

File No. 50,238	15. Formation Code: 211	Drainage Basin: Cimarron River	County: SV	Special Use:	Stream:																
16. Points of Diversion T MOD DEL PDIV ENT Qualifier S T R ID 'N 'W			17. Rate and Quantity Authorized Additional Rate gpm Quantity af Rate gpm Quantity af Overlap PD Files																		
MOD 86434 NC SE 11 33S 35W 2 1327 1444			747 108 97 0 39356																		
18. Storage: Rate _____ NF Quantity _____ ac/ft Additional Rate _____ NF Additional Quantity _____ ac/ft																					
19. Limitation: 108 AF/yr at 747 gpm (1.66 cfs) when combined with file number(s) 39356 Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) _____																					
20. Meter Required? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No To be installed by 12/31/2020 Date Acceptable Meter Installed _____																					
21. Place of Use T MOD DEL ENT PUSE S T R ID		NE¼ NE¼ NW¼ SW¼ SE¼				NW¼ NE¼ NW¼ SW¼ SE¼				SW¼ NE¼ NW¼ SW¼ SE¼				SE¼ NE¼ NW¼ SW¼ SE¼				Total	Owner	Chg? NO	Overlap Files
CHK 21430 1 33S35W 1		30 30 30 30				30 30 30 30				30 30 30 30				240	7c	N	MULTIPLE				
CHK 69377 11 33S35W 2		28.5 28.5 28.5 28.5				28.5 28.5 28.5 28.5				28.5 28.5 28.5 28.5				144	7a	N	MULTIPLE				
CHK 40000 12 33S35W 1		30.5 30.5 30.5 30.5				30.5 30.5 30.5 30.5				30.5 30.5 30.5 30.5				488	7a	N	MULTIPLE				
Comments: OVERLAPPING PU FILES 17248; 23101; 23872; 39356																					

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources
M E M O R A N D U M

TO: Files

DATE: June 18, 2019

FROM: Austin McColloch

RE: Application, File No. 50,238

Roger Cline has filed the referenced application to appropriate 108 acre-feet of groundwater for irrigation use, to be diverted at a rate of 747 gallons per minute, from an existing well located in the Southeast Quarter of Section 11, Township 33 South, Range 35 West, Stevens County, Kansas. The new application is requesting an **increase in rate of diversion only**, with no additional quantity. The well is currently authorized under Water Right, File No. 39,356. The applicant has signed the application form stating that he has access to the point of diversion.

The current well with Water Right, File No. 39,356 has appropriated a total of 108 AF at 650 gpm. Based on the applications request for 747 gallons per minute, an increase of 97 gallons per minute does equal a 15 percent increase in the authorized maximum rate of diversion. There has also been no significant physical enlargement of the capacity of the diversion works to divert water. This allows the application to be exempt from meeting safe yield requirements for GMD3.

The place of use also overlaps with Water Right, File Nos. 17,248; 23,101; 23,872 and 39,356 which consists of a total of 842 acres in Sections 1, 11 and 12, all in Township 33 South, Range 35 West. The applicant owns all of the place of use. Place of use change applications have been filed for the above overlapping water rights in concurrence with this new application.

The applicant identified one domestic well and one non-domestic well, both owned by the applicant, located within one-half mile of this existing well. Therefore no nearby well owner letters were sent out for this application. As noted above, this new application is requesting only an increase in rate of diversion from an existing well that has been in place for many years. Any nearby well owner would certainly be aware of this well and related irrigation use. No physical changes will be occurring at the well. The nearest irrigation well, not owned by the applicant, is over 2,736 feet away. Therefore the application does not comply with minimum spacing to their own well (WR 23,101) however, the application complies with minimum well spacing criteria to all other owners.

The quantity of water and rate of diversion will be limited to the quantity and rate which combined with Water Right, File No. 39,356, will provide a total not to exceed 108 acre-feet of water per calendar year to be diverted at a maximum diversion rate not in excess of 747 gallons per minute

The quantity of water and will be further limited to the quantity and rate which combined with Water Right, File Nos. 17,248, 23,101 and 39,356, will provide a total not to exceed 1,054 acre-feet of water per calendar year.

In a letter dated May 14, 2019, a copy of the application along with a request to submit a recommendation was sent to GMD No. 3. In a letter dated June 17, 2019, Jason Norquest, Assistant Manager, Groundwater Management District No. 3, recommended approval of the referenced application for rate only.

In an email dated June 17, 2019, Mike Meyer, Water Commissioner, Garden City Field Office, recommended approval of the application.

In accordance with K.S.A. 82a-706c, the Chief Engineer retains full authority to require any water user to install meters, gages, or other measuring devices, which devices he or she or his or her agents may read at any time. Water flowmeter requirements are further described in K.A.R. 5-1-4 through K.A.R. 5-1-12. If any chemical or foreign substance is injected into the water pumped under this permit, a check valve will also need to be installed.

Based on the above discussion, this is for additional rate only, well spacing regulations are met to all other landowners, the application is not subject to safe yield criteria, and approval of the application will not impair senior water rights nor prejudicially or unreasonably affect the public interest, it is recommended that the referenced application be approved.

Austin McColloch
Assistant Water Commissioner

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

July 10, 2019

FILE COPY

CHESTER A & MILDRED E CLINE LIVING TR
ROGER CLINE
661 LILAC DRIVE
LIBERAL KS 67901-2023

RE: Appropriation of Water, File No. 50,238

Dear Sir or Madam:

Enclosed is a permit authorizing you to proceed with construction of the proposed diversion works and to appropriate water for beneficial use as set forth in the permit. Your attention is directed to the enclosures and to the terms, conditions, limitations, and requirements specified in this permit.

Notice must be filed on the enclosed form once the diversion works have been completed. Failure to complete the diversion works within the time allowed, or within any authorized extension of time thereof, will result in dismissal of this permit. If you need an extension of time, you must request it before the deadline for completion set forth in the permit. Any request for an extension of time must be accompanied by the statutorily required fee, which is currently \$100.00.

An acceptable water flowmeter must be installed on the diversion works authorized by this permit prior to using water. An annual water use report must be filed with the Chief Engineer by March 1, following the end of each calendar year. If a complete annual water use report is not received by the deadline, then a fine may be assessed and all water use under such permit or right may be suspended. Reports submitted in paper form will be assessed a \$20 per file number paper filing fee. In order to avoid this filing fee, you may submit your report online at www.kswaterusereport.org.

The approval of your application constitutes a permit to appropriate water. It does not give authority to construct any dam or other stream obstruction regulated by K.S.A. 82a-301 through 305a. It does not give authority to access any right-of-way or authorize trespassing upon or injury to public or private property. It may also be necessary for you to comply with other local, state or federal requirements.

