 feet North and 4,420 feet West of the Southeast corner of said section, at a quantity not to exceed 536 acre-feet per calendar year and at a diversion rate not in excess of 1,310 gallons per minute (2.92 c.f.s.), and

one (1) well located in the Northeast Quarter of the Northwest Quarter of the Southeast Quarter (NE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 11, more particularly described as being near a point 2,268 feet North and 1,688 feet West of the Southeast corner of said section, at a quantity not to exceed 171 acre-feet per calendar year and at a diversion rate not in excess of 690 gallons per minute (1.54 c.f.s.),

to: one (1) well located in the Southeast Quarter of the Southwest Quarter of the Southwest Quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 11, more particularly described as being near a point 100 feet North and 4,420 feet West of the Southeast corner of said section, at a quantity not to exceed 300 acre-feet per calendar year and at a diversion rate not in excess of 725 gallons per minute (1.62 c.f.s.), and

one (1) well located in the Northeast Quarter of the Northwest Quarter of the Southeast Quarter (NE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 11, more particularly described as being near a point 2,268 feet North and 1,688 feet West of the Southeast corner of said section, at a quantity not to exceed 171 acre-feet per calendar year and at a diversion rate not in excess of 690 gallons per minute (1.54 c.f.s.), and

SCANNED

one (1) well located in the Southwest Quarter of the Northwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 11, more particularly described as being near a point 1,612 feet North and 5,258 feet West of the Southeast corner of said section, at a quantity not to exceed 236 acre-feet per calendar year and at a diversion rate not in excess of 475 gallons per minute (1.06 c.f.s.),

all in Township 32 South, Range 31 West, Seward County, Kansas.

Records in this office indicate that you may have a well or wells in this vicinity of the proposed changes in point of diversion to that will shift the authorized quantity between these existing wells. These proposed changes appear to meet the current referenced regulation. You are being notified of the proposal so that you may furnish this office written comments or other information you may desire to submit. Such written comments or other information must be received in this office within 15 days from the date of this letter.

If you have any questions, please contact our office, my desk phone is (785) 564-6633. If you wish to discuss a specific file, please have the file numbers ready so that we may help you more efficiently.

Sincerely,



Leslie Ireland
Environmental Scientist
Water Appropriation Program

LI

pc: Garden City Field Office
Groundwater Management District No. 3
Clayton J. and Sharon K. Befort
John D. Borth, Water Use Correspondent

1320 Research Park Drive
Manhattan, KS 66502
785-564-6700
www. agriculture.ks.gov



900 SW Jackson, Room 456
Topeka, KS 66612
785-296-3556

Mike Beam, Acting Secretary

Laura Kelly, Governor

April 4, 2019

SCOTT & TRUDY K REISS
22958 HIGHWAY 160
PLAINS KS 67869-6809

Re: Water Right, File No. 27,188

Dear Mr. & Mrs. Reiss:

This letter is to inform you that Clayton J. and Sharon K. Befort, have modified the application submitted on April 10, 2017 to change the points of diversion under the referenced file authorized for irrigation use.

The modified application proposes the following change per K.A.R. 5-5-16, Additional well regulation

from: one (1) well located in the Southeast Quarter of the Southwest Quarter of the Southwest Quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 11, more particularly described as being near a point 100 feet North and 4,420 feet West of the Southeast corner of said section, at a quantity not to exceed 536 acre-feet per calendar year and at a diversion rate not in excess of 1,310 gallons per minute (2.92 c.f.s.), and

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SCANNED

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all in Township 32 South, Range 31 West, Seward County, Kansas.

Records in this office indicate that you may have a well or wells in this vicinity of the proposed changes in point of diversion to that will shift the authorized quantity between these existing wells. These proposed changes appear to meet the current referenced regulation. You are being notified of the proposal so that you may furnish this office written comments or other information you may desire to submit. Such written comments or other information must be received in this office within 15 days from the date of this letter.

If you have any questions, please contact our office, my desk phone is (785) 564-6633. If you wish to discuss a specific file, please have the file numbers ready so that we may help you more efficiently.

Sincerely,



Leslie Ireland
Environmental Scientist
Water Appropriation Program

LI

pc: Garden City Field Office
Groundwater Management District No. 3
Clayton J. and Sharon K. Befort
John D. Borth, Water Use Correspondent

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 29, 2017

DOUG & MELISSA LANGHOFER
20960 ROAD W
PLAINS KS 67869-6803

RE: Change Application, Water Right, File No. 27,188

Dear Mr. & Mrs. Langhofer:

This will acknowledge receipt of your letter dated June 21, 2017, on behalf of your father, Darrell Langhofer's, Water Right, File No. 24,754, in which you expressed comments concerning the application for approval to change the point of diversion authorized under Water Right, File No. 27,188.

If approved and should the diversion of water under this approval substantially impair Water Right, File No. 24,188, you should notify Mike Meyer, Water Commissioner, of the field office in your area. The field office address and phone number is:

Kansas Department of Agriculture
Division of Water Resources - Garden City Field Office
2508 Johns Street
Garden City, KS 67846-2804
Phone: (620) 276-2901

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

Sincerely,

Leslie Ireland
Environmental Scientist
Change Application Unit

LI:li

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

FILE COPY

Douglass Langhofer
20960 Road W
Plains, KS 67869

June 21, 2017

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

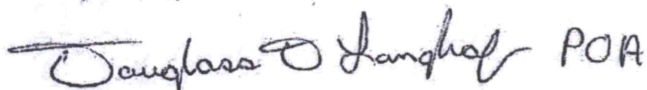
Dear KDA:

I am writing to express my concerns for my father, Darrell Langhofer, water well right # 24754. He first drilled this well in 1975, which lasted for forty-one (41) years before having to drill a new well in July of 2016. As you well know this is an extremely costly investment. Multiple test holes were completed before going back to an original test hole from 1975. The 1975 test hole is where our current new well of 2016 was drilled. As you can see from this information water is difficult to find. We relied on data from 40 years ago.

Our neighbor has recently drilled a new well at the minimum separation distance from our new well. Their plan to relocate another well from the East side of their property to combine with their new well has created seven (7) wells within a three mile area along county road W in Seward County Kansas. The area would be further described as two miles North of Highway 160 and one mile South of Highway 160, with a width of a half mile East or West of county road W. The concentration is getting too heavy in our area. The aquifer continues to deplete and with the wells all being concentrated in a short distance, we feel this will expedite the depletion.

We are concerned of the water table decreasing and compromising our new well drilled in 2016. We do not want to create a hardship on our neighbors, just want to express our concerns. Thank you for allowing us to express our concerns about the aquifer in our area. Should you have any questions or concerns please feel free to contact me at 620-629-5252.

Respectfully

 POA

Douglass Langhofer
Darrell Langhofer's power of attorney

WATER RESOURCES
RECEIVED

JUN 23 2017

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

April 19, 2017

DARRELL D LANGHOFER
20960 ROAD W
PLAINS KS 67869-6803

FILE COPY

Re: Water Right, File No. 27,188

Dear Mr. Langhofer:

This letter is to inform you that Clayton J. and Sharon K. Befort, have filed an application to change the points of diversion under the referenced file authorized for irrigation use.

It is proposed that the two wells be change resulting in one well being capped and a new well completed with the authorized quantity modified and the rate reassigned. The application proposes the following change:

from: one (1) well located in the Southeast Quarter of the Southwest Quarter of the Southwest Quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 11, more particularly described as being near a point 100 feet North and 4,420 feet West of the Southeast corner of said section, at a quantity not to exceed 536 acre-feet per calendar year and at a diversion rate not in excess of 1,310 gallons per minute (2.92 c.f.s.), and

one (1) well located in the Southeast Quarter of the Southwest Quarter of the Southeast Quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 11, more particularly described as being near a point 190 feet North and 1,830 feet West of the Southeast corner of said section, at a quantity not to exceed 171 acre-feet per calendar year and at a diversion rate not in excess of 690 gallons per minute (1.54 c.f.s.),

to: one (1) well located in the Southwest Quarter of the Northwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 11, more accurately described as being 1,612 feet North and 5,260 feet West of the Southeast corner of said section, at a quantity not to exceed 353 acre-feet per calendar year and at a diversion rate not in excess of 1,000 gallons per minute (2.23 c.f.s.), and

one (1) well located in the Southeast Quarter of the Southwest Quarter of the Southwest Quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 11, more particularly described as being near a point 100 feet North and 4,420 feet West of the Southeast corner of said section, at a quantity not to exceed 353 acre-feet per calendar year and at a diversion rate not in excess of 1,000 gallons per minute (2.23 c.f.s.),

all in Township 32 South, Range 31 West, Seward County, Kansas.

Records in this office indicate that you may have a well or wells in this vicinity of the proposed changes in point of diversion to that will shift the authorized quantity between these existing wells. You are being notified of the proposals so that you may furnish this office written comments or other information you may desire to submit. Such written comments or other information must be received in this office within 15 days from the date of this letter.

If you have any questions, please contact our office, my desk phone is (785) 564-6633. If you wish to discuss a specific file, please have the file numbers ready so that we may help you more efficiently.

Sincerely,



Leslie Ireland
Environmental Scientist
Water Appropriation Program

LI

pc: Garden City Field Office
Groundwater Management District No. 3
Clayton J. and Sharon K. Befort
John D Borth, Water Use Correspondent

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

May 4, 2017

SCOTT & TRUDY K REISS
22958 HIGHWAY 160
PLAINS KS 67869-6809

FILE COPY

RE: Change Application, Water Right, File No. 27,188

Dear Mr. & Mrs. Reiss:

This will acknowledge receipt of your letter dated April 24, 2017, in which you expressed comments concerning the application for approval to change the point of diversion authorized under Water Right, File No. 27,188.

If approved and should the diversion of water under this approval substantially impair your irrigation right you should notify Mike Meyer, Water Commissioner, of the field office in your area. The field office address and phone number is:

Kansas Department of Agriculture
Division of Water Resources - Garden City Field Office
2508 Johns Street
Garden City, KS 67846-2804
Phone: (620) 276-2901

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

Sincerely,

Leslie Ireland
Environmental Scientist
Change Application Unit

LI:li

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

In Reference to Water Right, File No. H-24-17

27,188

We are concerned, how it will effect
Our domestic water well.

We have had to have it worked on
in last 4 months and there is only 6 feet
of water!

WATER RESOURCES
RECEIVED

APR 28 2017

KS DEPT OF AGRICULTURE

Scott, Trudy Weiss

22958 Hwy 160

Plains, KS

67869

- 620-629-5094 - Trudy
or
629-7674 - Scott

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

April 19, 2017

SCOTT & TRUDY K REISS
22958 HIGHWAY 160
PLAINS KS 67869-6809

FILE COPY

Re: Water Right, File No. 27,188

Dear Mr. & Mrs. Reiss:

This letter is to inform you that Clayton J. and Sharon K. Befort, have filed an application to change the points of diversion under the referenced file authorized for irrigation use.

It is proposed that the two wells be change resulting in one well being capped and a new well completed with the authorized quantity modified and the rate reassigned. The application proposes the following change:

from: one (1) well located in the Southeast Quarter of the Southwest Quarter of the Southwest Quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 11, more particularly described as being near a point 100 feet North and 4,420 feet West of the Southeast corner of said section, at a quantity not to exceed 536 acre-feet per calendar year and at a diversion rate not in excess of 1,310 gallons per minute (2.92 c.f.s.), and

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all in Township 32 South, Range 31 West, Seward County, Kansas.

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If you have any questions, please contact our office, my desk phone is (785) 564-6633. If you wish to discuss a specific file, please have the file numbers ready so that we may help you more efficiently.

Sincerely,



Leslie Ireland
Environmental Scientist
Water Appropriation Program

LI

pc: Garden City Field Office
Groundwater Management District No. 3
Clayton J. and Sharon K. Befort
John D Borth, Water Use Correspondent

Owners of File No. 19712

SCOTT & TRUDY K REISS
22958 HIGHWAY 160
PLAINS KS 67869-6809

Owners of File No. 24754

DARRELL D LANGHOFER
20960 ROAD W
PLAINS KS 67869-6803

Ireland, Leslie

From: Jason Norquest <norquest@gmd3.org>
Sent: Monday, July 10, 2017 5:31 PM
To: Ireland, Leslie; Meyer, Mike
Cc: Mark Rude; Clayton Befort; John Borth (johnnyborth@gmail.com)
Subject: 27188

Good afternoon Leslie. Our Policy and Legal committee met this morning and reviewed some of the applications that they will be looking at for waivers. They confirmed to keep this one off the agenda for the July meeting until more information can be gathered. Someone in DWR apparently gave verbal approval for the new proposed well location to be drilled and cased. From a phone call between John Borth, Mark and I today, we understand Mr. Borth to say the underground pipe has also been set in the ground out to the pivot from the proposed well. This information was provided, along with the concern letters after the 15 day notice. We are also requesting all information considered as required by 82a-708b, including impairment review. Under the application, this burden is on the applicant. After approval that burden shifts to the neighboring wells to prove impairment has happened.

In an area that seems to possibly be a compartmentalized aquifer area, it is in everyone's best interest to address the impairment of prior rights issue or come to a mutual agreement between members on the front end of the concerns instead of after the fact impairment administration, where the applicant may be shut off anyway. Based on the analysis information you provide, we will consider hosting a meeting of the parties in the local aquifer for review of your information, the veracity of the data and its application to area property rights. We would appreciate any information you have. With that in mind, we respectfully request an extension of time to August 15th. If an extension cannot be provided we recommend denial according to the rules.

Thank you for your time.

Jason Norquest

Assistant Manager, GMD3

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

norquest@gmd3.org

www.gmd3.org

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

June 29, 2017

DOUG & MELISSA LANGHOFER
20960 ROAD W
PLAINS KS 67869-6803

RE: Change Application, Water Right, File No. 27,188

Dear Mr. & Mrs. Langhofer:

This will acknowledge receipt of your letter dated June 21, 2017, on behalf of your father, Darrell Langhofer's, Water Right, File No. 24,754, in which you expressed comments concerning the application for approval to change the point of diversion authorized under Water Right, File No. 27,188.

If approved and should the diversion of water under this approval substantially impair Water Right, File No. 24,188, you should notify Mike Meyer, Water Commissioner, of the field office in your area. The field office address and phone number is:

Kansas Department of Agriculture
Division of Water Resources - Garden City Field Office
2508 Johns Street
Garden City, KS 67846-2804
Phone: (620) 276-2901

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 cursive script that reads "Leslie Ireland".

Leslie Ireland
Environmental Scientist
Change Application Unit

FILE COPY

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

June 23, 2017

CLAYTON J & SHARON K BEFORT
1177 COMMERCE PKWY
HAYS KS 67601

RE: Water Right, File No. 27,188

Dear Mr. & Mrs. Befort:

Reference is made to the application for approval of the Chief Engineer to change the point of diversion under the referenced file number which was received in the office of the Chief Engineer on April 10, 2017. Upon receipt of additional information, specifically the well logs of the proposed wells, we find the application needs your review and additional information.

The application as received proposes to change the currently authorized two points of diversion resulting in two points of diversion, one of which is a new well, and with both wells having the quantity and rates reassigned. The well logs submitted to this office indicate the well locations to be different than indicated on your original application. The well logs indicate one well to be much further to the East and the North well is proposed to be located slightly more to the West, placing the proposed wells approximately 2,608 feet apart. Please review the updated application and new map to assure the proposed wells are shown correctly.

Additionally, it appears that the proposal will reduce the authorized quantity by one (1) acre-foot from 707 to 706 acre-feet. To acknowledge this reduction as shown in Paragraph No. 14, please have both signers of the application, Clayton J. & Sharon K. Befort, initial and date this page.

Your application is being returned so that you may review the proposed locations and the reduction in quantity as of the result of your reassignment of the total combined quantity. If the new map depicts your proposal, it should be signed where indicated. A copy has also been set to inform your water use correspondent, John Borth.

It is my understanding that you have met with both Thom Makens, Assistant Water Commissioner, Division of Water Resources, Garden City Field Office, and Jason Norquest, Assistant Manager, Groundwater Management District No. 3, and it may or may not be necessary to meet with them again. If you would like to meet or should you require assistance, please contact Mr. Makens at (620) 276-2901.

In order that the application retain its priority of filing, the original application must be returned, with the requested information, to this office on or before July 11, 2017, or within any authorized extension of time thereof. According to the law, default in the refiling of the completed application as outlined above, within the time allowed, shall constitute forfeiture of the priority date and dismissal of the application. If you do not request more time on or before **July 11, 2017**, or if your request is not granted, it will be recommended to the Chief Engineer that the application for change in point of diversion for the referenced file be denied and dismissed.

FILE COPY
SCANNED

If you have any questions that I may answer, please to contact me 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,



Leslie Ireland
Environmental Scientist
Water Appropriation Program

LI:li

Enclosures

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

FILE COPY

Douglass Langhofer
20960 Road W
Plains, KS 67869

June 21, 2017

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

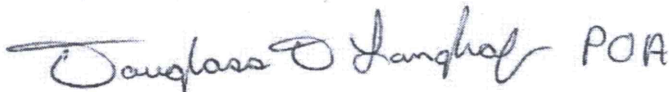
Dear KDA:

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Our neighbor has recently drilled a new well at the minimum separation distance from our new well. Their plan to relocate another well from the East side of their property to combine with their new well has created seven (7) wells within a three mile area along county road W in Seward County Kansas. The area would be further described as two miles North of Highway 160 and one mile South of Highway 160, with a width of a half mile East or West of county road W. The concentration is getting too heavy in our area. The aquifer continues to deplete and with the wells all being concentrated in a short distance, we feel this will expedite the depletion.

We are concerned of the water table decreasing and compromising our new well drilled in 2016. We do not want to create a hardship on our neighbors, just want to express our concerns. Thank you for allowing us to express our concerns about the aquifer in our area. Should you have any questions or concerns please feel free to contact me at 620-629-5252.

Respectfully

 POA

Douglass Langhofer
Darrell Langhofer's power of attorney

WATER RESOURCES
RECEIVED

JUN 23 2017

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

May 19, 2017

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

Re: Application for Change, Water Right, File No. 27,188

Dear Mr. Rude:

We are enclosing a copy of the application referred to above which appears to be in proper form.

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

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

Sincerely,

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
Clayton J. and Sharon K. Befort
John D. Borth, Water Use Correspondent

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

May 4, 2017

SCOTT & TRUDY K REISS
22958 HIGHWAY 160
PLAINS KS 67869-6809

FILE COPY

RE: Change Application, Water Right, File No. 27,188

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If approved and should the diversion of water under this approval substantially impair your irrigation right you should notify Mike Meyer, Water Commissioner, of the field office in your area. The field office address and phone number is:

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Division of Water Resources - Garden City Field Office
2508 Johns Street
Garden City, KS 67846-2804
Phone: (620) 276-2901

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

Sincerely,

Leslie Ireland
Environmental Scientist
Change Application Unit

SCANNED

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

In Reference to Water Right, File No. H-24-17

27,188

We are concerned, how it will effect
Our domestic water well.

We have had to have it worked on
in last 4 months and there is only 6 feet
of water!

WATER RESOURCES
RECEIVED

APR 28 2017

KS DEPT OF AGRICULTURE

Scott & Trudy Weiss

22938 Hwy 160

Plains, KS
67869

- 620-629-5094 - Trudy
or
629-7674 - Scott

Ireland, Leslie [KDA]

From: Meyer, Mike [KDA]
Sent: Monday, April 22, 2019 5:24 PM
To: Ireland, Leslie [KDA]; Turney, Brent [KDA]
Subject: Re: 27188

Please let me review the packet before you send it to GMD3

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

From: "Meyer, Mike [KDA]" <Mike.Meyer@ks.gov>
Date: 4/22/19 4:39 PM (GMT-06:00)
To: "Ireland, Leslie [KDA]" <Leslie.Ireland@ks.gov>, "Turney, Brent [KDA]" <Brent.Turney@ks.gov>
Subject: RE: 27188

Leslie

Please see updated amendments to application and use the updated flow test for the application PLEASE
Questions please ask

With these ammendments please review again before we send to GMD3. I think we are ready as per our discussion this morning

Brent how do we handle the neighbors letters, do we respond or wait until GMD3 is done?

Mike

From: Ireland, Leslie [KDA]
Sent: Monday, April 22, 2019 3:30 PM
To: Meyer, Mike [KDA] <Mike.Meyer@ks.gov>
Subject: FW: 27188
Importance: High

Mike

Let me know if this isn't what you wanted.. the rate test info is after the mod app.
Leslie

From: Meyer, Mike [KDA]
Sent: Thursday, April 4, 2019 8:44 AM
To: Ireland, Leslie [KDA] <Leslie.Ireland@ks.gov>
Cc: Turney, Brent [KDA] <Brent.Turney@ks.gov>
Subject: 27188
Importance: High

WATER RESOURCES
RECEIVED

APR 23 2019

KS DEPT OF AGRICULTURE

Please find attached proposed amended application (supplemental sheet) to propose an "additional well" and attached pump tests.

They are requesting 1200 GPM for a final rate. I attached docs for support, but I will send additional information and a memo from me to finalize a rate.

For now we need to get this app moving again.

We need to send a nearby letter to the neighbors. I wonder if we can tailor it to this situation (ongoing situation) and let me take a look at your draft to add to it.

Is there anyway to expedite the 15 days (shorten it) or are we bound by 15 days even though this is ongoing?

Please draft a letter after your review of this and let me take a look

Thanks!!!!

Mike

DIVISION OF WATER RESOURCES—KANSAS DEPARTMENT OF AGRICULTURE
METER FLOW RATE/VOLUME TEST

FILE NO. 27188 Date: 3/19/19 Tester: Mitch French Tested 1 of 2 installations

Point of Diversion: SE SW SW Sec. 11, T. 32S, R. 31W

Approximately 100 ft. North and 4420 ft. West of SE corner of Sec 11.

How were distances determined? File Latitude _____ Longitude _____

Person(s) present at the test: John Borth Relationship(s) to owner: Tenant

TEST METER INFORMATION: Test meter location GCFO Last verified 2019

Manufacturer Panametrics Model # PT868 Serial # 4539

Sensor is 48 in upstream from open discharge

Sensor is 120 in downstream from elbow

NORMAL CONDITIONS:

R.P.M. POWER UNIT _____

R.P.M. PUMP UNIT _____

Pressure at Pump _____ psi

MAXIMUM CONDITIONS

R.P.M. POWER UNIT _____

R.P.M. PUMP UNIT _____

Pressure at Pump _____ psi

Non-Intrusive Meter Test Meter Type UTTM

Meter Serial No. 4539

Ending 5137.8 gal.

Ending _____ gal.

Beginning 0 gal. Meas. O.D. 10.00

Beginning _____ gal.

Difference 5137.8 gal. Meas. Wall 0.055

Difference _____ gal.

Time 5:08.8 min. XDCR Setting 219.9 mm

Time _____ min.

Rate 998.3 gpm. Material Type Aluminum

Rate _____ gpm.

Diagnostics:

Signal Strength SS up: 56.2 SS dn: 56.2 (Should be over 55 highest on PVC, up and dn should be close to the same)

SNDSF: 5652 (Should be close to book value for the soundspeed at measured temp) Temp 60 F

Delta T (<Delta>): 20.99 Is this number stable? Yes If no please explain: _____

T up: 312.6 T dn: 310.9 (Bad: continuous large fluctuations of 1 microsecond or more)

Signal Quality: Q up 1376 Q dn 1501 (Should be + - 300 or greater)

AMPup: 26 AMPdn: 26 (Should be 20 - 28 fluctuations)

P#up: 465 P#dn: 467 (100 to 900, closest to 500 is best)

Nfup: 1.0 Nfdn: 1.0 (Should Be 0.85 to 1.0)

Installed Meter Test Manufacturer _____ Serial # _____ Model # _____

Sensor is _____ in upstream from _____

Sensor is _____ in downstream from _____

Outside Diameter (Stamped) _____ inches (Measured) _____ inches

Inside Diameter (Stamped) _____ inches (Measured) _____ inches

Ending _____ gal.

Ending _____ gal./AF

Beginning _____ gal.

Beginning _____ gal./AF

Difference _____ gal.

Difference _____ gal./AF

Time _____ min.

Time _____ min.

Rate _____ gpm.

Rate _____ gpm.

% Error Calculation: $\frac{\text{Test} - \text{Meter}}{\text{Test}} \times 100$ % error _____

Other Flowmeter Use Supplemental Sheet (include meter identification, data and calculations).

COMMENTS: Rate test only. After 5 minutes of testing the rate dropped to 973 gpm and held steady. Upon increasing engine speed the UTTM failed to register any longer due to errors 1, 3 and 5. The UTTM held steady at 1027 gpm for the first 3 minutes of testing then began to decrease to 973 gpm.

owner requesting higher rate due to well construction issues

WATER RESOURCES RECEIVED

- Good Test
- Adequate Test
- Unacceptable Comparison

APR 4 2019

Reviewed by [Signature] Date 3-20-19 Entered by _____ Date _____

KS DEPT OF AGRICULTURE

* CB 3-4-19

Amended 3-4-19
DWR

File No. 27/82

6. The presently authorized point(s) of diversion (is) (are) TWO WELLS
(Provide description and number of points)

7. The proposed point(s) of diversion (is) (are) THREE WELLS
(Provide description and number of points)

List all presently authorized point(s) of diversion:

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

One in the SW Quarter of the SW Quarter of the SW Quarter of Section 11, Township 32 South, Range 31 W, in SW County, Kansas, 100 feet North 4420 feet West of Southeast corner of section.
 Authorized Rate 1310 GPM Authorized Quantity 536 AF
 (DWR use only: Computer ID No. 02 GPS _____ feet North _____ feet West)
 This point will not be changed This point will be changed as follows:
Proposed point of diversion: (Complete only if change is requested)
 One in the SE Quarter of the SW Quarter of the SW Quarter of Section 11, Township 32 South, Range 31 W, in SW County, Kansas, 100 feet North 4420 feet West of Southeast corner of section.
 Proposed Rate 810 GPM Proposed Quantity 316 AF
 This point is: Additional Well Geo Center List other water rights that will use this point _____

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

One in the NE Quarter of the NW Quarter of the SE Quarter of Section 11, Township 32 South, Range 31 W, in SW County, Kansas, 2268 feet North 1688 feet West of Southeast corner of section.
 Authorized Rate 690 GPM Authorized Quantity 171 AF
 (DWR use only: Computer ID No. 05 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 _____ (EW), 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 _____

WATER RESOURCES RECEIVED

APR 4 2019

KS DEPT OF AGRICULTURE

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

One in the _____ Quarter of the _____ Quarter of the _____ Quarter of Section _____, Township _____ South, Range _____ (EW), 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 SW Quarter of the NW Quarter of the SW Quarter of Section 11, Township 32 South, Range 31 W, in SW County, Kansas, 1612 feet North 5258 feet West of Southeast corner of section.
 Proposed Rate 500 GPM Proposed Quantity 220 AF
 This point is: Additional Well Geo Center List other water rights that will use this point _____

WATER RESOURCES RECEIVED

APR 4 2019

KS DEPT OF AGRICULTURE

11. Describe the current condition of and future plans for any point(s) of diversion which will no longer be used.
* WILL SUPPLY ADDITIONAL WELL RATE TEST SOON.

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

* Asper Clayton before 3-4-19

will see 4/4/19

Ireland, Leslie [KDA]

From: Munson, John [KDA]
Sent: Thursday, February 28, 2019 5:27 PM
To: Ireland, Leslie [KDA]
Subject: distances between the new well and 27188 #2 from my GPS Garmin

INPUTS			
	Longitude	Latitude	
new271	-100.670990	37.276050	NAD27
27188#2	-100.668030	37.271770	NAD27
Degrees Longitude per Foot			3.43655276E-06
Degrees Latitude per Foot			2.74643485E-06
Distance Between Points (ft)			1781

Hi Leslie,

I remembered you asked about the distance based on the locations I got in the field so here it is.

