

Kansas Department of Agriculture  
 Division of Water Resources  
**CHANGE: P/D WORKSHEET REDUCTION IN QUANTITY AND RATE**

1. File Number: <b>13741</b>	2. Status Change Date: <b>2/25/2020</b>	3. Change Num: <b>C1</b>	4. Field Office: <b>04</b>	5. GMD: <b>03</b>
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6. Status: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied by DWR/GMD <input type="checkbox"/> Dismiss by Request/Failure to Return	7. Filing Date of Change: <b>12/2/19</b>
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8a. Applicant(s) New to system <input type="checkbox"/> Person ID <b>37673</b> Add Seq# _____  <b>STEVE W &amp; WYLENE KLIEWER</b> <b>PO BOX 103</b> <b>CIMARRON KS 67835</b>	8c. Landowner(s) New to system <input type="checkbox"/> Person ID _____ Add Seq# _____
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8b. Landowner(s) New to system <input type="checkbox"/> Person ID <b>37246</b> Add Seq# _____  <b>TERRY HUNSBERGER TRUST</b> <b>1401 E HACKBERRY ST</b> <b>GARDEN CITY KS 67846</b>	8d. WUC New to system <input type="checkbox"/> Person ID _____ Add Seq# _____  <b>8a NO CHANGE</b>
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9. Documents and Enclosure(s): <input checked="" type="checkbox"/> DWR Meter(s) Date to Comply: <b>12/31/2020</b> <input checked="" type="checkbox"/> N & P Date to Comply: <b>12/31/2020</b>	
<input type="checkbox"/> Anti-Reverse Meter <input type="checkbox"/> Meter Seal <input type="checkbox"/> Check Valve <input checked="" type="checkbox"/> N & P Form <input 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: _____
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Date Prepared: <b>1/23/2020</b> By: <b>LI</b>
Date Entered: _____    By: _____

	<div style="border: 1px solid blue; padding: 2px; display: inline-block;"> <b>2/26/2020</b>  <b>LMoody</b> </div>
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File No. **13741**      11. County: **GY**      Basin: **BUCKNER 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
<b>MOD</b>	<b>16420</b>	<b>SW SE SE</b>	<b>30</b>	<b>24</b>	<b>28W</b>	<b>2</b>	<b>71</b>	<b>1210</b>					<b>214</b>	<b>231</b>	<b>214</b>	<b>231</b>	<b>20207002 MF</b>
<b>ENT</b>	<b>46892</b>	<b>NW NE SE</b>	<b>30</b>	<b>24</b>	<b>28W</b>	<b>3</b>	<b>2600</b>	<b>1020</b>	<b>ADDITIONAL WELL</b>			<b>13</b>	<b>21</b>	<b>13</b>	<b>21</b>	<b>28264 &amp; 20207001 MF</b>	

13. Storage: Rate \_\_\_\_\_ NF      Quantity \_\_\_\_\_ ac/ft      Additional Rate \_\_\_\_\_ NF      Additional Quantity \_\_\_\_\_ ac/ft

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

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

16. Place of Use	CHK	MOD	DEL	ENT	PUSE	NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg?	Overlap Files		
						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					NE ¼	NW ¼
<b>NO CHANGE</b>																											

Base Acres:                  Year:                  Minimum Reasonable Quantity:

Comments: **ACT SPECIAL CONDITIONS Y ADDITIONAL WELL REVIEW AFTER 5-10 YEARS**

**KANSAS DEPARTMENT OF AGRICULTURE**  
**Division of Water Resources**

**M E M O R A N D U M**

**TO:** Files

**DATE:** February 11, 2020

**FROM:** Leslie Ireland

**RE:** Water Right  
File No. 13,741

The water use correspondents, Steve W. & Wylene Kliewer filed on behalf of the owner Terry R. Hunsberger who signed on behalf of his trust completed an application for approval to change the point of diversion authorized for irrigation use. The application received in this office on December 2, 2019, proposes to add an **additional well** per K.A.R. 5-5-16, *Additional well*.

The referenced water right is considered in good standing as per K.S.A. 82a-718 and K.S.A. 82a-732. The application complies with K.A.R. 5-5-2a, *Complete change application*.

The applicants propose to move a portion of the referenced file quantity and rate to the existing well authorized under File No. 28,264, to authorize a better representation of the annual quantity historically diverted. The proposed existing well is located 2,536 feet to the North of the well presently authorized by the referenced file with its well authorized as in the (SW $\frac{1}{4}$  SE $\frac{1}{4}$  SE $\frac{1}{4}$ ) of Section 30, Township 24 South, Range 28 West, Gray (GY) County. Mitch French, DWR GCFO, helped to determine the location of this well to be approximately 71 feet North and 1,210 feet West of the Southeast corner of Section 30. The location of the well under File No. 28,264, is in the (NW $\frac{1}{4}$  NE $\frac{1}{4}$  SE $\frac{1}{4}$ ), approximately 2,600 Feet North and 1,020 Feet West of Southeast corner of Section 30 Township 24 South, Range 28 West, Gray (GY) County. It appears the move would be acceptable pursuant to GMD No. 3, K.A.R. 5-23-3(b) maximum move of 2,640 feet.

The referenced file is authorized a total quantity of 261 acre-feet (AF) at a rate of 700 gallons per minute (gpm), there are no additional limitations on the rate or quantity. Historically, the right was reduced to provide 59 AF and 300 gpm for File No. 28,264. Together 320 AF were authorized to irrigate 160 acres in the SE $\frac{1}{4}$  of Section 30 Township 24 South, Range 28 West, Gray (GY) County. The source of supply has not been determined, however the 1976 reduction of File No. 13,741, was completed to permit File No. 28,264. This indicates they are in the same local source of supply. The right is not within a special use area. It is in Groundwater Management District No. 3.

The presently authorized well has not had the source of supply determined. A review of information in KGS Bulletin No. 55, KGS well logs in the area, and the proposed additional well log indicate the source of supply is the Ogallala Formation (Code 211). The depth to water for the referenced file's well appears to have never been reported. The well depth has been listed in the late 80's to be 265-270 feet deep. The 1977 log for the additional well stated a depth to water of 146 feet with a well depth of 265 feet. It appears the requirements of K.A.R. 5-5-16(b) have been met for these existing wells.