Enclosed is an informational sheet that sets forth the procedure to obtain a Certificate of Appropriation which will establish the extent of your perfected water right. Additional information and applicable forms may be found on our website at agriculture.ks.gov/divisions-programs/dwr. If you have any questions or need assistance with any of these requirements, please contact our office at 785-564-6640 or your local Garden City Field Office at 620-276-2901. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

Kristen A. Baum
New Application Unit Supervisor
Division of Water Resources

KAB:am

Enclosure(s)

pc: Garden City Field Office
Southwest Kansas GMD No. 3

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 and PERMIT TO PROCEED (This Is Not a Certificate of Appropriation)

This is to certify that I have examined Application, File No. 50,238 of the applicant

**CHESTER A & MILDRED E CLINE LIVING TR
ROGER CLINE
661 LILAC DRIVE
LIBERAL KS 67901-2023**

for a permit to appropriate water for beneficial use, together with the maps, plans and other submitted data, and that the application is hereby approved and the applicant is hereby authorized, subject to vested rights and prior appropriations, to proceed with the construction of the proposed diversion works (except those dams and stream obstructions regulated by K.S.A. 82a-301 through 305a, as amended), and to proceed with all steps necessary for the application of the water to the approved and proposed beneficial use and otherwise perfect the proposed appropriation subject to the following terms, conditions and limitations:

1. That the priority date assigned to such application is **April 15, 2019**.

2. That the water sought to be appropriated shall be used for irrigation use on land described in the application, as follows:

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
1	33S	35W	30	30	30	30													240
11	33S	35W																	114
12	33S	35W	30.5	30.5	30.5	30.5	30.5	30.5	30.5	30.5	30.5	30.5	30.5	30.5	30.5	30.5	30.5	30.5	488

3. That the authorized source from which the appropriation shall be made is groundwater, to be withdrawn by means of one (1) well located near the center of the Southeast Quarter (SE¼) of Section 11, more particularly described as being near a point 1,327 feet North and 1,444 feet West of the Southeast corner of said section, in Township 33 South, Range 35 West, Stevens County, Kansas located substantially as shown on the topographic map accompanying the application.

4. That the appropriation sought shall be limited to a maximum diversion rate not in excess of **747 gallons per minute (1.66 c.f.s.)** and to a quantity not to exceed **108 acre-feet** of water for any calendar year.

5. That installation of works for diversion of water shall be completed on or before **December 31, 2020** or within any authorized extension thereof. The applicant shall notify the Chief Engineer and pay the statutorily required field inspection fee of \$400.00 when construction of the works has been completed. Failure to timely submit the notice and the fee will result in revocation of the permit. Any request for an extension of time shall be submitted prior to the expiration of the deadline and shall be accompanied by the required statutory fee of \$100.00.
6. That the proposed appropriation shall be perfected by the actual application of water to the proposed beneficial use on or before **December 31, 2024** or any authorized extension thereof. Any request for an extension of time shall be submitted prior to the expiration of the deadline and shall be accompanied by the required statutory fee of \$100.00.
7. That the applicant shall not be deemed to have acquired a water appropriation for a quantity in excess of the amount approved herein nor in excess of the amount found by the Chief Engineer to have been actually used for the approved purpose during one calendar year subsequent to approval of the application and within the time specified for perfection or any authorized extension thereof.
8. That the use of water herein authorized shall not be made so as to impair any use under existing water rights nor prejudicially and unreasonably affect the public interest.
9. That the right of the appropriator shall relate to a specific quantity of water and such right must allow for a reasonable raising or lowering of the static water level and for the reasonable increase or decrease of the streamflow at the appropriator's point of diversion.
10. That this permit does not constitute authority under K.S.A. 82a-301 through 305a to construct any dam or other obstruction; nor does it grant any right-of-way, or authorize entry upon or injury to, public or private property.
11. That all diversion works constructed under the authority of this permit 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.
12. That all wells with a diversion rate of 100 gallons per minute or more drilled under the authority of this permit shall have a tube or other device installed in a manner acceptable to, and in accordance with specifications adopted by, the Chief Engineer. This tube or device shall be suitable for making water level measurements and shall be maintained in a condition satisfactory to the Chief Engineer.
13. That an acceptable water flow meter shall be installed and maintained on the diversion works authorized by this permit in accordance with the Kansas Administrative Regulations 5-1-4 through 5-1-12 adopted by the Chief Engineer. This water flow meter shall be used to provide an accurate quantity of water diverted as required for the annual water use report (including the meter reading at the beginning and end of the report year).
14. That the applicant shall maintain accurate and complete records from which the quantity of water diverted during each calendar year may be readily determined and the applicant shall file an annual water use report with the Chief Engineer by March 1 following the end of each calendar year. Failure to file the annual water use report by the due date shall cause the applicant to be subject to a civil penalty.
15. That no water user shall engage in nor allow the waste of any water diverted under the authority of this permit.

16. That failure without cause to comply with provisions of the permit and its terms, conditions and limitations will result in the forfeiture of the priority date, revocation of the permit and dismissal of the application.

17. That the right to appropriate water under authority of this permit is subject to any minimum desirable streamflow requirements identified and established pursuant to K.S.A. 82a-703c for the source of supply to which this water right applies.

18. That the quantity of water and rate of diversion approved under this permit is further limited to the quantity and rate which combined with Water Right, File No. 39,356, will provide a total not to exceed **108 acre-feet** of water per calendar year to be diverted at a maximum diversion rate not in excess of **747 gallons per minute** (1.66 c.f.s.) for irrigation use on the land described herein.

RIGHT TO A HEARING AND TO ADMINISTRATIVE REVIEW

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

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

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

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

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

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

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



WATER RESOURCES RECEIVED

APR 15 2019

1:19

KS DEPT OF AGRICULTURE

KANSAS DEPARTMENT OF AGRICULTURE

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

File Number 50238
This item to be completed by the Division of Water Resources.

APPLICATION FOR PERMIT TO APPROPRIATE WATER FOR BENEFICIAL USE

APPLICATION COMPLETE
6/17/19
Reviewer KAB

Filing Fee Must Accompany the Application
(Please refer to Fee Schedule attached to this application form.)