John

NEARBY NOTIFICATION

Report Date Thursday, April 4 2019

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

1612 ft N and 5258 ft W of the SE Corner of Section 11, T 32S, R 31W

Located at: 100.671010 West Longitude and 37.276110 North Latitude

GROUNDWATER ONLY

*SW NW SW —
New ID# 4 Proposed 236 AF*

File Number	Use	ST	SR	Dist (ft)	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Twp	Rng	ID	Batt	Auth_Quan	Add_Quan	Unit
A__ 11906 00	IRR	NK	G	5011	--	NE	NE	SW	2536	2735	14	32	31W	3		291.00	291.00	AF
A__ 16647 00	IRR	NK	G	6281	--	NW	NE	SE	2538	911	3	32	31W	3		640.00	640.00	AF
A__ 19712 00	IRR	NK	G	3236	--	--	NC	NE	3960	1320	15	32	31W	1		169.00	169.00	AF
A__ 24754 00	IRR	NK	G	<i>OK</i> 2350	--	SE	NE	NE	3970	150	10	32	31W	5		540.00	540.00	AF
A__ 27188 00	IRR	NK	G*	1729	--	SE	SW	SW	100	4420	11	32	31W	2		536.00	536.00	AF
Same				3630	--	NE	NW	SE	2268	1688	11	32	31W	5		171.00	171.00	AF
A__ 28263 00	IRR	NK	G	5230	--	SW	NW	SW	1600	5180	10	32	31W	2		452.00	452.00	AF
A__ 39709 00	IRR	NK	G	4290	--	NW	NW	SW	2610	4700	14	32	31W	2		291.00	291.00	AF
T__ 20179074 00	IRR	GY	G	26	--	SW	NW	SW	1612	5232	11	32	31W	4		277.00	.00	AF
T__ 20187035 MF	IRR	AY	G	5011	--	NE	NE	SW	2536	2735	14	32	31W	3		1455.00	.00	AF

300 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) =	3090.00	.00
Total Vested Amount (AF) =	.00	.00
TOTAL AMOUNT (AF) =	3090.00	.00

300 AF NEEDS 1600' OK — 1729 per well

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

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

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

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

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

100.671010 West Longitude and 37.276110 North Latitude

GROUNDWATER ONLY

WATER USE CORRESPONDENTS:

File Number Use ST SR

A__ 11906 00 IRR NK G

> SCOTT & TRUDY K REISS

>

> 22958 HIGHWAY 160

> PLAINS KS 67869

>-----

A__ 16647 00 IRR NK G

> JAC ENTERPRISE LLC

>

> PO BOX 903

> JOHNSON KS 67855

>-----

A__ 19712 00 IRR NK G

> SCOTT & TRUDY K REISS

>

> 22958 HIGHWAY 160

> PLAINS KS 67869

A__ 24754 00 IRR NK G

> DARRELL D LANGHOFER

>

> 20960 ROAD W

> PLAINS KS 67869

A__ 27188 00 IRR NK G

> JOHN D BORTH

>

> PO BOX 754

> MEADE KS 67864

A__ 28263 00 IRR NK G

> SCOTT & TRUDY K REISS

>

> 22958 HIGHWAY 160

> PLAINS KS 67869

A__ 39709 00 IRR NK G

> SCOTT & TRUDY K REISS

>

> 22958 HIGHWAY 160

> PLAINS KS 67869

T_ 20179074 00 IRR GY G

> JOHN D BORTH

>

> PO BOX 754

> MEADE KS 67864

T_ 20187035 MF IRR AY G

> SCOTT & TRUDY K REISS

>

> 22958 HIGHWAY 160

> PLAINS KS 67869

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NEIGHBOR NOTIFICATION

Report Date Thursday, April 4 2019

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

100 ft N and 4420 ft W of the SE Corner of Section 11, T 32S, R 31W

SE SW SW

Located at: 100.668130 West Longitude and 37.271958 North Latitude

GROUNDWATER ONLY

File Number	Use	ST	SR	Dist (ft)	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Twp	Rng	ID	Batt	Auth_Quan	Add_Quan	Unit
A__ 11906	00	IRR	NK	G	3283	--	NE	NE	SW	2536	2735	14	32	31W	3	291.00	291.00	AF
A__ 19712	00	IRR	NK	G	2612	--	NC	NE	SE	3960	1320	15	32	31W	1	169.00	169.00	AF
A__ 24754	00	IRR	NK	G	3991	--	SE	NE	NE	3970	150	10	32	31W	5	540.00	540.00	AF
A__ 27188	00	IRR	NK	G*	0	--	SE	SW	SW	100	4420	11	32	31W	2	536.00	536.00	AF
Same					3488	--	NE	NW	SE	2268	1688	11	32	31W	5	171.00	171.00	AF
A__ 28263	00	IRR	NK	G	6246	--	SW	NW	SW	1600	5180	10	32	31W	2	452.00	452.00	AF
A__ 39709	00	IRR	NK	G	2754	--	NW	NW	SW	2610	4700	14	32	31W	2	291.00	291.00	AF
T__20179074	00	IRR	GY	G	1716	--	SW	NW	SW	1612	5232	11	32	31W	4	277.00	.00	AF
T__20187035	MF	IRR	AY	G	3283	--	NE	NE	SW	2536	2735	14	32	31W	3	1455.00	.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) =	2450.00	.00
Total Vested Amount (AF) =	.00	.00
TOTAL AMOUNT (AF) =	2450.00	.00

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

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

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

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

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

100.668130 West Longitude and 37.271958 North Latitude

GROUNDWATER ONLY

WATER USE CORRESPONDENTS:

File Number Use ST SR

A__ 11906 00 IRR NK G

> SCOTT & TRUDY K REISS

>

> 22958 HIGHWAY 160

> PLAINS KS 67869

A__ 19712 00 IRR NK G

> SCOTT & TRUDY K REISS

>

> 22958 HIGHWAY 160

> PLAINS KS 67869

A__ 24754 00 IRR NK G

> DARRELL D LANGHOFER

>

> 20960 ROAD W

> PLAINS KS 67869

>-----
A__ 27188 00 IRR NK G
> JOHN D BORTH
>
> PO BOX 754
> MEADE KS 67864

>-----
A__ 28263 00 IRR NK G
> SCOTT & TRUDY K REISS
>
> 22958 HIGHWAY 160
> PLAINS KS 67869

>-----
A__ 39709 00 IRR NK G
> SCOTT & TRUDY K REISS
>
> 22958 HIGHWAY 160
> PLAINS KS 67869

>-----
T_20179074 00 IRR GY G
> JOHN D BORTH
>
> PO BOX 754
> MEADE KS 67864

>-----
T_20187035 MF IRR AY G
> SCOTT & TRUDY K REISS
>
> 22958 HIGHWAY 160
> PLAINS KS 67869
>-----
=====

NEARBY NOTIFICATION

Report Date Thursday, April 4 2019

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

2268 ft N and 1688 ft W of the SE Corner of Section 11, T 32S, R 31W

Located at: 100.658740 West Longitude and 37.277912 North Latitude

GROUNDWATER ONLY

NONE FOR (NE NW SE) WELL

File Number	Use	ST	SR	Dist (ft)	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Twp	Rng	ID	Batt	Auth_Quan	Add_Quan	Unit	
A__ 11906	00	IRR	NK	G	5090	--	NE	NE	SW	2536	2735	14	32	31W	3		291.00	291.00	AF
A__ 19712	00	IRR	NK	G	6094	--	--	NC	NE	3960	1320	15	32	31W	1		169.00	169.00	AF
A__ 24754	00	IRR	NK	G	4131	--	SE	NE	NE	3970	150	10	32	31W	5		540.00	540.00	AF
A__ 27188	00	IRR	NK	G*	3488	--	SE	SW	SW	100	4420	11	32	31W	2		536.00	536.00	AF
Same					0	--	NE	NW	SE	2268	1688	11	32	31W	5		171.00	171.00	AF
A__ 30147	00	IRR	NK	G	4015	--	CE	SE	SE	650	75	2	32	31W	2		250.00	250.00	AF
A__ 30683	00	IRR	NK	G	5016	--	SE	SE	SW	80	2997	1	32	31W	2		480.00	480.00	AF
A__ 39709	00	IRR	NK	G	5756	--	NW	NW	SW	2610	4700	14	32	31W	2		291.00	291.00	AF
T__20179074	00	IRR	GY	G	3604	--	SW	NW	SW	1612	5232	11	32	31W	4		277.00	.00	AF
T__20187035	MF	IRR	AY	G	5090	--	NE	NE	SW	2536	2735	14	32	31W	3		1455.00	.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) =	2728.00	.00
Total Vested Amount (AF) =	.00	.00
TOTAL AMOUNT (AF) =	2728.00	.00

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

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

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

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

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

100.658740 West Longitude and 37.277912 North Latitude

GROUNDWATER ONLY

WATER USE CORRESPONDENTS:

File Number Use ST SR

A__ 11906 00 IRR NK G

> SCOTT & TRUDY K REISS

>

> 22958 HIGHWAY 160

> PLAINS KS 67869

>-----

A__ 19712 00 IRR NK G

> SCOTT & TRUDY K REISS

>

> 22958 HIGHWAY 160

> PLAINS KS 67869

>-----

A__ 24754 00 IRR NK G

> DARRELL D LANGHOFER

>

> 20960 ROAD W

> PLAINS KS 67869

>-----

A__ 27188 00 IRR NK G

> JOHN D BORTH

>

> PO BOX 754

> MEADE KS 67864

>-----

A__ 30147 00 IRR NK G

> EAKES FARM INC

> LARRY EAKES

> 13204 2 RD

> PLAINS KS 67869

>-----

A__ 30683 00 IRR NK G

> EAKES FARM INC

> LARRY EAKES

> 13204 2 RD

> PLAINS KS 67869

>-----

A__ 39709 00 IRR NK G

> SCOTT & TRUDY K REISS

>

> 22958 HIGHWAY 160

> PLAINS KS 67869

>-----

T_ 20179074 00 IRR GY G

> JOHN D BORTH

>

> PO BOX 754

> MEADE KS 67864

>-----

T_ 20187035 MF IRR AY G

> SCOTT & TRUDY K REISS

>

> 22958 HIGHWAY 160

> PLAINS KS 67869

>-----

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

1612 ft N and 5258 ft W of the SE Corner of Section 11, T 32S, R 31W

Located at: 100.671010 West Longitude and 37.276110 North Latitude

GROUNDWATER ONLY

File Number	Use	ST	SR	Dist (ft)	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Twp	Rng	ID	Batt	Auth_Quan	Add_Quan	Unit
A__ 11906	00	IRR	NK	G	5011	--	NE	NE	SW	2536	2735	14	32	31W	3	291.00	291.00	AF
A__ 16647	00	IRR	NK	G	6281	--	NW	NE	SE	2538	911	3	32	31W	3	640.00	640.00	AF
A__ 19712	00	IRR	NK	G	3236	--	--	NC	NE	3960	1320	15	32	31W	1	169.00	169.00	AF
A__ 24754	00	IRR	NK	G	2350	--	SE	NE	NE	3970	150	10	32	31W	5	540.00	540.00	AF
A__ 27188	00	IRR	NK	G*	1729	--	SE	SW	SW	100	4420	11	32	31W	2	536.00	536.00	AF
Same					3630	--	NE	NW	SE	2268	1688	11	32	31W	5	171.00	171.00	AF
A__ 28263	00	IRR	NK	G	5230	--	SW	NW	SW	1600	5180	10	32	31W	2	452.00	452.00	AF
A__ 39709	00	IRR	NK	G	4290	--	NW	NW	SW	2610	4700	14	32	31W	2	291.00	291.00	AF
T__ 20179074	00	IRR	GY	G	26	--	SW	NW	SW	1612	5232	11	32	31W	4	277.00	.00	AF
T__ 20187035	MF	IRR	AY	G	5011	--	NE	NE	SW	2536	2735	14	32	31W	3	1455.00	.00	AF

NEARBY

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) =	3090.00	.00
Total Vested Amount (AF) =	.00	.00
TOTAL AMOUNT (AF) =	3090.00	.00

o LANGUSTEER - LISTED TO NO DR. WORKING
 o REVISION WELL LISTED TO NO. EFFECT
 S WELL: 640 YEMIC
 550 PUST
 700 @1100
 650

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

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

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

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

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

100.671010 West Longitude and 37.276110 North Latitude

GROUNDWATER ONLY

WATER USE CORRESPONDENTS:

File Number Use ST SR

A__ 11906 00 IRR NK G

> SCOTT & TRUDY K REISS

>

> 22958 HIGHWAY 160

> PLAINS KS 67869

A__ 16647 00 IRR NK G

> JAC ENTERPRISE LLC

>

> PO BOX 903

> JOHNSON KS 67855

A__ 19712 00 IRR NK G

> SCOTT & TRUDY K REISS

>

> 22958 HIGHWAY 160

> PLAINS KS 67869

>-----

A__ 24754 00 IRR NK G

> DARRELL D LANGHOFER

>

> 20960 ROAD W

> PLAINS KS 67869

>-----

A__ 27188 00 IRR NK G

> JOHN D BORTH

>

> PO BOX 754

> MEADE KS 67864

>-----

A__ 28263 00 IRR NK G

> SCOTT & TRUDY K REISS

>

> 22958 HIGHWAY 160

> PLAINS KS 67869

>-----

A__ 39709 00 IRR NK G

> SCOTT & TRUDY K REISS

>

> 22958 HIGHWAY 160

> PLAINS KS 67869

>-----

T_ 20179074 00 IRR GY G

> JOHN D BORTH

>

> PO BOX 754

> MEADE KS 67864

>-----

T_ 20187035 MF IRR AY G

> SCOTT & TRUDY K REISS

>

> 22958 HIGHWAY 160

> PLAINS KS 67869

>-----

=====

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

24 ft N and 4382 ft W of the SE Corner of Section 11, T 32S, R 31W

Located at: 100.667999 West Longitude and 37.271749 North Latitude

GROUNDWATER ONLY

File Number	Use	ST	SR	Dist (ft)	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Twp	Rng	ID	Batt	Auth_Quan	Add_Quan	Unit
A__ 11906	00	IRR	NK	G	3198	--	NE	NE	SW	2536	2735	14	32	31W	3	291.00	291.00	AF
A__ 19712	00	IRR	NK	G	2604	--	--	NC	NE	3960	1320	15	32	31W	1	169.00	169.00	AF
A__ 24754	00	IRR	NK	G	4074	--	SE	NE	NE	3970	150	10	32	31W	5	540.00	540.00	AF
A__ 27188	00	IRR	NK	G*	85	--	SE	SW	SW	100	4420	11	32	31W	2	536.00	536.00	AF
Same					3506	--	NE	NW	SE	2268	1688	11	32	31W	5	171.00	171.00	AF
A__ 28263	00	IRR	NK	G	6301	--	SW	NW	SW	1600	5180	10	32	31W	2	452.00	452.00	AF
A__ 39709	00	IRR	NK	G	2683	--	NW	NW	SW	2610	4700	14	32	31W	2	291.00	291.00	AF
T__20179074	00	IRR	GY	G	1801	--	SW	NW	SW	1612	5232	11	32	31W	4	277.00	.00	AF
T__20187035	MF	IRR	AY	G	3198	--	NE	NE	SW	2536	2735	14	32	31W	3	1455.00	.00	AF

NEARBY

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) =	2450.00	.00
Total Vested Amount (AF) =	.00	.00
TOTAL AMOUNT (AF) =	2450.00	.00

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

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

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

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

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

100.667999 West Longitude and 37.271749 North Latitude

GROUNDWATER ONLY

WATER USE CORRESPONDENTS:

File Number Use ST SR

A__ 11906 00 IRR NK G

> SCOTT & TRUDY K REISS

>

> 22958 HIGHWAY 160

> PLAINS KS 67869

A__ 19712 00 IRR NK G

> SCOTT & TRUDY K REISS

>

> 22958 HIGHWAY 160

> PLAINS KS 67869

A__ 24754 00 IRR NK G

> DARRELL D LANGHOFER

>

> 20960 ROAD W

> PLAINS KS 67869

>-----
A__ 27188 00 IRR NK G
> JOHN D BORTH
>
> PO BOX 754
> MEADE KS 67864

>-----
A__ 28263 00 IRR NK G
> SCOTT & TRUDY K REISS
>
> 22958 HIGHWAY 160
> PLAINS KS 67869

>-----
A__ 39709 00 IRR NK G
> SCOTT & TRUDY K REISS
>
> 22958 HIGHWAY 160
> PLAINS KS 67869

>-----
T__20179074 00 IRR GY G
> JOHN D BORTH
>
> PO BOX 754
> MEADE KS 67864

>-----
T__20187035 MF IRR AY G
> SCOTT & TRUDY K REISS
>
> 22958 HIGHWAY 160
> PLAINS KS 67869
>-----
=====

DIVISION OF WATER RESOURCES—KANSAS DEPARTMENT OF AGRICULTURE

METER FLOW RATE/VOLUME TEST

FILE NO. 27188 Date: 3/19/19 Tester: Mitch French Tested 1 of 2 installations

Point of Diversion: SE SW SW Sec. 11, T. 32S, R. 31W

Approximately 100 ft. North and 4420 ft. West of SE corner of Sec 11.

How were distances determined? File Latitude Longitude

Person(s) present at the test: John Borth Relationship(s) to owner: Tenent

TEST METER INFORMATION: Test meter location GCFO Last verified 2019

Manufacturer Panametrics Model # PT868 Serial # 4539

Sensor is 48 in upstream from open discharge

Sensor is 120 in downstream from elbow

NORMAL CONDITIONS:

R.P.M. POWER UNIT
R.P.M. PUMP UNIT
Pressure at Pump psi

MAXIMUM CONDITIONS

R.P.M. POWER UNIT
R.P.M. PUMP UNIT
Pressure at Pump psi

Non-Intrusive Meter Test Meter Type UTTM

Meter Serial No. 4539

Ending 5137.8 gal. Beginning 0 gal. Difference 5137.8 gal. Time 5:08.8 min. Rate 998.3 gpm. Meas. O.D. 10.00 Meas. Wall 0.055 XDCR Setting 219.9 mm Material Type Aluminum

Diagnostics:

Signal Strength SS up: 56.2 SS dn: 56.2 (Should be over 55 highest on PVC, up and dn should be close to the same)
SNDSP: 5652 (Should be close to book value for the soundspeed at measured temp) Temp 60 F
Delta T (<Delta>): 20.99 Is this number stable? Yes If no please explain:
T up: 312.6 T dn: 310.9 (Bad: continuous large fluctuations of 1 microsecond or more)
Signal Quality: Q up 1376 Q dn 1501 (Should be + - 300 or greater)
AMPup: 26 AMPdn: 26 (Should be 20 - 28 fluctuations)
P#up: 465 P#dn: 467 (100 to 900, closest to 500 is best)
Nfup: 1.0 Nfdn: 1.0 (Should Be 0.85 to 1.0)

Installed Meter Test Manufacturer Serial # Model #

Sensor is in upstream from

Sensor is in downstream from

Outside Diameter (Stamped) inches (Measured) inches
Inside Diameter (Stamped) inches (Measured) inches

Ending gal. Beginning gal. Difference gal. Time min. Rate gpm. Ending gal./AF Beginning gal./AF Difference gal./AF Time min. Rate gpm.

% Error Calculation: (Test - Meter) / Test X 100 % error

Other Flowmeter Use Supplemental Sheet (include meter identification, data and calculations).

COMMENTS: Rate test only. The UTTM held steady at 1027 gpm for the first 3 minutes of testing then began to decrease no comparison test as installed meter was removed to make room for DWR meter

- Good Test
Adequate Test
Unacceptable Comparison

Reviewed by [Signature] Date 3-2019 Entered by Date

WATER RESOURCES RECEIVED

APR 23 2019



Hydro Resources
PO Box 639
Garden City, KS 67846
April 2, 2019

Clayton Befort
1177 Commerce Pkwy
Hays, KS 67601
785-623-1255

Mr. Befort:

You have asked for Hydro Resources professional opinion as to how much yield reduction you could expect to see if a liner is added to a well. In particular you have asked about a well located in the SW 11-32-31 Seward county and the effects a liner would have.

There are many factors that go into how much a liner could potentially restrict water flow into a well. Those factors include, but are not limited to:

- 1) The age of the well and of the liner.
- 2) The current production of the well.
- 3) The slot sizes in the liner.
- 4) The number of slots per foot in the liner.
- 5) How many feet of perforations there are and where they are located.

As a result of the wild variability of wells within the SW KS region it is extremely difficult to calculate. Each well is unique and behaves in its own way. Couple that with the very limited information for this specific well, and I cannot give you a calculated amount.

What I can give you is a "rule of thumb" that Hydro Resources uses in SW KS. In general, we anticipate that a 14-inch liner inside of a 16-inch well will reduce the production by 10%.

We look forward to doing business with you again, and please feel free to call if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Tony Wedel", written over a horizontal line.

Tony Wedel
General Manager
Office: 620-277-2389
Cell: 620-640-1178
awedel@hydroresources.com

WATER RESOURCES
RECEIVED

APR 4 2019

KS DEPT OF AGRICULTURE

D & D PUMP, INC.
P.O. BOX 950
SUBLETTE, KS 67877
620-675-2222

INVOICE

DATE	INVOICE #
10/1/2002	5379

TO:
JOHN DREITZ 1261 S. PERSHING LIBERAL, KS 67901

INFORMATION:
<i>sw</i> 11-32-31 Seward 237 sac <i>July</i> 412 TMD

QTY	DESCRIPTION	TERMS	NET 10th
		UNIT PRICE	NET
390	FT. PUMP PULLING	3.00	1,170.00
385	FT. PUMP SETTING	3.00	1,155.00
1	8 STAGE SJ12M BOWL ASSEMBLY	5,280.00	5,280.00
80	FT. LINER MATERIAL	28.50	2,280.00
1	2 PC. STRETCH TUBE	140.00	140.00
1	OIL	25.00	25.00
1	THREAD COMPOUND	37.50	37.50
1	5 FT. SECTION 10" PIPE	185.00	185.00
1	LABOR TO INSTALL LINER	250.00	250.00
1	CAMERA WELL ——— NO CHARGE	0.00	0.00
		Sales Tax (0.0%)	\$0.00
		TOTAL	\$10,522.50

WATER RESOURCES
RECEIVED

APR 4 2019

KS DEPT OF AGRICULTURE

THANK-YOU ! WE APPRECIATE YOUR BUSINESS !
 PLEASE PAY FROM INVOICE. NO STATEMENT UNLESS REQUESTED.

* CB 3-4-19

Amended 3-4-19
DWA

File No. 2782

6. The presently authorized point(s) of diversion (is) (are) TWO WELLS
(Provide description and number of points)

7. The proposed point(s) of diversion (is) (are) THREE WELLS
(Provide description and number of points)

List all presently authorized point(s) of diversion:

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

One in the SW Quarter of the SW Quarter of the SW Quarter of Section 11, Township 32 South, Range 31 W, in SW County, Kansas, 100 feet North 4420 feet West of Southeast corner of section.
 Authorized Rate 1310 GPM Authorized Quantity 536 AF
 (DWR use only: Computer ID No. 02 GPS _____ feet North _____ feet West)
 This point will not be changed This point will be changed as follows:
Proposed point of diversion: (Complete only if change is requested)
 One in the SE Quarter of the SW Quarter of the SW Quarter of Section 11, Township 32 South, Range 31 W, in SW County, Kansas, 100 feet North 4420 feet West of Southeast corner of section.
 Proposed Rate 715 810 GPM Proposed Quantity 316 AF 300 AF PER CB/MMY - 4/4/19
 This point is: Additional Well Geo Center List other water rights that will use this point _____

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

One in the NE Quarter of the NW Quarter of the SE Quarter of Section 11, Township 32 South, Range 31 W, in SW County, Kansas, 2268 feet North 1688 feet West of Southeast corner of section.
 Authorized Rate 690 GPM Authorized Quantity 171 AF
 (DWR use only: Computer ID No. 05 GPS _____ feet North _____ feet West)
 This point will not be changed This point will be changed as follows:
Proposed point of diversion: (Complete only if change is requested)
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter of Section _____, Township _____ South, Range _____ (E/W), in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section.
 Proposed Rate _____ Proposed Quantity _____
 This point is: Additional Well Geo Center List other water rights that will use this point _____

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

One in the _____ Quarter of the _____ Quarter of the _____ Quarter of Section _____, Township _____ South, Range _____ (E/W), in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section.
 Authorized Rate _____ Authorized Quantity _____
 (DWR use only: Computer ID No. _____ GPS _____ feet North _____ feet West)
 This point will not be changed This point will be changed as follows:
Proposed point of diversion: (Complete only if change is requested)
 One in the SW Quarter of the NW Quarter of the SW Quarter of Section 11, Township 32 South, Range 31 W, in SW County, Kansas, 1612 feet North 5258 feet West of Southeast corner of section.
 Proposed Rate 500 GPM Proposed Quantity 220 AF 236 AF PER CB 4/4/19 - *
 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. _____

* WILL SUPPLY ADDITIONAL WELL RATE TEST SOON.

WATER RESOURCES RECEIVED

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

APR 04 2019

* Asper Clayton Befort 4-4-19 * L&DWA -

METER FLOW RATE/VOLUME TEST

FILE NO. 27188 Date: 3/19/19 Tester: Mitch French Tested 1 of 2 installations

Point of Diversion: SE SW SW Sec. 11, T. 32S, R. 31W

Approximately 100 ft. North and 4420 ft. West of SE corner of Sec 11.

How were distances determined? File Latitude _____ Longitude _____

Person(s) present at the test: John Borth Relationship(s) to owner: Tenant

TEST METER INFORMATION: Test meter location GCFO Last verified 2019

Manufacturer Panametrics Model # PT868 Serial # 4539

Sensor is 48 in upstream from open discharge

Sensor is 120 in downstream from elbow

NORMAL CONDITIONS:

R.P.M. POWER UNIT _____
 R.P.M. PUMP UNIT _____
 Pressure at Pump _____ psi

MAXIMUM CONDITIONS

R.P.M. POWER UNIT _____
 R.P.M. PUMP UNIT _____
 Pressure at Pump _____ psi

Non-Intrusive Meter Test Meter Type UTTM

Meter Serial No. 4539

Ending <u>5137.8</u> gal.	Ending _____ gal.
Beginning <u>0</u> gal.	Beginning _____ gal.
Difference <u>5137.8</u> gal.	Difference _____ gal.
Time <u>5:08.8</u> min.	Time _____ min.
Rate <u>998.3</u> gpm.	Rate _____ gpm.

Diagnostics:

Signal Strength SS up: 56.2 SS dn: 56.2 (Should be over 55 highest on PVC, up and dn should be close to the same)

SNDSP: 5652 (Should be close to book value for the soundspeed at measured temp) Temp 60 F

Delta T (<Delta>): 20.99 Is this number stable? Yes If no please explain: _____

T up: 312.6 T dn: 310.9 (Bad: continuous large fluctuations of 1 microsecond or more)

Signal Quality: Q up 1376 Q dn 1501 (Should be + - 300 or greater)

AMPup: 26 AMPdn: 26 (Should be 20 - 28 fluctuations)

P#up: 465 P#dn: 467 (100 to 900, closest to 500 is best)

Nfup: 1.0 Nfdn: 1.0 (Should Be 0.85 to 1.0)

Installed Meter Test Manufacturer _____ Serial # _____ Model # _____

Sensor is _____ in upstream from _____

Sensor is _____ in downstream from _____

Outside Diameter (Stamped) _____ inches (Measured) _____ inches

Inside Diameter (Stamped) _____ inches (Measured) _____ inches

Ending _____ gal.	Ending _____ gal./AF
Beginning _____ gal.	Beginning _____ gal./AF
Difference _____ gal.	Difference _____ gal./AF
Time _____ min.	Time _____ min.
Rate _____ gpm.	Rate _____ gpm.

% Error Calculation: $\frac{\text{Test} - \text{Meter}}{\text{Test}} \times 100$ % error _____

Other Flowmeter Use Supplemental Sheet (include meter identification, data and calculations).

COMMENTS: Rate test only. After 5 minutes of testing the rate dropped to 973 gpm and held steady. Upon increasing engine speed the UTTM failed to register any longer due to errors 1, 3 and 5. The UTTM held steady at 1027 gpm for the first 3 minutes of testing then began to decrease to 973 gpm.

WATER RESOURCES RECEIVED

APR 04 2019

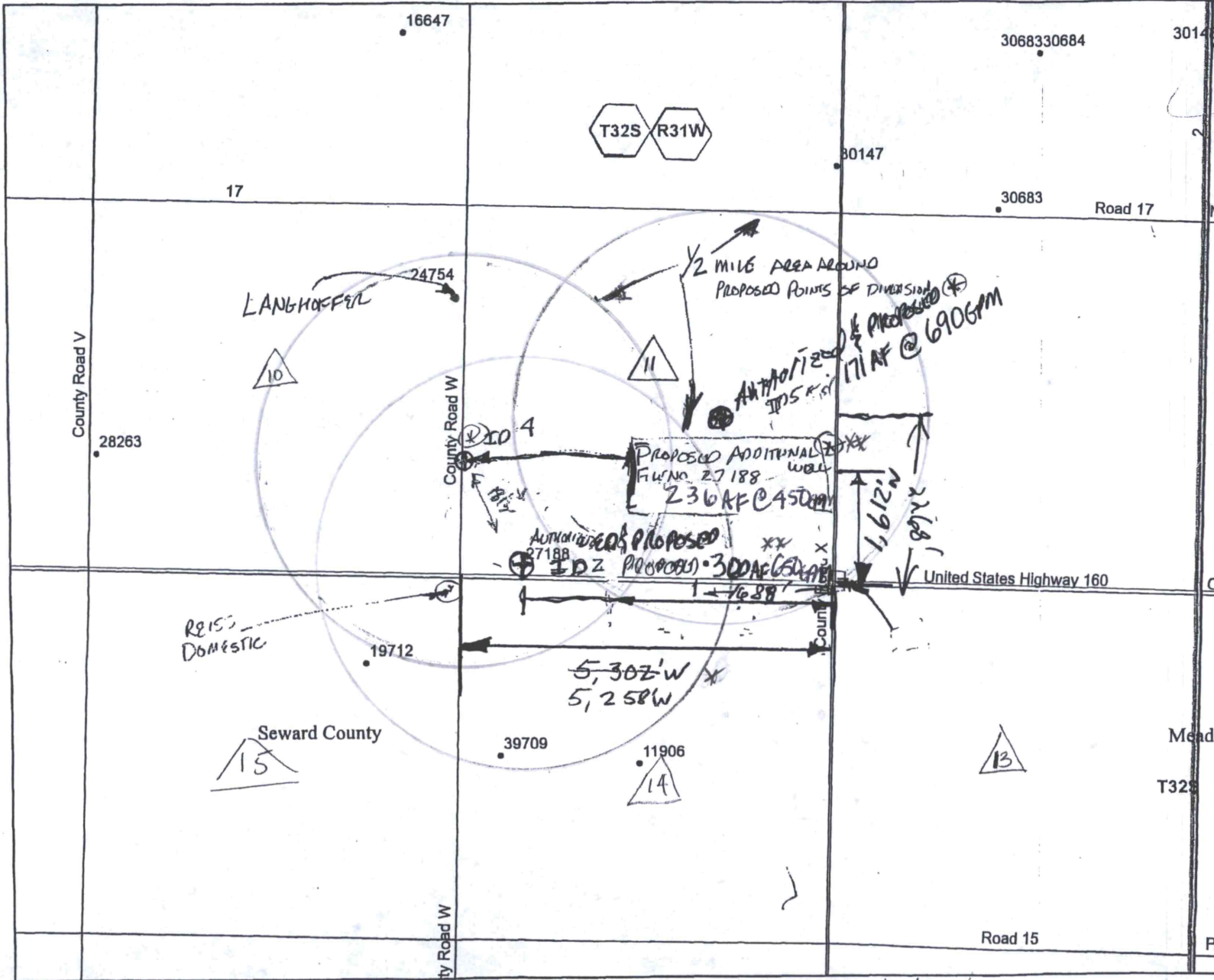
- Good Test
- Adequate Test
- Unacceptable Comparison

Reviewed by [Signature] Date 3-20-19 Entered by _____ Date _____

KS DEPT OF AGRICULTURE

Water Right File No. 13,330 Change in Point of Diversion

ADDITIONAL WELL *



Legend

- S_UMW
- G_IRR AUTHORIZED
- ⊕ G_IRR PROPOSED

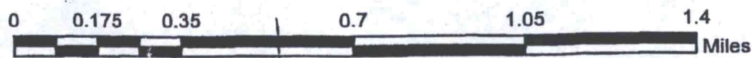
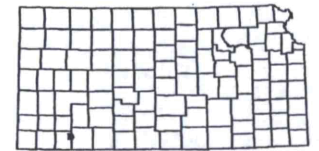
11-20-17
 Clayton Report
 ALL WELLS WITHIN ONE-HALF (1/2) MILE OF THE PROPOSED POINTS HAVE BEEN SHOWN.

8-30-17
 WATER RESOURCES RECEIVED

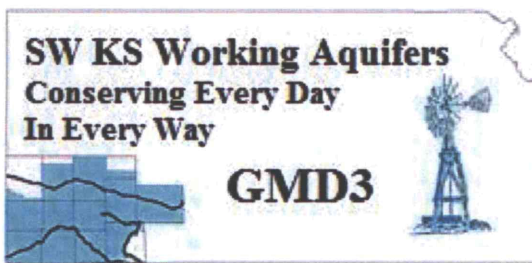
SEP 05 2017

KS DEPT OF AGRICULTURE

Index Map



* LI/OWR 11/19/2018
 ⊕ LI/OWR 3/6/19
 ** LI/OWR 4/23/19
 This map was created by Ireland in WIMAS on 6/23/2017



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

February 16, 2019

Clayton & Sharon Befort, 1177 Commerce Pkwy, Hays, KS 67601
John Borth, PO Box 754, Meade, KS 67864
Scott & Trudy Reiss, 22958 Highway 160, Plains, KS 67869
Darrell Langhofer, 20960 Road W, Plains, KS 67869
Larry Eakes, 13204 @ RD, Plains, KS 67869
Mike Meyer, Water Commissioner, 2508 Johns St., Garden City, KS 67846

Water Resources
Received

FEB 18 2019

KS Dept Of Agriculture

RE: GMD3 Change App. Review,
Water Right, File No. 27,188

Dear GMD3 Members and Water Commissioner,

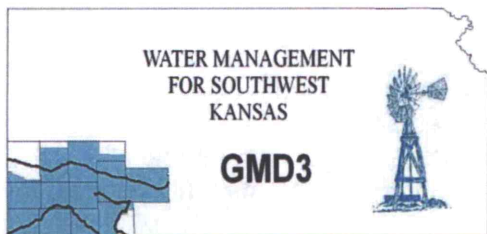
Attached please find the technical memorandum resulting from the GMD3 staff review of the above referenced water right change application by Clayton and Sharon Befort to restore irrigation water capacity using alternative well locations and restructured pumping authority to continue use of groundwater from under their property comprising all of section 11-32s-31w in Seward County, Kansas. In the interest of shortening the comment time, we are providing this to each GMD3 member having a well in the immediate area (within one mile) and to DWR at the same time. The purpose of the memo is to provide information to the state and local application review process to be considered. A basis to waive well spacing and distance move rules was not found and the application is recommended to the Water Commissioner for denial.

You, the Water Commissioner and others are key partners in local groundwater management program activities. You are the water users with private property rights. Lawful review and science-based evaluations of local supply are important to review of prior water right claims and management program public interest that consider area critical wells and declining local sources of water supply. For questions of the technical memo, please contact Trevor or me. For information on the latest draft revision of the GMD3 management program, see our website link provided in the memo. Thank you for your part in wise management of groundwater use. Please let us know if you have any questions.

Sincerely,

Mark Rude
Executive Director

Attachment: GMD3 27188 technical memorandum



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

Technical Memo

To: Members and Files
From: Trevor Ahring, PE and Mark Rude, LG
cc: Mike Meyer, Water Commissioner, KDA/DWR
Date: February 15, 2019
Re: Proposed well and pumping limit changes, Water Right, File No. 27188

Water Resources
Received

FEB 18 2019

KS Dept Of Agriculture

Summary: GMD3 reviewed a proposed permanent water right change application filed April 10, 2017 by the applicant to restore irrigation water supply capacity from alternative well locations and restructuring pumping authority from under his property comprising all of section 11-32s-31w in Seward County, Kansas. The application was revised in mid-2017 as a result of the unauthorized use of an old east well and state enforcement action to require a duly requested and approved change application according to Kansas law. GMD3 supported the enforcement change by review and recommendation.