The place of use for the referenced file is a complete overlap with File Nos. 28,264 for a total of 160 authorized acres. The maximum acres irrigated during the perfection period under File No. 13,741 were determined by Staff at the Garden City Field Office to be 160 acres which was utilized for the determination of the quantity for the consumptive use calculation as required by K.A.R. 5-5-16(a)(2)(C)(i):

$$160 \text{ acres} \times 1.34 \text{ (80\%NIR GY Co.)} \div 0.85 = 252.23 \text{ acre-feet.}$$

It would appear the authorized quantity of 261 acre feet be reduced to 252 acre-feet as required by K.A.R. 5-5-16(a)(2)(C)(i) assuring consumptive use will not increase. The 252 AF when combined with the 59 AF under File No. 28,264, provides 311 AF for the 160 authorized acres, or 1.94 AF per acre. This appears reasonable for Gray County as the net irrigation requirement at an 80% chance of rain is 1.34 AF per acre and this area is afforded a maximum of 2 AF per acre.

The tested rate of diversion as required by K.A.R. 5-5-16(a)(3)(A) was submitted with the application. Division Staff from the Garden City Field Office conducted a rate test and completed a Meter Comparison Form on September 16, 2019. The test at a uniform flow produced a maximum rate of 226.9 GPM (0.51 c.f.s.). The authorized a rate of 700 GPM, will permanently be reduced to 227 GPM. As required by K.A.R. 5-5-16(a)(3)(A) the rate has been divided between the wells as specified in K.A.R. 5-5-16(d), requesting to retain 214 GPM at the authorized well and transfer 13 GPM to the existing additional well authorized 300 GPM under File No. 28,264.

The proposed change will move 21 acre-feet of water to the existing point of diversion resulting in a combined total of 80 acre-feet. Under K.A.R. 5-23-3 (a), **Minimum well spacing requirements: high plains aquifer** the additional well requires a minimum well spacing of 1,300 feet to nondomestic wells and 660 feet to domestic wells. The nearby irrigation well under File No. 27,504 is approximately 2,640 feet away and the Maxwell domestic well appears to be approximately 900 feet from the proposed existing additional well. It appears the proposed change meets the spacing requirements of K.A.R. 5-23-3 as required by K.A.R. 5-5-16(c).

A check for nearby wells located within one-half (½) mile of the proposed additional point of diversion listed by KGS-KDHE indicates a domestic well listed by the applicant. Further review found an irrigation well under File No. 27,504 as indicated by the WRIS database. Letters informing these nearby well owners the proposed change were sent on January 3, 2020. No comments of any kind were received.

Jason Norquest, Assistant Manager with the Southwest Kansas Groundwater Management District No. 3, recommended approval per their letter dated January 31, 2020, which was received in the office of the Chief Engineer on February 3, 2020.

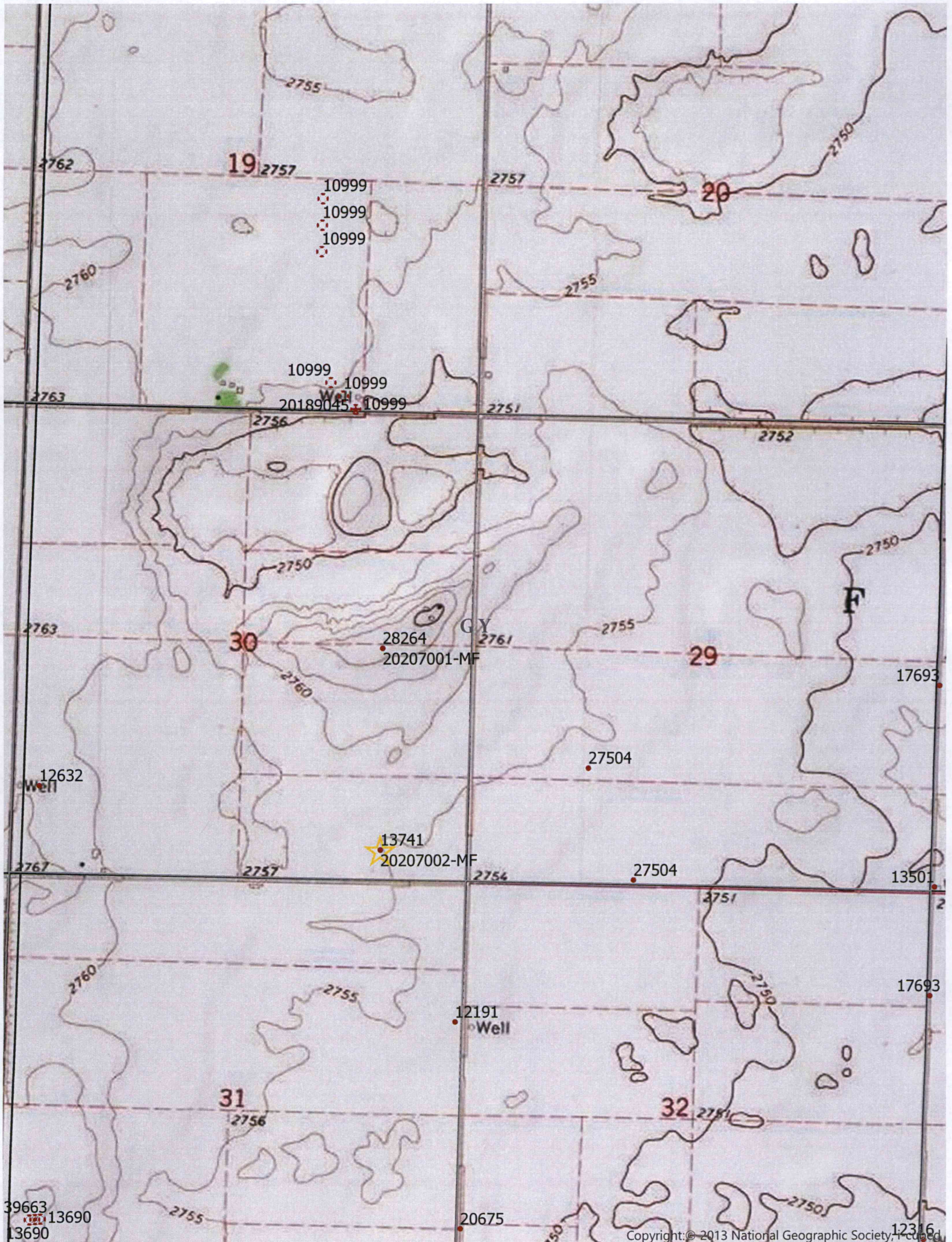
Michael Meyer, Water Commissioner of the Garden City Field Office worked closely with the processing of the change. He recommended approval on February 11, 2020.