To the Chief Engineer of the Division of Water Resources, Kansas Department of Agriculture,
1320 Research Park Drive, Manhattan, Kansas 66502:

1. Name of Applicant (Please Print): CHESTER A & MILDRED E CLINE LIVING TR - ROGER CLINE
Address: 661 LILAC DRIVE
City: LIBERAL State KS Zip Code 67901-2023
Telephone Number: (____) _____

2. The source of water is: surface water in _____ (stream)
OR groundwater in CIMARRON RIVER (drainage basin)

Certain streams in Kansas have minimum target flows established by law or may be subject to administration when water is released from storage for use by water assurance district members. If your application is subject to these regulations on the date we receive your application, you will be sent the appropriate form to complete and return to the Division of Water Resources.

3. The maximum quantity of water desired is 108 acre-feet OR _____ gallons per calendar year, to be diverted at a maximum rate of 747 gallons per minute OR _____ cubic feet per second.

Once your application has been assigned a priority, the requested maximum rate of diversion and maximum requested quantity of water under that priority number can **NOT** be increased. Please be certain your requested maximum rate of diversion and maximum quantity of water are appropriate and reasonable for your proposed project and are in agreement with the Division of Water Resources' requirements.

4. The water is intended to be appropriated for (Check use intended):
(a) Artificial Recharge (b) Irrigation (c) Recreational (d) Water Power
(e) Industrial (f) Municipal (g) Stockwatering (h) Sediment Control
(i) Domestic (j) Dewatering (k) Hydraulic Dredging (l) Fire Protection
(m) Thermal Exchange (n) Contamination Remediation

YOU **MUST** COMPLETE AND ATTACH ADDITIONAL DIVISION OF WATER RESOURCES FORM(S) PROVIDING INFORMATION TO SUBSTANTIATE YOUR REQUEST FOR THE AMOUNT OF WATER FOR THE INTENDED USE REFERENCED ABOVE.

For Office Use Only:
F.O. 4 GMD 3 Meets K.A.R. 5-3-1 (YES / NO) Use IRR Source G S County SV By DAW Date 4/15/19
Code 252 Fee \$ 300.00 TR # _____ Receipt Date 4-10-19 Check # 1632

SCANNED 4/16/2019 UH

5. The location of the proposed wells, pump sites or other works for diversion of water is:

Note: For the application to be accepted, the point of diversion location must be described to at least a 10 acre tract, unless you specifically request a 60 day period of time in which to locate the site within a specifically described, minimal legal quarter section of land.

- (A) One in the _____ quarter of the NC quarter of the SE quarter of Section 11, more particularly described as being near a point 1327 feet North and 1444 feet West of the Southeast corner of said section, in Township 33 South, Range 35 West, STEVENS County, Kansas.
- (B) One in the _____ quarter of the _____ quarter of the _____ quarter of Section _____, more particularly described as being near a point _____ feet North and _____ feet West of the Southeast corner of said section, in Township _____ South, Range _____ East/West (circle one), _____ County, Kansas.
- (C) One in the _____ quarter of the _____ quarter of the _____ quarter of Section _____, more particularly described as being near a point _____ feet North and _____ feet West of the Southeast corner of said section, in Township _____ South, Range _____ East/West (circle one), _____ County, Kansas.
- (D) One in the _____ quarter of the _____ quarter of the _____ quarter of Section _____, more particularly described as being near a point _____ feet North and _____ feet West of the Southeast corner of said section, in Township _____ South, Range _____ East/West (circle one), _____ County, Kansas.

If the source of supply is groundwater, a separate application shall be filed for each proposed well or battery of wells, except that a single application may include up to four wells within a circle with a quarter (1/4) mile radius in the same local source of supply which do not exceed a maximum diversion rate of 20 gallons per minute per well.


A battery of wells is defined as two or more wells connected to a common pump by a manifold; or not more than four wells in the same local source of supply within a 300 foot radius circle which are being operated by pumps not to exceed a total maximum diversion rate of 800 gallons per minute and which supply water to a common distribution system.

6. The owner of the point of diversion, if other than the applicant is (please print):

CHESTER A & MILDRED E CLINE LIVING TR - ROGER CLINE
(name, address and telephone number)
661 LILAC DRIVE LIBERAL KS 67901-2023
(name, address and telephone number)

You must provide evidence of legal access to, or control of, the point of diversion from the landowner or the landowner's authorized representative. Provide a copy of a recorded deed, lease, easement or other document with this application. In lieu thereof, you may sign the following sworn statement:

I have legal access to, or control of, the point of diversion described in this application from the landowner or the landowner's authorized representative. I declare under penalty of perjury that the foregoing is true and correct.

Executed on 4-10, 2019. 
Applicant's Signature

The applicant must provide the required information or signature irrespective of whether they are the landowner. Failure to complete this portion of the application will cause it to be unacceptable for filing and the application will be returned to the applicant.

7. The proposed project for diversion of water will consist of 1 WELL PUMP MOTOR
(number of wells, pumps or dams, etc.)

and (was)(will be) completed (by) COMPLETED
(Month/Day/Year - each was or will be completed)

8. The first actual application of water for the proposed beneficial use was or is estimated to be ASAP
(Mo/Day/Year)

9. Will pesticide, fertilizer, or other foreign substance be injected into the water pumped from the diversion works?
 Yes No If "yes", a check valve shall be required.

All chemigation safety requirements must be met including a chemigation permit and reporting requirements.

10. If you are planning to impound water, please contact the Division of Water Resources for assistance, prior to submitting the application. Please attach a reservoir area capacity table and inform us of the total acres of surface drainage area above the reservoir.

Have you also made an application for a permit for construction of this dam and reservoir with the Division of Water Resources? Yes No

- If yes, show the Water Structures permit number here _____
- If no, explain here why a Water Structures permit is not required _____

11. The application must be supplemented by a U.S.G.S. topographic map, aerial photograph or a detailed plat showing the following information. On the topographic map, aerial photograph, or plat, identify the center of the section, the section lines or the section corners and show the appropriate section, township and range numbers. Also, please show the following information:

- (a) The location of the proposed point(s) of diversion (wells, stream-bank installations, dams, or other diversion works) should be plotted as described in Paragraph No. 5 of the application, showing the North-South distance and the East-West distance from a section line or southeast corner of section.
- (b) If the application is for groundwater, please show the location of any existing water wells of any kind within 1/2 mile of the proposed well or wells. Identify each existing well as to its use and furnish the name and mailing address of the property owner or owners. If there are no wells within 1/2 mile, please advise us.
- (c) If the application is for surface water, the names and addresses of the landowner(s) 1/2 mile downstream and 1/2 mile upstream from your property lines must be shown.
- (d) The location of the proposed place of use should be shown by crosshatching on the topographic map, aerial photograph or plat.
- (e) Show the location of the pipelines, canals, reservoirs or other facilities for conveying water from the point of diversion to the place of use.