It was also found in 2017 that the applicant had already drilled and established the proposed new northwest well with underground pipe in place prior to approval of the change application. Fact finding efforts by the GMD3 staff to discover a case for considering a waiver of rule standards to accommodate the applicant struggled with an absence of reliable local aquifer data demonstrating no impairment of prior rights as required by law. Information from concerned neighbor well owners identified unique local aquifer compartment concerns for too many wells in a limited and declining local groundwater supply that appeared to be substantiated by the unsuccessful record of numerous testhole drilling record across the property. These facts identified concerns to GMD3 staff for a significant potential of impairment of prior water rights under the proposal.

A growing crop was in the field and the applicant struggled with declining well yields and sought a term permit to complete the remainder of the crop year by using the unpermitted new northwest well on the property. GMD3 did not provide a recommendation. The chief engineer approved the term permit solely to complete the growing crop for 2017. A board review of the resulting amended April 10 change application in late 2017 found both a distance limit rule conflict and a well spacing rule conflict and a concern that the proposed move from the east well to a new northwest well location lacked supportive aquifer information to demonstrate no impairment of prior rights.

A second term permit was filed by the applicant to use the unpermitted well in 2018. The lack of local aquifer data presented difficulties in the GMD3 board considering rule waivers. DWR suggested a willingness to collect local aquifer performance data but needed a full calendar year and an additional monitoring well that was not a supply well to accomplish the necessary aquifer data collection.

The subsequent GMD3 board review resulted in a conditional rule waiver recommendation for a term permit for the purpose of allowing state staff to collect aquifer data subject to a suitable monitoring well as needed by DWR and to allow any private settlement agreements between water right owners to occur. Site specific data would add hydrologic information to help determine if the waivers could be considered favorably for the proposed permanent change and respect other water rights.

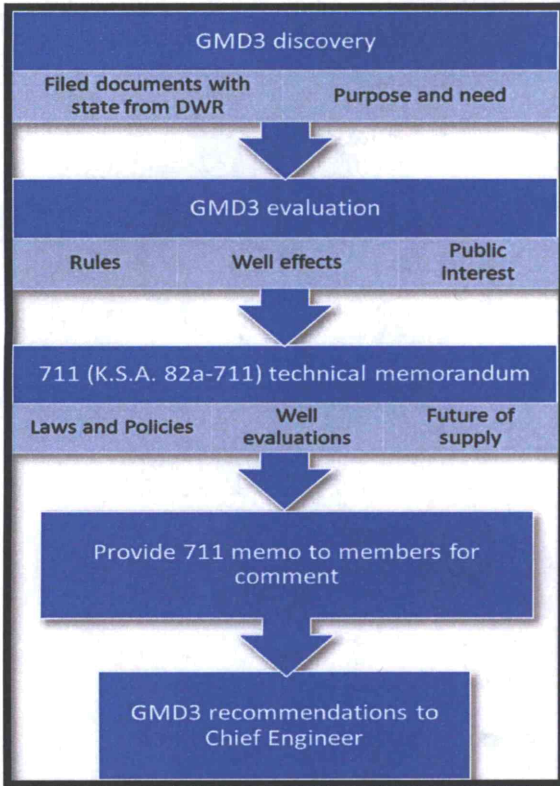
The term permit was approved by DWR with conditions described in a findings and order temporarily limiting the base water right for 2018. Data was collected by DWR through crop year 2018 and results were provided to GMD3 by DWR in November 2018 for use in GMD3 well evaluations that are summarized for each well within one mile of the proposed wells and amounts. Several critical well concerns were identified in the GMD3 well evaluations using the DWR aquifer data. The results were presented in a GMD3 board review of the permanent change application in December 2018.

Significant critical well concerns were identified in the well evaluation effects to neighboring wells that present risk for impairment of prior water rights. These results were presented to the GMD3 Board in December 2018. The results of the board review of the proposed change application was to recommend not waiving the distance and well spacing rules and deny the revised April 10, 2017 application to change water right, File No. 27,188.

GMD3 Review Process: Permanent water right change.

K.S.A. 82a-708b provides that any water right owner may change aspects of a water right without loss of priority if they accomplish all the following:

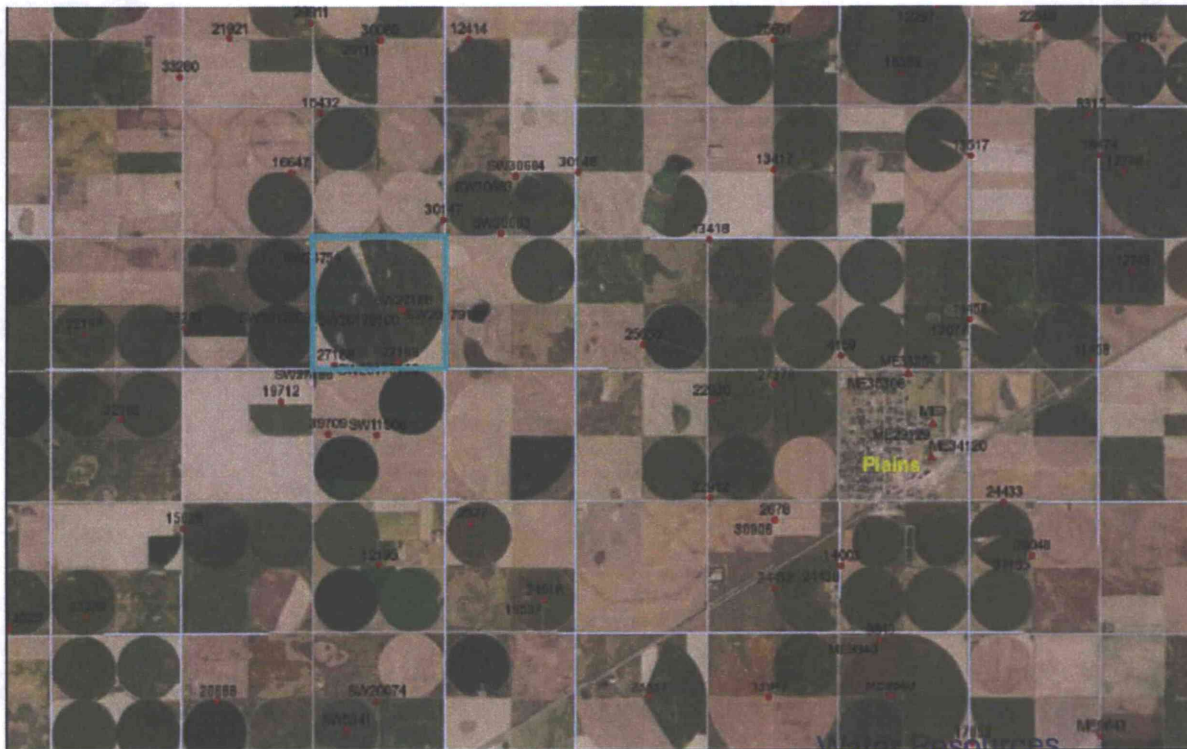
- a. Submit application on prescribed form with prescribed fee;
- b. demonstrate same local source of supply;
- c. demonstrate will not impair other water rights; and
- d. receive approval from chief engineer. The chief engineer shall do so in accordance with the provisions and procedures for processing original applications, including K.S.A. 82a-711. Most notably, to not prejudicially and unreasonably affect the public interest that includes the groundwater management district program for the area.



Discovery: See attached application below filed on April 10, 2017 and revised consistent with the approved change for the east well location and proposing to drop an east well and add a northwest well, keep the existing southwest well and each well to pump up to 1000 gpm an annual quantity of 353 acre-feet. Also, see page 35 through 45 of draft GMD3 management program at <http://www.gmd3.org/wp-content/uploads/2019/01/GMD3PROPOSED-MP-revised011619.pdf>

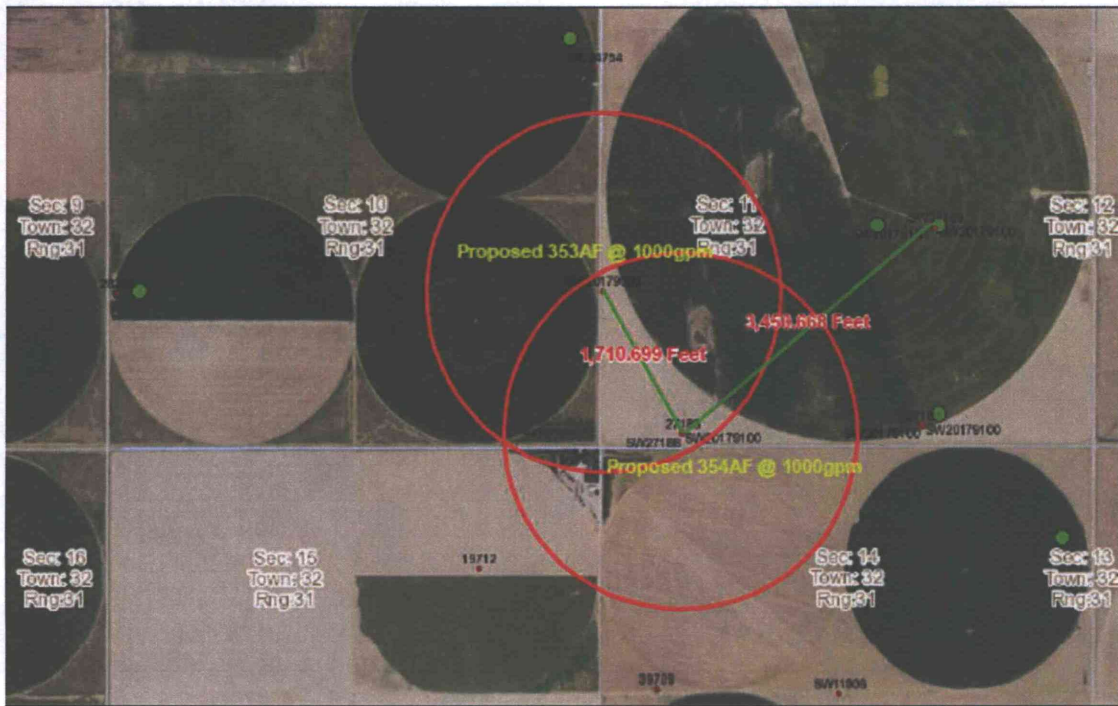
Well evaluation guidelines are described beginning on page 41. Well evaluations conducted for in this case did not include the boundary conditions of the area aquifer implied by the many test holes and well performance information, which would add to well evaluation effects and reduce available future supply estimates.

Area well density around project proposal. Wells within one-mile proposed wells were evaluated.



Water Resources
Received

FEB 18 2019



SW20179100

Specific changes proposed in authorized point of diversion and pumping authority.

Evolution: The following slides were reviewed with the applicant and board, Dec. 12, 2018.

Proposed:

- Move WR No. 27188 ID 2 1869 ft to the northwest to the well currently authorized under term permit no. 20179047.
- Move WR No. 27188 ID 5 to the well currently authorized under WR No. 27188 ID 2.
- Move authority so that both wells are authorized 353 acre-feet at a rate of 1,000 gpm.
 - ID 2 currently averages 394.3 AF at an observed rate of 831 gpm.
 - ID 5 has only been at its current location for 1 year. It is authorized at 171 AF and was observed pumping a rate of 257 gpm.

Aquifer Conditions at Proposed Well Location

- Saturated thickness is 181 ft
 - Projected to decline 38.2 ft in 25 years under prior use conditions.
- Based upon a pump test at the well location conducted by DWR, aquifer values for These calculations:
 - T = 27,538 gpd/ft
 - S = 0.02664

Wells Within 1 Mile and Proposal Drawdown Effects

- 24754
 - Distance from new location = 2345 ft
 - 50 yr drawdown effect = 7.1 ft
 - Drawdown allowance = 4.0 ft
 - 19712
 - Distance from new location = 3247 ft
 - 50 yr drawdown effect = 5.9 ft
 - Drawdown allowance = 2.0 ft
 - 39709
 - Distance from new location = 4286 ft
 - 50 yr drawdown effect = 4.2 ft
 - Drawdown allowance = 2.0 ft
 - 11906
 - Distance from new location = 4997 ft
 - 50 yr drawdown effect = 3.1 ft
 - Drawdown allowance = 4.0 ft
 - 28263
 - Distance from new location = 5256 ft
 - 50 yr drawdown effect = 3.5 ft
 - Drawdown allowance = 2.0 ft or 4.0 ft (debatable)
 - Domestic well in 15-32S-31W
 - Distance from new location = 2041 ft
 - 50 yr drawdown effect = 9.5 ft
 - Drawdown allowance = 2.0 ft
 - Domestic well in 10-32S-31W
 - Distance from new location = 3361 ft
 - 50 yr drawdown effect = 4.9 ft
 - Drawdown allowance = 4.0 ft
- 27,188? ID

Evaluation of WR No. 24754

- 25 yr drawdown due to additional proposed pumping = **6.9 ft**
 - Based upon 25 yr Theis analysis adjusting rate and quantity at ID 2 and moving ID 5 to proposed location.
- Drawdown due to existing pumping = **36.5 ft**
 - Based upon water level declines predicted by the GMD3 model.
- Dynamic Drawdown = **62.3 ft**
 - Based upon a Theis analysis with $r = 1$ ft, $S = 0.02664$, $T = 27,538$ gpd/ft, $Q = 621$ gpm, $tp = 118$ days, well efficiency = 70%
- Total Drawdown = **105.7 ft**

SO, Drawdown Constraints for WR No. 24754

- Physical Drawdown Constraint
 - Water table depth is 269 ft. Well depth is 495 ft, screened to a depth of 485 ft. PDC is assumed to be 40 ft above the screen interval.
 - PDC = 216 ft - 40 ft = 176 ft
- Economical Drawdown Constraint (40% in 25 years)
 - EDC = 216 ft * 0.4 = **86.4 ft**
- The EDC is more restrictive than the PDC, so the maximum allowable drawdown is **86.4 ft**.
 - The total drawdown of **105.7 ft** is greater than the allowable drawdown, so **this is a critical well.**

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KS Dept Of Agriculture
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Evaluation of WR No. 19712

- 25 yr drawdown due to additional proposed pumping = **5.6 ft**
 - Based upon 25 yr Theis analysis adjusting rate and quantity at ID 2 and moving ID 5 to proposed location.
- Drawdown due to existing pumping = **35.3 ft**
 - Based upon water level declines predicted by the GMD3 model.
- Dynamic Drawdown = **35.1 ft**
 - Based upon a Theis analysis with $r = 1$ ft, $S = 0.02664$, $T = 27,538$ gpd/ft, $Q = 342$ gpm, $tp = 105$ days, well efficiency = 70%
- Total Drawdown = **76.0 ft**

So, Drawdown Constraints for WR No. 19712

- Physical Drawdown Constraint
 - Water table depth is 275 ft. No drillers log is available, so well is assumed to be drilled and screened to the bottom of the aquifer, located at a depth of 463 ft. PDC is assumed to be 60 ft above the bottom of the well.
 - $PDC = 188 \text{ ft} - 60 \text{ ft} = 128 \text{ ft}$
- Economical Drawdown Constraint (40% in 25 years)
 - $EDC = 188 \text{ ft} * 0.4 = 75.2 \text{ ft}$
- The EDC is more restrictive than the PDC, so the maximum allowable drawdown is **75.2 ft.**
 - The total drawdown of **76.0 ft** is greater than the allowable drawdown so **this is a critical well.**

Evaluation of WR No. 39709

- 25 yr drawdown due to additional proposed pumping = **3.9 ft**
 - Based upon 25 yr Theis analysis adjusting rate and quantity at ID 2 and moving ID 5 to proposed location.
- Drawdown due to existing pumping = **37.6 ft**
 - Based upon water level declines predicted by the GMD3 model.
- Dynamic Drawdown = **60.1 ft**
 - Based upon a Theis analysis with $r = 1$ ft, $S = 0.02664$, $T = 27,538$ gpd/ft, $Q = 584$ gpm, $tp = 107$ days, well efficiency = 70%
- Total Drawdown = **101.6 ft**

SO, Drawdown Constraints for WR No. 39709

- Physical Drawdown Constraint
 - Water table depth is 276 ft. Well depth is 380 ft, screened to a depth of 380 ft. PDC is assumed to be 40 ft above the screen interval.
 - $PDC = 104 \text{ ft} - 40 \text{ ft} = 64 \text{ ft}$
- Economical Drawdown Constraint (40% in 25 years)
 - $EDC = 104 \text{ ft} * 0.4 = 41.6 \text{ ft}$
- The EDC is more restrictive than the PDC, so the maximum allowable drawdown is **41.6 ft.**
 - The total drawdown of **101.6 ft** is greater than the allowable drawdown so **this is a critical well.**
 - Note that this well is not drilled to the red bed, but if it were, the water column would be 190 ft, and the EDC would be 76 ft and still show CW.

Evaluation of WR No. 28263

- 25 yr drawdown due to additional proposed pumping = **3.2 ft**
 - Based upon 25 yr Theis analysis adjusting rate and quantity at ID 2 and moving ID 5 to proposed location.
- Drawdown due to existing pumping = **36.5 ft**
 - Based upon water level declines predicted by the GMD3 model.
- Dynamic Drawdown = **35.9 ft**
 - Based upon a Theis analysis with $r = 1 \text{ ft}$, $S = 0.02664$, $T = 27,538 \text{ gpd/ft}$, $Q = 342 \text{ gpm}$, $tp = 144 \text{ days}$, well efficiency = 70%
- Total Drawdown = **75.6 ft**

SO, Drawdown Constraints for WR No. 28263

- Physical Drawdown Constraint
 - Water table depth is 282 ft. Well depth is 407 ft, screened to a depth of 407 ft. PDC is assumed to be 40 ft above the screen interval.
 - $PDC = 125 \text{ ft} - 40 \text{ ft} = 85 \text{ ft}$
- Economical Drawdown Constraint (40% in 25 years)
 - $EDC = 125 \text{ ft} * 0.4 = 50.0 \text{ ft}$
- The EDC is more restrictive than the PDC, so the maximum allowable drawdown is **50.0 ft.**
 - The total drawdown of **75.6 ft** is greater than the allowable drawdown so **this is a critical well.**

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Evaluation of the Domestic Well in 15-32S-31W

- 25 yr drawdown due to additional proposed pumping = **9.24 ft**
 - Based upon 25 yr Theis analysis adjusting rate and quantity at ID 2 and moving ID 5 to proposed location.
- Drawdown due to existing pumping = **35.3 ft**
 - Based upon water level declines predicted by the GMD3 model.
- Dynamic Drawdown = **10.0 ft**
 - Based upon assumption that dynamic drawdown in a domestic well is 10.0 ft.
- Total Drawdown = **54.5 ft**

Drawdown Constraints for Domestic Well in 15-32S-31W

- Physical Drawdown Constraint
 - Water table depth is 273 ft. No driller's log is available, so well is assumed to be drilled and screened to the bottom of the aquifer, at a depth of 463 ft. PDC is assumed to be 20 ft above the bottom of the well.
 - $PDC = 190 \text{ ft} - 20 \text{ ft} = 170 \text{ ft}$
- Economical Drawdown Constraint (40% in 25 years)
 - $EDC = 190 \text{ ft} * 0.4 = 76.0 \text{ ft}$
- The EDC is more restrictive than the PDC, so the maximum allowable drawdown is **76.0 ft**.
 - The total drawdown of **54.5 ft** is less than the allowable drawdown so **this is not a critical well**.

Evaluation of the Domestic Well in 10-32S-31W

- 25 yr drawdown due to additional proposed pumping = **4.67 ft**
 - Based upon 25 yr Theis analysis adjusting rate and quantity at ID 2 and moving ID 5 to proposed location.
- Drawdown due to existing pumping = **36.5 ft**
 - Based upon water level declines predicted by the GMD3 model.
- Dynamic Drawdown = **10.0 ft**
 - Based upon assumption that dynamic drawdown in a domestic well is 10.0 ft.
- Total Drawdown = **51.2 ft**

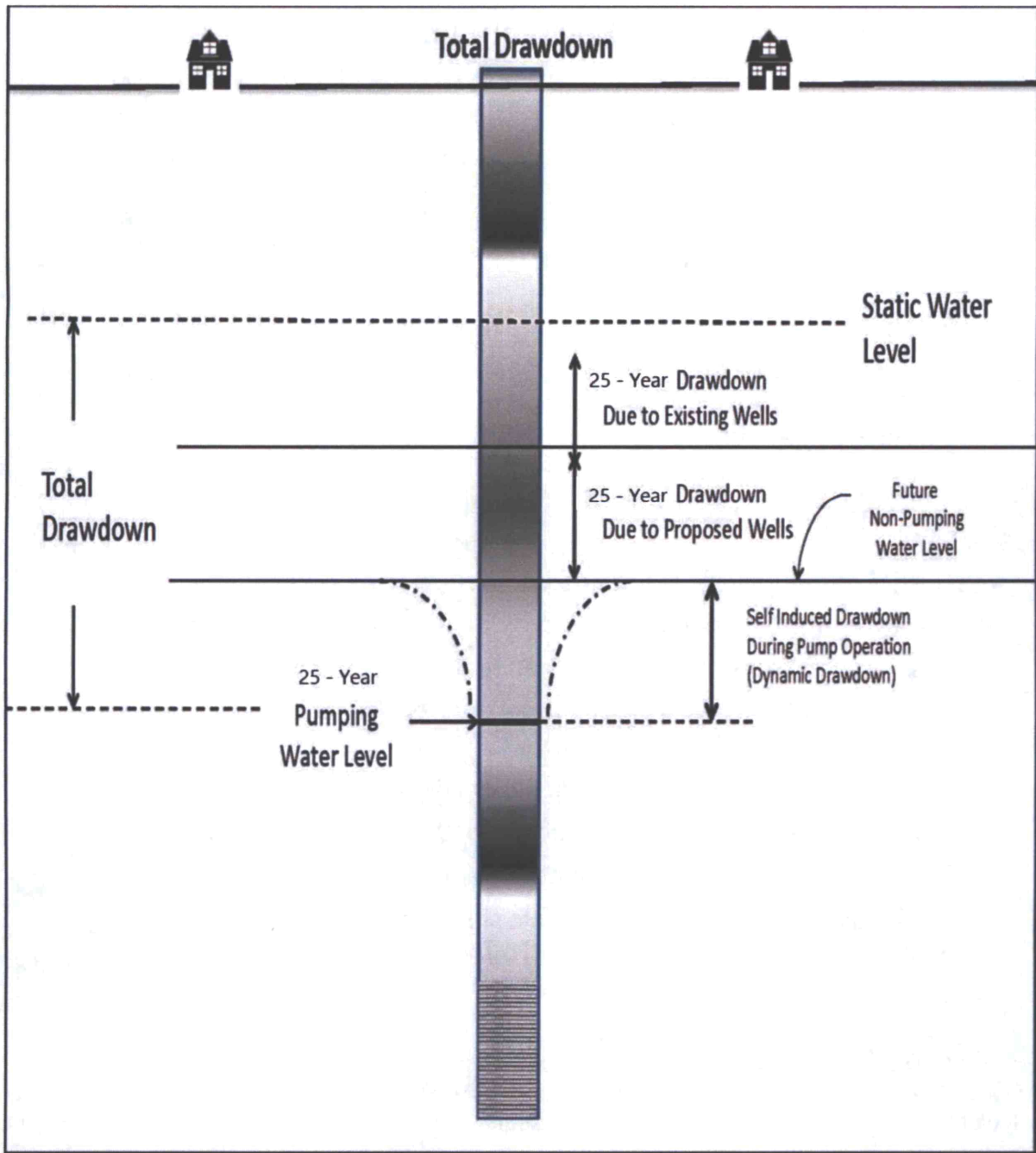


Illustration of calculations applied to each neighboring well within one mile of proposed well.

Drawdown Constraints for Domestic Well in 10-32S-31W

- **Physical Drawdown Constraint**
 - Water table depth is 272 ft. Well is drilled and screened to a depth of 400 ft. PDC is assumed to be 20 ft above the bottom of the well.
 - $PDC = 128 \text{ ft} - 20 \text{ ft} = 108 \text{ ft}$
- **Economical Drawdown Constraint (40% in 25 years)**
 - $EDC = 128 \text{ ft} * 0.4 = 51.2 \text{ ft}$
- **The EDC is more restrictive than the PDC, so the maximum allowable drawdown is 51.2 ft.**
 - The total drawdown of **51.2 ft** is equal to the allowable drawdown so **this is not a critical well.**

Summary

- GMD3 minimum rule standards not met (spacing & distance)
- GMD3 well evaluations done to provide rule waiver perspective
- S & T values from DWR far less than regional groundwater model
- Saturated thickness similar to model, but PST (practical saturated thickness) is very different
- Most area wells are critical wells under GMD3 evaluation
- Boundary affects not in calculations (so, under estimate effects)
- Neighbor requested hearing/meeting and has concerns
- Staff recommends no waiver of rule standards, if Board considers waiver, need hearing/meeting and minimum mitigation calculations

Conclusions.

The proposed changes are junior to all other rights, and if approved will be junior to 5 of the 7 wells evaluated. In this case, rule standards require a waiver which the well evaluation calculations did not support. Critical well conditions were identified for most wells evaluated and depletion allowances (de minimis effects) were exceeded. The board of GMD3 recommends no waiver of rule standards in this area. Their analytical calculations generally assume uniform infinite aquifer conditions that do not exist in this local source of supply where boundary conditions are apparent and GMD3 analysis may under estimate pumping drawdown effects. Careful consideration of impairment concerns in the non-typical compartmentalized and declining local source of groundwater supply should be exercised by the Chief Engineer, DWR.

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

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



State of Kansas

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

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

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

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

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APR 10 2017
1:05
KS DEPT OF AGRICULTURE

File No. 27188

2. Name of applicant: CLAYTON J & SHARON K BEFORT

Address: 1177 COMMERCE PKWY

City, State and Zip: HAYS KS 67601

Phone Number: () _____ E-mail address: _____

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

Name of water use correspondent: JOHN D BORTH

Address: PO BOX 754

City, State and Zip: MEADE KS 67864

Phone Number: () _____ E-mail address: _____

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

to relocate both wells and alter the rate and quantity assigned to each.

The change(s) (was) (will be) completed by upon approval _____ (Date)

For Office Use Only:		Meets K.A.R. 5-5-1 (YES / NO)		Use	Source	County	By	Date
F.O.	<u>4</u>	GMD	<u>3</u>	<u>lrr</u>	<u>ME</u>	<u>S</u>	<u>AW</u>	<u>4/10/17</u>
Code	<u>CGT</u>	Fee \$	<u>200</u>	TR #	Receipt Date	<u>4/10/17</u>	Check #	<u>22989</u>

DWR 1-120 (Revised 06/16/2014)

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Assisted by: TPM

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4. The presently authorized place of use is:

Owner of Land — NAME: CLAYTON J & SHARON K BEFORT

ADDRESS: 1177 COMMERCE PKWY HAYS KS 67601

Sec.	Twp.	Range	NE%				NW%				SW%				SE%				TOTAL ACRES
			NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	
11	32	31w	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640

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

Owner of Land — NAME: _____

ADDRESS: _____

Sec.	Twp.	Range	NE%				NW%				SW%				SE%				TOTAL ACRES
			NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	

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

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

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

Owner of Land — NAME: CLAYTON J & SHARON K BEFORT

ADDRESS: 1177 COMMERCE PKWY HAYS KS 67601

Sec.	Twp.	Range	NE%				NW%				SW%				SE%				TOTAL ACRES
			NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	
11	32	31W	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640

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

Owner of Land — NAME: _____

ADDRESS: _____

Sec.	Twp.	Range	NE%				NW%				SW%				SE%				TOTAL ACRES
			NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	

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

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

List all presently authorized point(s) of diversion:

8. **Presently authorized point of diversion:**
 One in the se Quarter of the sw Quarter of the sw Quarter of Section 11, Township 32 South, Range 31 W, in Seward County, Kansas, 100 feet North 4420 feet West of Southeast corner of section. Authorized Rate 1310 Authorized Quantity 536
 (DWR use only: Computer ID No. 2 GPS _____ feet North _____ feet West)
 This point will not be changed This point will be changed as follows:
Proposed point of diversion: (Complete only if change is requested)
 One in the sw Quarter of the nw Quarter of the sw Quarter of Section 11, Township 32 South, Range 31 W, in Seward County, Kansas, 1612 feet North 5260 feet West of Southeast corner of section. Proposed Rate 1000 Proposed Quantity 353
 This point is: Additional Well Geo Center List other water rights that will use this point na

9. **Presently authorized point of diversion:**
 One in the se Quarter of the sw Quarter of the se Quarter of Section 11, Township 32 South, Range 31 W, in Seward County, Kansas, 190 feet North 1830 feet West of Southeast corner of section. Authorized Rate 690 Authorized Quantity 171
 (DWR use only: Computer ID No. 3 GPS _____ feet North _____ feet West)
 This point will not be changed This point will be changed as follows:
Proposed point of diversion: (Complete only if change is requested)
 One in the se Quarter of the sw Quarter of the sw Quarter of Section 11, Township 32 South, Range 31 W, in Seward County, Kansas, 100 feet North 4420 feet West of Southeast corner of section. Proposed Rate 1000 Proposed Quantity 353
 This point is: Additional Well Geo Center List other water rights that will use this point na

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. cap.

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12. The presently authorized use of water is for irrigation purposes.

It is proposed that the use be changed to nc 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 nc (acre-feet or million gallons).

15. It is requested that the maximum rate of diversion of water be reduced to nc 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.

wells requested are 1/2mile from any of the other water rights in the area.

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.

wells do not meet the 1900 foot spacing to each other on this same water right.

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APR 10 2017
10:17 AM
10:17 AM

APR 10 2017

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 Nays, Kansas, this 30th day of March, 2017.

Clayton J Befort
(Owner)

Sharon K Befort
(Spouse)

CLAYTON J BEFORT
(Please Print)

SHARON K BEFORT
(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

(Owner)

(Spouse)

(Please Print)

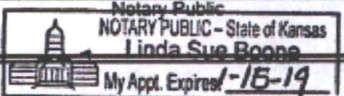
(Please Print)

State of Kansas }
County of Ellis } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 30th day of March, 2017.

Linda Sue Boone

My Commission Expires 1-15-19



FEE SCHEDULE

Each application to change the place of use, the point of diversion or the use made of the water under this section shall be accompanied by the application fee set forth in the schedule below:

- (1) Application to change a point of diversion 300 feet or less \$100
- (2) Application to change a point of diversion more than 300 feet \$200
- (3) Application to change the place of use \$200
- (4) Application to change the use made of the water \$300

Make check payable to Kansas Department of Agriculture.

