

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

1. File Number: <b>459</b>	2. Status Change Date: <i>2-4-2020</i>	3. Change Num: <b>C1</b>	4. Field Office: <b>04</b>	5. GMD: <b>03</b>
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6. Status: <input 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>12-4-19</b>
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8a. Applicant(s)  
 Landowner, WUC, applicant    Person ID 17102  
 New to system     Add Seq# 1

**HAROLD D STAPLETON ESTATE  
 ATTN: LEROY STAPLETON  
 PO BOX 548  
 SUBLETTE, KS 67877-0548**

8c. Landowner(s)    Person ID 53468  
 New to system     Add Seq# \_\_\_\_\_

**JOYCE STAPLETON  
 113 DIAMOND HILL DR  
 GARDEN CITY, KS 67846**

8b. Landowner(s)    Person ID \_\_\_\_\_  
 New to system     Add Seq# \_\_\_\_\_

8d. WUC    Person ID \_\_\_\_\_  
 New to system     Add Seq# \_\_\_\_\_

9. Documents and Enclosure(s):  DWR Meter(s) Date to Comply: 12/31/20     N & P Date to Comply: 12/31/21

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

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

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

Date Prepared: **2/4/20**    By: **MAM**  
 Date Entered: \_\_\_\_\_    By: \_\_\_\_\_

File No. <b>459</b>	11. County: <b>SW</b>	Basin: <b>CIMARRON RIVER</b>	Stream:	Formation Code: <b>211/331</b>	Special Use:																	
12. Points of Diversion																						
CHK	Rate and Quantity																					
MOD	Authorized		Additional																			
DEL	Qualifier	S	T	R	ID	'W	Comment (AKA Line)	Rate gpm	Quantity af	Rate gpm	Quantity af	Overlap PD Files										
ENT		6	31	32	W	223'	1427'	1150	900	1150	900	9878										
ENT <b>NWNWSE</b>																						
DEL <b>21882</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	PUSE	S	T	R	ID	NE 1/4			NW 1/4			SW 1/4			SE 1/4			Total	Owner	Chg?	Overlap Files	
ENT						NE 1/4	NW 1/4	SE 1/4	SW 1/4	NE 1/4	NW 1/4	SE 1/4	SW 1/4	NE 1/4	NW 1/4	SE 1/4	SW 1/4					
<b>NC 17547</b>																				<b>8C</b>	<b>N</b>	
<b>NC 25172</b>																				<b>8a</b>	<b>N</b>	
<b>NC 31170</b>																				<b>8a</b>	<b>N</b>	
<b>NC 33160</b>																				<b>8C</b>	<b>N</b>	
<b>NC 40336</b>																				<b>8a</b>	<b>N</b>	
Base Acres: _____ Year: _____ Minimum Reasonable Quantity: _____																						
Comments: _____																						

Garden City Field Office  
4532 W. Jones, Suite B  
Garden City, KS 67846



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

Mike Beam, Secretary

Laura Kelly, Governor

February 4, 2020

HAROLD D STAPLETON ESTATE  
Attn: LEROY STAPLETON  
PO BOX 548  
SUBLETTE, KS 67877-0548

RE: Water Right, File Nos. 459 & 9878

Dear Madam:

Enclosed are orders executed by the designee of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the applications for change under the above referenced file numbers.

Your attention is directed to these enclosures and to the terms, conditions, and limitations specified in these approvals for change. Conditions of these approvals are that an acceptable water flowmeter must be installed on the diversion works authorized under the referenced file numbers and meet current specifications. Please return the required notification of completion of the diversion works and installation of the required water flowmeter as soon as these actions are completed.

Since these orders modify the original documents referred to above, it should be recorded with the Register of Deeds as other instruments affecting real estate.

The abandoned well must be plugged in accordance with the requirements of Article 30 of the Rules and Regulations as adopted by the Kansas Department of Health and Environment.

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

Sincerely,

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

Michael A. Meyer  
Water Commissioner

MAM:  
enclosures  
pc: GMD3

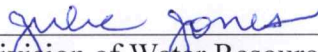
## CERTIFICATE OF SERVICE

On this 4<sup>th</sup> day of February 2020, I hereby certify that the foregoing Approval of Application for Change in Point of Diversion, Water Right, File Nos. 459 and 9,878, dated 4<sup>th</sup> day of February 2020 was mailed postage prepaid, first class, US mail to the following:

HAROLD D STAPLETON ESTATE  
Attn: LEROY STAPLETON  
PO BOX 548  
SUBLETTE, KS 67877-0548

With photocopies to:

GROUNDWATER MANAGEMENT DISTRICT NO. 3

  
\_\_\_\_\_  
Division of Water Resources Staff

Submit completed application to:  
 Kansas Department of Agriculture  
 Division of Water Resources  
 Field Office for your area.  
 Call for address:  
 Topeka -- (785) 296-5733  
 Stafford -- (620) 234-5311  
 Stockton -- (785) 425-6787  
 Garden City -- (620) 276-2901  
<http://agriculture.ks.gov/dwr>

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



**STATE OF KANSAS**

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

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

File No. 459

**RECEIVED**  
 3:00pm  
**DEC 04 2019**

Garden City Field Office  
 DIVISION OF WATER RESOURCES

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

Place of Use                       Point of Diversion

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

The source of supply is:                       Groundwater                       Surface water

2. Name and address of Applicant: Stapleton Family Farms TH#6 113 Diamond Hill Dr. Garden City KS 67846

Phone Number: (     )    Email address: \_\_\_\_\_

Name and address of Water Use Correspondent: Joyce Stapleton 113 Diamond Hill Dr. Garden City KS 67846

Phone Number: (     )    Email address: \_\_\_\_\_

3. The presently authorized place of use is:

Owner of Land ---- NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

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

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

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

Owner of Land ---- NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

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

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

**For Office Use Only:** Code \_\_\_\_\_ Fee \$ 200.00 TR # \_\_\_\_\_ Receipt Date 12-6-19 Check # 1144

5. **Presently authorized point of diversion:**  
 One in the NW Quarter of the NW Quarter of the SE Quarter of Section 6, Township 31 South, Range 32 W, in Seward County, Kansas, 2594 feet North 2437 feet West of Southeast corner of section. Authorized Rate 1150 GPM Authorized Quantity 900 AF Depth of well \_\_\_\_\_ (feet)  
**(DWR use only: Computer ID No. 62 GPS \_\_\_\_\_ feet North \_\_\_\_\_ feet West)**  
 This point will not be changed  This point will be changed as follows:  No change, point better described with GPS as follows:  
**Proposed point of diversion: (Complete only if change is requested or if existing point is better described by GPS)**  
 One in the SE Quarter of the SW Quarter of the SE Quarter of Section 6, Township 31 South, Range 32 W, in Seward County, Kansas, 223 feet North 1427 feet West of Southeast corner of section. Proposed Rate \_\_\_\_\_ Proposed Quantity \_\_\_\_\_ Proposed well depth (feet) \_\_\_\_\_  
 This point is:  Additional Well  Geo Center List other water rights that will use this point \_\_\_\_\_