A 7.5 minute U.S.G.S. topographic map may be obtained by providing the section, township and range numbers to: Kansas Geological Survey, 1930 Constant, Campus West, University of Kansas, Lawrence, Kansas 66047.

12. List any application, appropriation of water, water right, or vested right file number that covers the same diversion points or any of the same place of use described in this application. Also list any other recent modifications made to existing permits or water rights in conjunction with the filing of this application.

OVERLAP IN PD W/ WR FILE NO. 39356; THIS IS A RATE ONLY APPLICATION (15%)

OVERLAP IN PU W/ WR FILE NOS. 17248; 23101; 23872; 39356

CHANGE APPLICATIONS WITH BE FILED TO COMPLETE OVERLAP IN PU WITH WR FILE NOS. 17248; 23101; 23872; 39356 AND THIS NEW APPLICATION

NO ADDITIONAL QUNATITY; TOTAL OF 747 GPM WHEN COMBINED WITH 39356 WATER RESOURCES RECEIVED

APR 15 2019

13. Furnish the following well information if the proposed appropriation is for the use of groundwater. If the well has not been completed, give information obtained from test holes, if available.

Information below is from: Test holes Well as completed Drillers log attached

Well location as shown in paragraph No.	(A)	(B)	(C)	(D)
Date Drilled	_____	_____	_____	_____
Total depth of well	_____	_____	_____	_____
Depth to water bearing formation	_____	_____	_____	_____
Depth to static water level	_____	_____	_____	_____
Depth to bottom of pump intake pipe	_____	_____	_____	_____

14. The relationship of the applicant to the proposed place where the water will be used is that of _____
(owner, tenant, agent or otherwise)

15. The owner(s) of the property where the water is used, if other than the applicant, is (please print):

(name, address and telephone number)

(name, address and telephone number)

16. The undersigned states that the information set forth above is true to the best of his/her knowledge and that this application is submitted in good faith.

Dated at Warden City, Kansas, this 10th day of April, 2019.
(month) (year)

Roger Chis
(Applicant Signature)

By _____
(Agent or Officer Signature)

(Agent or Officer - Please Print)

IRRIGATION USE SUPPLEMENTAL SHEET

File No. 50238

Name of Applicant (Please Print): ROGER CLINE

1. Please supply the name and address of each landowner, the legal description of the lands to be irrigated, and designate the actual number of acres to be irrigated in each forty acre tract or fractional portion thereof:

Landowner of Record NAME: CHESTER A & MILDRED E CLINE LIVING TR – ROGER CLINE
 ADDRESS: 661 LILAC DRIVE LIBERAL KS 67901-2023

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL			
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE				
12	33S	35W	30.5	30.5	30.5	30.5	30.5	30.5	30.5	30.5	30.5	30.5	30.5	30.5	30.5	30.5	30.5	30.5	488			
11	33S	35W																28.5	28.5	28.5	28.5	114

Landowner of Record NAME: CLINE LAND CO LLC - ROGER CLINE
 ADDRESS: 661 LILAC DRIVE LIBERAL KS 67901-2023

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE					
1	33S	35W	30	30	30	30												30	30	30	30	240	

Landowner of Record NAME: _____
 ADDRESS: _____

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE					

WATER RESOURCES
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2. Please complete the following information for the description of the operation for the irrigation project. Attach supplemental sheets as needed.

a. Indicate the soils in the field(s) and their intake rates:

Soil Name	Percent of field (%)	Intake Rate (in/hr)	Irrigation Design Group
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
Total:	100 %		

b. Estimate the average land slope in the field(s): _____ %

Estimate the maximum land slope in the field(s): _____ %

c. Type of irrigation system you propose to use (check one):

Center pivot Center pivot - LEPA "Big gun" sprinkler
 Gravity system (furrows) Gravity system (borders) Sideroll sprinkler

Other, please describe: _____

d. System design features:

i. Describe how you will control tailwater:

ii. For sprinkler systems:

(1) Estimate the operating pressure at the distribution system: _____ psi

(2) What is the sprinkler package design rate? _____ gpm

(3) What is the wetted diameter (twice the distance the sprinkler throws water) of a sprinkler on the outer 100 feet of the system? _____ feet

(4) Please include a copy of the sprinkler package design information.

e. Crop(s) you intend to irrigate. Please note any planned crop rotations:

f. Please describe how you will determine when to irrigate and how much water to apply (particularly important if you do not plan a full irrigation).

You may attach any additional information you believe will assist in informing the Division of the need for your request.

Baum, Kristen [KDA]

From: Meyer, Mike [KDA]
Sent: Monday, June 17, 2019 5:08 PM
To: McColloch, Austin [KDA]
Subject: RE: Recommendation New Application File No 50238

I recommend approval. Not sure why GMD3 contacted neighbors over one half mile when there were no effects in their mind...

Mike

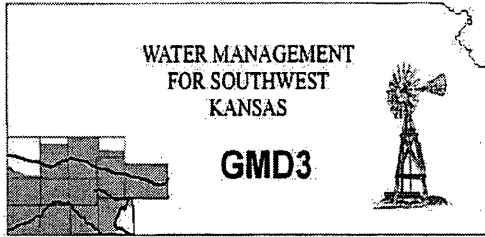
From: McColloch, Austin [KDA]
Sent: Monday, June 17, 2019 2:39 PM
To: Meyer, Mike [KDA] <Mike.Meyer@ks.gov>
Subject: Recommendation New Application File No 50238

Mike,

Attached is my draft memo for the above referenced file. This is for rate only overlapping WR 39536 for 15%. HQ change apps have also been filed to overlap all place of use (see Richelle rec request on 5/9 that is still pending I think). Also attached is the GMD rec. Let me know if you have any questions.

Thanks,

Austin McColloch
Ph: (620) 276-2901



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

June 14, 2019

Austin J McColloch
Division of Water Resources
2508 N Johns Street
Garden City, Kansas 67846

RE: Application for new Appropriation
File No. 50238

Dear Austin:

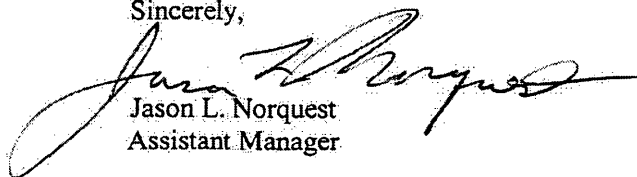
We have completed a review of the application for the above referenced appropriation right. The proposed new application, is for rate increase only and no additional quantity is being requested. Current spacing between this well and the well under File No. 23101 have not been in accordance with current area rules, K.A.R. 5-23-3, as it pertains to minimum spacing to neighboring wells. Both wells are owned/operated by the applicant.