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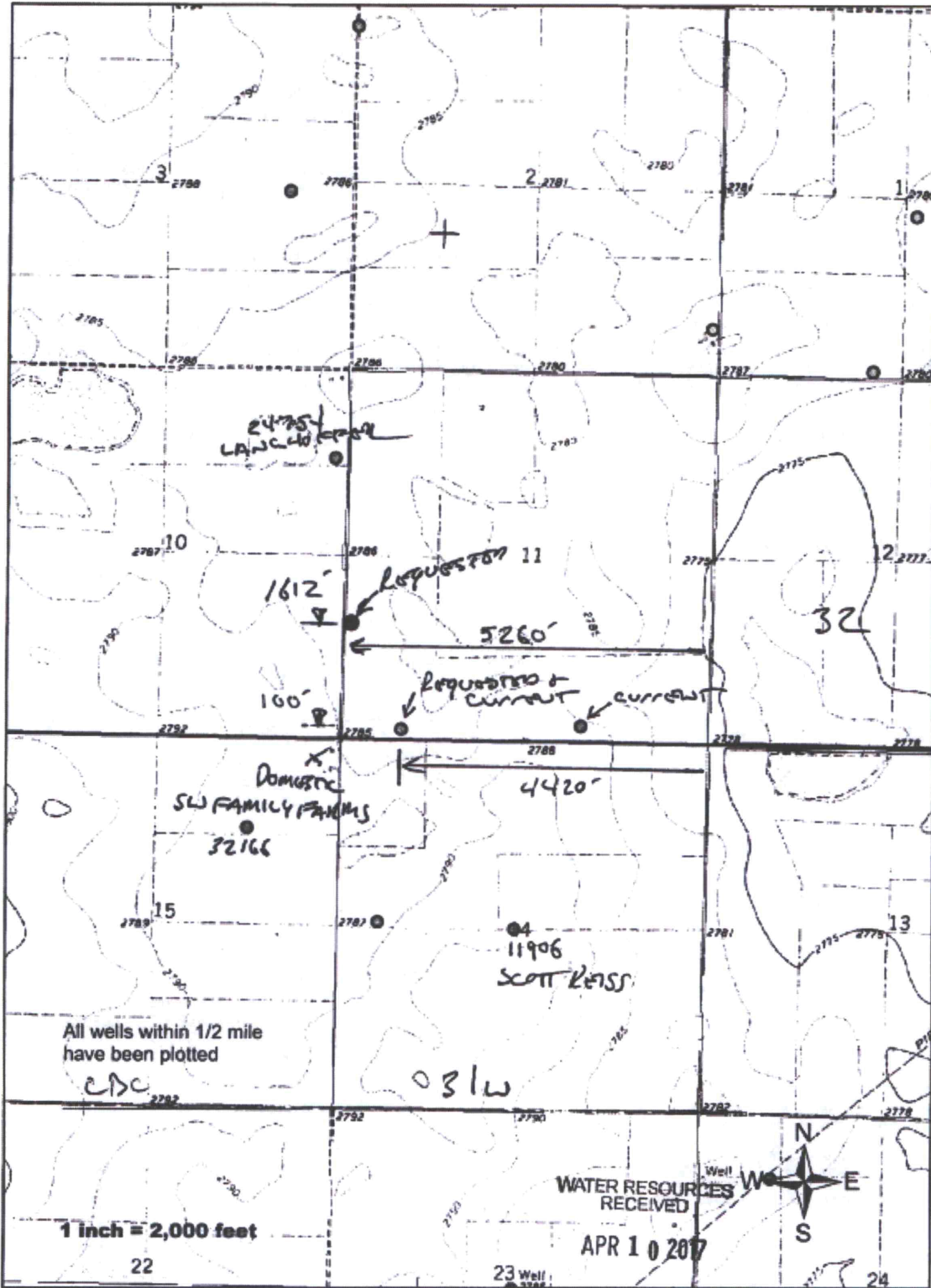
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KS Dept Of Agriculture
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27188



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**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

July 26, 2017

Thomas P. Makens
Division of Water Resources
2508 N Johns Street
Garden City, Kansas 67846

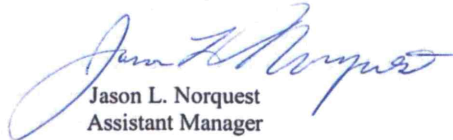
RE: Application for Change in Point of Diversion
Water Right, File No. 27188

Dear Thomas:

We have completed a review of the application for the above referenced water right. The proposal is not in conflict with the Management Program of the Southwest Kansas Groundwater Management District No. 3 (GMD3). The proposed distance moved and spacing to neighboring wells is met in accordance with K.A.R. 5-23-3. Approval of this application will move the authority to the location that was authorized prior to a change approval in 2016. The applicant has been using this proposed well for the 2017 season, so far. It is therefore recommended that the application be approved at this time.

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

Serving Southwest Kansas Since 1976

GMD3 Change Review

Change Application(s); PD
File No(s). 27188, Befort/Borth
SEE ATTACHED MAP

	ft. North	ft. West	
Authorized PD	190	1830	Sect. 11-32-31
Proposed PD	2268	1688	
Difference	-2078 N	142 E	
a2 + b2 = c2	4318084	20164	2082.846 foot move NE

this is to authorize the well at the middle of the section that has been pumped in 2017 WITHOUT authority.

Neighboring wells: Spacing MET, see WRIS report

Domestic wells: None found in area of concern

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

Board Review Date: NA

Board Recommendation: NA

Waiver Reason: NA

Final Recommendation: The current area rules are met. This application will correctly establish the one of two wells under this water right that has been pumped in this 2017 season that has not been authorized. Staff recommends approval of the application.

ja

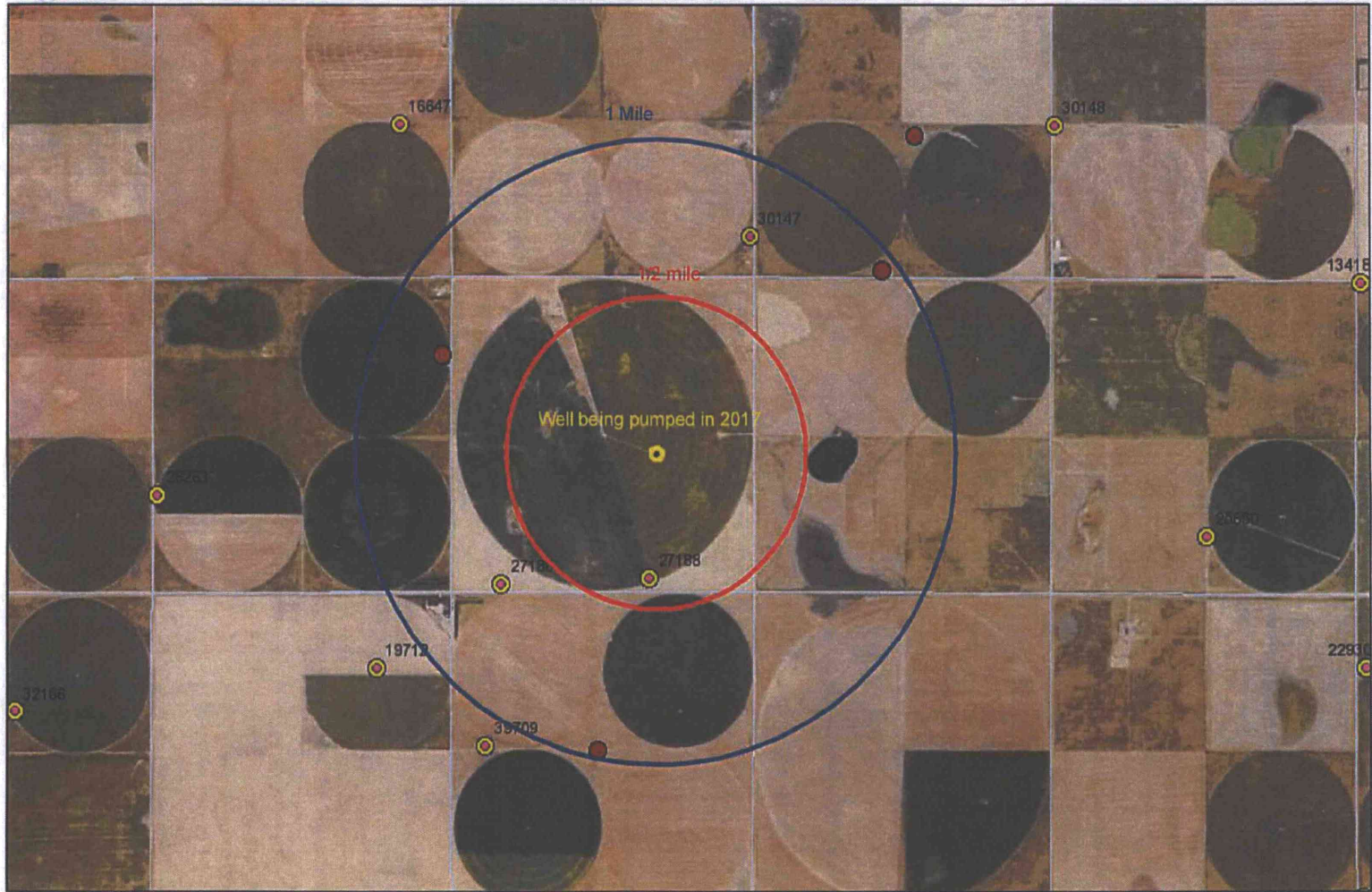
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27188..Authorize current well

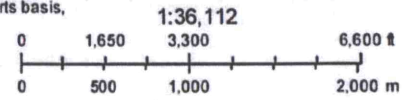


July 26, 2017

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.

- Meters
- Wells
- WIMAS WELLS GMD3

□ Sections



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

2268 ft N and 1688 ft W of the SE Corner of Section 11, T 32S, R 31W

Located at: 100.658740 West Longitude and 37.277912 North Latitude

GROUNDWATER ONLY

File Number	Use	ST	SR	Dist (ft)	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Twp	Rng	ID	Batt	Auth_Quan	Add_Quan	Unit	
A__ 11906 00	IRR NK G			5090	--	NE	NE	SW	2536	2735	14	32	31W	3		1600	291.00	291.00	AF
A__ 24754 00	IRR NK G			4131	--	SE	NE	NE	3970	150	10	32	31W	5		2300	540.00	540.00	AF
A__ 27188 00	IRR NK G*			3488	--	SE	SW	SW	100	4420	11	32	31W	2		2300	536.00	536.00	AF
Same				2083	--	SE	SW	SE	190	1830	11	32	31W	3			171.00	171.00	AF
A__ 30147 00	IRR NK G			4015	--	CE	SE	SE	650	75	2	32	31W	2		1600	250.00	250.00	AF
A__ 30683 00	IRR NK G			5016	--	SE	SE	SW	80	2997	1	32	31W	2		2100	480.00	480.00	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) =	2268.00	.00
Total Vested Amount (AF) =	.00	.00
TOTAL AMOUNT (AF) =	2268.00	.00

Spacing MET

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:

100.658740 West Longitude and 37.277912 North Latitude

GROUNDWATER ONLY

WATER USE CORRESPONDENTS:

- File Number Use ST SR
- A__ 11906 00 IRR NK G
- > SCOTT & TRUDY K REISS
- >
- > 22958 HIGHWAY 160
- > PLAINS KS 67869
-
- A__ 24754 00 IRR NK G
- > DARRELL D LANGHOFER
- >
- > 20960 ROAD W
- > PLAINS KS 67869
-
- A__ 27188 00 IRR NK G
- > JOHN D BORTH
- >
- > PO BOX 754
- > MEADE KS 67864
-
- A__ 30147 00 IRR NK G
- > EAKES FARM INC

- > LARRY EAKES
- > 13204 2 RD
- > PLAINS KS 67869

-
- A__ 30683 00 IRR NK G
- > EAKES FARM INC
- > LARRY EAKES
- > 13204 2 RD
- > PLAINS KS 67869
-

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**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

January 11, 2018

Leslie Ireland
Kansas Department of Ag
Division of Water Resources
1320 Research Park Drive
Manhattan, Kansas 66502

RE: Application for Term Permit
File No. 20179074

Dear Leslie:

We have completed a review of the application for the above referenced Term Permit. The proposal is in conflict with the Management Program of the Southwest Kansas Groundwater Management District No. 3 (GMD3). More specifically as it pertains to minimum spacing to neighboring wells in accordance with K.A.R. 5-23-3(a). We reviewed this application at our January 10, 2018 Board meeting.

A history of the change application for water right 27188 along with the past and present term permits was given to the Board and the tenant, John Borth. In order for the State to compile more data to make the best decision on the permanent change application, another season of data collection is preferred. During that time the applicant requests the authority to pump from the new well that is proposed, which does not meet minimum spacing to another well under the same water right. Proper data collection would require that data could be collected from a well that is not being used in order to determine the effects from all wells involved. This would require an observation well to be drilled in order to install the equipment. The Board recommends a waiver to K.A.R. 5-23-3(a) at this time and the application be approved for the 2018 season only, with the requirement that the applicant drills an observation well or locates an existing well that meets the requirements of the Division of Water Resources, prior to any diversion of water taking place. If the Neighbor concerns are addressed pertaining to the original change application, the Board would be willing to consider it at a future time.

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

Serving Southwest Kansas Since 1976

GMD3 Change Review

File No(s): 20179074. DWR office: GC.
 App filed to change: Term Permit (Base WR 27188).
 Is Landowner(s) correct in WRIS: Yes.
 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 & KAR 5-9-1
 Point of diversion ID No(s) being changed.

	ft. North	ft. West			
Authorized PD					
Proposed PD					
Difference	0	0			
a2 + b2 = c2	0	0	0		

GPS for proposed PD: Lat: Long: .
 Is proposed PD stacking on existing WRs? .
 Is Proposed PU overlapping existing WRs? .
 Land Owner(s) notified: .
 Name . Name .
 Address . Address .
 Zip . Zip .
 Neighboring certified well(s) notified: .
 Name . Name .
 Address . Address .
 Zip . Zip .
 Domestic well(s) notified: .
 Name . Name .
 Address . Address .
 Zip . Zip .
 Base Acres: .
 Perfected Acres: .
 Irr. Return-Flow %

This term permit was reviewed with the full Board and the tenant of the water right at our January 10, 2018 meeting. A permanent change was proposed on the base water right, 27188, that would require a waiver of spacing. During the initial review, concerns were raised by neighboring wells. A term permit was granted to finish out 2017 irrigation season and to collect aquifer data. DWR has stated that they would like to have a full season of data in order to make a final decision on the change application.

This term permit is for the 2018 season in order for the applicant to have sufficient water for the crops and allow further data to be collected on the area aquifer.

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GMD3 Change Review

Is a waiver needed: Spacing to well under 27188.

Final Recommendation: After review and discussion with GMD3 staff, DWR staff, the Board, and the applicant/Tenant, a waiver is needed to for spacing not met to the other well under 27188. In order for more data to be collected, it is recommended that a waiver to KAR 5-23-3 be granted and the term permit be approved with conditions. In order to get data from a well that is not pumped, we fully support the requirement of the applicant to install a monitoring well or existing well location that is acceptable to DWR in order to obtain the needed information for a determination on the bae WR change application. This well is to be constructed prior to any water being diverted in 2018 and the term permit is only for the 2018 season. If information is provided that would allow the applicant to proceed with the change application for WR 27188, the term permit would be terminated and the requirements as well.



D. Engelhaupt, E.I.
 KDA-DWR
 11/7/2018

This analysis for File No. 27,188

A This analysis was used to evaluate the impacts of a change in point of diversion for File No. 27,188. The net impact of the change at a nearby domestic well and a point of diversion authorized by File No. 24,754 was evaluated. The assumed transmissivity (3,681.5 ft²/day) and storage coefficients (0.02664) are from a seasonal aquifer test analyzed by John Munson, KDA-DWR. The drawdown under the requested rate and quantity was compared to both currently authorized quantity and historic average use (2003-2017) at currently authorized rate. When compared to historic use (average 2008-2017), the proposed change increases drawdown by 3.73 feet at the domestic well and 4.74 feet at the point of diversion authorized by File No. 24,754. When compared to currently authorized, the proposed change increases drawdown by 2.45 feet at the domestic well and 3.59 feet at the point of diversion authorized by File No. 24,754.

Table 1: This analysis of drawdown at the domestic well compared to historic use.

Pumping Well ¹	Rate ² (gpm)		Volume ³ (AF)		Distance ⁴ (ft)	Drawdown ⁵ (ft)		Change in Drawdown ⁶	
	Base.	Prop.	Base.	Prop.		Base.	Prop.	Feet	% of ST ⁷
ID #2	1,310	1,000	491	354	1,369	20.07	14.88	-5.19	-4.34 %
ID #5	690	0	152	0	4,808	2.82	0.00	-2.82	-2.36 %
New Well	0	1,000	0	353	2,052	0.00	11.74	11.74	9.81 %
Net:						22.89	26.62	3.73	3.11 %

T = 3,681.5 ft²/day; S = 0.02664

¹Sequence within section of the pumping well. Pumping well is authorized by File No. 27,188

²Pumping rate. Assumes authorized rate.

³Volume pumped. For baseline scenario this is the average use 2003-2017. For ID #5 use on ID Nos. 1 and 3 is included.

⁴Distance between the pumping well and the nearby domestic well

⁵Maximum drawdown after 50-years of pumping cycles under the assumed conditions.

⁶Difference in maximum drawdown between proposed and baseline scenarios.

⁷Difference in maximum drawdowns expressed as percentage of the 2066 saturated thickness as projected by the GMD No. 3 model

Table 2: This analysis of drawdown at the domestic well compared to currently authorized.

Pumping Well ¹	Rate ² (gpm)		Volume ³ (AF)		Distance ⁴ (ft)	Drawdown ⁵ (ft)		Change in Drawdown ⁶	
	Base.	Prop.	Base.	Prop.		Base.	Prop.	Feet	% of ST ⁷
ID #2	1,310	1,000	536	354	1,369	21.02	14.88	-6.14	-5.13 %
ID #5	690	0	171	0	4,808	3.15	0.00	-3.15	-2.63 %
New Well	0	1,000	0	353	2,052	0.00	11.74	11.74	9.81 %
Net:						24.17	26.62	2.45	2.05 %

T = 3,681.5 ft²/day; S = 0.02664

¹Sequence within section of the pumping well. Pumping well is authorized by File No. 27,188

²Pumping rate. Assumes authorized rate.

³Volume pumped is authorized.

⁴Distance between the pumping well and the nearby domestic well

⁵Maximum drawdown after 50-years of pumping cycles under the assumed conditions.

⁶Difference in maximum drawdown between proposed and baseline scenarios.

⁷Difference in maximum drawdowns expressed as percentage of the 2066 saturated thickness as projected by the GMD No. 3 model

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Table 3: This analysis of drawdown at File No. 24,754 compared to historic use.

Pumping Well ¹	Rate ² (gpm)		Volume ³ (AF)		Distance ⁴ (ft)	Drawdown ⁵ (ft)		Change in Drawdown ⁶	
	Base.	Prop.	Base.	Prop.		Base.	Prop.	Feet	% of ST ⁷
ID #2	1,310	1,000	491	354	4,039	10.00	7.26	-2.74	-2.29 %
ID #5	690	0	152	0	4,038	3.28	0.00	-3.28	-2.74 %
New Well	0	1,000	0	353	2,344	0.00	10.76	10.76	8.99 %
Net:						13.28	18.02	4.74	3.96 %

T = 3,681.5 ft²/day; S = 0.02664

¹Sequence within section of the pumping well. Pumping well is authorized by File No. 27,188

²Pumping rate. Assumes authorized rate.

³Volume pumped. For baseline scenario this is the average use 2003-2017. For ID #5 use on ID Nos. 1 and 3 is included.

⁴Distance between the pumping well and the well authorized by File No. 24,754

⁵Maximum drawdown after 50-years of pumping cycles under the assumed conditions.

⁶Difference in maximum drawdown between proposed and baseline scenarios.

⁷Difference in maximum drawdowns expressed as percentage of the 2066 saturated thickness as projected by the GMD No. 3 model

Table 4: This analysis of drawdown at File No. 24,754 compared to currently authorized

Pumping Well ¹	Rate ² (gpm)		Volume ³ (AF)		Distance ⁴ (ft)	Drawdown ⁵ (ft)		Change in Drawdown ⁶	
	Base.	Prop.	Base.	Prop.		Base.	Prop.	Feet	% of ST ⁷
ID #2	1,310	1,000	536	354	4,039	10.78	7.26	-3.52	-2.94 %
ID #5	690	0	171	0	4,038	3.65	0.00	-3.65	-3.05 %
New Well	0	1,000	0	353	2,344	0.00	10.76	10.76	8.99 %
Net:						14.43	18.02	3.59	3.00 %

T = 3,681.5 ft²/day; S = 0.02664

¹Sequence within section of the pumping well. Pumping well is authorized by File No. 27,188

²Pumping rate. Assumes authorized rate.

³Volume pumped is authorized.

⁴Distance between the pumping well and the well authorized by File No. 24,754

⁵Maximum drawdown after 50-years of pumping cycles under the assumed conditions.

⁶Difference in maximum drawdown between proposed and baseline scenarios.

⁷Difference in maximum drawdowns expressed as percentage of the 2066 saturated thickness as projected by the GMD No. 3 model

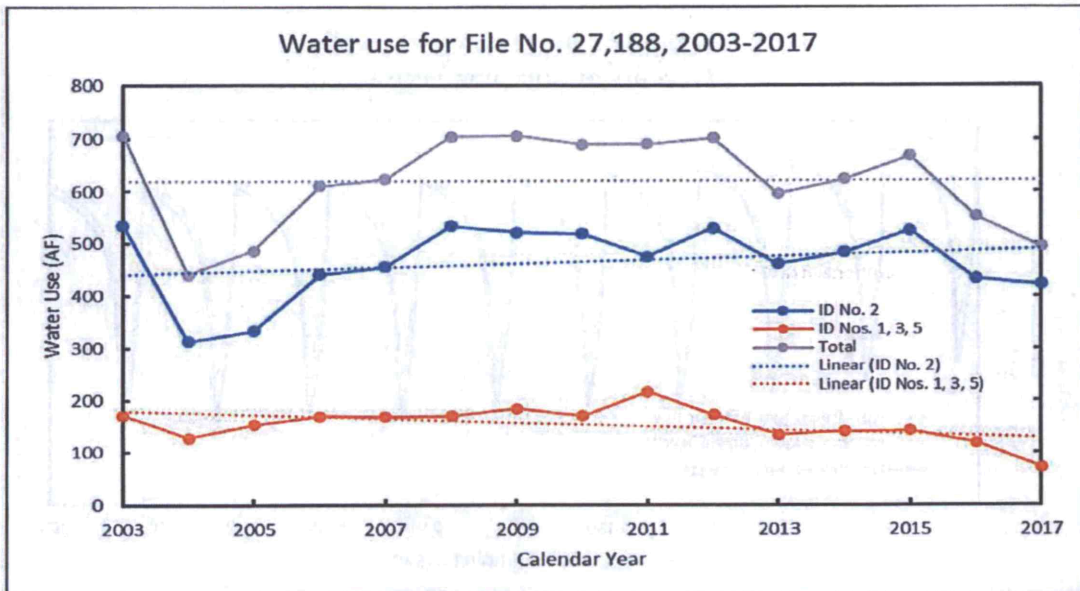


Figure 1: Historic water use on File No. 27,188, 2003-2017

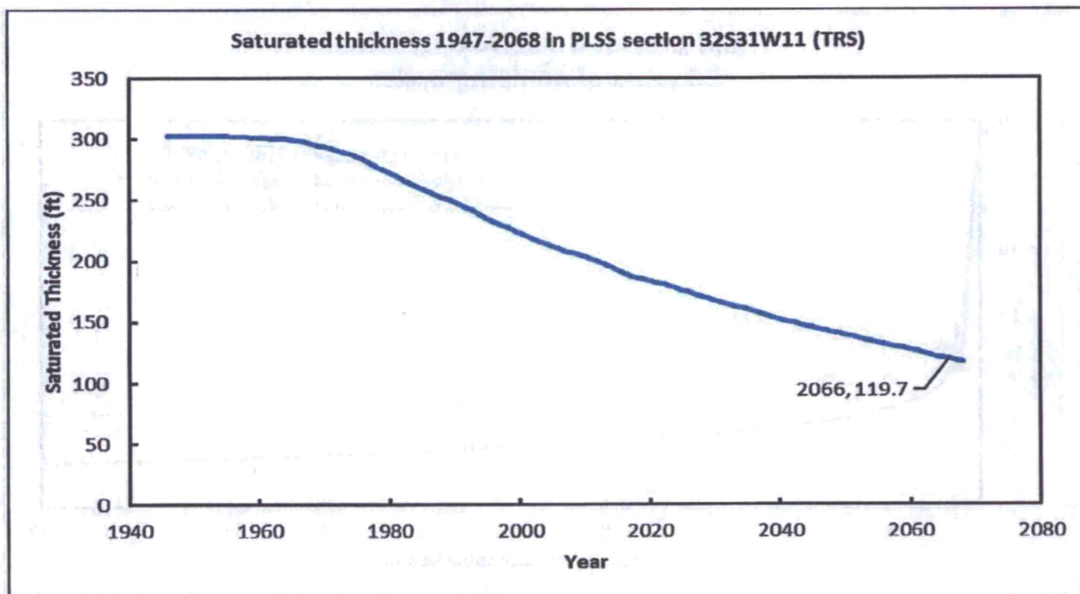


Figure 2: Modeled saturated thickness, 1947-2068

Water Resources
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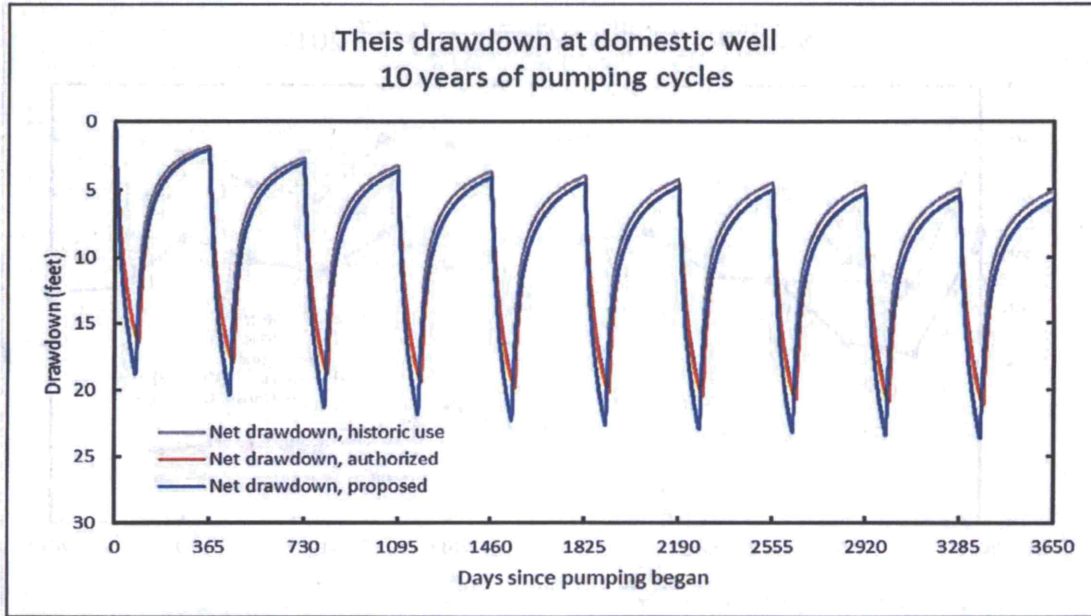


Figure 3: This drawdown at the domestic well for the first 10 years of pumping cycles

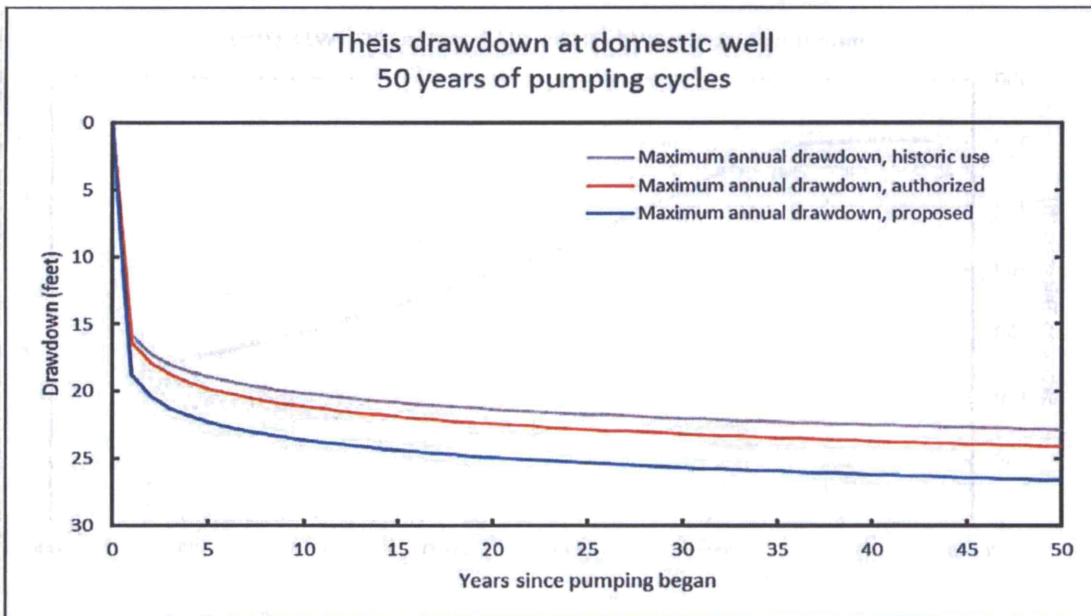


Figure 4: Maximum annual This drawdown at the domestic well for 50 years of pumping cycles

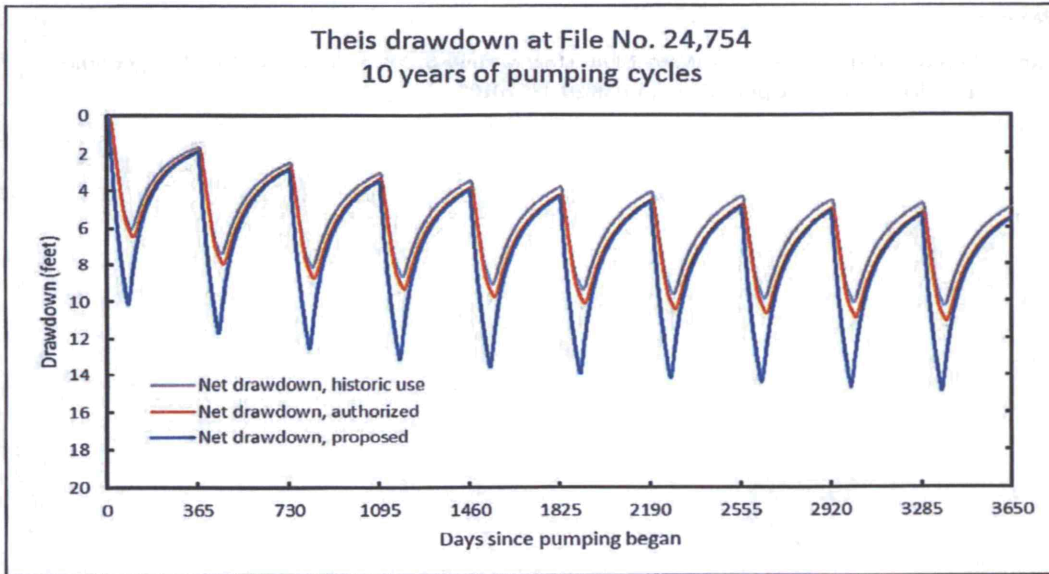


Figure 5: This drawdown at File No. 24,754 for the first 10 years of pumping cycles

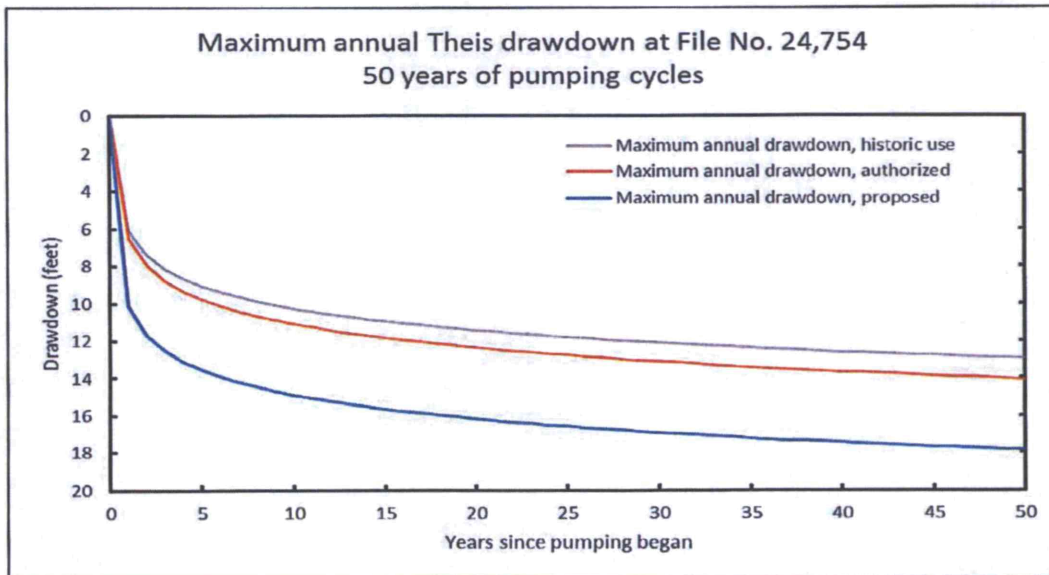


Figure 6: Maximum annual This drawdown at File No. 24,754 for 50 years of pumping cycles

References:

Kansas Geological Survey. Ground-Water Model for Southwest Kansas Groundwater Management District No. 3. OG5 Open File Report 2010-18. 2010.