A water flowmeter will be required on each well as per K.A.R. 5-5-16(e) and a check valve is required if any chemical or foreign substance is injected through the diversion works. As the wells are proposed to operate under MYFA's the meters will be required to be sealed. Water level measurement tubes will not be required by the approval as the wells are existing. A copy of a WWC-5 of the proposed well was located in the KGS well log database. As per K.A.R. 5-5-16(a)(4), a condition will be placed on the approval that the administrative priority of the additional well will be December 2, 2019, and the approval will contain the jurisdictional wording as required by K.A.R. 5-5-16(f).

Based on the above discussion, and that the change is reasonable, impairment to existing water rights is unlikely, there are no pending change applications within the vicinity of this proposed change request that may be affected by this approval and no change in the local source of supply will occur, it is recommended the referenced application be approved.



Leslie Ireland  
Environmental Scientist  
Change Application Unit



USE TYPEWRITER OR BALL POINT PEN—PRESS FIRMLY, PRINT CLEARLY.

LOOKS TO BE MAPPED AT LOCATION OF ADDITIONAL WELL PROPOSED BY APP. FILE No. 28264

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 <b>Gray</b>	Fraction <b>NW 1/4 NE 1/4 SE 1/4</b>	Section number <b>30</b>	Township number <b>T 24 S R 28 E W</b>	Range number
2. Distance and direction from nearest town or city: <b>7 1/2 N &amp; 3/4 E of Ingalls</b> Street address of well location if in city:			3. Owner of well: <b>Rudy Loewen</b> R.R. or street: <b>Ingalls, KS</b> City, state, zip code:			
4. Locate with "X" in section below:		Sketch map:		6. Bore hole dia. <b>26</b> in. Completion date Well depth <b>265</b> ft. <b>3-16-77</b>		
				7. <input type="checkbox"/> 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		<b>See attachment</b>		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		
				9. Casing: Material <b>Steel</b> Height <b>Above</b> or below Threaded <input type="checkbox"/> Welded <input checked="" type="checkbox"/> Surface <b>12</b> in. RMP <input type="checkbox"/> PVC <input type="checkbox"/> Weight <b>31</b> lbs./ft. Dia. <b>16</b> in. to <b>265</b> ft. depth; Wall Thickness: inches or Dia. <input type="checkbox"/> in. to <input type="checkbox"/> ft. depth; Gauge No. <b>188</b>		
				10. Screen: Manufacturer's name <b>Brown</b> Type <b>Louvered</b> Dia. <b>16"</b> Slot/gauze <b>.125</b> Length <b>80'</b> Set between <b>265</b> ft. and <b>235</b> ft. <b>225</b> ft. and <b>175</b> ft. Gravel pack? <b>Yes</b> Size range of material <b>1/8 x 1/8</b>		
				11. Static water level: <input type="checkbox"/> mo./day/yr. <b>146</b> ft. below land surface Date <b>3-23-77</b>		
				12. Pumping level below land surfaces: <b>230</b> ft. after <input type="checkbox"/> hrs. pumping <b>642</b> g.p.m. <input type="checkbox"/> ft. after <input type="checkbox"/> hrs. pumping <input type="checkbox"/> g.p.m. Estimated maximum yield <input type="checkbox"/> g.p.m.		
				13. Water sample submitted: <input type="checkbox"/> mo./day/yr. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Date <input type="checkbox"/>		
				14. Well head completion: <input type="checkbox"/> Pitless adapter <b>12</b> Inches above grade		
				15. Well grouted? <b>Yes</b> With: <input type="checkbox"/> Neat cement <input checked="" type="checkbox"/> Bentonite <input type="checkbox"/> Concrete Depth: From <b>0</b> ft. to <b>10</b> ft.		
				16. Nearest source of possible contamination: <b>None observed</b> ft. <input type="checkbox"/> Direction <input type="checkbox"/> Type <input type="checkbox"/> Well disinfected upon completion? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
				17. Pump: <input checked="" type="checkbox"/> Not installed Manufacturer's name <input type="checkbox"/> Model number <input type="checkbox"/> HP <input type="checkbox"/> Volts <input type="checkbox"/> Length of drop pipe <input type="checkbox"/> ft. capacity <input type="checkbox"/> g.p.m. Type: <input type="checkbox"/> Submersible <input type="checkbox"/> Turbine <input type="checkbox"/> Jet <input type="checkbox"/> Reciprocating <input type="checkbox"/> Centrifugal <input type="checkbox"/> Other		
				(Use a second sheet if needed)		
18. Elevation: <b>Flat</b> Topography: <input type="checkbox"/> Hill <input type="checkbox"/> Slope <input type="checkbox"/> Upland <input type="checkbox"/> Valley		19. Remarks:		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. <b>Henkle Drlg. &amp; Supply 145</b> Business name <input type="checkbox"/> License No. <input type="checkbox"/> Address <b>Box 639 Garden City, KS</b> Signed <b>E.L. Bothwell</b> Date <b>4-7-</b> Authorized representative		

24 28 30 NW 1/4 SE

Forward the white, blue and pink copies to the Department of Health and Environment