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

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

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

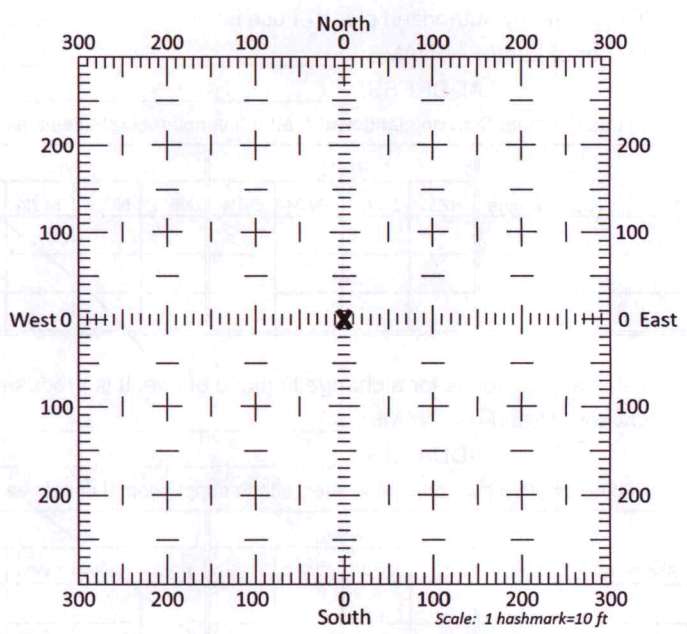
9. The change(s) (was)(will be) completed by?  
 \_\_\_\_\_

10. If the point of diversion is a well:  
 (a) What are you going to do with the old well?  
 \_\_\_\_\_  
 (b) When will this be done? \_\_\_\_\_

11. Groundwater Management District recommendation attached?  
 Yes  No

12. Assisted by SZ

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



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

14. If the proposed groundwater point of diversion is 300 or fewer feet from the existing point of diversion, complete the following:

- (a) Does the undersigned represent all owners of the currently authorized place(s) of use identified in this application?  
 Yes     No    (If no, all owners must sign this application.)
- (b) Will the ownership interest of any owner of the currently authorized place(s) of use identified in this application be adversely affected if this application is approved as requested?  
 Yes     No    (If yes, all owners must sign this application.)
- (c) If this application is not approved expeditiously, will there be substantial damage to property, public health or safety?  
 Yes     No    (If no, all owners must sign this application.)

If the application proposes a surface water change in point of diversion, a groundwater change in point of diversion greater than 300 feet, or a change in place of use, the application must be signed by all owners of the currently authorized place of use, or their duly authorized agent (attach notarized statement authorizing representation).

I hereby verify, being first duly sworn upon my oath or affirmation and under penalty of perjury, that I am of lawful age and the owner, the spouse of the owner, or a duly authorized agent of the owner(s) to make this application on their behalf, in regards to the water right(s) to which this application pertains. I further verify that the statements contained in this application are true, correct and complete.

Dated at Sublette, Kansas, this 3<sup>rd</sup> day of December, 2019.

<u>Donna White</u> (Owner)	_____	(Spouse)
<u>Donna White</u> (Please Print)	_____	(Please Print)
_____	_____	(Spouse)
(Owner)	_____	(Please Print)
_____	_____	(Spouse)
(Please Print)	_____	(Please Print)
_____	_____	(Spouse)
(Owner)	_____	(Please Print)
_____	_____	(Spouse)
(Please Print)	_____	(Please Print)

State of Kansas }  
County of Haskell } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 3<sup>rd</sup> day of December, 2019.


  
**SUZAN KIMBALL**  
 Notary Public - State of Kansas  
 My Appt. Expires 3/3/20

Suzan Kimball  
Notary Public

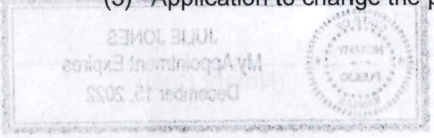
My Commission Expires \_\_\_\_\_

**ONLY COMPLETE APPLICATIONS WILL BE PROCESSED.** To be complete, all of the applicable portions of the application form must be completed with accurate information; maps, if necessary, must be included; signatures of all the appropriate owners' must be affixed to the application and notarized; and the appropriate fee must be paid.

**FEE SCHEDULE**

Each application to change the place of use or the point of diversion under this section shall be accompanied by the application fee set forth in the schedule below: Make checks payable to: **Kansas Department of Agriculture**

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



**SUMMARY ORDER APPROVING APPLICATION FOR CHANGE AND IMPOSING CONDITIONS**

This Summary Order is issued under authority of K.S.A. 82a-708b, as amended, and K.A.R. 5-5-1, *et seq.* and other applicable provisions of the *Kansas Water Appropriation Law, K.S.A. 82a-701 et. seq.*, and rules and regulations promulgated thereunder, With the exception of those conditions expressly contained herein, this Summary Order does not change the terms, conditions and limitations of File No. 959.