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 KS Dept Of Agriculture

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Ireland, Leslie [KDA]

From: Mark Rude <mrude@gmd3.org>
Sent: Sunday, February 17, 2019 12:12 PM
To: Johnny Borth
Cc: Meyer, Mike [KDA]; clayton Befort; Jason Norquest; Ireland, Leslie [KDA]; Doug Fox; Kirk Heger (ag1stkh@pld.com)
Subject: RE: Section 11-32-31W
Attachments: 27188 tech memo final.pdf; GMD3 transmittal of tech memo 27188.docx

EXTERNAL: This email originated from outside of the organization. Do not click any links or open any attachments unless you trust the sender and know the content is safe.

John,
Attached please find the GMD3 Technical Memo and transmittal letter that will be mailed on Tuesday. The technical memo summarizes what was presented at our December 2018 board meeting and the action of the board to not recommend any variance from the standards in the rules, based on the actual conditions of the local water supply and prior rights. Significant effort was made to find a favorable basis to waive the rules. No basis was found. Please let me know if you have any questions.

Mark
Mark E. Rude, Executive Director
Southwest Kansas Groundwater Management District No. 3
2009 E. Spruce Street
Garden City, KS 67846
O (620) 275-7147
C (620) 272-3001

From: Johnny Borth <johnnyborth@gmail.com>
Sent: Tuesday, February 12, 2019 9:25 AM
To: Mark Rude <mrude@gmd3.org>
Cc: Mike Meyer <Mike.Meyer@ks.gov>; clayton Befort <claytonbefort@gmail.com>
Subject: Section 11-32-31W

Mark,

I have been waiting since your December 12th meeting, which I was unable to attend, for you to get your recommendation and monitor well reports to the Chief Engineer for him to make his final decision. He also has informed me of this. Can you explain what the hold up is, or if I need to do something? As you know I had

Water Resources
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met with you and Mike Meyer at the field day on Hatcher's Farm in August 2018, and asked you both for your

professionalism in getting a speedy , much needed response to all the monitor well reports. To this day I have

not received any of this.

You required Clayton to spend extra dollars to drill a monitor well next to his existing well, and asked us to

give total access to other wells on the property and the concerned neighbors property. You spent time and money adding

monitoring devices to all these wells. We were told you could make your decision off of this collected information. So

where is the info? Was it even looked at in your decision making at the GMD level?

I am still waiting for the information you made us collect for over a year, as is the Chief engineer. If I have

failed in any way to do my part in this please let me know. As the 2019 season is approaching

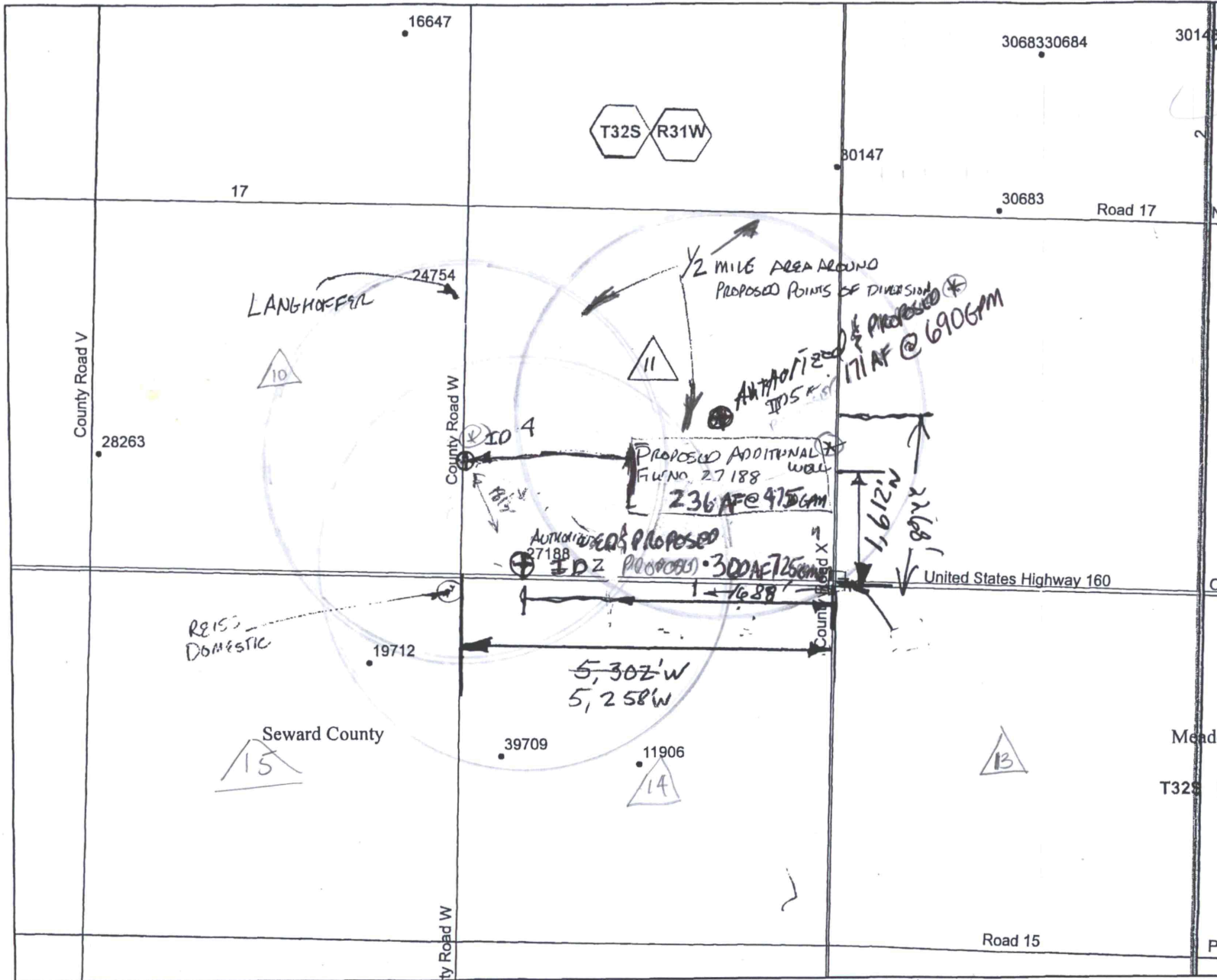
fast and I need some answers and direction before we can move to the next steps.

Thank You,

John Borth

Water Right File No. 13,330 Change in Point of Diversion

ADDITIONAL WELL *



Legend

- S_UMW
- G_IRR AUTHORIZED
- ⊕ G_IRR PROPOSED

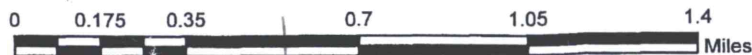
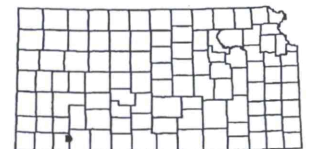
11-20-17
 Clayton Belford
 ALL WELLS WITHIN ONE-HALF (1/2) MILE OF THE PROPOSED POINTS HAVE BEEN SHOWN.
 8-30-17

WATER RESOURCES RECEIVED

SEP 05 2017

K8 DEPT OF AGRICULTURE

Index Map



* LI/DWA 11/19/2018
 * LI/DWA 3/6/19

This map was created by Ireland in WIMAS on 6/23/2017

3795 W. Jones Ave.
 Garden City, KS 67846
 PH: 620-277-2389

WATER RESOURCES
 RECEIVED
 NOV 27 2017



Hydro
 resources

WATER RESOURCES
 RECEIVED

SEP 05 2017

PO Box 639
 Garden City, KS 67846
 Fax: 620-277-0224

KS DEPT OF AGRICULTURE

Customer Name: Clayton Befort
 Street Address: 1177 Commerce Pkwy
 City, State: Hays, Ks. 67601
 County: SW Quarter: SW Section: 11 Township: 32 Range: 31
 Location: GPS: 37.27611 N 100.67116
 Rig #: 10003 Elevation: 2780 Static WL: 275 Estimated? Yes
 Proposed Well Depth 480

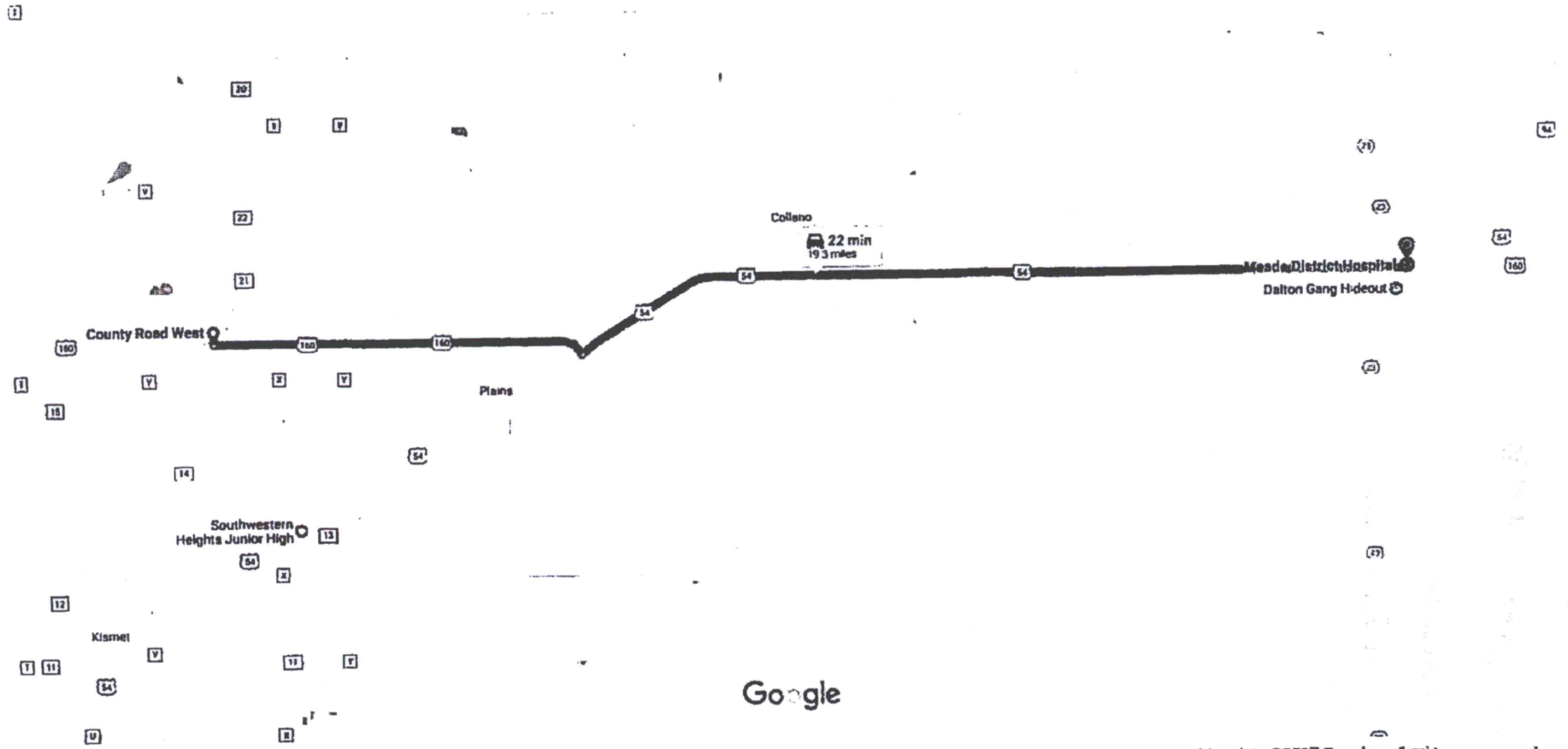
Well ID # 1612'N

%	Footage			Description of Strata
	From	Pay	To	
	0		2	Surface
	2		44	Brown clay
	44		72	Sand, fine to med, coarse, small gravel
	72		97	Brown clay (firm), few lime rock, few red clay
	97		114	Sand, fine to med coarse
	114		137	Brown-yellow clay (firm)
	137		178	Sand, fine to small, med, thin clay
	178		187	Brown clay, few sand
	187		197	Brown and blue clay (firm and sticky)
	197		235	Blue clay (sticky)
	235		280	Blue sand, fine to med coarse
	280		304	Blue clay, few blue sand
25	304	52	356	Sand, fine to small. Med coarse. Some clay
15	356	14	370	Sand, fine to med, clay mixed
30	370	27	397	Sand, fine to med, coarse, small gravel
	397		416	Brown clay, lime rock (firm) (sluffing sands)
	416		439	Brown-white clay, few silty sands
10	439	11	450	Sand, fine to small, thin clay
	450		467	White-brown clay, limerock
	467		480	Red Bed
				Test Rig
				Set up North
				Pit to east
				2-Super Gel X
				5-Grout
				5-Bentonite Plug
				1-Perma plug
				1-Load water from City of Plains
				Big Rig move 4' west set to same
				WATER RESOURCES RECEIVED
				MAY 31 2017
				KS DEPT OF AGRICULTURE

Google Maps

County Rd W, Plains, KS 67869 to Meade District Hospital

Drive 19.3 miles, 22 min



Google

Map data ©2017 Google 1 mi

WATER RESOURCES
RECEIVED

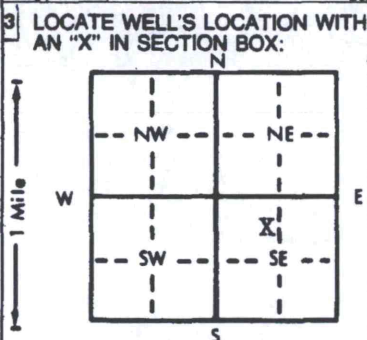
MAY 31 2017

KS DEPT OF AGRICULTURE

Well 505 - 1072

1 LOCATION OF WATER WELL: Fraction **NE 1/4 NW 1/4 SE 1/4** Section Number **11** Township Number **T 32 S** Range Number **R 31 E/W**
 County: **Seward**
 Distance and direction from nearest town or city street address of well if located within city?
Jct. Hwy. 83 & 160, go 11 miles East towards Plains, 1/2 North, 3/4 East

2 WATER WELL OWNER: **John Dreitz**
 RR#, St. Address, Box #: **Plains** Board of Agriculture, Division of Water Resources
 City, State, ZIP Code: **Kansas** Application Number:



4 DEPTH OF COMPLETED WELL: **415** ft. ELEVATION:
 Depth(s) Groundwater Encountered 1. **210** ft. 2. ft. 3. ft.
 WELL'S STATIC WATER LEVEL **210** ft. below land surface measured on **mo/day/yr 5/24/82**
 Pump test data: Well water was **345** ft. after **1** hours pumping **999** gpm
 Est. Yield **1,100** gpm: Well water was ft. after hours pumping gpm
 Bore Hole Diameter **28** in. to **415** ft., and in. to ft.
 WELL WATER TO BE USED AS: 5 Public water supply 8 Air conditioning 11 Injection well
 1 Domestic 3 Feedlot 6 Oil field water supply 9 Dewatering 12 Other (Specify below)
 2 Irrigation 4 Industrial 7 Lawn and garden only 10 Observation well
 Was a chemical/bacteriological sample submitted to Department? Yes No X; If yes, mo/day/yr sample was submitted
 Water Well Disinfected? Yes X No

5 TYPE OF BLANK CASING USED: 5 Wrought iron 8 Concrete tile CASING JOINTS: Glued Clamped
 1 Steel 3 RMP (SR) 6 Asbestos-Cement 9 Other (specify below) Welded X
 2 PVC 4 ABS 7 Fiberglass Threaded
 Blank casing diameter **16** in. to **275** ft., Dia in. to ft., Dia in. to ft.
 Casing height above land surface **12** in., weight **37** lbs./ft. Wall thickness or gauge No. **280**

TYPE OF SCREEN OR PERFORATION MATERIAL: 7 PVC 10 Asbestos-cement
 1 Steel 3 Stainless steel 5 Fiberglass 8 RMP (SR) 11 Other (specify)
 2 Brass 4 Galvanized steel 6 Concrete tile 9 ABS 12 None used (open hole)

SCREEN OR PERFORATION OPENINGS ARE: 5 Gauzed wrapped 8 Saw cut 11 None (open hole)
 1 Continuous slot 3 Mill slot 6 Wire wrapped 9 Drilled holes
 2 Louvered shutter 4 Key punched 7 Torch cut 10 Other (specify)

SCREEN-PERFORATED INTERVALS: From **275** ft. to **415** ft., From ft. to ft.
 From ft. to ft., From ft. to ft.
 GRAVEL PACK INTERVALS: From **10** ft. to **415** ft., From ft. to ft.
 From ft. to ft., From ft. to ft.

6 GROUT MATERIAL: 1 Neat cement 2 Cement grout 3 Bentonite 4 Other
 Grout intervals: From **0** ft. to **10** ft., From ft. to ft., From ft. to ft.
 What is the nearest source of possible contamination:
 1 Septic tank 4 Lateral lines 7 Pit privy 10 Livestock pens 14 Abandoned water well
 2 Sewer lines 5 Cess pool 8 Sewage lagoon 11 Fuel storage 15 Oil well/Gas well
 3 Watertight sewer lines 6 Seepage pit 9 Feedyard 12 Fertilizer storage 16 Other (specify below)
 13 Insecticide storage **Unknown**

FROM	TO	LITHOLOGIC LOG	FROM	TO	LITHOLOGIC LOG
0	38	Clay	300	410	Fine to medium sand and gravel
38	76	Fine sand	410	422	Streaks of shale, sand and pink clay balls
76	90	Clay and rocks			
90	130	Fine to medium sand	422	440	White rock, clay balls with little shale
130	142	Sand and gravel with little clay			
142	156	Sandy clay			
156	159	Hard rock			
159	162	Fine sand			
162	189	Sticky blue clay			
189	222	Fine to medium (loose) sand			
222	240	Fine to medium sand with clay streaks			
240	275	Clean fine to medium sand			
275	278	Blue clay streaks			
278	300	Fine to medium sand with few clay streaks			

7 CONTRACTOR'S OR LANDOWNER'S CERTIFICATION: This water well was (1) constructed, (2) reconstructed, or (3) plugged under my jurisdiction and was completed on (mo/day/year) **May 27, 1982** and this record is true to the best of my knowledge and belief. Kansas Water Well Contractor's License No. **102**. This Water Well Record was completed on (mo/day/yr) **June 8, 1982** under the business name of **Layne-Western Company, Inc.** by (signature) *[Signature]*

INSTRUCTIONS: Use typewriter or ball point pen, PLEASE PRESS FIRMLY and PRINT clearly. Please fill in blanks, underline or circle the correct answers. Send top three copies to Kansas Department of Health and Environment, Division of Environment, Environmental Geology Section, Topeka, KS 66620. Send one to WATER WELL OWNER and retain one for your records.

OFFICE USE ONLY 32 H 31 11 NE 1/4 NW 1/4 SE 1/4

1320 Research Park Drive
Manhattan, KS 66502
785-564-6700
www. agriculture.ks.gov



900 SW Jackson, Room 456
Topeka, KS 66612
785-296-3556

Mike Beam, Acting Secretary

Laura Kelly, Governor

February 26, 2019

CLAYTON J BEFORT
1177 COMMERCE PKWY
HAYS KS 67601

FILE COPY

RE: Water Right,
File No. 27,188

Dear Mr. Befort:

Reference is made to the Application for Approval of the Chief Engineer to Change the Authorized Point of Diversion, under File No. 27,188, which was received in this office on April 10, 2017. Upon review of the application, it is found that the application cannot be approved as proposed.

We have received recommendation from Southwest Kansas Groundwater Management District No. 3 that the application referred to above be denied. The recommendation is based upon the rules and regulations effective within the district and approved by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture. The District's review found that the application to change under File No. 27,188, does not comply with the Well Spacing Rule and Regulation K.A.R. 5-23-3.

For the reason given above, it will be recommended to the Chief Engineer that the application to change the authorized point of diversion under Water Right, File No. 27,188, be denied and dismissed because it does not comply with K. A. R. 5-23-3.

We are advising you of this recommendation in order to allow you an opportunity to **consult and appeal to the district** regarding their recommendation, or to submit additional information to show why the evaluations should be reconsidered. **You have a period of 15 days (until March 13, 2019) 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 not request more time within the 15 day period, or if your request is not granted, the above-referenced application will be submitted to the Chief Engineer for final decision based on the recommendation stated above. If you do submit additional information within the 15 day period (or any authorized extension), that information will be given due consideration prior to final action on the application

SCANNED

File No. 27,188

Page No. 2

If you have any questions, please contact me at (785) 564-6645 or Mike Meyer, Water Commissioner, Garden City Field Office at (620) 276-2901. 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", with a long horizontal flourish extending to the right.

Brent A. Turney, P.G.

Change Application Unit Supervisor

BAT:bat

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

* CB 3-4-19

Amended 3-4-19
DWR

File No. 27/82

6. The presently authorized point(s) of diversion (is) (are) TWO WELLS
(Provide description and number of points)
7. The proposed point(s) of diversion (is) (are) THREE WELLS
(Provide description and number of points)

List all presently authorized point(s) of diversion:

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

One in the SW Quarter of the SW Quarter of the SW Quarter of Section 11, Township 32 South, Range 31 W, in SW County, Kansas, 100 feet North 4420 feet West of Southeast corner of section.
 Authorized Rate 1310 GPM Authorized Quantity 536 AF
 (DWR use only: Computer ID No. 02 GPS _____ feet North _____ feet West)
 This point will not be changed This point will be changed as follows:
Proposed point of diversion: (Complete only if change is requested)
 One in the SE Quarter of the SW Quarter of the SW Quarter of Section 11, Township 32 South, Range 31 W, in SW County, Kansas, 100 feet North 4420 feet West of Southeast corner of section.
 Proposed Rate 810 GPM Proposed Quantity 316 AF
 This point is: Additional Well Geo Center List other water rights that will use this point _____

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

One in the NE Quarter of the NW Quarter of the SE Quarter of Section 11, Township 32 South, Range 31 W, in SW County, Kansas, 2268 feet North 1688 feet West of Southeast corner of section.
 Authorized Rate 690 GPM Authorized Quantity 171 AF
 (DWR use only: Computer ID No. 05 GPS _____ feet North _____ feet West)
 This point will not be changed This point will be changed as follows:
Proposed point of diversion: (Complete only if change is requested)
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter of Section _____, Township _____ South, Range _____ (E/W), in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section.
 Proposed Rate _____ Proposed Quantity _____
 This point is: Additional Well Geo Center List other water rights that will use this point _____

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

One in the _____ Quarter of the _____ Quarter of the _____ Quarter of Section _____, Township _____ South, Range _____ (E/W), in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section.
 Authorized Rate _____ Authorized Quantity _____
 (DWR use only: Computer ID No. _____ GPS _____ feet North _____ feet West)
 This point will not be changed This point will be changed as follows:
Proposed point of diversion: (Complete only if change is requested)
 One in the SW Quarter of the NW Quarter of the SW Quarter of Section 11, Township 32 South, Range 31 W, in SW County, Kansas, 1612 feet North 5258 feet West of Southeast corner of section.
 Proposed Rate 500 GPM Proposed Quantity 220 AF
 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.
 * WILL SUPPLY ADDITIONAL WELL RATE TEST SOON.

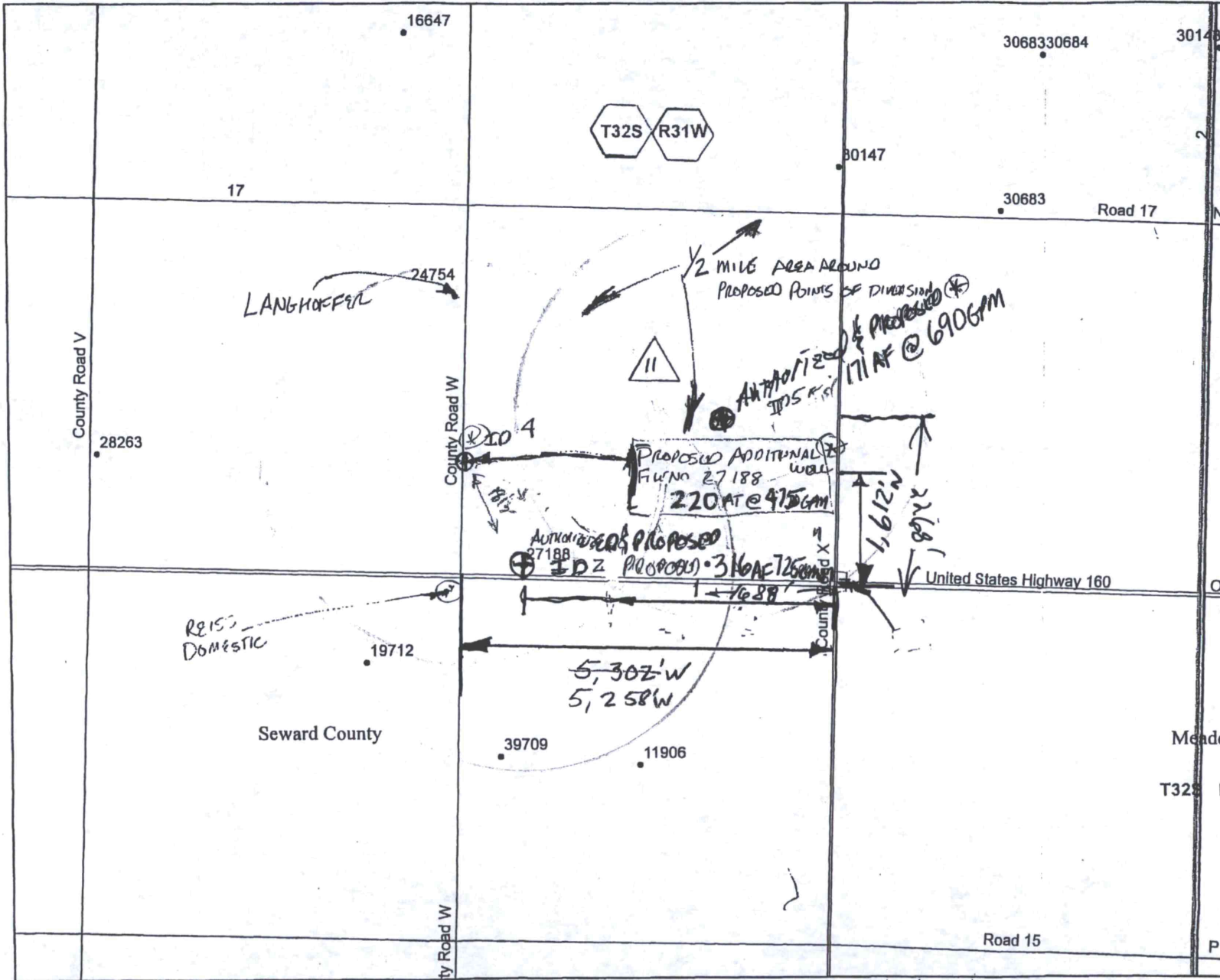
WATER RESOURCES RECEIVED

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

MAR 05 2019

Water Right File No. 13,330 Change in Point of Diversion

ADDITIONAL WELL



Legend

- S_UMW
- G_IRR AUTHORIZED
- ⊕ G_IRR PROPOSED

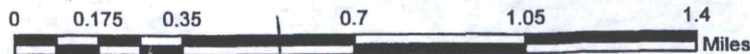
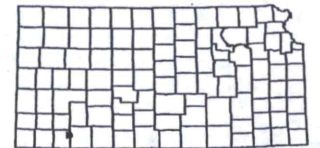
11-20-17
 Clayton Report
 ALL WELLS WITHIN
 ONE-HALF (1/2) MILE OF
 THE PROPOSED POINTS
 HAVE BEEN SHOWN.
 8-30-17

WATER RESOURCES RECEIVED

SEP 05 2017

KS DEPT OF AGRICULTURE

Index Map



* LI/OWA 11/19/2018
 * LI/OWA 3/6/19

This map was created by Ilreland in WIMAS on 6/23/2017

D & D PUMP, INC.
 P.O. BOX 950
 SUBLETTE, KS 67877
 620-675-2222

INVOICE

DATE	INVOICE #
10/1/2002	5379

TO:
JOHN DREITZ 1261 S. PERSHING LIBERAL, KS 67901

INFORMATION:
<i>sw</i> 11-32-31 Seward 237 SWL <i>July</i> 412 TMP

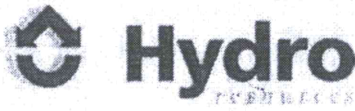
QTY	DESCRIPTION	TERMS	NET 10th
		UNIT PRICE	NET
390	FT. PUMP PULLING	3.00	1,170.00
385	FT. PUMP SETTING	3.00	1,155.00
1	8 STAGE SJI2M BOWL ASSEMBLY	5,280.00	5,280.00
90	FT. LINER MATERIAL	28.50	2,280.00
1	2 PC. STRETCH TUBE	140.00	140.00
1	OIL	25.00	25.00
1	THREAD COMPOUND	37.50	37.50
1	5 FT. SECTION 10" PIPE	185.00	185.00
1	LABOR TO INSTALL LINER	250.00	250.00
1	CAMERA WELL — NO CHARGE	0.00	0.00
		Sales Tax (0.0%)	\$0.00
		TOTAL	\$10,522.50

THANK-YOU ! WE APPRECIATE YOUR BUSINESS !
 PLEASE PAY FROM INVOICE. NO STATEMENT UNLESS REQUESTED.

WATER RESOURCES
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APR 04 2019

KS DEPT OF AGRICULTURE



RECEIVED

MAR 31 2017

Garden City Field Office
Division of Water Resources

TEST PUMP ANALYSIS

NAME: CLAYTON BEFORT

DATE: 3-20-2017

COUNTY: SEWARD QUARTER: SW SECTION: 11 TOWNSHIP: 32 RANGE: 31

TOTAL DEPTH OF WELL: 460'

DRILLERS: RAMOS & MUNOZ

STATIC WATER LEVEL: 283'

TYPE OF WELL: IRRIGATION

WELL DRILLED ON TEST: 11 (2017)

TESTING EQUIPMENT: 7.75 FACTOR: 6"

CASING DIAMETER: 16"

ENGINE: ENGINE FACE:

TOAL PERFORATION: 150'

PUMP SET: 442'

TOP PERFORATION: 300'

DISCHARGE FACE:

SCREEN:

PIT ON:

<u>GPM</u>	<u>RPM</u>	<u>TOTAL LIFT</u>	<u>DRAW DOWN</u>	<u>TIME</u>	<u>REMARKS</u>
				2:00-5:15	START PUMPING FOR DEVELOPMENT, BACK FLUSHING
				9:20	CONTINUE BACK FLUSHING
				9:50	START TEST
617		347'	64'	10:20	NO SAND, NO AIR
700		360'	77'	10:50	NO SAND, NO AIR
808		385'	102'	11:50	NO SAND, PUMPING A LITTLE AIR
903		401'	118'	12:20	NO SAND, PUMPING A LITTLE AIR
1210		422'		5 MINUTES	SLIGHT SURGE W/AIR
1420		442'		5 MINUTES	SURGING

THE ABOVE RESULTS ARE AS OBSERVED ON THIS DATE. THERE IS NO GUARANTEE THE WELL WILL CONTINUE TO PRODUCE AS TESTED AFTER LONG PERIODS OF PUMPING OR AT DIFFERENT TIMES OF THE YEAR.