Well evaluations were conducted to estimate possible effects of the proposal on the supply of other wells with water rights prior to the proposal per K.S.A. 82a-708b and K.S.A. 82a-711 and the draft revised management program. It is considered unreasonable to dis-allow any new effects from a proposal, so a standard maximum drawdown allowance applied over 50 years is used under an assumption the proposed well is pumped at maximum authorized rate and quantity. A drawdown allowance is used based on saturated thickness. The maximum reasonable or de minimis effect is used to screen for water right wells that need more investigation for a critical well result from the proposal. A critical well is a strong candidate for water right impairment. The attached review information is based on the Theis and GMD3 model tools and considered the best information available. Conclusions of the well analysis may change if better information on well and aquifer data can be made available.

Review of the logs for each neighboring well, within a mile, shows none of the wells exceeded the critical criteria (4.0ft allowable for areas of 200ft or more of saturated thickness). There were two wells within a mile that were not the applicants. We contacted the owner/operator to discuss the application and review our analysis. He had no problem with the application as long as no new acre feet allocation was being requested, to which I ensured him this was for rate only. Again, this new appropriation is for rate only on an existing well that currently does not meet spacing and is not adding any new water allocation to the operation and analysis shows minimal effect to the area. After review of the analysis and discussion with neighbors, it is therefore recommended that the application be approved.

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

GMD3 Change Review

File No(s): 50238. DWR office: GC.

App filed to change: New App (Rate Only).

Is Landowner(s) correct in WRIS: Chester & Mildred Cline.

If NO, is documentation included?

Is Water Use Correspondent correct in WRIS? .

If NO, is documentation included?

Regulation(s) Reviewed: KAR 5-4-5 & KAR 5-23-3

Point of diversion ID No(s) 01 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? 39356.

Is Proposed PU overlapping existing WRs? Same PU as 17248, 23101 & 39356.

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 %

39356: 108AF @ 650gpm **Limit 1054AF/year w/17248 & 23101

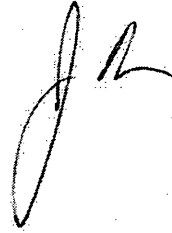
This appropriation would increase the rate on this well from 650gpm to 747gpm (97gpm increase), which is a 15% increase allowed by current rules. It will not increase the AF!

Is a waiver needed: Due to allocation on WR 23101, spacing is already short to the well for this appropriation, This water right is also owned by the applicant and analysis shows that the proposed effects would only have a foot additional drawdown over 50 years which is within the criteria we established as not being critical. Spoke to Chris Harper on the phone, who owns one of the two wells within a mile of the proposal not

GMD3 Change Review

owned by applicant. Chris also is involved with the second well. We discussed the applicant and clarified that this is for rate only and no additional AF will be authorized from the well. We discussed the evaluation results and that we show little effect on his wells. He understood and did not have any problems with the application as long as there is not more AF being requested.

Recommendation: After review of all available information, it appears the application meets the current area rules. Analysis shows minimal effects to neighboring wells in the area. Staff therefore recommends approval of the application.

A handwritten signature in black ink, appearing to be 'J. R.', is located on the right side of the page.

AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 39356 00

#####

AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 39356 00 IRR

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

1327 Feet North and 1444 Feet West of the Southeast Corner of Section 11 T 33S R 35W

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_ 17248	00	IRR	NK	G*	3982	--	SE	SE	SW	711	2716	12	33	35W	5	520.00	520.00	AF
A_ 23101	00	IRR	NK	G*	1693	--	SW	SW	SW	600	5150	12	33	35W	3	534.00	534.00	AF*
A_ 24022	00	IRR	NK	G	5152	--	NE	NW	SW	2125	3960	14	33	35W	1	206.00	206.00	AF
A_ 39356	00	IRR	NK	G*	0	--	NC	SE		1327	1444	11	33	35W	2	108.00	.00	AF
A_ 45274	00	IRR	NK	G	2750	--	NE	SW	NE	3883	1501	14	33	35W	2	250.00	250.00	AF
A_ 50238	00	IRR	AY	G	0	--	NC	SE		1327	1444	11	33	35W	2	108.00	.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) =	1510.00	.00
Total Vested Amount (AF) =	.00	.00
TOTAL AMOUNT (AF) =	1510.00	.00

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

An * after the ID indicates a 15 AF exemption was granted under 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:

1327 Feet North and 1444 Feet West of the Southeast Corner of Section 11 T 33S R 35W

GROUNDWATER ONLY

WATER USE CORRESPONDENTS:

File Number	Use	ST	SR
A_ 17248	00	IRR	NK G
> CHESTER A & MILDRED E CLINE LIVING TR			
> ROGER CLINE			
> 661 LILAC DRIVE			
> LIBERAL KS 67901			

A_ 23101	00	IRR	NK G
> CHESTER A & MILDRED E CLINE LIVING TR			
> ROGER CLINE			
> 661 LILAC DRIVE			
> LIBERAL KS 67901			

A_ 24022	00	IRR	NK G
> CHRISTOPHER L HARPER			
>			
> 2644 STATE HWY 51			
> HUGOTON KS 67951			

* Base Right does not meet spacing.