1. A change application was received on December 4, 2019 requesting that the place of use and / or point of diversion authorized under the above-referenced file number be changed as described in the application.
2. On and after the effective date of this summary order, the authorized place(s) of use shall be located substantially as shown on the topographic map accompanying the application to change the place of use.  Applicable  Not Applicable
3. The change in point of diversion shall not impair existing rights and shall be limited to the same source or sources of water as previously authorized. The point of diversion authorized by this summary order shall be located within a 300 foot radius of the authorized point(s) of diversion.  Applicable  Not Applicable
4. The point(s) of diversion described herein is administratively corrected to be more accurately described using the Global Positioning System (GPS), as described in the application.  Applicable  Not Applicable
5. The point(s) of diversion authorized herein shall not actually be located more than \_\_\_\_\_ feet from the previously authorized point(s) of diversion.  Applicable  Not Applicable
6. As required by K.A.R. 5-3-5d, if the works for diversion is a well with a diversion rate of 100 gallons per minute or more, a tube or other device suitable for making water level measurements shall be installed, operated and maintained in accordance with K.A.R. 5-6-13.  Applicable  Not Applicable
7. **The owner of the authorized place(s) of use shall properly install an acceptable water flow meter on or before December 31, 2020**, or before the first use of water, whichever occurs first. The water flow meter shall be installed, operated and maintained in accordance with K.A.R. 5-1-4 through 5-1-12. As required by K.S.A. 82a-732, as amended, and K.A.R. 5-3-5e, the owner shall maintain records and report the reading of the water flow meter and the total quantity of water diverted annually to the Chief Engineer by March 1 following the end of each calendar year.  Applicable  Not Applicable
8. **Installation of the works for diversion of water shall be completed on or before December 31, 2020**, or within any authorized extension of time. By March 1, 2021 the applicant shall notify the Chief Engineer that construction of the works for diversion has been completed, on the form provided by the Chief Engineer, as required by K.A.R. 5-8-4e.  Applicable  Not Applicable
9. **The completed well log shall be submitted with the required notice.**  Applicable  Not Applicable
10. All diversion works into which any type of chemical or other foreign substance will be injected into the water shall be equipped with an in-line, automatic, quick-closing check valve capable of preventing pollution of the source of the water supply. The check valve(s) shall be installed, operated and maintained in accordance with K.A.R. 5-3-5c.  Applicable  Not Applicable
11. Additional Conditions are attached.  Yes  No
12. In accordance with K.S.A. 82a-708a, as amended, and K.A.R. 5-5-14, all of the owners of the authorized place(s) of use of water appropriated under the above-referenced file number are responsible for compliance with its terms, conditions and limitations, as amended and/or supplemented by this Summary Order, and with applicable provisions of the *Kansas Water Appropriation Law* and the *Rules and Regulations* promulgated thereunder. Failure to comply with these provisions may result in civil penalties pursuant to K.S.A. 82a-737, as amended, and/or the suspension or revocation and dismissal of the water or appropriation right or any other enforcement actions authorized by law.

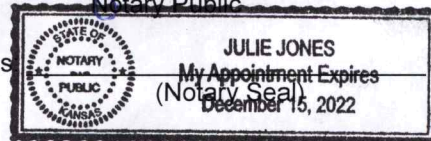
**Administrative Appeal and Effective Date of Order**

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

*For Use by Register of Deeds*

FOR OFFICE USE ONLY  
**APPLICATION APPROVED AND  
 SUMMARY ORDER ISSUED**

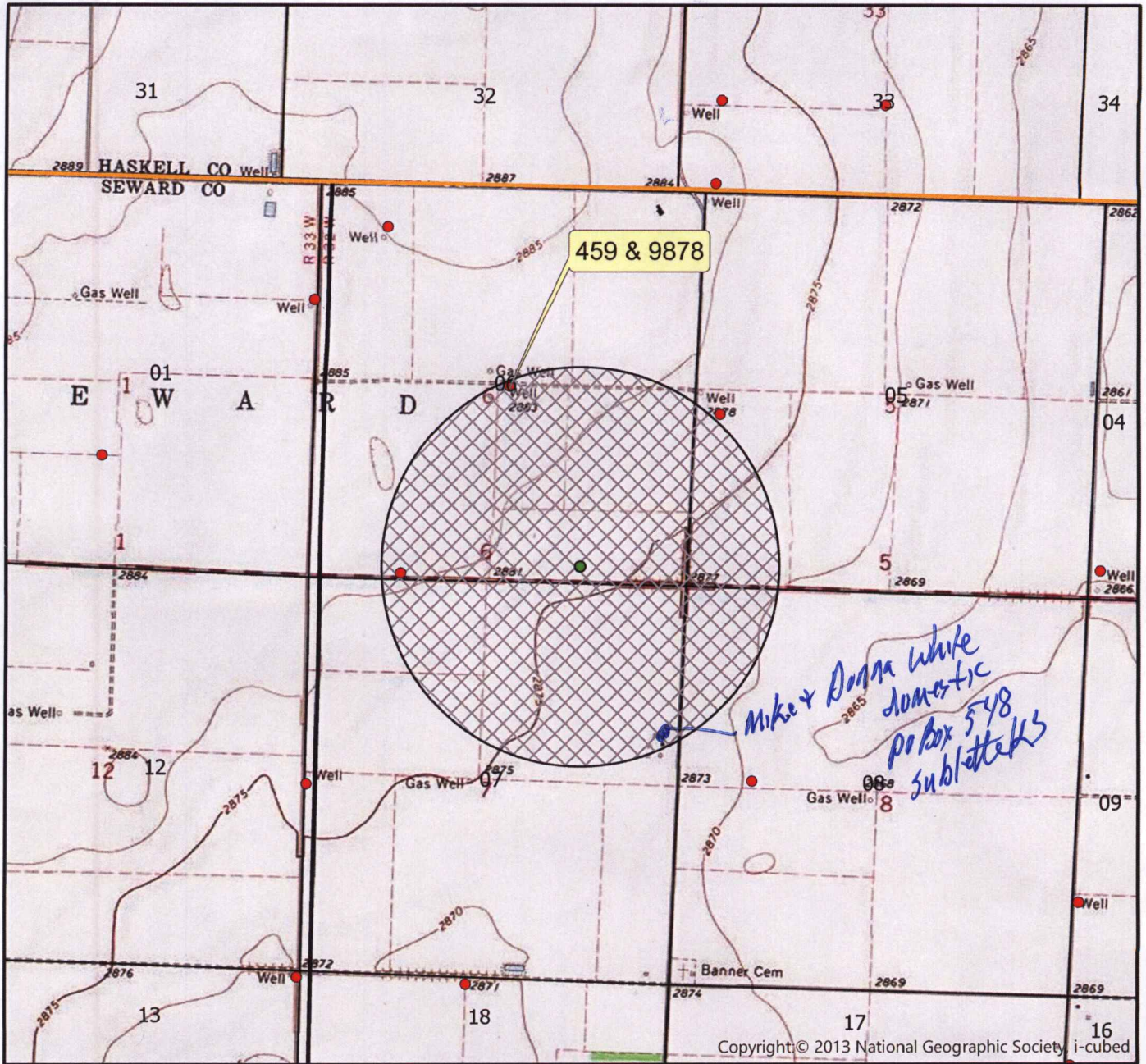
By: Michael A. Meyer  
 Duly Authorized Designee of the Chief Engineer  
 (Print Name): Michael A. Meyer  
 Division of Water Resources - Kansas Department of Agriculture  
 Date of Issuance: February 4, 2020  
 State of Kansas )  
 County of Jinney ) SS  
 Acknowledged before me on February 4, 2020  
 by Michael A. Meyer  
 Signature: Julie Jones  
 Notary Public



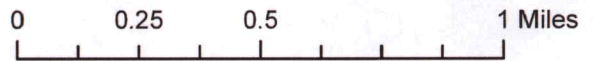
My commission expires \_\_\_\_\_



# CHANGE IN PLACE OF DIVERSION WATER RIGHT, FILE NO. 459 & 9878



Township 31 South Range 32 West  
Seward County



- Authorized Point of Diversion
- Proposed Point of Diversion

1/2 mile buffer

All wells of any kind within 1/2 mile of the requested place of use have been plotted.