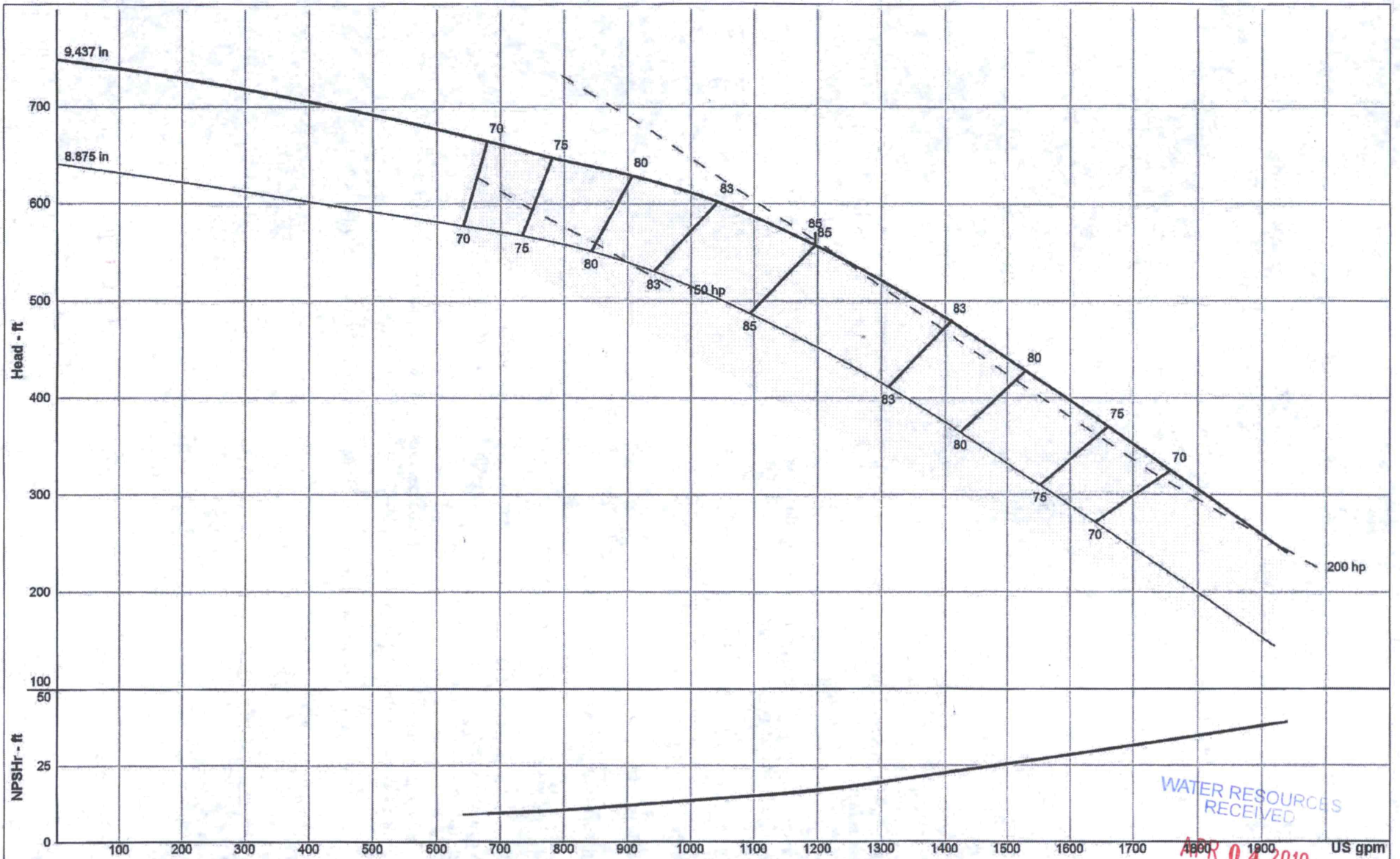
WATER RESOURCES
RECEIVED

APR 04 2019

KS DEPT OF AGRICULTURE

3795 WEST JONES AVE. ~ GARDEN CITY, KS 67846 ~ TELEPHONE 620-277-2389 ~ FAX 620-277-0224

Juan M. Martinez
TESTED BY: BRUCE REICMUTH/JUAN MARTINEZ
DATE: 3-21-17
Bruce Reicmuth



Discharge size also available in 10in.

WATER RESOURCES RECEIVED

APR 04 2019

KS DEPT OF AGRICULTURE

Company: Hydro Resources
 Name: Tony
 Date: 03/25/2019

SIMFLO
 Catalog: SIMFLO.60, Vers 3.2
 VERTTURBINE - 1800 rpm
 Design Point: 1200 US gpm, —
 Static Head: 0 ft

Size: SJ12M (stages: 8)
 Speed: 1770 rpm
 Dia: 9.437 in
 Curve:
 Impeller: SJ12M

SIMFLO



Hydro Resources
PO Box 639
Garden City, KS 67846
April 2, 2019

Clayton Befort
1177 Commerce Pkwy
Hays, KS 67601
785-623-1255

Mr. Befort:

You have asked for Hydro Resources professional opinion as to how much yield reduction you could expect to see if a liner is added to a well. In particular you have asked about a well located in the SW 11-32-31 Seward county and the effects a liner would have.

There are many factors that go into how much a liner could potentially restrict water flow into a well. Those factors include, but are not limited to:

- 1) The age of the well and of the liner.
- 2) The current production of the well.
- 3) The slot sizes in the liner.
- 4) The number of slots per foot in the liner.
- 5) How many feet of perforations there are and where they are located.

As a result of the wild variability of wells within the SW KS region it is extremely difficult to calculate. Each well is unique and behaves in its own way. Couple that with the very limited information for this specific well, and I cannot give you a calculated amount.

What I can give you is a "rule of thumb" that Hydro Resources uses in SW KS. In general, we anticipate that a 14-inch liner inside of a 16-inch well will reduce the production by 10%.

We look forward to doing business with you again, and please feel free to call if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Tony Wedel", written over a horizontal line.

Tony Wedel
General Manager
Office: 620-277-2389
Cell: 620-640-1178
awedel@hydroresources.com

WATER RESOURCES
RECEIVED

APR 04 2019

KS DEPT OF AGRICULTURE

Company: Hydro Resources
 Name: Tony
 Date: 03/25/2019

SIMFLO

Pump:		
Size:	SJ12M (stages: 8)	Dimensions:
Type:	VERTTURBINE	Suction: 8 in
Synch Speed:	1800 rpm	Discharge: 8 in
Dia:	9.437 in	Vertical Turbine:
Curve:		Eye Area: 28.2 in ²
Impeller:	SJ12M	Bowl Size: 12 in
Specific Speeds: Ns:	2538	Max Lateral: 1.19 in
Nss:	7410	Thrust K Factor: 11 lb/ft

Search Criteria:		
Flow:	1200 US gpm	Near Miss: ---
Head:	---	Static Head: 0 ft

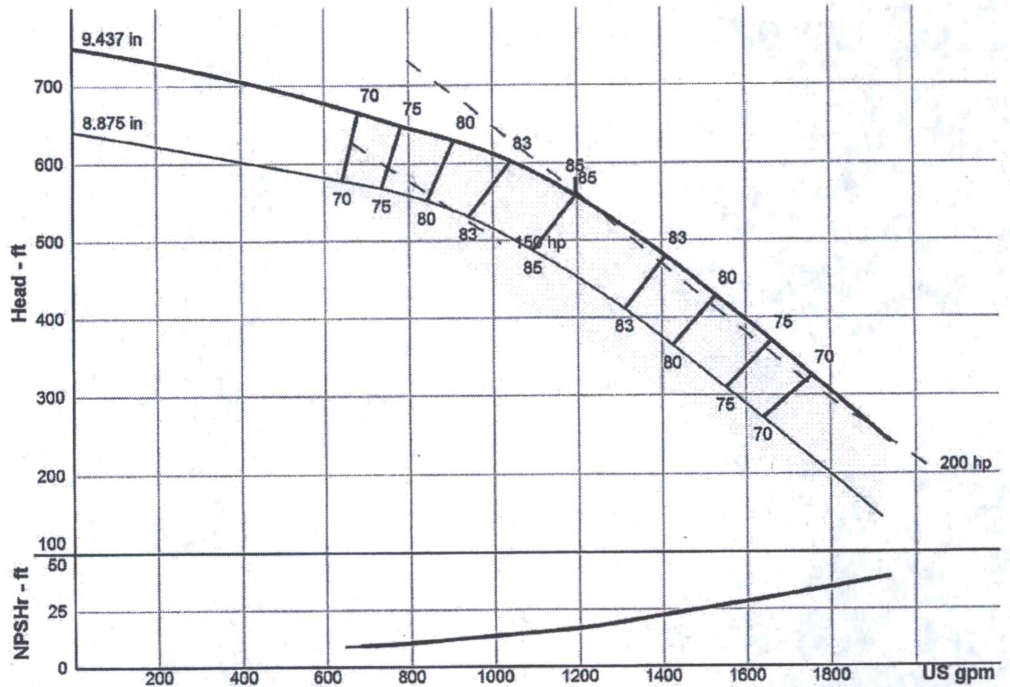
Pump Selection Warnings:
 None

Fluid:		
Name:	Water	Vapor Pressure: 0.256 psi a
SG:	1	Atm Pressure: 14.7 psi a
Density:	62.4 lb/ft ³	
Viscosity:	1.1 cP	
Temperature:	60 °F	

Pump Limits:		
Temperature:	---	Sphere Size: 0.875 in
Wkg Pressure:	619 psi g	Power: 376 hp

Motor:		
Standard:	US	Size: 250 hp
Enclosure:	TYPE 1	Speed: 1800 rpm
Frame:	---	
Sizing Criteria:	Max Power on Design Curve	

--- Duty Point ---	
Flow:	1196 US gpm
Head:	557 ft
Eff:	85%
Power:	198 hp
NPSHr:	16.7 ft
Speed:	1770 rpm
--- Design Curve ---	
Shutoff Head:	749 ft
Shutoff dP:	324 psi
Min Flow:	--- US gpm
BEP:	85% @ 1196 US gpm
NOL Power:	207 hp @ 1661 US gpm
--- Max Curve ---	
Max Power:	207 hp @ 1661 US gpm



Discharge size also available in 10in.

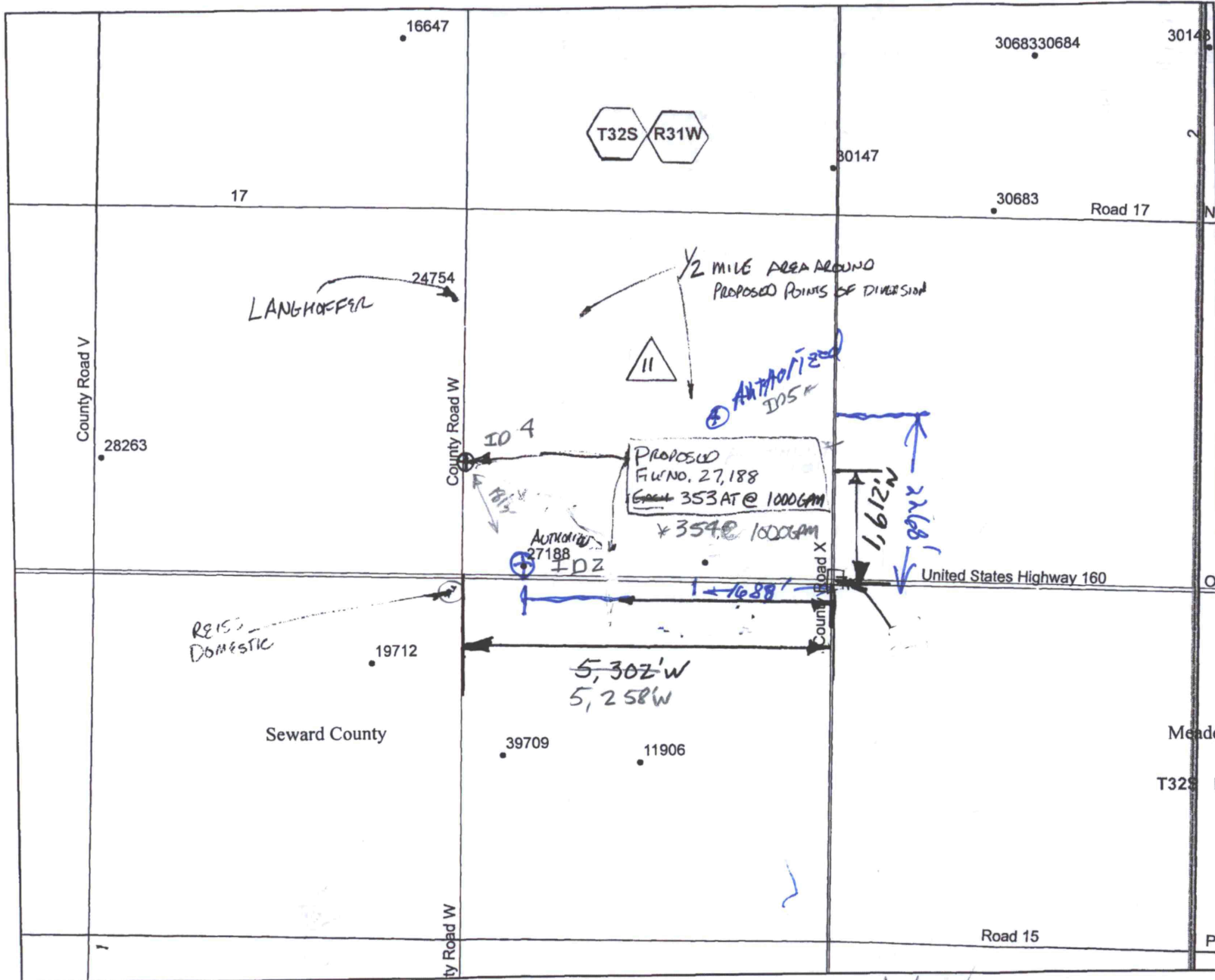
Performance Evaluation:						
Flow	Speed	Head	Efficiency	Power	NPSHr	
US gpm	rpm	ft	%	hp	ft	
1440	1770	466	82.2	206	23.7	
1200	1770	556	85	198	16.9	
960	1770	618	81.2	184	9.72	
720	1770	658	72	166	---	
480	1770	---	---	---	---	

WATER RESOURCES RECEIVED

APR 04 2019

KS DEPT OF AGRICULTURE

Water Right File No. 13,330 Change in Point of Diversion

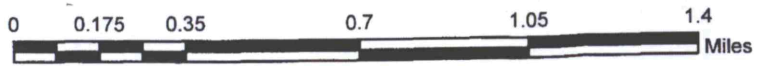
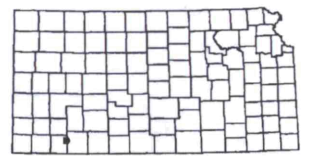


- Legend**
- S_UMW**
- G_IRR AUTHORIZED
 - ⊕ G_IRR PROPOSED

11-20-17
 Clayton Report
 ALL WELLS WITHIN ONE-HALF (1/2) MILE OF THE PROPOSED POINTS HAVE BEEN SHOWN.
 8-30-17

WATER RESOURCES RECEIVED
 SEP 05 2017

KS DEPT OF AGRICULTURE
 Index Map



* LITOWA 11/19/2018

This map was created by Ireland in WIMAS on 6/23/2017

* CB 8-30-17

RECEIVED

* FILE NO. 27188

NOV 20 2017

(*) V0100

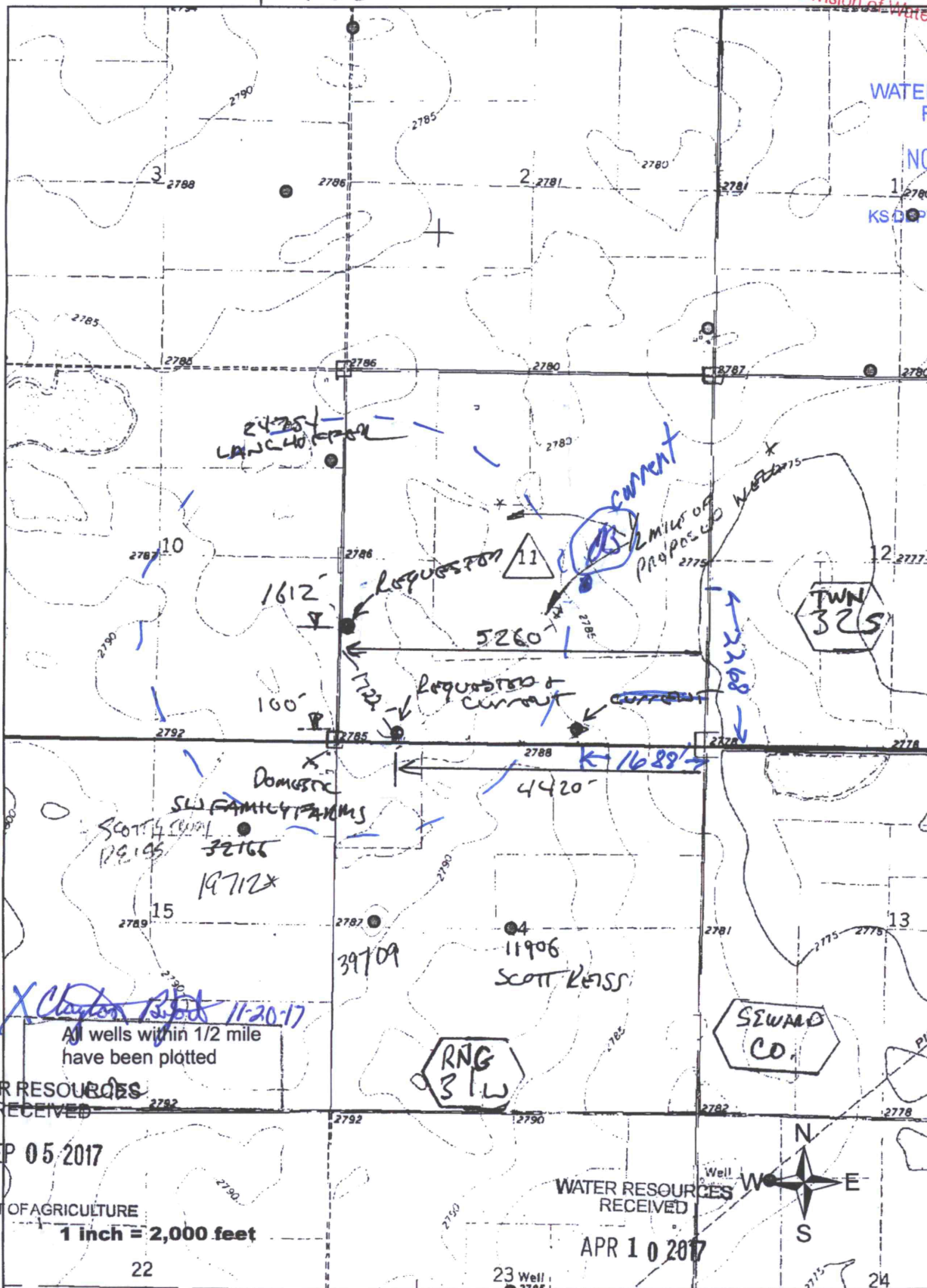
* PROPOSED CHANGE IN POINT OF MEASUREMENT

Garden City Field Office
Division of Water Resources

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NOV 27 2017

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X Clayton Report 11-20-17

All wells within 1/2 mile have been plotted

WATER RESOURCES RECEIVED

SEP 05 2017

KS DEPT OF AGRICULTURE

1 inch = 2,000 feet

WATER RESOURCES RECEIVED

APR 10 2017

KS DEPT OF AGRICULTURE

(*) 6/23/17

* 4/17/17

From WRS DEPT BASE SCANNED



WATER WELL RECORD Form WWC-5 1313355

Division of Water Resources App. No.

24754

Well ID

Original Record Correction Change in Well Use

1 LOCATION OF WATER WELL: County: Seward Fraction NE 1/4 NE 1/4 SE 1/4 NE 1/4 Section Number 10 Township Number T 32 S Range Number R 31 E W

2 WELL OWNER: Last Name: Langhofer First: Darrell D Street or Rural Address where well is located (if unknown, distance and direction from nearest town or intersection): If at owner's address, check here: APPROX 5 MILES NORTH WEST OF PLAINS KANSAS

3 LOCATE WELL WITH "X" IN SECTION BOX: [Diagram] 4 DEPTH OF COMPLETED WELL: 495 ft. 5 Latitude: 37.2824 Longitude: 100.67185

7 WELL WATER TO BE USED AS: 1. Domestic: Household Lawn & Garden Livestock 2. Irrigation 3. Feedlot 4. Industrial

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

8 TYPE OF CASING USED: Steel PVC Other CASING JOINTS: Glued Clamped Welded Threaded Casing diameter 16 in. to 495 ft. Diameter 12 in. to 36.95 lbs./ft. Wall thickness or gauge No. 219

9 GROUT MATERIAL: Neat cement Cement grout Bentonite Other Grout Intervals: From 0 ft. to 20 ft.

Nearest source of possible contamination: Septic Tank Lateral Lines Pit Privy Livestock Pens Insecticide Storage Sewer Lines Cess Pool Sewage Lagoon Fuel Storage Abandoned Water Well Watertight Sewer Lines Seepage Pit Feedyard Fertilizer Storage Oil Well/Gas Well

Table with 6 columns: 10 FROM, TO, LITHOLOGIC LOG, FROM, TO, LITHO. LOG (cont.) or PLUGGING INTERVALS. Includes a Notes section.

11 CONTRACTOR'S OR LANDOWNER'S CERTIFICATION: This water well was constructed, reconstructed, or plugged under my jurisdiction and was completed on (mo-day-year) 6/07/2016 and this record is true to the best of my knowledge and belief.

Form	WWC5
Contractor	Hydro Resources Mid Continent, Inc.
Well Owner	Darrell D Langhofer
Doc ID	1313355

Litholgy

From	To	LithologicLog
0	3	top soil
3	40	brown clay
40	54	brown sandy clay & fine sand
54	72	sand & gravel
72	96	brown clay
96	129	sand & gravel
129	140	brown clay
140	155	sand & gravel
155	160	brown clay
160	165	sand & gravel
165	178	brown clay
178	196	sand & gravel
196	218	brown clay
218	237	sand & gravel, loose
237	240	brown sandy clay
240	262	sand & gravel
262	270	blue clay
270	275	sand fine to med coarse & med small
275	310	blue clay & very few fine sand
310	320	blue sand fine to med coarse
320	340	blue clay
340	400	sand fine to med coarse, small gravel

Form	WWC5
Contractor	Hydro Resources Mid Continent, Inc.
Well Owner	Darrell D Langhofer
Doc ID	1313355

Litholgy

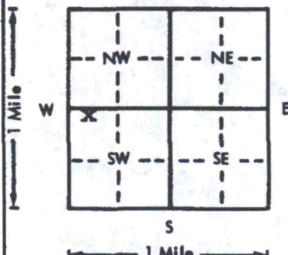
From	To	LithologicLog
400	425	brown clay, coarse sand & limerock
425	460	sand & gravel, brown sandy clay & some limerock
460	485	sand & gravel very fine clay & limerock
485	494	rown clay, limerock & sand
494	500	red shale

Well TO SE OF
REISS DOMESTIC WELL LOCATED
IN SEC 15

USE TYPEWRITER OR BALL
POINT PEN-PRESS FIRMLY,
PRINT CLEARLY.

WATER WELL RECORD
KSA 82a-1201-1215

Kansas Department of Health and
Environment-Division of Environment
(Water well Contractors)
Topeka, Kansas 66620

1. Location of well:		County Seward	Fraction NW 1/4 NW 1/4 SW 1/4	Section number 14	Township number T 32 S R 31	Range number EW
2. Distance and direction from nearest town or city: Street address of well location if in city:			3. Owner of well: R.R. or street: City, state, zip code:			
			Scott Reiss R.R. Plains, Kansas			
4. Locate with "X" in section below:		Sketch map: Well located near TH 1-75 which is 600' east of NW corner of SW 1/4, Sec. 14, T32S, R31W, Seward County, Kansas.			6. Bore hole dia. 28 in. Completion date 11-5-75 Well depth 380 ft.	
					7. Cable tool <input type="checkbox"/> Rotary <input type="checkbox"/> Driven <input type="checkbox"/> Dug <input type="checkbox"/> Hollow rod <input type="checkbox"/> Jetted <input type="checkbox"/> Bored <input checked="" type="checkbox"/> Reverse rotary	
5. Type and color of material		From	To	8. Use: <input type="checkbox"/> Domestic <input type="checkbox"/> Public supply <input type="checkbox"/> Industry <input checked="" type="checkbox"/> Irrigation <input type="checkbox"/> Air conditioning <input type="checkbox"/> Stock <input type="checkbox"/> Lawn <input type="checkbox"/> Oil field water <input type="checkbox"/> Other		
Top soil		0	3	9. Casing: Material steel Height: Above or below Threaded <input type="checkbox"/> Welded <input checked="" type="checkbox"/> Surface 1 2 in. RMP <input type="checkbox"/> PVC <input type="checkbox"/> Weight 37 lbs./ft. Dia. 16 in. to 199 ft. depth Wall Thickness: inches or Dia. <input type="checkbox"/> in. to <input type="checkbox"/> ft. depth gage No. 219		
Tan sandy clay		3	40	10. Screen: Manufacturer's name Foster & Brown Mill slot & lower Type <input type="checkbox"/> Dia. 16 Slot/gauze 1/8" Length 181 Set between 199 ft. and 380 ft. ft. and <input type="checkbox"/> ft. Gravel pack? <input checked="" type="checkbox"/> Yes Size range of material 2.5-9.2mm		
Fine to medium sand		40	60	11. Static water level: <input type="checkbox"/> mo./day/yr. 196 ft. below land surface Date 10-4-75		
Fine to coarse sand fine gravel		60	155	12. Pumping level below land surfaces: 210 ft. after 5 hrs. pumping 2050 g.p.m. 212 ft. after 1 hrs. pumping 2120 g.p.m. Estimated maximum yield 3,000 g.p.m.		
Blue clay		155	180	13. Water sample submitted: <input type="checkbox"/> mo./day/yr. Yes <input checked="" type="checkbox"/> No Date		
Fine to coarse sand small clay lenses		180	220	14. Well head completion: <input type="checkbox"/> Pitless adapter <input checked="" type="checkbox"/> Inches above grade		
Fine to coarse sand		220	300	15. Well grouted? Yes With: <input type="checkbox"/> Neat cement <input checked="" type="checkbox"/> Bentonite <input type="checkbox"/> Concrete Depth: From 0 ft. to 10 ft.		
Fine to medium sand		300	345	16. Nearest source of possible contamination: unk ft. Direction Type Well disinfected upon completion? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
Fine to coarse sand tight 365		345	380	17. Pump: <input type="checkbox"/> Not installed Manufacturer's name Layne & Bowler Model number 14TL HP 230 Volts Length of drop pipe 280 ft. capacity 2000 g.p.m. Type: <input type="checkbox"/> Submersible <input checked="" type="checkbox"/> Turbine <input type="checkbox"/> Jet <input type="checkbox"/> Reciprocating <input type="checkbox"/> Centrifugal <input type="checkbox"/> Other		
Hard fine sand with blue clay		380	440	20. Water well contractor's certification: This well was drilled under my jurisdiction and this report is true to the best of my knowledge and belief. Layne-Western Co., Inc. Business name License No. Address Garden City, Kansas Signed [Signature] Date 2 Dec 75 Authorized representative		
Very fine hard sand with white rock		440	466			
Red bed		466	480			
(Use a second sheet if needed)						
18. Elevation: Topography: <input type="checkbox"/> Hill <input type="checkbox"/> Slope <input checked="" type="checkbox"/> Upland <input type="checkbox"/> Valley	19. Remarks:					

32
31
24
NW
NW
SW

Forward the white, blue and pink copies to the Department of Health and Environment

Form WWC-5

TYLER JED-A
3/15/17

Work Order

Date: 3/13/2017 Legal Description: SW 11-32-31 SW
Work Order Number: 11789 Service ID: Irrigation
Customer: Clayton Befort Contact Person: Clayton Befort
Address: 1177 Commerce Pkwy Home Phone:
Hays, Ks. 67601 Work Phone:
Cell Phone: 785-623-1255
Bill To: (Same) Fax Number:
E-Mail: CLAYTON.DEFOLT@GMAIL.COM

Description of Problem/Service Needed: Drill 455' Irrigatin well, case, gravel pack and develop
400

Additional Contact- John Borth-620-629-1849

Name of Authorizing Person: Clayton Phone: 785-623-1255

Order Taken By: David Assigned To: Jed-A. 10008

From Intersection of Highway 83 and Highway 160 (plains turn off)
11 east to RD w, 3/ 10 north, 75' east to flags

WANTS NEW WELL w/ ENGINE TO THE SOUTH & WELL TO THE NORTH.
WANT TO TEST PUMP AS MUCH AS POSSIBLE

Drill Depth: 400 SWL appx 275

Present Setup:

NEAREST HOSPITAL : MEADE DISTRICT HOSPITAL
510 EAST CARTHAGE
MEADE, KS 620-873-2141

Estimated Start Date: 3/2/2017 Estimated Completion Date: 4/2/2017

Bonded Job? No Estimated Revenue Amount:

Estimated Total Cost:

WATER RESOURCES
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MAY 31 2017
KS DEPT OF AGRICULTURE



Jobsite Emergency Preparedness Emergency Response Phone List

To Be Posted in a Visible Area.

Jobsite Name: Clayton Befort Region: Mid-Continent

Location Address: 3/10 Mile North of Highway 160 and Road W (West of Plains)

Emergency Contact Person(s)

Name: Tony Wedel Phone No: (620) 640-1178

Name: Ken Rauhut Phone No: (620) 260-7356

Name: Bruce Reichmuth Phone No: (620) 260-8803

Safety Manager: Don Dietz Phone No: (620) 640-6475

Responsible Person Onsite: _____ Phone No: ()

Emergency Response: 9-1-1

Nearest Hospital Name: Meade District Hospital

Address: 510 E Carthage, Meade KS Phone No: 620-873-2141

Poison Control Center: 1-800-222-1222 American Association of Poison Control Centers

Call Before You Dig: 8-1-1

WATER RESOURCES
RECEIVED

MAY 31 2017

KS DEPT OF AGRICULTURE

RECEIVED

NOV 20 2017

RECEIVED

SEP 05 2017

File No. 27188

KS DEPT OF AGRICULTURE

6. The presently authorized point(s) of diversion (is) (are) two wells
Division of Water Resources

(Provide description and number of points)

7. The proposed point(s) of diversion (is) (are) two wells

(Provide description and number of points)

List all presently authorized point(s) of diversion:

* GPS - 8-1-17 GCFO

8. Presently authorized point of diversion:

One in the se Quarter of the sw Quarter of the sw Quarter
of Section 11, Township 32 South, Range 31 W,
in Seward County, Kansas, 100 feet North 4420 feet West of Southeast corner of section.

Authorized Rate 1310 Authorized Quantity 536

(DWR use only: Computer ID No. 2 GPS 5258 feet North 5258 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 sw Quarter of the nw Quarter of the sw Quarter
of Section 11, Township 32 South, Range 31 W,
in Seward County, Kansas, 1612 feet North 5260 feet West of Southeast corner of section.

Proposed Rate 1000 Proposed Quantity 353

This point is: Additional Well Geo Center List other water rights that will use this point na 5258' feet

5258' FEET * FROM WELL LOG REC 5/31/17
1612'N 5302'W

9. Presently authorized point of diversion:

One in the se NE Quarter of the NW SW Quarter of the se SE Quarter
of Section 11, Township 32 South, Range 31 W,
in Seward County, Kansas, 2268 feet North 1688 feet West of Southeast corner of section.

Authorized Rate 690 Authorized Quantity 171

(DWR use only: Computer ID No. 3 05 GPS 1688 feet North 1688 feet West)

This point will not be changed This point will be changed as follows:

Proposed point of diversion: (Complete only if change is requested)

One in the se Quarter of the SW SW SE Quarter of the sw Quarter
of Section 11, Township 32 South, Range 31 W,
in Seward County, Kansas, 79 feet North 3192 feet West of Southeast corner of section.