Form WWC-5

PROPOSED EXISTING AOL WELL  
FILE NO 28264

DRILLERS TEST LOG

CUSTOMERS NAME Rudy Loewen DATE 2-9-77  
 STREET ADDRESS \_\_\_\_\_ TEST # 8 E. LOG 280'  
 CITY & STATE Ingalls, KS DRILLER Rector  
 COUNTY Gray QUARTER SE SECTION 30 TOWNSHIP 24 RANGE 28

LOCATION 185' E of Test #7

WELL LOCATION

%	FOOTAGE		DESCRIPTION OF STRATA	Static Water Level _____
	From	Pay To		Proposed Well Depth _____
	0	3	Top soil	
	3	20	Brown clay	
	20	29	Brown sandy clay	
	29	48	Brown clay	
	48	65	Caliche and gyp rock	
	65	83	Cemented sand, fine med. coarse	
	83	95	Brown sandy clay and sand	
	95	106	Sand fine med. coarse, med. small gravel, fairly loose, took water	
	106	120	Brown clay, caliche gyp and fine sand	
	120	138	Sand fine med. coarse, few small gravel and small clay sts.	
	138	145	Brown clay	
	145	150	Very fine sand med.	
	150	165	Brown clay and very fine sand sts.	
65	165	12 177	Sand fine med. coarse, small gravel and small white rock (loose) used lots of water	
	177	186	Brown clay	
	186	194	Brown sandy clay and sand sts.	
35	194	8 202	Sand fine med. coarse, few tiny white rock and small clay sts., used water	
65	202	36 238	Sand fine med. coarse, few med. small gravel and med. to small white rock, used water	
	238	246	Brown clay	
10	246	4 250	Brown clay, fine sand, very little broken white rock, used water, fairly loose	
	250	255	Brown clay	
65	255	8 263	Sand fine med. coarse, small gravel and med. to small white rock, loose, used lots of water	
	263	268	Sand fine med. coarse, small gravel and med. to small white rock, loose, used lots of water	
	268	280	Shale (hard)	
	68			
			TOTAL DEPTH OF WELL 265 FT.	
			Set up facing west	
			Dig pit on north	

GARDEN CITY, KS  
Phone 276-3278  
TEST HOLES \* \* \* \* \*

HENKLE DRILLING & SUPPLY CO., INC.  
IRRIGATION HEADQUARTERS

SUBLETTE, KS  
Phone 675-4311

\* \* \* \* \* IRRIGATION & INDUSTRIAL WELLS \* \* \* \* \* STOCK WELLS

## Ireland, Leslie [KDA]

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**From:** Meyer, Mike [KDA]  
**Sent:** Monday, February 10, 2020 10:20 AM  
**To:** Ireland, Leslie [KDA]  
**Subject:** RE: Recommendation for Change in PD, File No. 13741 Hunsberger

Yes please approve and have meters sealed  
thanks

*Mike*

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**From:** Ireland, Leslie [KDA] <Leslie.Ireland@ks.gov>  
**Sent:** Wednesday, February 5, 2020 12:37 PM  
**To:** Meyer, Mike [KDA] <Mike.Meyer@ks.gov>; McColloch, Austin [KDA] <Austin.McColloch@ks.gov>  
**Subject:** Recommendation for Change in PD, File No. 13741 Hunsberger

Mike,

Please let me know if you'd recommend this change to help fix the operation of the North well under File No. 28,264. The approval document will be the standard for additional wells except it will require the meters be sealed like the proposed MYFAs under File Nos. 20207001 MF & 20207002 MF

As always comments and concerns are welcome.

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



## Ireland, Leslie [KDA]

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**From:** Ireland, Leslie [KDA]  
**Sent:** Thursday, January 2, 2020 11:04 AM  
**To:** French, Mitch [KDA]  
**Subject:** RE: File No. 13,741 Change application

It will work. Thank you 😊  
L

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**From:** French, Mitch [KDA] <Mitch.French@ks.gov>  
**Sent:** Thursday, January 2, 2020 10:27 AM  
**To:** Ireland, Leslie [KDA] <Leslie.Ireland@ks.gov>; Meyer, Mike [KDA] <Mike.Meyer@ks.gov>  
**Subject:** RE: File No. 13,741 Change application

Seems I did not GPS it. But on 8/17/17 GMD3 did get a GPS on the well of 37.92888/-100.43207. NAD 27 converted to NAD 83 (HARN) is 37.92888/-100.43249 or 71' North and 1210' West.

Hope this helps.  
Mitch

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**From:** Ireland, Leslie [KDA] <Leslie.Ireland@ks.gov>  
**Sent:** Thursday, January 2, 2020 10:05 AM  
**To:** Meyer, Mike [KDA] <Mike.Meyer@ks.gov>  
**Cc:** French, Mitch [KDA] <Mitch.French@ks.gov>  
**Subject:** File No. 13,741 Change application

Mike,

Happy New Year!

I was given the change for the additional well for Kliewer,, Hunsberger Trust, but was wondering are there any feet distances in the file for the existing well? Looks like it was tested by Mitch in September for the rate.. and will be reduced by more than half of the authorized. Interesting the meter was replaced in July. Anyway was wondering if there are any feet distances for the authorized well in the SE SE of 30?

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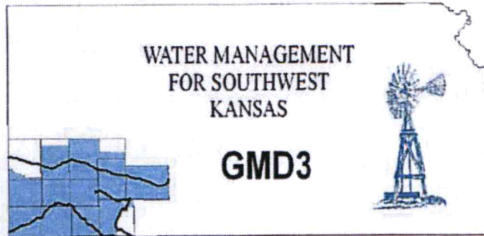
Leslie

71' N 1210

2600' N    1020

25292+    1902=

2536



**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 31, 2019

Leslie Ireland  
Kansas Department of Ag  
Division of Water Resources  
1320 Research Park Drive  
Manhattan, Kansas 66502

RE: Application for Change in Point of Diversion  
Water Right, File No. 13741  
Multi-Year Flex Permits, File Nos. 20207001MF  
& 20207002MF

Dear Leslie:

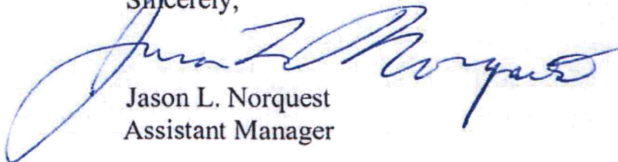
We have completed a review of the application for the above referenced water right. The proposed change in point of diversion is in accordance with current area rules, K.A.R. 5-23-3, as it pertains to distance moved and minimum spacing to neighboring wells. The proposal also meets the criteria set forth in the additional well rule, K.A.R. 5-5-16.