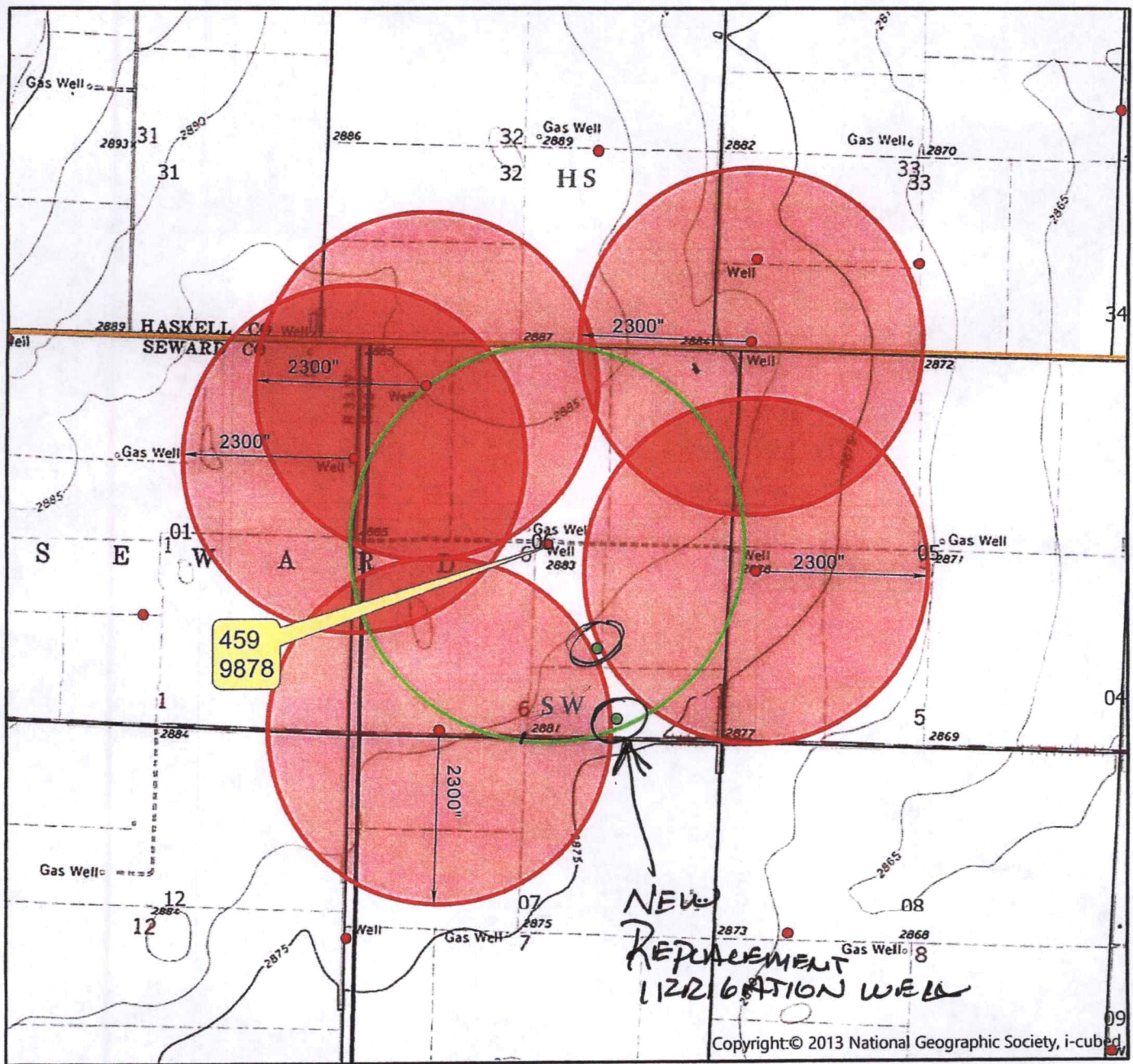


(Signature)

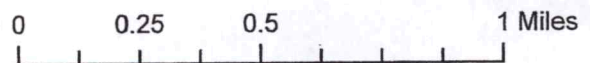
Created by: SZ/GCFO




# WR 459 & 9878

Preliminary Map as of 10/04/2019. Using data given to the DWR by the customer.  
Based on the best information that was received and in the DWR files as of the above date.



Township 31 South Range 32 West  
Seward County



-  1/2 mile radius, maximum distance
-  Minimum well spacing of neighboring wells
-  Proposed new location



Created by: SZ/GCFO

# STAPLETON FAMILY FARMS

SE 6-31S-32W SEWARD CO.

## Legend

IRR WELL ELEV=2887'

TH #4 ELEV=2887'

TH #1 ELEV=2887'

TH #2 ELEV=2885'

TH #3 ELEV=2882'

TH #5 ELEV=2878'

TH #6 ELEV=2878'

*Rd 23*  
*NEW WELL*  
*REPAIRMENT*

Go Rd N

# WELL LOG

DATE: 11/20/2019

**Downey  
Drilling Inc.**



**#10**  
**ELEV = 2078**

CUSTOMER NAME: STAPLETON FAMILY FARMS TH#6

LEGAL: SE 6-31S-32W

COUNTY: SEWARD

GPS: N 37.373940

W 100.838600

LOGGER:

DRILLER: DALE GUINN

WO: 19-1067

TW	FROM	TO	TYPE	HARDNESS	COLOR	SPEED	PULL DOWN	OTHER / DRILLING ACTION
	0	14	SANDY CLAY		BROWN			SMOOTH
	14	21	SANDY CLAY W/ SOME CALICHE		BROWN			SMOOTH
	21	29	SANDY CLAY & CALICHE		TAN			SMOOTH & LITTLE CHOPPY
	29	34	SANDY CLAY		BROWN			SMOOTH
	34	40	CLAY & CALICHE		BROWN			SMOOTH & LITTLE CHOPPY
	40	58	SANDY CLAY W/ FINE SAND MIXED		BROWN			SMOOTH
	58	89	FINE-MED-COARSE SAND, SMALL-MED-LARGE GRAVEL					CHATTER
	89	102	CLAY W/ LITTLE CALICHE LAYER		BROWN			SMOOTH & LITTLE CHOPPY
	102	111	FINE-MED-COARSE W/ FEW CLAY STRINGERS					SMOOTH
	111	155	FINE-MED-COARSE SAND, SMALL-MED GRAVEL					CHATTER
	155	160	SANDY CLAY		TAN			SMOOTH
	160	210	FINE-MED-COARSE SAND, SMALL GRAVEL					CHATTER
	210	212	SANDY CLAY					SMOOTH
	212	269	FINE-MED-COARSE SAND, SMALL GRAVEL W/ FEW CLAY LAYERS					CHATTER & SMOOTH IN PLACES
	269	272	SANDY CLAY					SMOOTH
	272	291	FINE-MED-COARSE SAND, SMALL GRAVEL					CHATTER
	291	300	SANDY CLAY W/ SOME SAND STRIPS		LIGHT BLUE &			SMOOTH & LITTLE CHATTER
	300	376	FINE-MED-COARSE SAND, SMALL GRAVEL					CHATTER
	376	389	SANDY CLAY & FINE-MED-COARSE SAND					CHATTER
	389	400	SANDY CLAY		TAN			SMOOTH
	400	411	SANDY CLAY W/ LIME ROCK & FINE SAND		TAN & WHITE			CHOPPY
	411	431	SANDY CLAY W/ FEW THIN FINE SAND STRIPS		BROWN			LITTLE CHATTER & SMOOTH IN PLACES
	431	449	SANDY CLAY		BROWN			SMOOTH
	449	460	FINE-MED SAND					VIBRATION
	460	482	FINE SAND					VIBRATION
	482	490	SANDY CLAY		BROWN			SMOOTH
	490	509	SHALE		LIGHT BLUE &			SMOOTH
	509	519	SANDSTONE USED WATER MIXED WITH BRAN & MUD					VIBRATION
	519	534	SANDSTONE & SOAPSTONE LEDGES					VIBRATION
	534	549	SANDSTONE, LOST CIRCULATION @ 547 - LOTS OF WATER & HAS SOME DARK BROWN ROCK					VIBRATION
	549	586	SANDSTONE & FEW SOAPSTONE STRIPS					VIBRATION
	586	600	RED BED		RED			CHOPPY

STATIC 300'  
68  
13

11  
22

13  
15  
15  
110

LOOSE  
LITTLE  
TIGHT

LOOSE


TIGHT

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

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

**TO:** Files

**DATE:** February 2, 2020

**FROM:** Michael A. Meyer   
Water Commissioner

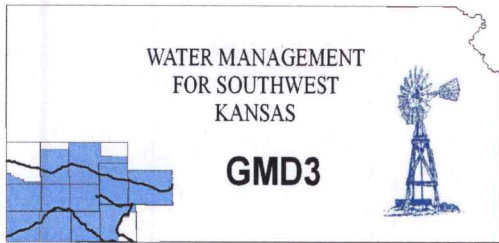
**RE:** Water Right, File No. 459 and 9878  
Application to Change Point of Diversion

An Application to Change the Point of Diversion is pending at the field office and was recently reviewed. The applications meet all rules and regulations. DWR sent letters to all wells within one half mile of the proposed point of diversion. There was no response. DWR sent the application to the GMD3 for their review. GMD3 applied their well evaluation criteria and found two nearby critical wells. They sent letters to all wells within one mile of the proposal, no response. The two critical wells, the two closest wells to the proposal, were a concern to them, therefore, they recommend limiting rate and quantity to the water rights above, if application would receive a favorable recommendation.

The nearby wells are the owners of wells of the referenced water rights and applications. Therefore, the owners, during a phone call to them from this office on February 2, 2020, were not in favor of limiting their water rights due to evaluations to their own wells. They stated that they can manage their own wells in the future, and do not have concerns based on the GMD evaluation. The nearby wells that GMD3 found critical are shallow wells, and the landowners know that they will need to redrill them in the future.

Therefore, DWR will proceed with approval of these applications as it meets all rules and the landowner is not in favor of reducing these water rights as the own the nearby wells.

Ownership was also confirmed, the property site and DWR records are current. Donna White is executor, POA, agent for all entities.



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 24, 2020

RECEIVED

Michael A. Meyer  
Division of Water Resources  
4532 W Jones Ave., Suite B  
Garden City, Kansas 67846

JAN 31 2020

Garden City Field Office  
Division of Water Resources

RE: Application for Change in Point of Diversion  
Water Right, File Nos. 459 & 9878

Dear Mike:

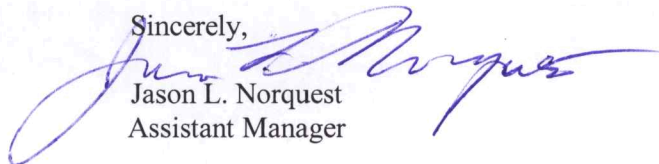
We have completed a review of the applications for the above referenced water rights. The proposed change in point of diversion is in accordance with current area rules, K.A.R. 5-23-3, as it pertains to distance moved and minimum spacing to neighboring wells.

Well evaluations were conducted to estimate possible effects of the proposal on the supply of other wells with water rights prior to the proposal per K.S.A. 82a-708b, and the draft revised management program. Under K.S.A. 82a-708b, an applicant requesting a change in point of diversion must demonstrate to the chief engineer that any proposed change is reasonable and will not impair. The enclosed report is an analysis performed by the GMD on behalf of our membership. Under this analysis, the proposed change is considered to be reasonable and unlikely to impair if either the net in-season well-to-well effect of the proposed change is less than a strict maximum allowable threshold (3.5 ft in cases where saturated thickness range is between 150-200 ft or less), or if no well with a net well-to-well effect exceeding the threshold is identified as critical. Critical wells are identified as wells that are expected to either lose or greatly diminish water supply over the next 25 years. The attached review information is based on a Theis analysis using inputs from the GMD3 aquifer model, which is considered to be the best information on well and aquifer data readily and easily available to the public. If either the applicant or the neighbors believe they have better data that might change the result of the analysis, they should contact GMD3. Conclusions of the well analysis may change if better information on well and aquifer data can be made available.