Proposed Rate 1000 Proposed Quantity 358

This point is: Additional Well Geo Center List other water rights that will use this point na 79'N 3192'W

3192' WEST * 4382'
* ACTUAL PER 4/10/17 WELL LOG
(*) COMPLIANCE INVESTIGATION OF 7/26/18 (*) 24'N 4,382'W

10. Presently authorized point of diversion:

One in the _____ Quarter of the _____ Quarter of the _____ Quarter
of Section _____, Township _____ South, Range _____ (EW),
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 _____ (EW),
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. cap.

WATER RESOURCES RECEIVED

✓
see

* LI/DWR 6/20/17
* LI/DWR 11/19/18

APR 10 2017

KS DEPT OF AGRICULTURE

SCANNED

SEP 05 2017

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

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

KS DEPT OF AGRICULTURE



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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APR 10 2017
1:05
KS DEPT OF AGRICULTURE

File No. 27188

2. Name of applicant: CLAYTON J & SHARON K BEFORT

WATER RESOURCES RECEIVED

Address: 1177 COMMERCE PKWY

NOV 27 2017

City, State and Zip: HAYS KS 67601

KS DEPT OF AGRICULTURE

Phone Number: () _____ E-mail address: _____

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

Name of water use correspondent: JOHN D BORTH

Address: PO BOX 754

City, State and Zip: MEADE KS 67864

Phone Number: () _____ E-mail address: _____

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

RECEIVED

to relocate both wells and alter the rate and quantity assigned to each.

NOV 20 2017

The change(s) (was) (will be) completed by upon approval _____ (Date)

Garden City Field Office
Division of Water Resources

For Office Use Only:					
F.O. <u>4</u>	GMD <u>3</u>	Meets K.A.R. 5-5-1 (YES / NO)	Use <u>lrv</u>	Source <u>GS</u> County <u>ME</u>	By <u>AW</u> Date <u>4/10/17</u>
Code <u>CGT</u>	Fee \$ <u>200</u>	TR # _____	Receipt Date <u>4/10/17</u>	Check # <u>22989</u>	

APPLICATION COMPLETE

Reviewer _____

SCANNED

Assisted by: TPM

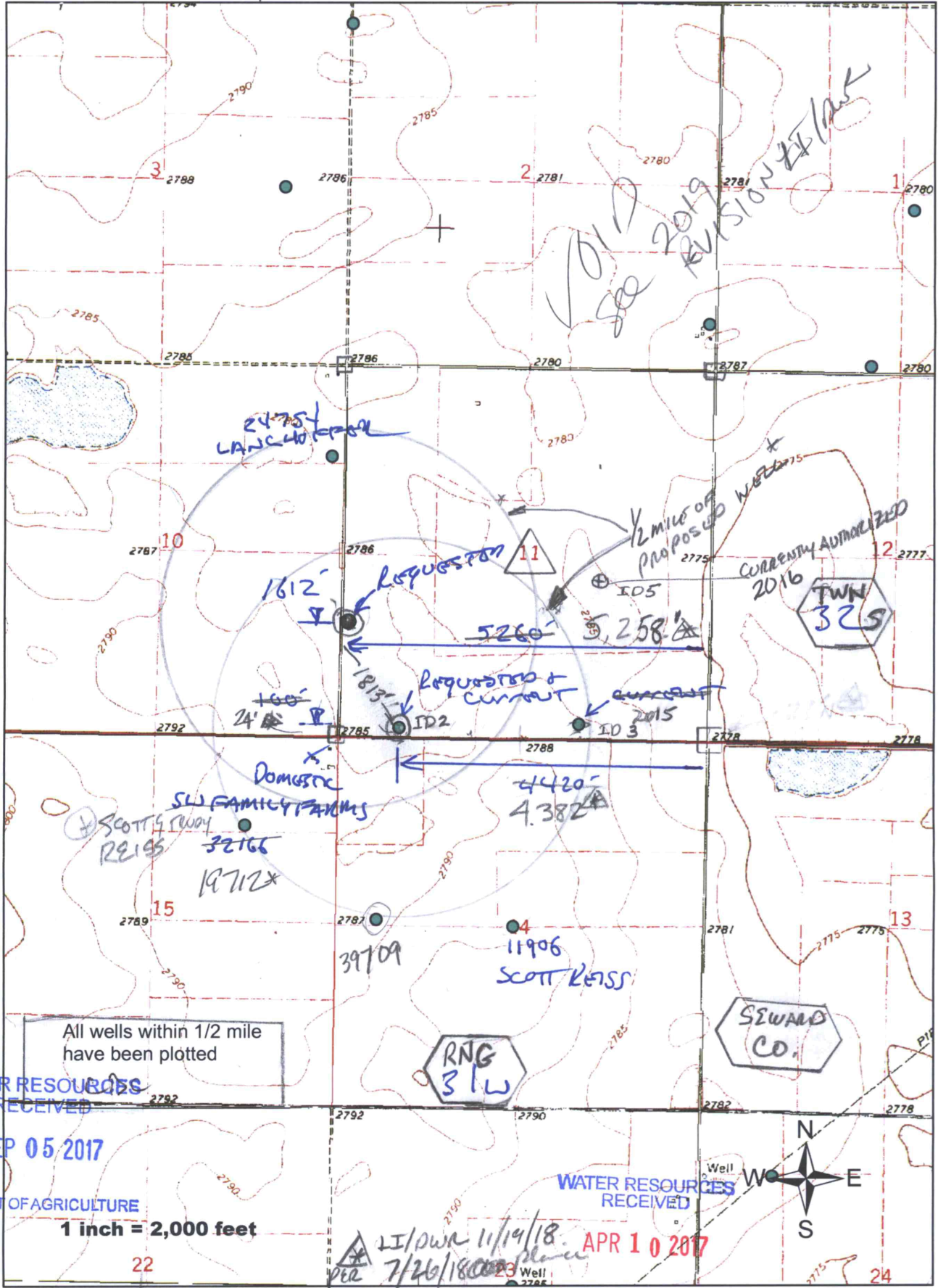
4/12/2017 ucm

SCANNED

* CB 8-30-17

* FILE NO. 27188

* PROPOSED CHANGE IN PART OF DIVISION * VOIDED -



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SEP 05 2017

KS DEPT OF AGRICULTURE

1 inch = 2,000 feet

WATER RESOURCES RECEIVED

APR 10 2017

KS DEPT OF AGRICULTURE

VOID

FROM JOHN MONSON * LI/OWN 6/23/17
LI/OWN 11/20/18

* LI/OWN 4/17/17

FROM WALS DORRASE SCANNED

SEP 05 2017

File No. 27188

KS DEPT OF AGRICULTURE

6. The presently authorized point(s) of diversion (is) (are) two wells (Provide description and number of points)

7. The proposed point(s) of diversion (is) (are) two wells (Provide description and number of points)

List all presently authorized point(s) of diversion:

* GPS - 8-1-17 GCFO

8. Presently authorized point of diversion:

One in the se Quarter of the sw Quarter of the sw Quarter of Section 11, Township 32 South, Range 31 W, in Seward County, Kansas, 100 feet North 4420 feet West of Southeast corner of section. Authorized Rate 1310 Authorized Quantity 536

(DWR use only: Computer ID No. 2 GPS feet North feet West)

This point will not be changed This point will be changed as follows:

Proposed point of diversion: (Complete only if change is requested)

One in the sw Quarter of the nw Quarter of the sw Quarter of Section 11, Township 32 South, Range 31 W, in Seward County, Kansas, 1612 feet North 5260 feet West of Southeast corner of section. Proposed Rate 1000 Proposed Quantity 353

This point is: Additional Well Geo Center List other water rights that will use this point na

5232 FROM J. THURSON

9. Presently authorized point of diversion:

One in the se Quarter of the sw Quarter of the se Quarter of Section 11, Township 32 South, Range 31 W, in Seward County, Kansas, 190 feet North 1830 feet West of Southeast corner of section. Authorized Rate 690 Authorized Quantity 171

(DWR use only: Computer ID No. 3 GPS feet North feet West)

This point will not be changed This point will be changed as follows:

Proposed point of diversion: (Complete only if change is requested)

One in the se Quarter of the sw Quarter of the sw Quarter of Section 11, Township 32 South, Range 31 W, in Seward County, Kansas, 79 100 feet North 3192 4420 feet West of Southeast corner of section. Proposed Rate 1000 Proposed Quantity 353

This point is: Additional Well Geo Center List other water rights that will use this point na

7/26/18 5258' + feet *
AUTORIZED PD 105
** CB - 8-30-17
354 * ACTUAL PER 4/10/17 WELL LOG
79' N + 3192' W

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. cap.

* LI/DWR 9/18/17 * LI/DWR 4/20/17

APR 10 2017

SCANNED

4. The presently authorized place of use is: AGRICULTURE

Owner of Land — NAME: CLAYTON J & SHARON K BEFORT

ADDRESS: 1177 COMMERCE PKWY HAYS KS 67601

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	
11	32	31w	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640

List other water rights that cover this place of use. na

Owner of Land — NAME: _____

ADDRESS: _____

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

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

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

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

Owner of Land — NAME: CLAYTON J & SHARON K BEFORT

ADDRESS: 1177 COMMERCE PKWY HAYS KS 67601

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	
11	32	31W	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640

List other water rights that cover this place of use. na

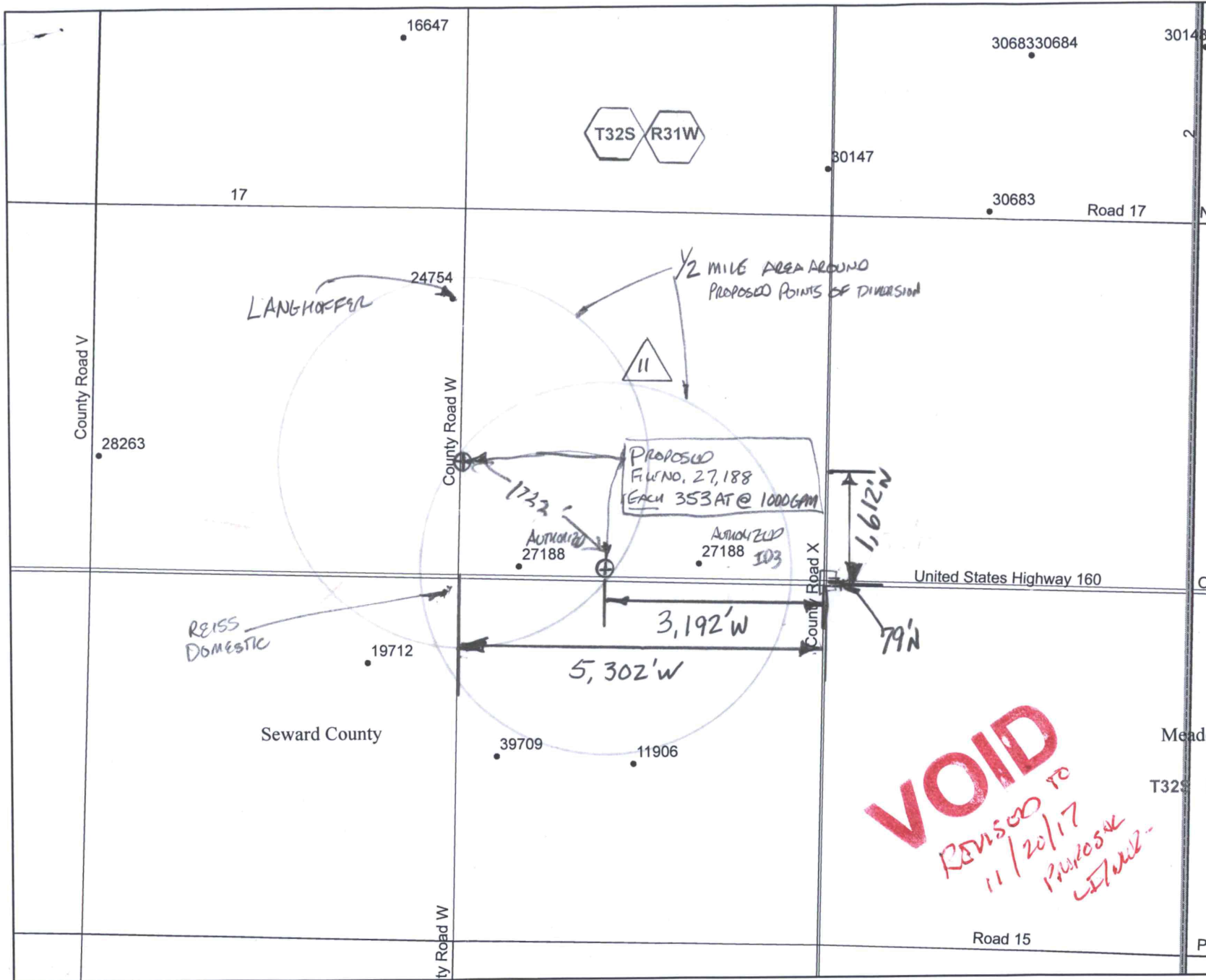
Owner of Land — NAME: _____

ADDRESS: _____

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

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

Water Right File No. 27,188 Change in Point of Diversion



Legend

S_UMW

- G_IRR AUTHORIZED
- ⊕ G-IRR PROPOSED

x Clayton Report

ALL WELLS WITHIN ONE-HALF (1/2) MILE OF THE PROPOSED POINTS HAVE BEEN SHOWN.

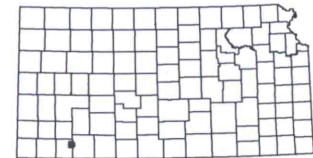
8-30-17

WATER RESOURCES RECEIVED

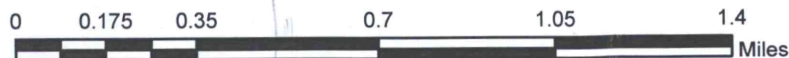
SEP 05 2017

KS DEPT OF AGRICULTURE

Index Map



VOID
 REVISED TO
 11/20/17
 PROPOSED
 WITHDRAWAL



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

1612 ft N and 5260 ft W of the SE Corner of Section 11, T 32S, R 31W

Located at: 100.671016 West Longitude and 37.276110 North Latitude

GROUNDWATER ONLY

PROPOSED
ONE PD - SW NWSW -
FLTS WITHIN THE SECTION

File Number	Use	ST	SR	Dist (ft)	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Twp	Rng	ID	Batt	Auth_Quan	Add_Quan	Unit
A__ 11906 00	IRR	NK	G	5012	--	NE	NE	SW	2536	2735	14	32	31W	3		291.00	291.00	AF
A__ 16647 00	IRR	NK	G	6281	--	NW	NE	SE	2538	911	3	32	31W	3		640.00	640.00	AF
A__ 19712 00	IRR	NK	G	3235	--	--	NC	NE	3960	1320	15	32	31W	1		169.00	169.00	AF
A__ 24754 00	IRR	NK	G	2350	--	SE	NE	NE	3970	150	10	32	31W	5		540.00	540.00	AF
A__ 27188 00	IRR	NK	G*	1730	--	SE	SW	SW	100	4420	11	32	31W	2		536.00	536.00	AF
Same				3713	--	SE	SW	SE	190	1830	11	32	31W	3		171.00	171.00	AF
A__ 28263 00	IRR	NK	G	5228	--	SW	NW	SW	1600	5180	10	32	31W	2		452.00	452.00	AF
A__ 39709 00	IRR	NK	G	4290	--	NW	NW	SW	2610	4700	14	32	31W	2		291.00	291.00	AF

NEARBY
APPLICATION

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) =	3090.00	.00
Total Vested Amount (AF) =	.00	.00
TOTAL AMOUNT (AF) =	3090.00	.00

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

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

100.671016 West Longitude and 37.276110 North Latitude

GROUNDWATER ONLY

WATER USE CORRESPONDENTS:

File Number	Use	ST	SR
A__ 11906 00	IRR	NK	G
>	SCOTT & TRUDY K REISS		
>			
>	22958 HIGHWAY 160		
>	PLAINS KS 67869		

A__ 16647 00	IRR	NK	G
>	JAC ENTERPRISE LLC		
>			
>	PO BOX 903		
>	JOHNSON KS 67855		

A__ 19712 00	IRR	NK	G
>	SCOTT & TRUDY K REISS		
>			
>	22958 HIGHWAY 160		
>	PLAINS KS 67869		

A__ 24754 00 IRR NK G

> DARRELL D LANGHOFER

>

> 20960 ROAD W

> PLAINS KS 67869

>-----

A__ 27188 00 IRR NK G

> JOHN D BORTH

>

> PO BOX 754

> MEADE KS 67864

>-----

A__ 28263 00 IRR NK G

> SCOTT & TRUDY K REISS

>

> 22958 HIGHWAY 160

> PLAINS KS 67869

>-----

A__ 39709 00 IRR NK G

> WANDA MAE DILLEY TRUST

> SCOTT REISS

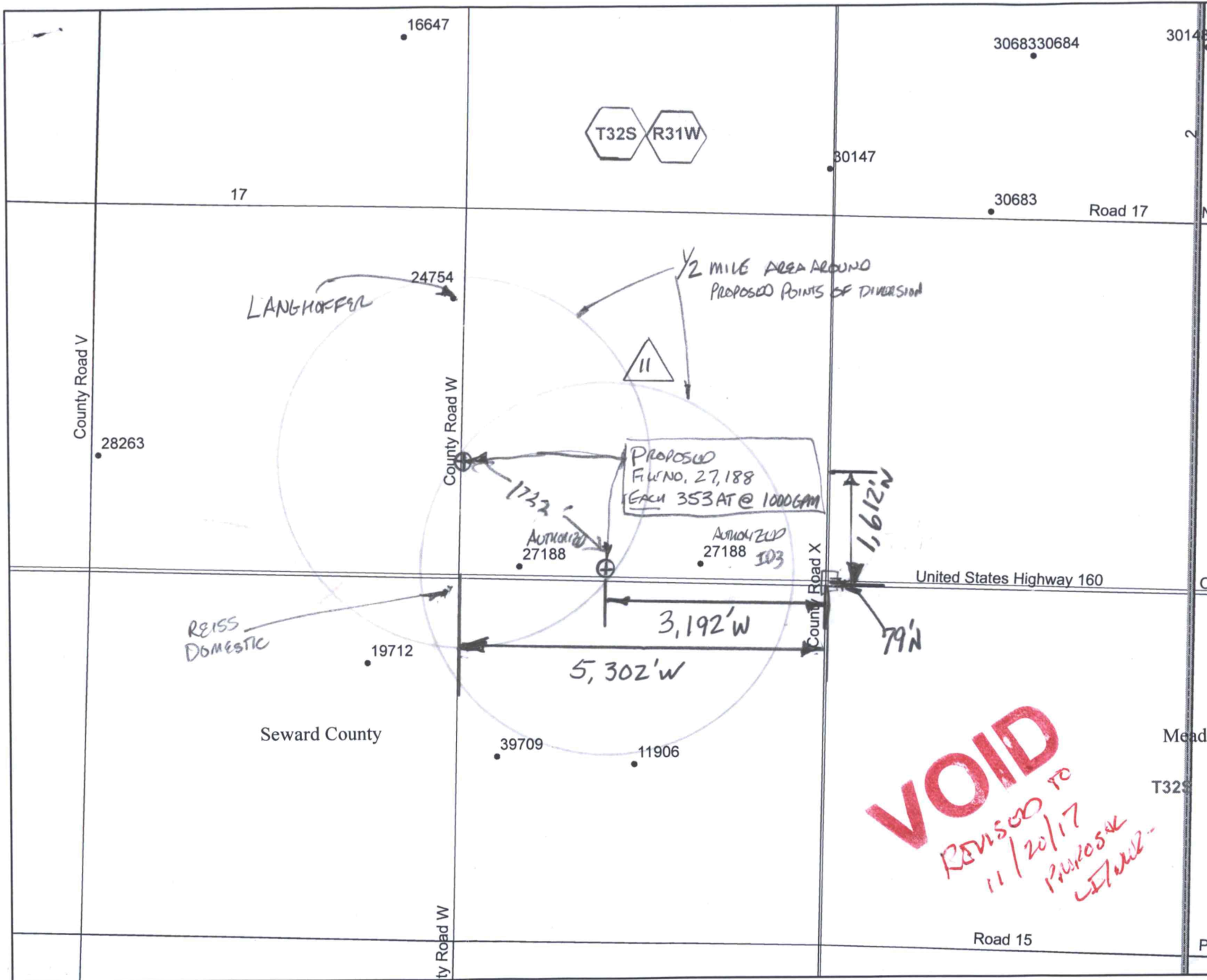
> 22958 HIGHWAY 160

> PLAINS KS 67869

>-----

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Water Right File No. 27,188 Change in Point of Diversion



Legend

S_UMW

- G_IRR AUTHORIZED
- ⊕ G_IRR PROPOSED

Clayton Report
 ALL WELLS WITHIN ONE-HALF (1/2) MILE OF THE PROPOSED POINTS HAVE BEEN SHOWN.

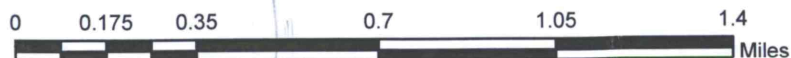
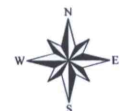
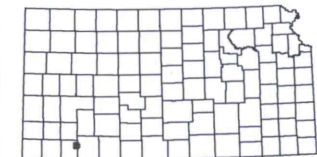
8-30-17

WATER RESOURCES RECEIVED

SEP 05 2017

KS DEPT OF AGRICULTURE

Index Map



This map was created by Ireland in WIMAS on 6/23/2017

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

100 ft N and 4420 ft W of the SE Corner of Section 11, T 32S, R 31W

Located at: 100.668130 West Longitude and 37.271958 North Latitude

GROUNDWATER ONLY

File Number	Use	ST	SR	Dist (ft)	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Twp	Rng	ID	Batt	Auth_Quan	Add_Quan	Unit
A_ 11906	00	IRR	NK	G	3283	--	NE	NE	SW	2536	2735	14	32	31W	3	291.00	291.00	AF
A_ 19712	00	IRR	NK	G	2612	--	NC	NE	3960	1320	15	32	31W	1		169.00	169.00	AF
A_ 24754	00	IRR	NK	G	3991	--	SE	NE	NE	3970	150	10	32	31W	5	540.00	540.00	AF
A_ 27188	00	IRR	NK	G*	0	--	SE	SW	SW	100	4420	11	32	31W	2	536.00	536.00	AF
Same					2592	--	SE	SW	SE	190	1830	11	32	31W	3	171.00	171.00	AF
A_ 28263	00	IRR	NK	G	6246	--	SW	NW	SW	1600	5180	10	32	31W	2	452.00	452.00	AF
A_ 39709	00	IRR	NK	G	2754	--	NW	NW	SW	2610	4700	14	32	31W	2	291.00	291.00	AF

Q MONTGOMERY APPLICANTS

(SCOTT REISS) POA?

FOR WANDA MAE DILLEY TRUST

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) =	2450.00	.00
Total Vested Amount (AF) =	.00	.00
TOTAL AMOUNT (AF) =	2450.00	.00

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

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

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

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

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

100.668130 West Longitude and 37.271958 North Latitude

GROUNDWATER ONLY

WATER USE CORRESPONDENTS:

File Number	Use	ST	SR
A_ 11906	00	IRR	NK G
> SCOTT & TRUDY K REISS			
>			
> 22958 HIGHWAY 160			
> PLAINS KS 67869			

A_ 19712	00	IRR	NK G
> SCOTT & TRUDY K REISS			
>			
> 22958 HIGHWAY 160			
> PLAINS KS 67869			

A_ 24754	00	IRR	NK G
> DARRELL D LANGHOFER			
>			
> 20960 ROAD W			
> PLAINS KS 67869			

A_ 27188	00	IRR	NK G

> JOHN D BORTH

>

> PO BOX 754

> MEADE KS 67864

>-----

A__ 28263 00 IRR NK G

> SCOTT & TRUDY K REISS

>

> 22958 HIGHWAY 160

> PLAINS KS 67869

>-----

A__ 39709 00 IRR NK G

> WANDA MAE DILLEY TRUST

> SCOTT REISS

> 22958 HIGHWAY 160

> PLAINS KS 67869

>-----

=====

Form	WWC5
Contractor	Hydro Resources Mid Continent, Inc.
Well Owner	Darrell D Langhofer
Doc ID	1313355

Lithology

From	To	Lithologic Log
0	3	top soil
3	40	brown clay
40	54	brown sandy clay & fine sand
54	72	sand & gravel
72	96	brown clay
96	129	sand & gravel
129	140	brown clay
140	155	sand & gravel
155	160	brown clay
160	165	sand & gravel
165	178	brown clay
178	196	sand & gravel
196	218	brown clay
218	237	sand & gravel, loose
237	240	brown sandy clay
240	262	sand & gravel
262	270	blue clay
270	275	sand fine to med coarse & med small
275	310	blue clay & very few fine sand
310	320	blue sand fine to med coarse
320	340	blue clay
340	400	sand fine to med coarse, small gravel

Form	WWC5
Contractor	Hydro Resources Mid Continent, Inc.
Well Owner	Darrell D Langhofer
Doc ID	1313355

Litholgy

From	To	LithologicLog
400	425	brown clay, coarse sand & limerock
425	460	sand & gravel, brown sandy clay & some limerock
460	485	sand & gravel very fine clay & limerock
485	494	rown clay, limerock & sand
494	500	red shale

Well Log Received May 31, 2017

INPUTS	
Target Section Definition	27188
Section	11
Township	32
Range	31
Range Direction	W
Target Point Coordinates (NAD27 or NAD83)	
Target Longitude	-100.671160
Target Latitude	37.276110

Load Data and Compute


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

Loaded Section Data From LEOBASE using NAD83		
Corner	Corner Latitudes	Corner Longitudes
SW	37.27165780	-100.67162041
NW	37.28621499	-100.67155956
NE	37.28623024	-100.65332506
SE	37.27170407	-100.65337099
Degrees Longitude per Foot		3.43678201E-06
Degrees Latitude per Foot		2.74643258E-06
Target Point Distances from Corners using NAD83		
Corner	Feet North(+)/South(-)	Feet East(-)/West(+)
SW	1621	-134
NW	-3679	-116
NE	-3685	5189
SE	1604	5176

Target point is In Section

Loaded Section Data From LEOBASE using NAD27		
Corner	Corner Latitudes	Corner Longitudes
SW	37.27163700	-100.67118800
NW	37.28619400	-100.67112700
NE	37.28620900	-100.65289300
SE	37.27168300	-100.65293900
Degrees Longitude per Foot		3.43678105E-06
Degrees Latitude per Foot		2.74598553E-06
Target Point Distances from Corners using NAD27		
Corner	Feet North(+)/South(-)	Feet East(-)/West(+)
SW	1629	-8
NW	-3672	10
NE	-3678	5315
SE	1612	5302

Target point is In Section

FEET DISTANCES- 

Difference (NAD83 Minus NAD27)		
Corner	Corner Latitudes	Corner Longitudes
SW	0.00002080	-0.00043241
NW	0.00002099	-0.00043256
NE	0.00002124	-0.00043206
SE	0.00002107	-0.00043199
Difference (NAD83 Minus NAD27)		
Corner	Feet North(+)/South(-)	Feet East(-)/West(+)
SW	-7.83860894	-125.81827750
NW	-7.04488803	-125.86192792
NE	-7.13502805	-125.71791863
SE	-7.93419153	-125.89754702

Well Log Received April 10, 2017

INPUTS	
Target Section Definition	27188
Section	11
Township	32
Range	31
Range Direction	W
Target Point Coordinates (NAD27 or NAD83)	
Target Longitude	-100.663910
Target Latitude	37.271900

Load Data and Compute

Instructions

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

Loaded Section Data From LEOBASE using NAD83		
Corner	Corner Latitudes	Corner Longitudes
SW	37.27165780	-100.67162041
NW	37.28621499	-100.67155956
NE	37.28623024	-100.65332506
SE	37.27170407	-100.65337099
Degrees Longitude per Foot		3.43678201E-06
Degrees Latitude per Foot		2.74643258E-06
Target Point Distances from Corners using NAD83		
Corner	Feet North(+)/South(-)	Feet East(-)/West(+)
SW	88	-2243
NW	-5212	-2226
NE	-5218	3080
SE	71	3087

Target point is In Section

Loaded Section Data From LEOBASE using NAD27		
Corner	Corner Latitudes	Corner Longitudes
SW	37.27163700	-100.67118800
NW	37.28619400	-100.67112700
NE	37.28620900	-100.65289300
SE	37.27168300	-100.65293900
Degrees Longitude per Foot		3.43678105E-06
Degrees Latitude per Foot		2.74598553E-06
Target Point Distances from Corners using NAD27		
Corner	Feet North(+)/South(-)	Feet East(-)/West(+)
SW	96	-2118
NW	-5205	-2100
NE	-5211	3206
SE	79	3192

Target point is In Section

Difference (NAD83 Minus NAD27)		
Corner	Corner Latitudes	Corner Longitudes
SW	0.00002080	-0.00043241
NW	0.00002099	-0.00043256
NE	0.00002124	-0.00043206
SE	0.00002107	-0.00043199
Difference (NAD83 Minus NAD27)		
Corner	Feet North(+)/South(-)	Feet East(-)/West(+)
SW	-7.58905096	-125.81769077
NW	-6.79533005	-125.86134119
NE	-6.88546807	-125.71733190
SE	-7.68463354	-125.69696029

RECEIVED
SEP 05 2017

* Clayton Report
8-30-17

File No. 27188

KS DEPT OF AGRICULTURE

12. The presently authorized use of water is for irrigation purposes.

It is proposed that the use be changed to nc purposes.

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

na

* CURRENTLY AUTHORIZED Q 171 AF AT ID 3, SE WELL 536 AF AT ID 2, SW WELL TOTAL 707 AF *
 PROPOSED Q 353 AF AT ID 2, NNSW WELL 353 AF ID 2, SW WELL - BAL 706 AF 707 AF
 CURRENTLY AUTHORIZED R 180 GPM AT ID 3 \$ 1310 AT ID 2 TOTAL 2000 GPM AF
 PROPOSED R. 1000 GPM PER WELL - TOTAL 2000 GPM

(Please show any calculations here.)

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

15. It is requested that the maximum rate of diversion of water be reduced to nc 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.

wells requested are 1/2 mile from any of the other water rights in the area.

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.

wells do not meet the 1900 foot spacing to each other on this same water right.

WATER RESOURCES
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APR 10 2017

KS DEPT OF AGRICULTURE

CB
INITIAL

8-30-17
DATE

* LI 1120R 6/20/17

SCANNED

4. The presently authorized place of use is:

Owner of Land — NAME: CLAYTON J & SHARON K BEFORT

ADDRESS: 1177 COMMERCE PKWY HAYS KS 67601

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	
11	32	31w	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640

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

Owner of Land — NAME: _____

ADDRESS: _____

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

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

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

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

Owner of Land — NAME: CLAYTON J & SHARON K BEFORT

ADDRESS: 1177 COMMERCE PKWY HAYS KS 67601

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	
11	32	31W	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640

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

Owner of Land — NAME: _____

ADDRESS: _____

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

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

WATER RESOURCES RECEIVED

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SEP 05 2017

KS DEPT OF AGRICULTURE

File No. 27188

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 Hays, Kansas, this 30th day of March, 20 17.

Clayton J Befort
(Owner)

Sharon K Befort
(Spouse)

CLAYTON J BEFORT
(Please Print)

SHARON K BEFORT
(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

State of Kansas }
County of Ellis } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 30th day of March, 20 17.

Linda Sue Boone

Notary Public
NOTARY PUBLIC - State of Kansas
Linda Sue Boone
My Appt. Expires 1-15-19

My Commission Expires 1-15-19

FEE SCHEDULE

Each application to change the place of use, the point of diversion or the use made of the water under this section shall be accompanied by the application fee set forth in the schedule below:

- (1) Application to change a point of diversion 300 feet or less \$100
- (2) Application to change a point of diversion more than 300 feet \$200
- (3) Application to change the place of use \$200
- (4) Application to change the use made of the water \$300

Make check payable to Kansas Department of Agriculture.