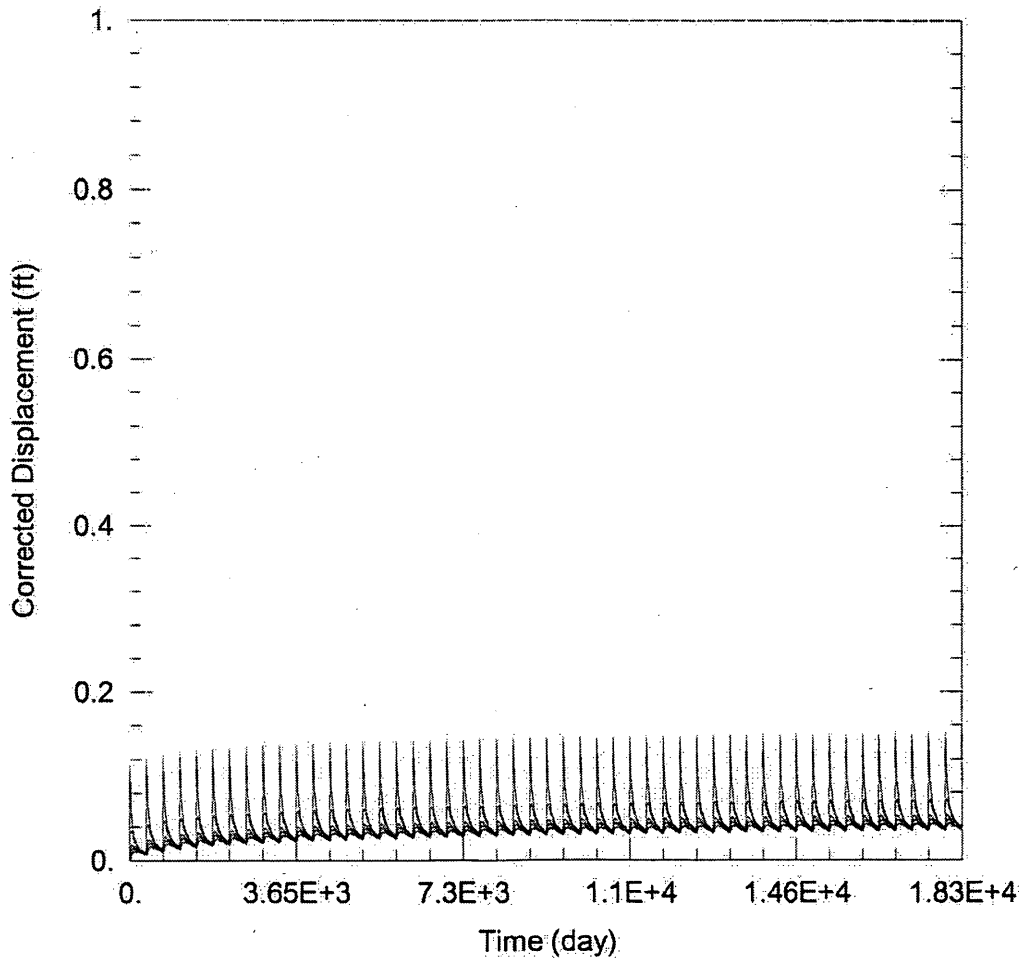
A__ 39356 00 IRR NK G
> CHESTER A & MILDRED E CLINE LIVING TR
> ROGER CLINE
> 661 LILAC DRIVE
> LIBERAL KS 67901
>-----

A__ 45274 00 IRR NK G
> DENNIS D & KATHY A HAMLIN TRUSTS
> D D & K A HAMLIN TTEES
> 1503 ROAD 26
> HUGOTON KS 67951
>-----

A__ 50238 00 IRR AY G
> CHESTER A & MILDRED E CLINE LIVING TR
> ROGER CLINE
> 661 LILAC DRIVE
> LIBERAL KS 67901
>-----

=====

#####



WELL TEST ANALYSIS

Data Set: C:\Users\trevora\Documents\2019_moves\50238\50238 Current.aqt

Date: 06/04/19

Time: 16:41:22

PROJECT INFORMATION

Company: GMD 3

Project: 50238

Location: Stevens County

Test Well: 50238

WELL DATA

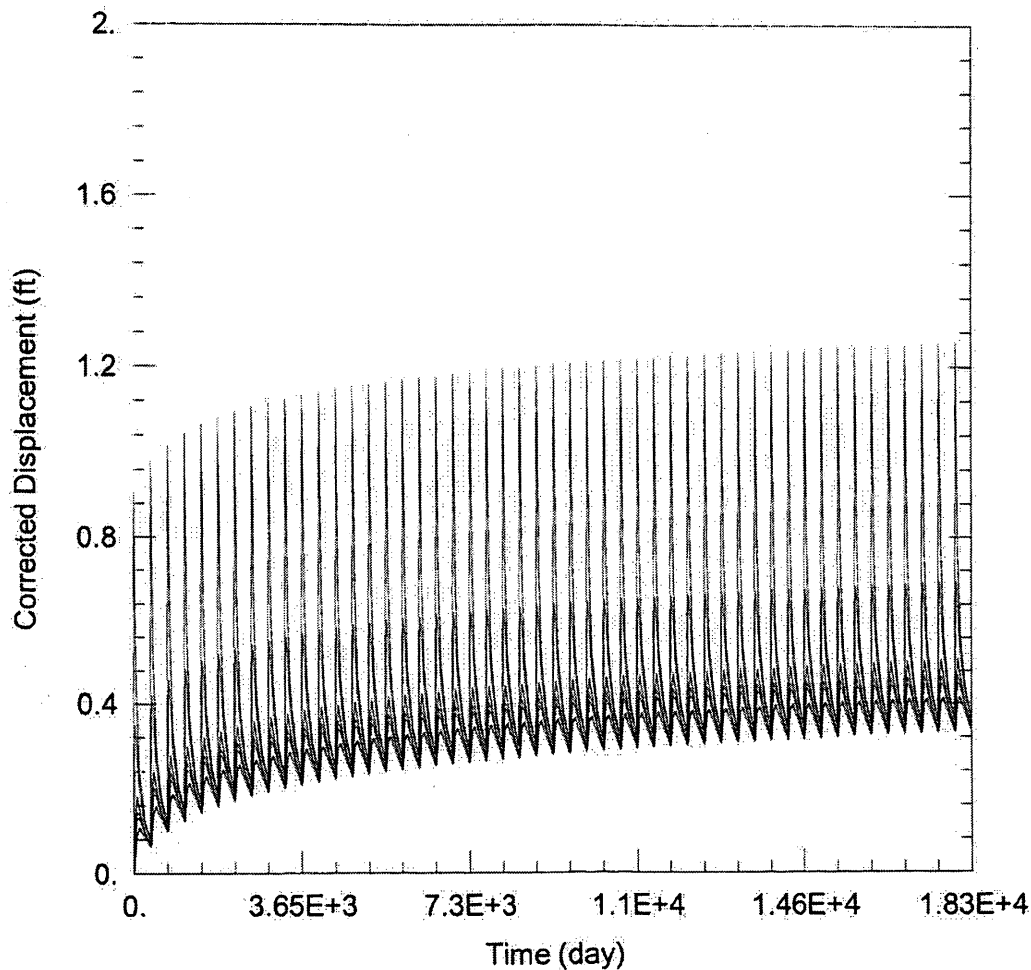
Pumping Wells

Well Name	X (ft)	Y (ft)
50238	-84761	114217

Observation Wells

Well Name	X (ft)	Y (ft)
□	-84761	114217
□ 23101	-83276	113498
□ 17248	-80843	113505
□ 45274	-84803	111467
□ 24022	-87264	109713
□ Domestic 1	-88324	115839
□ Domestic 2	-88322	117812
□ Domestic 3	-83654	113213
□ Domestic 4	-88984	115179
□ Domestic 5	-88984	115837
□ Domestic 6	-82670	110885