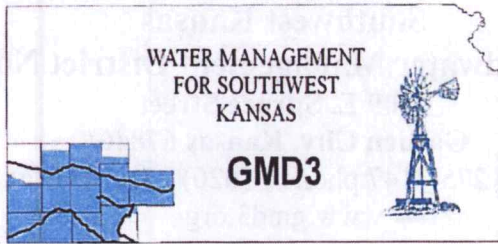
Every neighboring well within 1 mile of the proposed move was evaluated. Evaluations showed that one certified neighboring well did exceed the net effect on neighboring wells above the maximum allowable threshold. There was also one domestic well located in 7-31s-32w did exceed the 3.5 ft allowable effect and needed further calculations. The first analysis results were based on the maximum authorized quantity and rater for the water right. Further analysis showed that the effects could be mitigated if the proposed well was limited to no more than 1100gpm and 875 acre feet, which is more than the water rights have pumped for several years. Our office received no comments from neighboring well owners. Therefore, GMD3 sees this move as reasonable and therefore recommend that the application be approved with the new well limited to a diversion rate of 1100gpm. If aquifer conditions change or there is a change to the water right in the future, we would be happy to evaluate the effects at that time.

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

Sincerely,

A handwritten signature in blue ink, appearing to read "Jason L. Norquest".

Jason L. Norquest  
Assistant Manager



**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 17, 2020

Jason B Vaughan  
PO Box 913  
Sublette, Kansas 67877

RE: Application for Change in Point of Diversion  
Water Right, File Nos. 459 & 9878

Dear Jason B Vaughan:

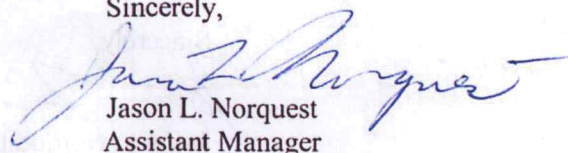
This is to inform you that Stapleton Family Farms has applied to relocate their well 2577 feet SE of their current well location in Section 6, Township 31s, Range 32w, in Seward county. The proposed change in point of diversion is in accordance with current area rules, K.A.R. 5-23-3, as it pertains to distance moved and minimum spacing to neighboring wells.

Well evaluations were conducted to estimate possible effects of the proposal on the supply of other wells with water rights prior to the proposal per K.S.A. 82a-708b, and the draft revised management program. Under K.S.A. 82a-708b, an applicant requesting a change in point of diversion must demonstrate to the chief engineer that any proposed change is reasonable and will not impair. An analysis was performed by the GMD on behalf of our membership. Under this analysis, the proposed change is considered to be reasonable and unlikely to impair if either the net in-season well-to-well effect of the proposed change is less than a strict maximum allowable threshold (3.5 ft in cases where saturated thickness is between 150-200 ft), or if no well with a net well-to-well effect exceeding the threshold is identified as critical. Critical wells are identified as wells that are expected to either lose or greatly diminish water supply over the next 25 years. Review information is based on a Theis analysis using inputs from the GMD3 aquifer model, which is considered to be the best information on well and aquifer data readily and easily available to the public. If either the applicant or the neighbors believe they have better data that might change the result of the analysis, they should contact GMD3. Conclusions of the well analysis may change if better information on well and aquifer data can be made available.

A copy of the full change application can be found on the Division of Water Resources site: <https://www.agriculture.ks.gov/divisions-programs/dwr/water-appropriation/notices> The results of the analysis can be found at: <http://www.gmd3.org/what-we-do/well-to-well-analysis/> Please review the analysis for the proposed change to Water Rights 459 & 9878. If you have any questions or wish to provide better information, please contact our office. If no response is provided to our office, we will proceed with our recommendation to the Chief Engineer.

Thank you for the for your time to review the application and to provide any information. If you have any questions, please don't hesitate to contact us.

Sincerely,

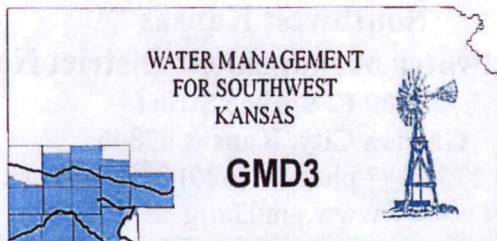


Jason L. Norquest  
Assistant Manager

RECEIVED

JAN 24 2020

Garden City Field Office  
Division of Water Resources



**Southwest Kansas**  
**Groundwater Management District No. 3**  
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(620) 275-7147 phone (620) 275-1431 fax  
www.gmd3.org

January 17, 2020

ZM Farms Inc.  
% Carol Ann Zimmerman  
15533 Road 27  
Sublette, Kansas 67877

RE: Application for Change in Point of Diversion  
Water Right, File Nos. 459 & 9878

Dear ZM Farms Inc:

This is to inform you that Stapleton Family Farms has applied to relocate their well 2577 feet SE of their current well location in Section 6, Township 31s, Range 32w, in Seward county. The proposed change in point of diversion is in accordance with current area rules, K.A.R. 5-23-3, as it pertains to distance moved and minimum spacing to neighboring wells.

Well evaluations were conducted to estimate possible effects of the proposal on the supply of other wells with water rights prior to the proposal per K.S.A. 82a-708b, and the draft revised management program. Under K.S.A. 82a-708b, an applicant requesting a change in point of diversion must demonstrate to the chief engineer that any proposed change is reasonable and will not impair. An analysis was performed by the GMD on behalf of our membership. Under this analysis, the proposed change is considered to be reasonable and unlikely to impair if either the net in-season well-to-well effect of the proposed change is less than a strict maximum allowable threshold (3.5 ft in cases where saturated thickness is between 150-200 ft), or if no well with a net well-to-well effect exceeding the threshold is identified as critical. Critical wells are identified as wells that are expected to either lose or greatly diminish water supply over the next 25 years. Review information is based on a Theis analysis using inputs from the GMD3 aquifer model, which is considered to be the best information on well and aquifer data readily and easily available to the public. If either the applicant or the neighbors believe they have better data that might change the result of the analysis, they should contact GMD3. Conclusions of the well analysis may change if better information on well and aquifer data can be made available.

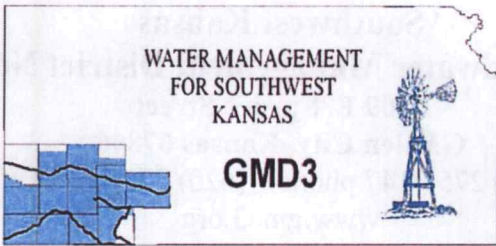
A copy of the full change application can be found on the Division of Water Resources site: <https://www.agriculture.ks.gov/divisions-programs/dwr/water-appropriation/notices> The results of the analysis can be found at: <http://www.gmd3.org/what-we-do/well-to-well-analysis/> Please review the analysis for the proposed change to Water Rights 459 & 9878. If you have any questions or wish to provide better information, please contact our office. If no response is provided to our office, we will proceed with our recommendation to the Chief Engineer.