Well evaluations were not completed since the quantity requested is minor and the effects would not be any more since the applicant has been operating the wells as proposed for years. The applications is in fact to correct the overpumping that has been occurring with this system. Therefore, GMD3 sees this move as reasonable and unlikely to impair neighboring wells. It is therefore recommended that the application be approved.

At the same time, applications were proposed to enroll the wells in the Multiyear Flex program. The applications and calculations followed the criteria and seem reasonable. It is therefore recommended that the MYFA applications be approved also.

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

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File No(s): 13741, 2027001MF & 20207002MF.

DWR office: HQ.

App filed to change: Additional well & MYFA.

Is Landowner(s) correct in WRIS: Steve & Wylene Kliewer.

If NO, is documentation included?

Is Water Use Correspondent correct in WRIS? \_\_\_.

If NO, is documentation included?

Regulation(s) Reviewed: KAR 5-23-3 & KAR 5-5-16

Point of diversion ID No(s) \_\_\_ being changed.

	ft. North	ft. West			
Authorized PD	71	1210	sect 30-24-28		
Proposed PD	2600	1020			
Difference	-2529	190			
a2 + b2 = c2	6395841	36100	2536.127		

GPS for proposed PD: Lat: \_\_\_ Long: \_\_\_.

Is proposed PD stacking on existing WRs? \_\_\_.

Is Proposed PU overlapping existing WRs? \_\_\_.

Neighboring certified well(s) notified: \_\_\_.

Name Penner Partners (27504).

Address 13104 F RD.

Zip Ingalls, Kansas 67853.

Name Timothy L & Patricia L Dewey (12191 & 12632).

Address PO Box 269.

Zip Cimarron, Kansas 67835.

Name Midwest Feeders Inc. (10999)

Address 5013 13 RD.

Zip Ingalls, Kasas 67853.

Domestic well(s) notified: \_\_\_.

Name Aaron L & Audrey E Maxwell (SE of the NE).

Address 5405 14 RD.

Zip Ingalls, Kansas 67853.

Base Acres: \_\_\_.

Perfected Acres: \_\_\_.

Irr. Return-Flow \_\_\_%

**Currently authorized 261AF.**

**Proposed to keep 231AF at current location, move 21AF to the well authorized under 28264. That well would have total allotment of 80AF.**

*Rec 1/31/20 ja*

## GMD3 Change Review

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Consumptive use would reduce the water right to 252AF.

28264 has reported some overpumping the last few years.

20207002 is the MYFA proposed on the current 13741. Application shows the proposed app allocation of 181AF, but should have been the 231 as corrected on the app. Either five year total is more than the NIR calculation would allow, which was 777.975AF/5 years.

20207001 is the MYFA proposed on the well currently covered by water right 28264 (59AF) and proposed additional well under 13741 (21AF additional) for a total of 80AF. This well was penalized for overpumping the last few year

Is a waiver needed: Move is less than half mile and spacing appears to be more than met. Consumptive use applied in the additional well rule. The move is a small amount and any proposed effects would have been the same as the last few years according to how the system was operated.

Recommendation: After review of all available information, it appears the proposal meets all current area rules. The change will correct the overpumping in the past and the amount needed to move is small while also taking the consumptive use hit. Staff therefore recommends approval of the change applications and the MYFAs.



Rec 1/31/20 JD

## Ireland, Leslie [KDA]

---

**From:** Jason Norquest <norquest@gmd3.org>  
**Sent:** Friday, January 31, 2020 9:42 AM  
**To:** Ireland, Leslie [KDA]  
**Subject:** RE: 20207001 & 20207002  
**Attachments:** 2020-01-31\_ReviewMat\_PD.pdf

*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.

Good morning Leslie. Again, sorry for late response on this. Just so you know, we discussed the move and the small amount being actually moved would not have much effect on the area and like we stated, the well has already been operated that was. So there really would not be any additional effect. We are good with the applications.

Have a great weekend.

*Jason Norquest*

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

---

**From:** Ireland, Leslie [KDA] <Leslie.Ireland@ks.gov>  
**Sent:** Thursday, January 30, 2020 9:24 AM  
**To:** Jason Norquest <norquest@gmd3.org>  
**Cc:** Meyer, Mike [KDA] <Mike.Meyer@ks.gov>  
**Subject:** FW: 20207001 & 20207002

Jason,

Just wanted to touch base with you about the recommendation for these and the change under File No. 13,741. Hope Mike got your question answered about the myfas.... as I'm not sure I could do any better... could give it a shot.. but feel it would just muddy the water.

Please let me know should you need more time, or I missed your recommendation reply.

Take care out there,

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

---

**From:** Meyer, Mike [KDA] <Mike.Meyer@ks.gov>  
**Sent:** Tuesday, January 21, 2020 2:49 PM

**To:** Jason Norquest <[norquest@gmd3.org](mailto:norquest@gmd3.org)>; Ireland, Leslie [KDA] <[Leslie.Ireland@ks.gov](mailto:Leslie.Ireland@ks.gov)>

**Subject:** RE: 20207001 & 20207002

Jason, the statute is pretty specific when it comes to NIR that we cant limit, even though we don't like it. But please provide a recommendation if you want the limitation to be 777... AF if you feel strong about it. I am not sure it would stick, but I don't think we can limit MFYAs that are NIR

*Mike*

---

**From:** Jason Norquest <[norquest@gmd3.org](mailto:norquest@gmd3.org)>

**Sent:** Monday, January 20, 2020 2:27 PM

**To:** Ireland, Leslie [KDA] <[Leslie.Ireland@ks.gov](mailto:Leslie.Ireland@ks.gov)>; Meyer, Mike [KDA] <[Mike.Meyer@ks.gov](mailto:Mike.Meyer@ks.gov)>

**Subject:** 20207001 & 20207002

*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.