APR 10 2017

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.

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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 _____, Kansas, this _____ day of _____, 20_____.

(Owner)
CLAYTON J BEFORT
(Please Print)

(Spouse)
SHARON K BEFORT
(Please Print)

(Owner)

(Please Print)

(Spouse)

(Please Print)

(Owner)

(Please Print)

(Spouse)

(Please Print)

State of Kansas }
County of _____ } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this _____ day of _____, 20_____.

Notary Public

My Commission Expires _____.

FEE SCHEDULE

Each application to change the place of use, the point of diversion or the use made of the water under this section shall be accompanied by the application fee set forth in the schedule below:

- (1) Application to change a point of diversion 300 feet or less \$100
- (2) Application to change a point of diversion more than 300 feet \$200
- (3) Application to change the place of use \$200
- (4) Application to change the use made of the water \$300

Make check payable to **Kansas Department of Agriculture.**

WATER RESOURCES
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NOV 27 2017
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KS DEPT OF AGRICULTURE

Ireland, Leslie [KDA]

From: Munson, John [KDA]
Sent: Tuesday, January 30, 2018 11:15 AM
To: Ireland, Leslie [KDA]
Cc: Meyer, Mike [KDA]
Subject: RE: 20179074

Leslie,

The distance west you show for the new irrigation well is not correct.

A better description west would be 5,232 feet west from the southeast corner.

This is based on my field GPS measurement of the actual well and the estimated distance in feet is from the WIMAS tool. I think 5,302 feet west would be in the section across the road to the west.

John

From: Ireland, Leslie [KDA]
Sent: Tuesday, January 30, 2018 10:43 AM
To: Meyer, Mike [KDA] <Mike.Meyer@ks.gov>
Cc: Munson, John [KDA] <John.Munson@ks.gov>
Subject: 20179074

Mike,

I revised the permit see conditions 19-22. Broke out the observation well conditions and added that the DWR logging equipment needs to be allowed in the pumping well. Thinking about it more.... should it actually be all wells under File No. 27188, the proposed well and observation well be allowed to have DWR logging equipment? I added John to this email.

He won't be able to pump from SE well 2268N & 1688W ne nw se.

I've attached the pd page of the change too.

Leslie

Ireland, Leslie

From: Ireland, Leslie
Sent: Friday, July 28, 2017 8:30 AM
To: Meyer, Mike
Subject: RE: John Borth Term Permit File No. 20179047 - DRAFT

I'll update the April change when I get it back. Think I'll call Sharon Befort Monday, if it doesn't arrive today.

From: Meyer, Mike
Sent: Friday, July 28, 2017 8:28 AM
To: Ireland, Leslie <Leslie.Ireland@ks.gov>
Subject: Re: John Borth Term Permit File No. 20179047 - DRAFT

No matter what they don't meet spacing

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

From: "Ireland, Leslie" <Leslie.Ireland@ks.gov>
Date: 7/28/17 8:20 AM (GMT-06:00)
To: "Meyer, Mike" <Mike.Meyer@ks.gov>
Subject: RE: John Borth Term Permit File No. 20179047 - DRAFT

Mike,

The 5302 came from the well log received 5/31/17 done by Hydro Resources.

I'll update the April change for the new well.

Was the well authorized as 100'N & 4420'W ID 2 GPS'd ? It was listed as it is in wris on the 7/26 change approval. This is the well and the new one that don't meet spacing.

Leslie

From: Meyer, Mike
Sent: Thursday, July 27, 2017 4:34 PM
To: Ireland, Leslie <Leslie.Ireland@ks.gov>
Cc: Baum, Kristen <Kristen.Baum@ks.gov>
Subject: RE: John Borth Term Permit File No. 20179047 - DRAFT

Field GPS is 37.27605 and 100.67105 for your notes and the pending change app.

Mike

From: Meyer, Mike
Sent: Thursday, July 27, 2017 4:27 PM

To: Ireland, Leslie <Leslie.Ireland@ks.gov>
Subject: RE: John Borth Term Permit File No. 20179047 - DRAFT

Yes I will

1590' north and 5270' west based on actual GPS on July 11, 2017, existing well. I will update the order. (recall the change app is 1216' and 5260') have to ask them where the 5302 feet came from.....

Mike

From: Ireland, Leslie
Sent: Thursday, July 27, 2017 4:24 PM
To: Meyer, Mike <Mike.Meyer@ks.gov>
Subject: RE: John Borth Term Permit File No. 20179047 - DRAFT

You're modifying the approval document, right. So, Yes we'll modify the application and worksheet. Kristen has gone for the day.

Leslie

From: Meyer, Mike
Sent: Thursday, July 27, 2017 4:21 PM
To: Baum, Kristen <Kristen.Baum@ks.gov>
Cc: Ireland, Leslie <Leslie.Ireland@ks.gov>
Subject: RE: John Borth Term Permit File No. 20179047 - DRAFT
Importance: High

Are we okay with the well location being 5302?

We did a field GPS the other day, and didn't catch it on the term permit but it should be 1590 feet north and 5270 feet west for the actual well location.

Can you all fix this (amend the term when you get it and resend the docs?)

Sorry

thanks

Mike

From: Baum, Kristen
Sent: Thursday, July 27, 2017 11:22 AM
To: Meyer, Mike <Mike.Meyer@ks.gov>; Barfield, David <David.Barfield@ks.gov>; Letourneau, Lane <Lane.Letourneau@ks.gov>
Cc: Ireland, Leslie <Leslie.Ireland@ks.gov>
Subject: John Borth Term Permit File No. 20179047 - DRAFT
Importance: High

Draft documents for your review.

Please pay close attention to the following items in the approval document:

Please make sure this is the correct PD in paragraph 3 (I'm 99% sure it is).

Pay close attention to paragraphs 17 thru 19 – make sure the correct PD is referenced for the cease diversion.

Regarding the title – We’ve called it an “Approval of Term Permit” and “Order... Under File No. 27,188”. If that essentially makes this a cease diversion order, are we required to hand deliver or mail certified? Does it matter? Do we need to limit the title to just the Approval? The Cert of Service and/or title may need to be modified accordingly.

If you want to send me your edits I can compile them, or you can finalize them at GC – either way works for me.

Thanks,

Kristen A. Baum
Division of Water Resources – Water Appropriations
Kansas Department of Agriculture
1320 Research Park Drive
Manhattan KS 66502
(785) 564-6627

My email address has changed: kristen.baum@ks.gov

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

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



State of Kansas

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

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

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

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

WATER RESOURCES
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APR 10 2017
1:05
KS DEPT OF AGRICULTURE

File No. 27188

2. Name of applicant: CLAYTON J & SHARON K BEFORT

Address: 1177 COMMERCE PKWY

City, State and Zip: HAYS KS 67601

Phone Number: () _____ E-mail address: _____

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

Name of water use correspondent: JOHN D BORTH

Address: PO BOX 754

City, State and Zip: MEADE KS 67864

Phone Number: () _____ E-mail address: _____

3. The change(s) proposed herein are desired for the following reasons (please be specific):
to relocate both wells and alter the rate and quantity assigned to each.

The change(s) (was) (will be) completed by upon approval (Date)

For Office Use Only:					
F.O.	<u>4</u>	GMD	<u>3</u>	Meets K.A.R. 5-5-1 (YES / NO)	Use <u>lrr</u> Source <u>GS</u> County <u>ME</u> By <u>AW</u> Date <u>4/10/17</u>
Code	<u>CGT</u>	Fee \$	<u>200</u>	TR #	Receipt Date <u>4/10/17</u> Check # <u>22989</u>

APPLICATION COMPLETE

FILE COPY

Reviewer _____

SCANNED

Assisted by: TPM
4/12/2017 ucm

6. The presently authorized point(s) of diversion (is) (are) two wells
(Provide description and number of points)

7. The proposed point(s) of diversion (is) (are) two wells
(Provide description and number of points)

List all presently authorized point(s) of diversion:

8. **Presently authorized point of diversion:**
 One in the se Quarter of the sw Quarter of the sw Quarter of Section 11, Township 32 South, Range 31 W, in Seward County, Kansas, 100 feet North 4420 feet West of Southeast corner of section.
 Authorized Rate 1310 Authorized Quantity 536
 (DWR use only: Computer ID No. 2 GPS _____ feet North _____ feet West)
 This point will not be changed This point will be changed as follows:
Proposed point of diversion: (Complete only if change is requested)
 One in the sw Quarter of the nw Quarter of the sw Quarter of Section 11, Township 32 South, Range 31 W, in Seward County, Kansas, 1612 feet North 5260 feet West of Southeast corner of section.
 Proposed Rate 1000 Proposed Quantity 353 *5302' * FROM WELL LOG REC 5/31/17*
 This point is: Additional Well Geo Center List other water rights that will use this point na *1612'N 5302'W*

9. **Presently authorized point of diversion:**
 One in the se Quarter of the sw Quarter of the se Quarter of Section 11, Township 32 South, Range 31 W, in Seward County, Kansas, 190 feet North 1830 feet West of Southeast corner of section.
 Authorized Rate 690 Authorized Quantity 171
 (DWR use only: Computer ID No. 3 GPS _____ feet North _____ feet West)
 This point will not be changed This point will be changed as follows:
Proposed point of diversion: (Complete only if change is requested)
 One in the se Quarter of the sw SE Quarter of the sw Quarter of Section 11, Township 32 South, Range 31 W, in Seward County, Kansas, 79 100 feet North 3192 4420 feet West of Southeast corner of section.
 Proposed Rate 1000 Proposed Quantity 353 **ACTUAL PER 4/10/17 WELL LOG*
 This point is: Additional Well Geo Center List other water rights that will use this point na *79'N + 3192'W*

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. cap.

* LI/DWR 4/20/17

APR 10 2017

4. The presently authorized place of use is:

Owner of Land — NAME: CLAYTON J & SHARON K BEFORT

ADDRESS: 1177 COMMERCE PKWY HAYS KS 67601

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	
11	32	31w	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640

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

Owner of Land — NAME: _____

ADDRESS: _____

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

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

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

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

Owner of Land — NAME: CLAYTON J & SHARON K BEFORT

ADDRESS: 1177 COMMERCE PKWY HAYS KS 67601

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	
11	32	31W	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640

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

Owner of Land — NAME: _____

ADDRESS: _____

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

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

12. The presently authorized use of water is for irrigation purposes.
It is proposed that the use be changed to nc purposes.

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

* CURRENTLY AUTHORIZED Q 171 AF AT ID 3, SE WELL 536 AF AT ID 2, SW WELL TOTAL 707 AF
PROPOSED Q 353 AF AT ID 3, NNSW WELL 353 AF ID 2, SW WELL TOTAL 706 AF
CURRENTLY AUTHORIZED R 190 GPM AT ID 3 1310 AT ID 2 TOTAL 2000 GPM
PROPOSED R 1000 GPM PER WELL - TOTAL 2000 GPM
(Please show any calculations here.)

14. It is requested that the maximum annual quantity of water be reduced to nc 706 (acre-feet or million gallons).

15. It is requested that the maximum rate of diversion of water be reduced to nc 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.

wells requested are 1/2mile from any of the other water rights in the area.

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.

wells do not meet the 1900 foot spacing to each other on this same water right.

WATER RESOURCES RECEIVED

APR 10 2017

* LI/DWR 6/20/17

KS DEPT OF AGRICULTURE

SCANNED

INITIAL DATE

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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 _____, Kansas, this _____ day of _____, 20_____.

(Owner)

(Spouse)

CLAYTON J BEFORT
(Please Print)

SHARON K BEFORT
(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

State of Kansas)
County of _____) SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this _____ day of _____, 20_____.

Notary Public

My Commission Expires _____.

FEE SCHEDULE

Each application to change the place of use, the point of diversion or the use made of the water under this section shall be accompanied by the application fee set forth in the schedule below:

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- (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.**

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 Hays, Kansas, this 30th day of March, 20 17.

Clayton J Befort
(Owner)

Sharon K Befort
(Spouse)

CLAYTON J BEFORT
(Please Print)

SHARON K BEFORT
(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

State of Kansas }
County of Ellis } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 30th day of March, 20 17.

Linda Sue Boone

Notary Public
NOTARY PUBLIC - State of Kansas
Linda Sue Boone
My Appt. Expires 1-15-19

My Commission Expires 1-15-19

FEE SCHEDULE

Each application to change the place of use, the point of diversion or the use made of the water under this section shall be accompanied by the application fee set forth in the schedule below:

- (1) Application to change a point of diversion 300 feet or less \$100
- (2) Application to change a point of diversion more than 300 feet \$200
- (3) Application to change the place of use \$200
- (4) Application to change the use made of the water \$300

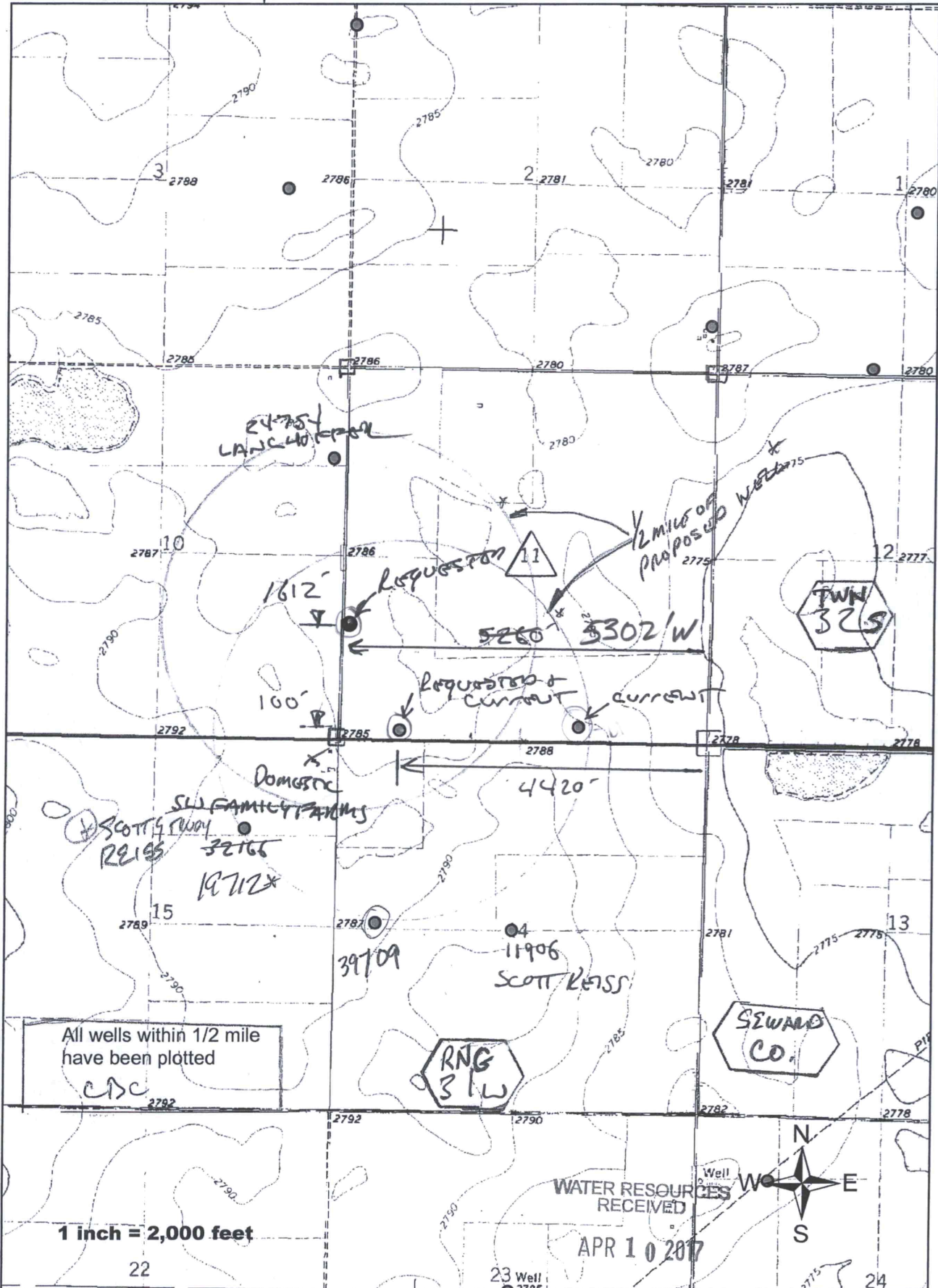
Make check payable to Kansas Department of Agriculture.

WATER RESOURCES
RECEIVED

APR 10 2017

* FILE NO. 27188

~~27188~~ * PROPOSED CHANGE IN POINT OF DIVERSION ~~27188~~



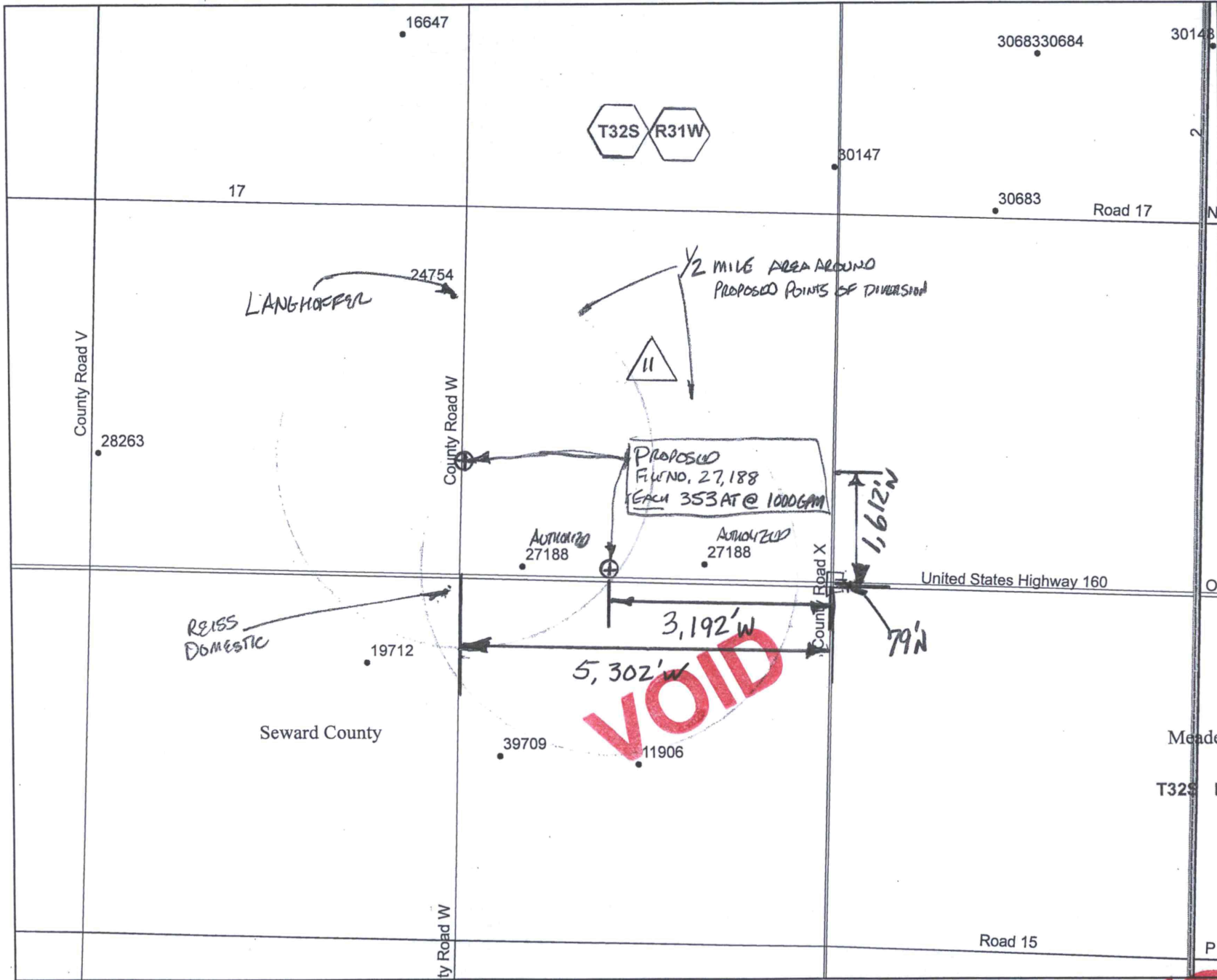
* LI/DWR 6/23/17

* LI/DWR 4/17/17

KS DEPT OF AGRICULTURE

* From WRS Database SCANNED

Water Right File No. 13,330 Change in Point of Diversion

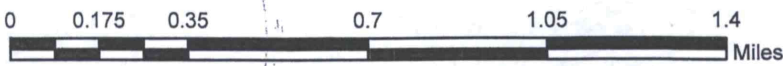
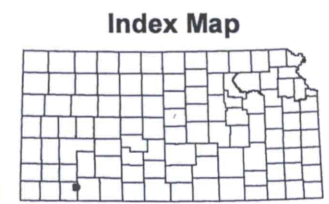


Legend

S_UMW

- G_IRR AUTHORIZED
- ⊕ G-INT PROPOSED

ALL WELLS WITHIN ONE-HALF (1/2) MILE OF THIS PROPOSED POINTS HAVE BEEN SHOWN.



This map was created by Ireland in WIMAS on 6/23/2017

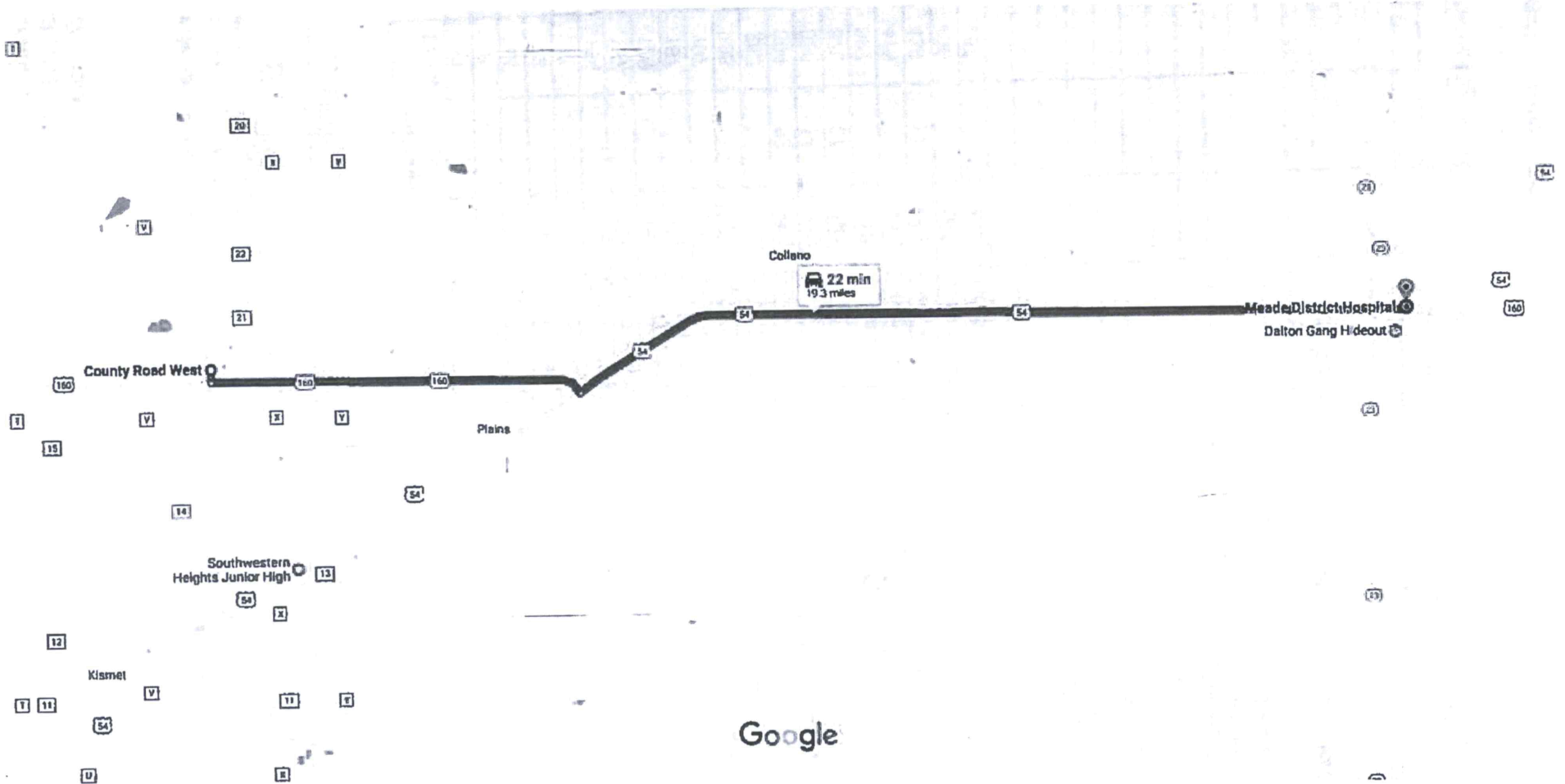
VOID

VOID

Google Maps

County Rd W, Plains, KS 67869 to Meade District Hospital

Drive 19.3 miles, 22 min



Google

Map data ©2017 Google 1 mi

WATER RESOURCES
RECEIVED

MAY 31 2017

KS DEPT OF AGRICULTURE

DRILLERS TEST LOG

Field No. 24.754
Old Well

CUSTOMERS NAME Darrell Langhofer DATE 11-29-75
 STREET ADDRESS _____ TEST # 2 E-Log 500'
 CITY & STATE Plains, KS DRILLER Rector
 COUNTY Seward QUARTER NE SECTION 10 TOWNSHIP 32 RANGE 31

LOCATION 1320' south of NE corner of the 1/4 (100' N of existing well)

WELL LOCATION

%	DRILLED FOOTAGE		Description of Strata	Static Water Level
	From	Pay To		Proposed Well Depth
	0	3	Top soil	
	3	40	Brown clay	
	40	54	Brown sandy clay & fine sand	
	54	72	Sand & gravel	
	72	96	Brown clay	
	96	129	Sand & gravel	
	129	140	Brown clay	
	140	155	Sand & gravel	
	155	160	Brown clay	
	160	165	Sand & gravel	
	165	178	Brown clay	
	178	196	Sand & gravel	
	196	218	Brown clay (heaving)	
60	218	19	237	Sand & gravel, loose, used lots of water.
	237	240	Brown sandy clay	
65	240	22	262	Sand & gravel, loose, used lots of water.
	262	270	Blue clay	
35	270	5	275	Sand fine to med coarse & med small
	275	310	Blue clay & very few fine sand sts.	
45	310	10	320	Blue sand fine to med coarse & small loose, used water.
	320	340	Blue clay (sticky)	
65	340	60	400	Sand fine to med coarse, small gravel, loose, used lots of water, very small clay & limerock sts.
20	400	25	425	Brown clay, coarse sand, & limerock
45	425	35	460	Sand & gravel, brown sandy clay & some limerock, used water, fairly loose.
65	460	25	485	Sand & gravel, very fine clay & limerock sts, loose, used water.
	485	494	Brown clay, limerock & sand sts.	
	494	500	Red shale	

24754

ARDEN CITY, KANSAS HENKLE DRILLING & SUPPLY CO., INC. SUBLETTE, KANSAS
 HOME 276-3278 IRRIGATION HEADQUARTERS PHONE 675-4311

BEST HOLES*****STOCK WELLS*****IRRIGATION AND INDUSTRIAL WELLS*****

Water Rights and Points of Diversion Within 1.00 miles of point defined as:
 1612 ft N and 5302 ft W of the SE Corner of Section 11, T 32S, R 31W
 Located at: 100.671161 West Longitude and 37.276110 North Latitude
 GROUNDWATER ONLY

PROPOSED FILE NO. 27188
 SW NW SW

File Number	Use	ST	SR	Dist (ft)	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Twp	Rng	ID	Batt	Auth_Quan	Add_Quan	Unit	
A__ 11906	00	IRR	NK	G	5033	--	NE	NE	SW	2536	2735	14	32	31W	3		291.00	291.00	AF
A__ 19712	00	IRR	NK	G	3218	--	NC	NE		3960	1320	15	32	31W	1		169.00	169.00	AF
A__ 24754	00	IRR	NK	G	2347	--	SE	NE	NE	3970	150	10	32	31W	5		540.00	540.00	AF
A__ 27188	00	IRR	NK	G*	1750	--	SE	SW	SW	100	4420	11	32	31W	2		536.00	536.00	AF
Same					3752	--	SE	SW	SE	190	1830	11	32	31W	3		171.00	171.00	AF
A__ 28263	00	IRR	NK	G	5186	--	SW	NW	SW	1600	5180	10	32	31W	2		452.00	452.00	AF
A__ 39709	00	IRR	NK	G	4296	--	NW	NW	SW	2610	4700	14	32	31W	2		291.00	291.00	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) =	2450.00	.00
Total Vested Amount (AF) =	.00	.00
TOTAL AMOUNT (AF) =	2450.00	.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:
 100.671161 West Longitude and 37.276110 North Latitude
 GROUNDWATER ONLY

WATER USE CORRESPONDENTS:

- File Number Use ST SR
- A__ 11906 00 IRR NK G
- > SCOTT & TRUDY K REISS
- >
- > 22958 HIGHWAY 160
- > PLAINS KS 67869
- >-----
- A__ 19712 00 IRR NK G
- > SCOTT & TRUDY K REISS
- >
- > 22958 HIGHWAY 160
- > PLAINS KS 67869
- >-----
- A__ 24754 00 IRR NK G
- > DARRELL D LANGHOFER
- >
- > 20960 ROAD W
- > PLAINS KS 67869
- >-----
- A__ 27188 00 IRR NK G

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

79 ft N and 3192 ft W of the SE Corner of Section 11, T 32S, R 31W
 Located at: 100.663909 West Longitude and 37.271900 North Latitude
 GROUNDWATER ONLY

*AUTHORIZED & PROPOSED - File No. 27,188-
 (?) > 1,228' From Authorized ID 2
 1,367' From " ID 3 -
 SE SE SW*

File Number	Use	ST	SR	Dist	(ft)	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Twp	Rng	ID	Batt	Auth_Quan	Add_Quan	Unit
A__ 11906	00	IRR	NK	G	2831	--	NE	NE	SW	2536	2735	14	32	31W	3		291.00	291.00	AF
A__ 19712	00	IRR	NK	G	3694	--	NC	NE		3960	1320	15	32	31W	1		169.00	169.00	AF
A__ 24754	00	IRR	NK	G	4489	--	SE	NE	NE	3970	150	10	32	31W	5		540.00	540.00	AF
A__ 27188	00	IRR	NK	G*	1228	--	SE	SW	SW	100	<u>4420</u>	11	32	31W	2		536.00	536.00	AF
Same					1367	--	SE	SW	SE	190	1830	11	32	31W	3		171.00	171.00	AF
A__ 39709	00	IRR	NK	G	3107	--	NW	NW	SW	2610	4700	14	32	31W	2		291.00	291.00	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) =	1998.00	.00
Total Vested Amount (AF) =	.00	.00
TOTAL AMOUNT (AF) =	1998.00	.00

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

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

100.663909 West Longitude and 37.271900 North Latitude
 GROUNDWATER ONLY

WATER USE CORRESPONDENTS:

File Number	Use	ST	SR
A__ 11906	00	IRR	NK G
> SCOTT & TRUDY K REISS			
>			
> 22958 HIGHWAY 160			
> PLAINS KS 67869			

A__ 19712	00	IRR	NK G
> SCOTT & TRUDY K REISS			
>			
> 22958 HIGHWAY 160			
> PLAINS KS 67869			

A__ 24754	00	IRR	NK G
> DARRELL D LANGHOFER			
>			
> 20960 ROAD W			
> PLAINS KS 67869			

A__ 27188	00	IRR	NK G
> JOHN D BORTH			

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

April 11, 2017

CLAYTON & SHARON BEFORT
1177 COMMERCE PKWY
HAYS, KS 67601

RE: File No. 27188

FILE COPY

Dear Sir or Madam:

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

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

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

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

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

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

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

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

Sincerely,

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

BAT: DLW
pc: GARDEN CITY Field Office GMD 3