Thank you for the for your time to review the application and to provide any information. If you have any questions, please don't hesitate to contact us.

Sincerely,

Jason L. Norquest  
Assistant Manager





**Southwest Kansas**  
**Groundwater Management District No. 3**  
2009 E. Spruce Street  
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(620) 275-7147 phone (620) 275-1431 fax  
[www.gmd3.org](http://www.gmd3.org)

January 17, 2020

Wendell Kaye Vaughan Family Trust  
% JB & WK Vaughan  
21501 Road O  
Kismet, Kansas 67859

RE: Application for Change in Point of Diversion  
Water Right, File Nos. 459 & 9878

Dear Wendell Kaye Vaughan Family Trust:

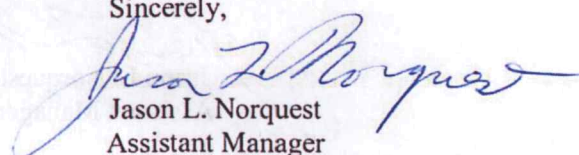
This is to inform you that Stapleton Family Farms has applied to relocate their well 2577 feet SE of their current well location in Section 6, Township 31s, Range 32w, in Seward county. The proposed change in point of diversion is in accordance with current area rules, K.A.R. 5-23-3, as it pertains to distance moved and minimum spacing to neighboring wells.

Well evaluations were conducted to estimate possible effects of the proposal on the supply of other wells with water rights prior to the proposal per K.S.A. 82a-708b, and the draft revised management program. Under K.S.A. 82a-708b, an applicant requesting a change in point of diversion must demonstrate to the chief engineer that any proposed change is reasonable and will not impair. An analysis was performed by the GMD on behalf of our membership. Under this analysis, the proposed change is considered to be reasonable and unlikely to impair if either the net in-season well-to-well effect of the proposed change is less than a strict maximum allowable threshold (3.5 ft in cases where saturated thickness is between 150-200 ft), or if no well with a net well-to-well effect exceeding the threshold is identified as critical. Critical wells are identified as wells that are expected to either lose or greatly diminish water supply over the next 25 years. Review information is based on a Theis analysis using inputs from the GMD3 aquifer model, which is considered to be the best information on well and aquifer data readily and easily available to the public. If either the applicant or the neighbors believe they have better data that might change the result of the analysis, they should contact GMD3. Conclusions of the well analysis may change if better information on well and aquifer data can be made available.

A copy of the full change application can be found on the Division of Water Resources site: <https://www.agriculture.ks.gov/divisions-programs/dwr/water-appropriation/notices> The results of the analysis can be found at: <http://www.gmd3.org/what-we-do/well-to-well-analysis/> Please review the analysis for the proposed change to Water Rights 459 & 9878. If you have any questions or wish to provide better information, please contact our office. If no response is provided to our office, we will proceed with our recommendation to the Chief Engineer.

Thank you for the for your time to review the application and to provide any information. If you have any questions, please don't hesitate to contact us.

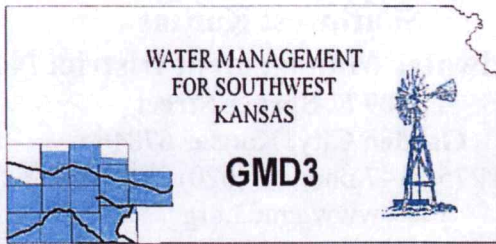
Sincerely,

  
Jason L. Norquest  
Assistant Manager

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JAN 24 2020

Garden City Field Office  
Division of Water Resources



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

January 17, 2020

Edwin L Stapleton  
PO Box 548  
Sublette, Kansas 67877

RE: Application for Change in Point of Diversion  
Water Right, File Nos. 459 & 9878

Dear Edwin L Stapleton:

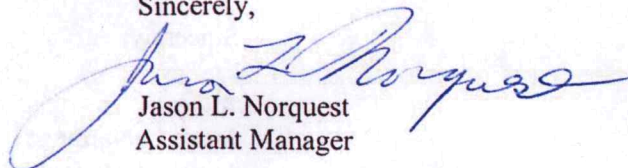
This is to inform you that Stapleton Family Farms has applied to relocate their well 2577 feet SE of their current well location in Section 6, Township 31s, Range 32w, in Seward county. The proposed change in point of diversion is in accordance with current area rules, K.A.R. 5-23-3, as it pertains to distance moved and minimum spacing to neighboring wells.

Well evaluations were conducted to estimate possible effects of the proposal on the supply of other wells with water rights prior to the proposal per K.S.A. 82a-708b, and the draft revised management program. Under K.S.A. 82a-708b, an applicant requesting a change in point of diversion must demonstrate to the chief engineer that any proposed change is reasonable and will not impair. An analysis was performed by the GMD on behalf of our membership. Under this analysis, the proposed change is considered to be reasonable and unlikely to impair if either the net in-season well-to-well effect of the proposed change is less than a strict maximum allowable threshold (3.5 ft in cases where saturated thickness is between 150-200 ft), or if no well with a net well-to-well effect exceeding the threshold is identified as critical. Critical wells are identified as wells that are expected to either lose or greatly diminish water supply over the next 25 years. Review information is based on a Theis analysis using inputs from the GMD3 aquifer model, which is considered to be the best information on well and aquifer data readily and easily available to the public. If either the applicant or the neighbors believe they have better data that might change the result of the analysis, they should contact GMD3. Conclusions of the well analysis may change if better information on well and aquifer data can be made available.

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Thank you for the for your time to review the application and to provide any information. If you have any questions, please don't hesitate to contact us.

Sincerely,



Jason L. Norquest  
Assistant Manager

**Evaluation of proposed move for Water Right Nos 459 and 9878**

*New*

Proposed: Move water right nos. 459 and 9878 a distance of 2523 ft to the southeast.

*# 17733  
478' deep*



Wells within 1 mile: 17733, 9878, 590 & 9878, 3121, 3762, 6421 & 8550, a domestic well in section 6-31-32, and a domestic well in section 7-31-32.

The saturated thickness at the proposed well location is estimated to be 182 ft, based upon the driller's log. For saturated thickness between 150 ft and 200 ft, the drawdown allowance is 3.5 ft.