SOLUTION



WELL TEST ANALYSIS

Data Set: C:\Users\trevora\Documents\2019 moves\50238\50238 Proposed.aqt

Date: 06/04/19

Time: 16:41:15

PROJECT INFORMATION

Company: GMD 3

Project: 50238

Location: Stevens County

Test Well: 50238

WELL DATA

Pumping Wells

Well Name	X (ft)	Y (ft)
50238	-84761	114217

Observation Wells

Well Name	X (ft)	Y (ft)
□	-84761	114217
□ 23101	-83276	113498
□ 17248	-80843	113505
□ 45274	-84803	111467
□ 24022	-87264	109713
□ Domestic 1	-88324	115839
□ Domestic 2	-88322	117812
□ Domestic 3	-83654	113213
□ Domestic 4	-88984	115179
□ Domestic 5	-88984	115837
□ Domestic 6	-82670	110885

SOLUTION

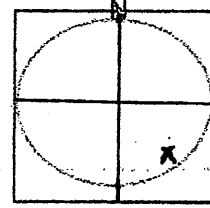
50238

Water Irrigation & Drilling
Inc. Ag Domestic Municipal

Div. No. 1000
620-482-5157 581-716-8758

RR2 Box 284G Turpin, OK 73451

PO Box 1318
Liberal, KS 67901



1 mile

Customer Cline / Kilbourn

Date 5-12-17

Address 1740 RD 11

Test # 1 E-Log

City/State/Zip Liberal, KS 67901

Driller Edward

County Stevens Quarter 36 Section 11 Township 33S Range 35W

Location GPS: 37.188320, -101.089964

FOOTAGE			Description of Strata
From	Pay	To	
0	0	2	top soil
2	0	80	sand
80	0	160	brown tan clay
60	0	172	sand stone tight
72	37	259	sandy brown clay max
259	40	301	medium sand
301	59	560	course sand
560	32	592	fine sand
592	0	600	red bed
			- 600' TD
			screen between 300' & 560'
			- total pay 168'

RECEIVED

APR 15 2019

WATER RESOURCES
RECEIVED

Garden City Field Office
DIVISION OF WATER RESOURCES

APR 18 2019

KS DEPT OF AGRICULTURE

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, Interim Secretary

Laura Kelly, Governor

April 17, 2019

CHESTER A & MILDRED E CLINE, LIVING TR
ROGER CLINE
661 LILAC DR
LIBERAL, KS 67901

RE: Application, File No. **50238**

Dear Sir or Madam:

The Division of Water Resources (Division) has received your application for a permit to appropriate water for beneficial use. Your application has been assigned the file number referenced above. Please be aware that the Division may have a large number of pending applications on hand at times and makes every attempt to process them in the order in which they are received. You will be contacted if additional information is required.

Please note, this letter only acknowledges receipt of your application and does not guarantee approval. In accordance with the provisions of the Kansas Water Appropriation Act, the use of water as proposed prior to approval of the application is unlawful.

Additional information about the process may be found on our website at agriculture.ks.gov/divisions-programs/dwr. If you have any other questions, please contact our office at 785-564-6640 or your local Garden City Field Office at 620-276-2901. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

Kristen A. Baum
New Applications Unit Supervisor
Water Appropriation Program

SCANNED

Drawdown from proposed location = 0.50 ft
Net drawdown = **0.4 ft**

45274: Drawdown from current location = 0.07 ft
Drawdown from proposed location = 0.69 ft
Net drawdown = **0.6 ft**

24022: Drawdown from current location = 0.04 ft
Drawdown from proposed location = 0.41 ft
Net drawdown = **0.4 ft**

Domestic 1: Drawdown from current location = 0.05 ft
Drawdown from proposed location = 0.51 ft
Net drawdown = **0.5 ft**

Domestic 2: Drawdown from current location = 0.04 ft
Drawdown from proposed location = 0.41 ft
Net drawdown = **0.4 ft**

Domestic 3: Drawdown from current location = 0.15 ft
Drawdown from proposed location = 1.26 ft
Net drawdown = **1.1 ft**

Domestic 4: Drawdown from current location = 0.05 ft
Drawdown from proposed location = 0.47 ft
Net drawdown = **0.4 ft**

Domestic 5: Drawdown from current location = 0.05 ft
Drawdown from proposed location = 0.45 ft
Net drawdown = **0.4 ft**

Domestic 6: Drawdown from current location = 0.05 ft
Drawdown from proposed location = 0.51 ft
Net drawdown = **0.5 ft**

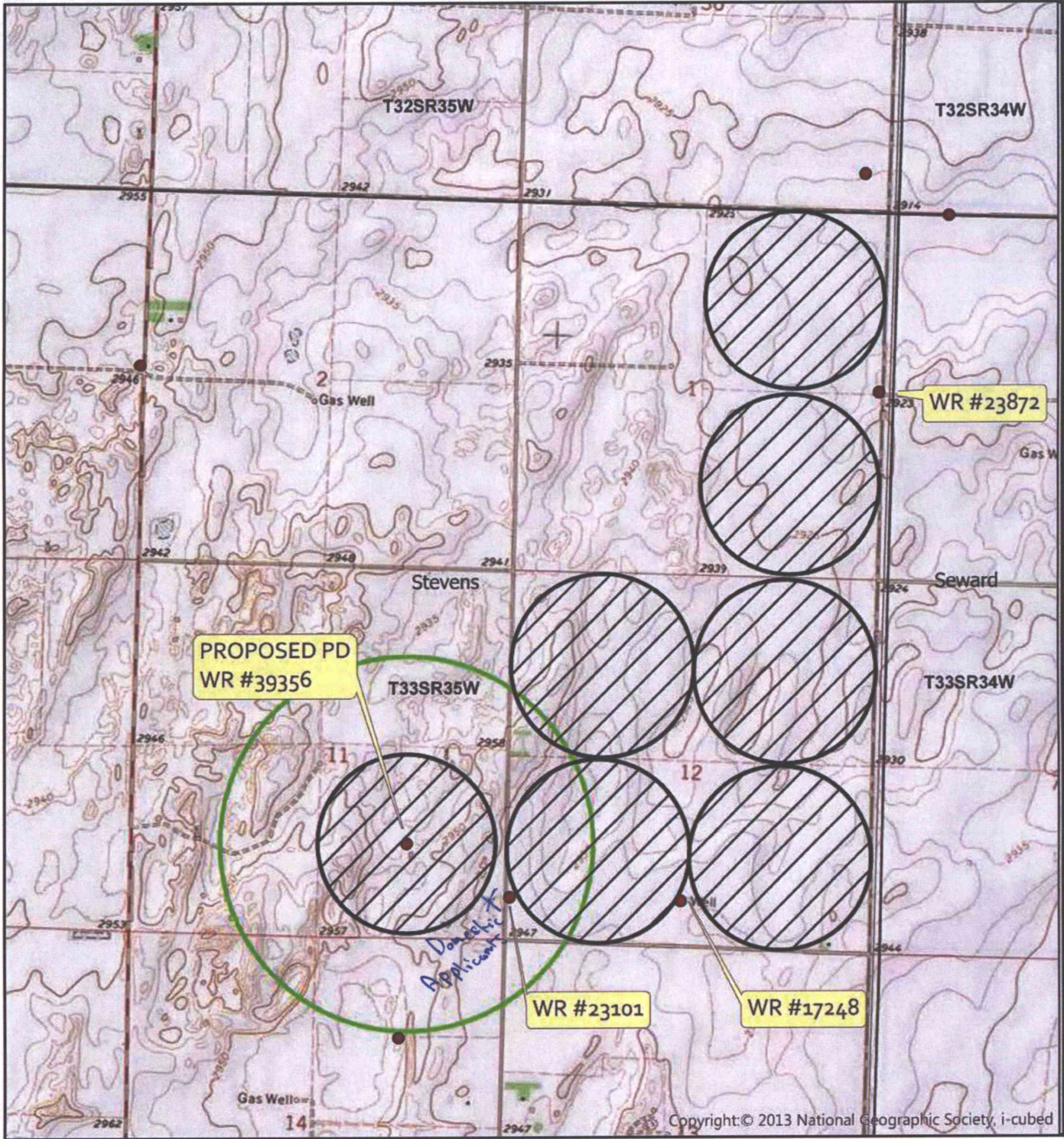
Net drawdown does not exceed the drawdown allowance for any neighboring wells, so critical well evaluation evaluation is not necessary.