Good afternoon everyone, I realize you are off today but decided to email while the thought was still fresh. Really it is a clarification since it has been awhile.

We are reviewing the additional well proposal on 13741, even though it is a small amount being moved.

My question is on the MYFA apps. I see under the north well (28264 & proposed 13741) you used just what the well was authorized under the original water right for the annual average. Then for the max that well would be allowed is the proposed new authority. The same was done for the original well under 13741. My question comes with the NIR calculation which was the best calculation for both these wells. Since they are completely overlapped in place of use. Using it this way, the combined MYFAs would be allowing more than the NIR calculation shows, over the 777.975AF. Here is where I need a memory refreshing. Is this the way we have done it in the past? Can we allow more than the NIR calculation shows on the same acres?

Thanks for the help on refreshing an old mind. Hope you all had a good day.

*Jason Norquest*

Assistant Manager, GMD3

Cell: 620-271-1289

Office: 620-275-7147

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

DOMESTIC WELL

LOCATION OF WATER WELL: Fraction **SE 1/4 SE 1/4 NE 1/4** Section Number **30** Township Number **T 24 S** Range Number **R 28 E 1/4**  
 County: **Gray**  
 Distance and direction from nearest town or city street address of well if located within city? **8 miles North, 1 mile East and approx, 1/2 mile South of Ingalls, Kansas**

WATER WELL OWNER: **Kenny Penner**  
 RR#, St. Address, Box #: **Ingalls, Kansas 67853**  
 Board of Agriculture, Division of Water Resources  
 City, State, ZIP Code: **Ingalls, Kansas 67853** Application Number:

LOCATE WELL'S LOCATION WITH AN "X" IN SECTION BOX:

DEPTH OF COMPLETED WELL: **270** ft. ELEVATION: ..... ft.  
 Depth(s) Groundwater Encountered 1. .... ft. 2. .... ft. 3. .... ft.  
 WELL'S STATIC WATER LEVEL **139** ft. below land surface measured on mo/day/yr **2-1-82**  
 Pump test data: Well water was ..... ft. after ..... hours pumping ..... gpm  
 Est. Yield **40** gpm: Well water was ..... ft. after ..... hours pumping ..... gpm  
 Bore Hole Diameter **8** in. to **270** 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. ~~XXX~~; If yes, mo/day/yr sample was submitted  
 Water Well Disinfected? Yes ~~XXX~~ No

TYPE OF BLANK CASING USED: 5 Wrought iron 8 Concrete tile CASING JOINTS: Glued ~~XX~~ Clamped .....  
 1 Steel 3 RMP (SR) 6 Asbestos-Cement 9 Other (specify below) Welded .....  
 2 PVC 4 ABS 7 Fiberglass ..... Threaded.....  
 Blank casing diameter **5** in. to **270** ft., Dia ..... in. to ..... ft., Dia ..... in. to ..... ft.  
 Casing height above land surface **12** in., weight **200 psi** lbs./ft. Wall thickness or gauge No. **21 SDR**

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 **225** ft. to **265** ft., From ..... ft. to ..... ft.  
 From ..... ft. to ..... ft., From ..... ft. to ..... ft.  
 GRAVEL PACK INTERVALS: From **20** ft. to **270** ft., From ..... ft. to ..... ft.  
 From ..... ft. to ..... ft., From ..... ft. to ..... ft.

GROUT MATERIAL: 1 Neat cement 2 Cement grout 3 Bentonite 4 Other .....  
 Grout Intervals: From **5** ft. to **20** 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

Direction from well? **North** How many feet? **150**

FROM	TO	LITHOLOGIC LOG	FROM	TO	LITHOLOGIC LOG
0	15	Top soil & brown clay	270		shale
15	30	Brown clay			
30	45	Brown clay & white clay			
45	60	White clay			
60	75	Medium sand			
75	90	Brown clay			
90	105	Brown clay & medium sand			
105	120	Brown clay			
120	135	Fine to medium sand			
135	150	Medium to coarse gravel			
150	165	Medium to coarse gravel & clay layers			
165	180	Medium to coarse gravel			
180	195	Brown clay			
195	225	Medium sand & brown clay layers			
225	270	Medium sand & whiterock layers			

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) **Feb. 2, 1982** and this record is true to the best of my knowledge and belief. Kansas Water Well Contractor's License No. **179** This Water Well Record was completed on (mo/day/yr) **March 8, 1982**  
 under the business name of **Joe's Well Service, Inc. Cimarron, Ks.** by (signature) *Larry Crick*

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

T

24

R

28

EW

SEC.

30

SE 1/4

SE 1/4

NE 1/4



DRILLERS TEST LOG

NEARBY WELL  
FILE NO. 27504 5D-1

CUSTOMERS NAME Clarence Penner DATE 7-29-76  
 STREET ADDRESS \_\_\_\_\_ TEST # 1 E. Log 260'  
 CITY & STATE Ingalls, KS DRILLER Rector  
 COUNTY Gray QUARTER SW SECTION 29 TOWNSHIP 24 RANGE 28