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

$S = 0.224$ ,  $T = 17,252 \text{ ft}^2/\text{day}$ ,  $tp_{\text{current}} = 132 \text{ days}$  (based upon average use and observed rate),  $Q_{\text{current}} = 250 \text{ gpm}$  (based upon last reported rate),  $tp_{\text{proposed}} = 77 \text{ days}$ ,  $Q_{\text{proposed}} = 1940 \text{ gpm}$

These drawdowns were calculated as follows:

17733: Drawdown from current location = 0.60 ft  
 Drawdown from proposed location = 5.07 ft  
 Net drawdown = **4.5ft**

9878: Drawdown from current location = 0.61 ft  
 Drawdown from proposed location = 3.14 ft  
 Net drawdown = **2.5 ft**

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 Division of Water Resources

590 & 9878: Drawdown from current location = 0.63 ft  
Drawdown from proposed location = 3.06 ft  
Net drawdown = **2.4 ft**

3121: Drawdown from current location = 0.61 ft  
Drawdown from proposed location = 4.43ft  
Net drawdown = **3.8 ft**

3762: Drawdown from current location = 0.38 ft  
Drawdown from proposed location = 3.73 ft  
Net drawdown = **3.4 ft**

6421 & 8550: Drawdown from current location = 0.39 ft  
Drawdown from proposed location = 3.28 ft  
Net drawdown = **2.9 ft**

Domestic 6-31-32: Drawdown from current location = 0.62 ft  
Drawdown from proposed location = 3.21 ft  
Net drawdown = **2.6 ft**

Domestic 7-31-32: Drawdown from current location = 0.45 ft  
Drawdown from proposed location = 5.20 ft  
Net drawdown = **4.8 ft**

Net drawdown exceeds the drawdown allowance of 3.5 ft for wells authorized under water right numbers 17733 and 3121, and the domestic well located in section 7-31-32. Critical well analysis is necessary on those wells.

**Critical Well Evaluation:**

**17733:**

Water Column = 182 ft

DP = 4.5 ft

DE = 57.3 ft (Water level decline from 2020 through 2045 based upon GMD3 model)

DD = 24.6 ft (S = 0.224, T = 129,041 ft<sup>2</sup>/day, Q = 1184 gpm, tp = 76 days, efficiency = 70%)

DT = 86.4 ft

Economic Drawdown Constraint (EDC) = 182 ft \* 0.4 = 72.8 ft

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Garden City Field Office  
Division of Water Resources

Physical Drawdown Constraint (PDC) = 182 ft – 60 ft = 122 ft

The EDC is more conservative than the PDC, so the maximum allowable drawdown is 72.8 ft. Total drawdown of 86.4 ft is greater than the maximum allowable drawdown, so this well is **critical**.

**3121:**

Water Column = 182 ft

DP = 3.8 ft

DE = 58.6 ft

DD = 5.01 ft (S = 0.1602, T = 65,081 ft<sup>2</sup>/day, Q = 118 gpm, tp = 176 days, efficiency = 70%)

DT = 67.4 ft

Economic Drawdown Constraint (EDC) = 182 ft \* 0.4 = 72.8 ft

Physical Drawdown Constraint (PDC) = 182 ft – 60 ft = 122 ft

The EDC is more conservative than the PDC, so the maximum allowable drawdown is 72.8 ft. Total drawdown of 67.4 ft is less than the maximum allowable drawdown, so this well is **not critical**.

**Domestic 7-31-32:**

Water Column = 100 ft

DP = 4.8 ft

DE = 55.8 ft

DT = 60.6 ft

Economic Drawdown Constraint (EDC) = 100 ft \* 0.4 = 40 ft

Physical Drawdown Constraint (PDC) = 100 ft – 20 ft = 80 ft

The EDC is more conservative than the PDC, so the maximum allowable drawdown is 40.0 ft. Total drawdown of 60.6 ft is greater than the maximum allowable drawdown so this well is **critical**.

**Conclusion:**

The well authorized under water right number 17733 and the domestic well located in section 7-31-32 have been identified as critical wells. No driller's log is available for the well under water right number 17733, so the evaluation assumed the well was drilled to a depth at the top of the shale on the driller's log at the proposed location. The domestic well in section 7-31-32 is 44 years old and could be redrilled deeper. It is likely that drilling a new well to the depth of shale would remedy any potential issue with access to water at this well location. Overall net effects on all nearby wells are less than 3.5 ft if the proposed well is limited to a rate of 1100 gpm and a quantity of 875 AF. Therefore, GMD3 staff recommends approval of the application subject to the applicant agreeing to a limit of 1100 gpm and a quantity of 875 AF. This limitation would not be permanent and would only apply to the proposed well location.

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FEB 02 2020

Garden City Field Office  
Division of Water Resources

Garden City Field Office  
4532 W. Jones, Suite B  
Garden City, KS 67846



Phone: 620-276-2901  
Fax: 620-276-9315  
[www.agriculture.ks.gov](http://www.agriculture.ks.gov)

Mike Beam, Secretary

Laura Kelly, Governor

January 6, 2020

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

Re: Water Right, File Nos. 459 & 9878

Dear Mr. Norquest:

This is to advise you that Stapleton Farms, has filed applications for approval of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, to change the point of diversion for the above referenced files. The application is proposing to move the well approximately 2,500 feet in the same local source of supply.

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

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

Sincerely,



Michael A. Meyer  
Water Commissioner

MAM  
Enclosures

Garden City Field Office  
4532 W. Jones, Suite B  
Garden City, KS 67846



Phone: 620-276-2901  
Fax: 620-276-9315  
[www.agriculture.ks.gov](http://www.agriculture.ks.gov)

Mike Beam, Secretary

Laura Kelly, Governor

December 17, 2019

EDWIN L STAPLETON  
P O BOX 548  
SUBLETTE, KS 67877

RE: Water Right, File Nos. 459 & 9878

Dear Sir or Madam:

This is to advise you that Stapleton Family Farms has filed an application for approval of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, to change the point of diversion under the above referenced applications. An irrigation well is proposed to be relocated to the SE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 6, Township 31 South, Range 32 West, Seward County.

You can find the complete applications posted by water right file number as referenced above at: <https://agriculture.ks.gov/divisions-programs/dwr/water-appropriation/notices>

You are notified on this proposed point of diversion (well) so that you may furnish this office with any comments or other information you want to submit. Such comments or other information must be received in this office within 15 days from the date of this letter.

Should you have any questions, please feel free contact this office. If you would prefer, you could arrange an appointment for additional assistance. Please refer to the file number when you contact us if you wish to discuss a specific file.

Sincerely,

A handwritten signature in black ink, appearing to read "Austin J. McColloch".

Austin J. McColloch  
Assistant Water Commissioner

AM:  
enclosures

pc:  
GROUNDWATER MANAGEMENT DISTRICT NO. 3

SCANNED