Conclusion:

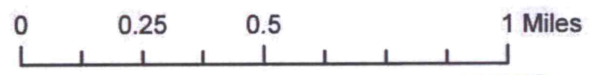
Given the current saturated thickness, this proposed change is unlikely to create noticeable effects on neighboring wells.

50238

APPLICATION TO APPROPRIATE WATER PERMIT FOR ADDITIONAL RATE ONLY



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● POINT OF DIVERSION

▨ PROPOSED PLACE OF USE

X *Roger Olive*
 APPLICANT SIGNATURE
 ALL WELLS LOCATED WITHIN ONE HALF
 MILES ARE SHOWN

WATER RESOURCES RECEIVED
 APR 15 2019
 KS DEPT OF AGRICULTURE
 Created By: AM/GCFO

SCANNED



May 29, 2019
10:43 AM

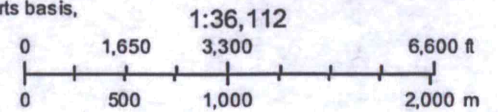
DISCLAIMER: This map is not intended for conveyances, nor is it a legal survey. The information is presented on a best-efforts basis, and should not be relied upon for making financial, survey, legal or other commitments.

Wells

- ? Other
- IRR

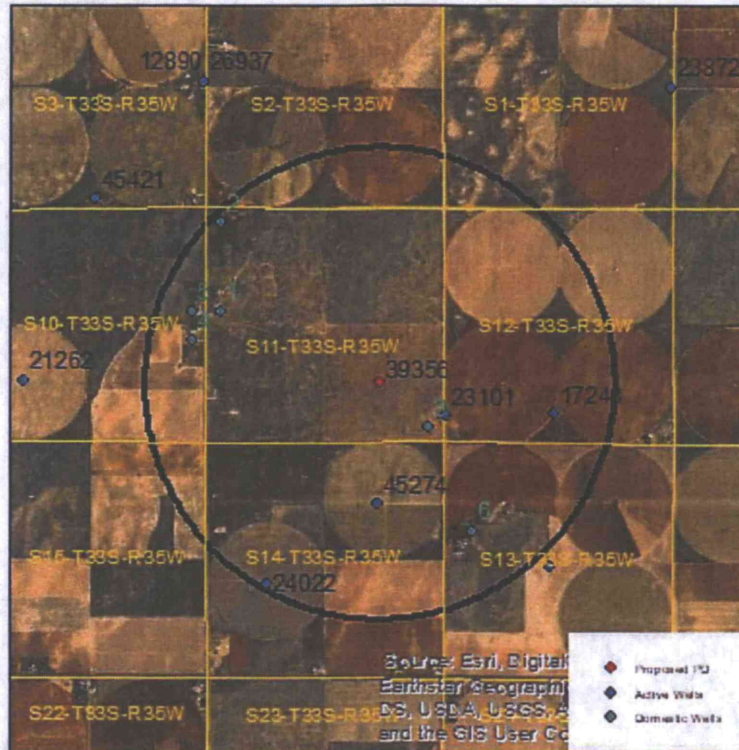
- | | | | | | | | |
|---|-----|---|-----|---|-----|---|-----------------|
| + | CON | • | FPR | ▲ | MUN | ⚡ | THX |
| ⊠ | DEW | + | HYD | ⊖ | REC | ? | Empty |
| • | DOM | ★ | IND | ⊗ | STK | ● | WWC5 WELLS GMD3 |

□ Sections



Evaluation of proposed new appropriation for Water Right No 50238

Proposed: Create new water right no. 50238 to increase the maximum allowable pumping rate from the well authorized under water right no. 39356 from 650 gpm to 747 gpm.



Wells within 1 mile: 23101, 17248, 45274, 24022, and 6 domestic wells, numbered on the above map.

The saturated thickness at the proposed well location is estimated to be 339 ft, based upon the GMD3 model. For saturated thicknesses greater than 200 ft, the maximum allowable Theis drawdown to neighboring critical wells is 4.0 ft.

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

$S = 0.1976$, $T = 12,779 \text{ ft}^2/\text{day}$, $tp_{\text{current}} = 4 \text{ days}$ (based upon observed rate and reported quantity), $Q_{\text{current}} = 650 \text{ gpm}$ (current authorized rate), $tp_{\text{proposed}} = 33 \text{ days}$, $Q_{\text{proposed}} = 747 \text{ gpm}$. Note that the well has not been operated much over the last 10 years, so average reported quantity is likely much lower than what would be pumped without the proposed appropriation. Therefore, the following results are considered to be very conservative.

Theis drawdowns were calculated as follows:

- 23101: Drawdown from current location = 0.14 ft
 Drawdown from proposed location = 1.12 ft
 Net drawdown = **1.0 ft**
- 17248: Drawdown from current location = 0.05 ft