LOCATION Center of 1/4 & 30' SE of pivot

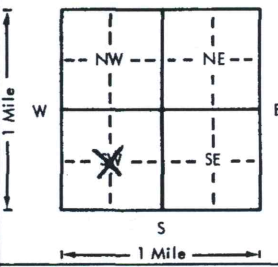
%	DRILLED FOOTAGE			Description of Strata	WELL LOCATION	
	From	Pay	To		Static Water Level	Proposed Well Depth
	0		2	Top soil		
	2		30	Brown sandy clay		
	30		40	Brown clay and caliche		
	40		60	Sand rock and caliche, hard in places		
	60		85	Brown clay, caliche and sand sts.		
	85		95	Sand fine med. coarse, small gravel		
	95		100	Brown clay		
	100		120	Sand fine med. coarse, few small gravel and brown sandy clay		
	120		136	Brown sandy clay and sand		
	136		145	Brown clay		
40	145	15	160	Sand fine med. coarse, med. small gravel and few tiny white rock, loose, few small clay sts.		
50	160	13	173	Sand fine med. coarse, small gravel and white rock, loose, used water		
	173		180	Brown clay		
55	180	40	220	Sand fine med. coarse, small gravel, small white rock, and small clay sts., loose, used water		
50	220	7	227	Brown clay, sand and broken white rock, fairly loose, used water		
65	227	13	240	Sand fine med. coarse, small gravel and white rock, used lots of water, good		
60	240	5	245	White and tan rock, sand med. coarse, loose, used lots of water (good)		
	245		248	Brown and yellow clay		
	248		260	Shale		
		93				
				TOTAL DEPTH OF WELL 250 FT.		
				Face east		
				Pit on south		

USE TYPEWRITER OR BALL POINT PEN—PRESS FIRMLY, PRINT CLEARLY.

FILE NO. 27,504

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 <b>Gray</b>	Fraction <b>1/4</b>	Center of <b>1/4 SW 1/4</b>	Section number <b>29</b>	Township number <b>T 24</b>	Range number <b>S R 28</b>	<b>E/W</b>				
2. Distance and direction from nearest town or city: <b>7 N. &amp; 1/4 E. of Ingalls</b> Street address of well location if in city:				3. Owner of well: <b>Clarence Penner</b> R.R. or street: <b>Ingalls, KS</b> City, state, zip code:							
4. Locate with "X" in section below: N W E S 1 Mile 1 Mile				Sketch map: 				6. Bore hole dia. <b>26</b> in. Completion date <b>8-28-76</b> Well depth <b>250</b> ft.			
5. Type and color of material  <b>See attachment</b>				7. <input type="checkbox"/> 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							
				8. Use: <input checked="" type="checkbox"/> Domestic <input type="checkbox"/> Public supply <input type="checkbox"/> Industry <input 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							
				9. Casing: Material <b>Steel</b> Height: <input checked="" type="checkbox"/> Above <input type="checkbox"/> below Threaded <input type="checkbox"/> Welded <input checked="" type="checkbox"/> Surface <b>12</b> in. RMP <input type="checkbox"/> PVC <input type="checkbox"/> Weight <b>36</b> lbs./ft. Dia. <b>16</b> in. to <b>250</b> ft. depth Wall thickness: inches or Dia. <input type="checkbox"/> in. to <input type="checkbox"/> ft. depth gage No. <b>250</b>							
				10. Screen: Manufacturer's name <b>Johnson</b> Type <b>Continuous</b> Dia. <b>16"</b> Slot/gauze <b>125</b> Length <b>50'</b> Set between <b>240-230</b> ft. and <b>220-190</b> ft. <b>170-160</b> ft. and <input type="checkbox"/> ft. Gravel pack <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Size range of material <b>1/4 x 1/8</b>							
				11. Static water level: <input type="checkbox"/> mo./day/yr. <b>150</b> ft. below land surface Date <b>8-28-76</b>							
				12. Pumping level below land surfaces: <b>225</b> ft. after <input type="checkbox"/> hrs. pumping <b>325</b> g.p.m. <input type="checkbox"/> ft. after <input type="checkbox"/> hrs. pumping <input type="checkbox"/> g.p.m. Estimated maximum yield <input type="checkbox"/> g.p.m.							
				13. Water sample submitted: <input type="checkbox"/> mo./day/yr. Yes <input checked="" type="checkbox"/> No Date <input type="checkbox"/>							
				14. Well head completion: <input type="checkbox"/> Pitless adapter <b>12</b> inches above grade							
				15. Well grouted? <b>Yes</b> With: <input type="checkbox"/> Neat cement <input checked="" type="checkbox"/> Bentonite <input type="checkbox"/> Concrete Depth: From <b>0</b> ft. to <b>10</b> ft.							
				16. Nearest source of possible contamination: <b>None observed</b> ft. <input type="checkbox"/> Direction <input type="checkbox"/> Type <input type="checkbox"/> Well disinfected upon completion? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No							
17. Pump: <input checked="" type="checkbox"/> Not installed Manufacturer's name <input type="checkbox"/> Model number <input type="checkbox"/> HP <input type="checkbox"/> Volts <input type="checkbox"/> Length of drop pipe <input type="checkbox"/> ft. capacity <input type="checkbox"/> g.p.m. Type: <input type="checkbox"/> Submersible <input type="checkbox"/> Turbine <input type="checkbox"/> Jet <input type="checkbox"/> Reciprocating <input type="checkbox"/> Centrifugal <input type="checkbox"/> Other											
(Use a second sheet if needed)											
18. Elevation: <b>Flat</b>	19. Remarks:			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. <b>Henkle Drlg. &amp; Supply 145</b> Business name License No. Address <b>Box 639 Garden City, KS</b> Signed <b>E.L. Powell</b> Date <b>9-27-</b> Authorized representative							

T 24 R 28 E 29 Sec 1/4 1/4 1/4 1/4

Forward the white, blue and pink copies to the Department of Health and Environment

Form WWC-5

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



FILE COPY

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

Mike Beam, Secretary

Laura Kelly, Governor

STEVE W & WYLENE KLIEWER  
PO BOX 103  
CIMARRON KS 67835

February 27, 2020

Re: Base Right, Water Right, File Nos. 13,741 & 28,264  
Multi-Year Flex Account Term Permit,  
File Nos. 20207001-MF & 20207002-MF

Dear Mr. & Mrs. Kliewer:

Enclosed are the orders/permits executed by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, suspending the base rights referenced above, and approving your Applications for Term Permit to Establish a Multi-Year Flex Account, for File Nos. 20207001-MF & 207002-MF. Your attention is directed to the enclosures and to the terms, conditions, limitations, and requirements specified in the Applications and each "Attachment A", which are incorporated in the enclosed orders/permits. The approval of these multi-year flex account term permits affords you the ability to divert water without annual limits, during the set period of January 1, 2020 through December 31, 2021, inclusive. However, the **use of water in excess of 363.592 acre-feet for File No. 20207001-MF from the well historically authorized under File No. 28,264 and 777.975 acre-feet for File No. 20207002-MF from the well under File No. 13,741** within the five-year set period listed above, shall result in the immediate revocation of the multi-year flex account term permit, and imposition of penalties as provided in K.A.R. 5-14-10.

Prior to any further diversion of water, a water flowmeter which meets or exceeds specifications adopted by the Chief Engineer must be installed on each point of diversion authorized by the base rights, and otherwise in accordance with Kansas Administrative Regulations 5-1-4 through 5-1-12 adopted by the Chief Engineer. A seal will be placed on each water flowmeter by the Division of Water Resources in such a manner as to render the meter non-removable from the measuring chamber without breaking the seal. If the seal is broken without the written permission of the Chief Engineer, it shall constitute a violation of the order of the Chief Engineer. If the water flowmeter is repaired or replaced during the duration of the multi-year flex account, then such flowmeter must be equipped with an anti-reverse flow mechanism.

The 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](http://www.kswaterusereport.org).

The approval of your application constitutes a term 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.

Re: File Nos. 13,741, 28,264 20207001-MF & 20207002-MF

Additional information and applicable forms may be found on our website at [agriculture.ks.gov/divisions-programs/dwr](http://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:LI:li

Enclosure(s)

pc: Garden City Field Office  
Groundwater Management District No. 3  
Terry R. Hunsberger Trust

# 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 REDUCING THE AUTHORIZED QUANTITY AND DIVERSION RATE  
WATER RIGHT  
FILE NO. 13,741**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Terry R. Hunsberger on behalf of the Terry R. Hunsberger Trust, 1401 E Hackberry Street, Garden City, Kansas 67846, received in this office on December 2, 2019, 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 Findings and Order of the Chief Engineer dated June 25, 1984, reducing the authorized quantity of water, 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 quantity to 252 acre-feet (82.11 million gallons) of water per calendar year and the authorized diversion rate to not exceed of 227 gallons per minute (0.51 c.f.s.) in accordance with the Application for Approval to Change the Point of Diversion received in this office on December 2, 2019.

The application, therefore, is approved subject to the condition that for the sole purpose of administering wells concerning direct impairment, the additional well shall be considered to have the priority of the date the application was filed (December 2, 2019) to add the additional well.

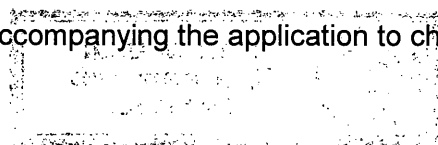
The effective date of the change shall be the date this order is executed by the Chief Engineer, after which the authorized location of the points of diversion shall be:

one (1) well located in the Southwest Quarter of the Southeast Quarter of the Southeast Quarter (SW $\frac{1}{4}$  SE $\frac{1}{4}$  SE $\frac{1}{4}$ ) Section 30, more particularly described as being near a point 71 feet North and 1,210 feet West of the Southeast corner of said section, at a quantity not to exceed 231 acre-feet per calendar year and at a diversion rate not in excess of 214 gallons per minute (0.47c.f.s.), and

one (1) well located in the Northwest Quarter of the Northeast Quarter of the Southeast Quarter (NW $\frac{1}{4}$  NE $\frac{1}{4}$  SE $\frac{1}{4}$ ) Section 30, more particularly described as being near a point 2,600 feet North and 1,020 feet West of the Southeast corner of said section, at a quantity not to exceed 21 acre-feet per calendar year and at a diversion rate not in excess of 13 gallons per minute (0.03 c.f.s.),

both in Township 24 South, Range 28 West, Gray County, Kansas,

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



Installation of the works for diversion of water shall be completed on or before December 31, 2020, 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.

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

A seal shall be placed on each water flowmeter by the Division of Water Resources in such a manner as to render the meter non-removable from the measuring chamber without breaking the seal. If the seal is broken without the written permission of the chief engineer, this shall create a rebuttable presumption that the point of diversion had been unlawfully operated in violation of the order of the chief engineer and that the water right holder had been acting in violation of the conditions of his or her water right.

The Chief Engineer specifically retains jurisdiction in this matter with authority to review the approval of the additional well at intervals of no fewer than five years, and no more than ten years to determine if the total annual quantity of water actually being withdrawn by all wells authorized by the approval of application for change is exceeding the total annual quantity of water that could have been physically withdrawn if the additional well had not been approved, and based on the review, the Chief Engineer retains authority to make a reasonable reduction in the authorized quantity of water as may be deemed to be in the public interest.

In all other respects, the Certificate of Appropriation issued pursuant to Approval of Application, File No. 13,741, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated October 31, 1973, as modified and amended by the aforementioned order.

Ordered this 25<sup>th</sup> day of February, 2020, in Manhattan, Riley County, Kansas.

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

State of Kansas )  
                          ) SS  
County of Riley )

The foregoing instrument was acknowledged before me this 25<sup>th</sup> day of February, 2020, by Lane P. Letourneau, P.G., Program Manager, Division of Water Resources, Kansas Department of Agriculture.



Katie Anderson  
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.

**CERTIFICATE OF SERVICE**

On this *27<sup>th</sup>* day of *February*, 2020, I hereby certify that the attached Approval of Application for Change in Point of Diversion, Water Right, File No. 13,741, dated *February 25, 2020* was mailed postage prepaid, first class, US mail to the following:

STEVE W. & WYLENE KLIEWER  
PO BOX 103  
CIMARRON KS 67835

With a Photocopy to:

TERRY R. HUNSBERGER TRUST  
1401 E HACKBERRY ST  
GARDEN CITY KS 67846

Garden City Field Office  
Groundwater Management District No. 3

*Kate Anderson*

Division of Water Resources