

Kansas Department of Agriculture  
 Division of Water Resources  
**CHANGE: PD WORKSHEET ADDITIONAL WELL &  
 REDUCTION OF QUANTITY AND PLACE OF USE WITH CHANGE**

1. File Number: <b>839</b>	2. Status Change Date: <b>10/18/2021</b>	3. Change Num: <b>C1</b>	4. Field Office: <b>04</b>	5. GMD: <b>0</b>
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>4/26/2021</b>
8a. Applicant(s) New to system <input type="checkbox"/>  <b>SCOTT M SCHNEIDER 111 PRIVATE LANE TRIBUNE, KS 67879</b>		Person ID <u>55253</u> Add Seq# _____		
8b. Landowner(s) New to system <input type="checkbox"/>		Person ID _____ Add Seq# _____		
8c. Landowner(s) New to system <input type="checkbox"/>  <b>8a</b>		Person ID <b><u>55253</u></b> Add Seq# _____		
8d. WUC New to system <input type="checkbox"/>		Person ID <b><u>55253</u></b> Add Seq# _____		
8d. WUC  <b>8a</b>		Person ID _____ Add Seq# _____		
9. Documents and Enclosure(s): <input checked="" type="checkbox"/> DWR Meter(s) Date to Comply: <b><u>12/31/21</u></b> <input checked="" type="checkbox"/> N & P Date to Comply: <b><u>12/31/21</u></b>				
<input type="checkbox"/> Anti-Reverse Meter <input type="checkbox"/> Meter Seal <input checked="" type="checkbox"/> Check Valve <input checked="" type="checkbox"/> N & P Form <input type="checkbox"/> Water Tube <input type="checkbox"/> Driller Copy <input type="checkbox"/> H & E Letter <input type="checkbox"/> Conservation Plan    Date Required: _____    Date Approved: _____    Date to Comply: _____				
10. Use Made of Water    From: _____    To: _____				
Date Prepared: <b>9/30/2021</b> By: <b>li</b> Date Entered: <span style="border: 1px solid blue; padding: 2px;"><b>10/19/2021</b></span> By: <b>LMoody</b>				

File No. **839**      11. County:      Basin: **WHITEWOMAN BASIN**      Stream: **NA**      Formation Code: **211**      Special Use: 0

12. Points of Diversion										Rate and Quantity						
CHK	MOD	DEL	PDIV	Qualifier	S	T	R	ID	'N	'W	Comment (AKA Line)	Authorized		Additional		Overlap PD Files
ENT											Rate gpm	Quantity af	Rate gpm	Quantity af		
<b>MOD</b>	<b>1858</b>			<b>NW NW SE</b>	<b>12</b>	<b>19</b>	<b>39W</b>	<b>1</b>	<b>2583</b>	<b>2143</b>		<b>158</b>	<b>97.412</b>	<b>158</b>	<b>97.412</b>	<b>NONE</b>
<b>ENT</b>	<b>89107</b>			<b>NW NE SE</b>	<b>12</b>	<b>19</b>	<b>39W</b>		<b>2485</b>	<b>1323</b>	<b>ADDITIONAL WELL</b>	<b>159</b>	<b>97.412</b>	<b>159</b>	<b>97.412</b>	<b>NONE</b>

**ADDITIONAL WELL PRIORITY DATE: APRIL 26, 2021**

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

14. Limitation: \_\_\_\_\_ af/yr at \_\_\_\_\_ gpm ( \_\_\_\_\_ cfs) when combined with file number(s) **NONE NO CHANGE**  
 Limitation: \_\_\_\_\_ af/yr at \_\_\_\_\_ gpm ( \_\_\_\_\_ cfs) when combined with file number(s) \_\_\_\_\_

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

16. Place of Use										NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg?	Overlap Files	
CHK	MOD	DEL	ENT	PUSE	S	T	R	ID		NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼					
<b>MOD</b>	<b>27322</b>			<b>12 19 39W 1</b>																										

Base Acres:      Year:      Minimum Reasonable Quantity:

Comments:

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

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

**TO:** Files  
**FROM:** Leslie Ireland

**DATE:** September 30, 2021  
**RE:** Water Right,  
File No. 839

Scott M. Schneider owner of the referenced file has requested to change the point of diversion authorized for irrigation use. The application was received on April 26, 2021. This application for change in Whitewoman Creek Basin proposes to add an **additional well** and will be processed under K.A.R. 5-5-16. Both points of diversion will be utilized for irrigation use.

The referenced water right is considered not to be abandoned as per K.S.A. 82a-718 and also appears to be in compliance with K.S.A. 82a-732. Review of nearby wells found none other than that of the referenced file located within one-half mile of the proposed additional and authorized well. It appears no notification per K.S.A. 82a-1906, will be required. The application appears to comply with K.A.R. 5-5-2a, *Complete change application*.

The referenced file is authorized 317 gallons per minute to divert 320 acre-feet from the well located in the Northwest Quarter of the Northwest Quarter of the Southeast Quarter (NW $\frac{1}{4}$  NW $\frac{1}{4}$  SE $\frac{1}{4}$ ), and determined to be approximately 2,583 feet North and 2,143 feet West of the Southeast corner of Section 12, Township 19 South, Range 39 West, Greeley County. The owner wants to add an old existing well. The proposed additional well is to be located 2,485 feet North and 1,323 feet West of the Southeast corner of Section 12. The maximum acres legally irrigated were determined by the division to be 120 acres. The determination of the quantity for the consumptive use calculation as required by K.A.R. 5-5-16(a)(2)(C)(i) was:

$$120 \text{ acres} \times 1.38 \text{ (80\%NIR Greeley Co)} / 0.85 = 194.824 \text{ acre-feet.}$$

The application for change detailed the reduction in quantity to 194.824 AF with an equal split of 97.412 AF on the currently authorized Western well and 97.412 AF allocated to the Eastern well, the additional well. The approval and reduction will reduce the total quantity to 1.56 acre-foot per acre which is more than the 80% chance net irrigation requirement in Greeley County. The irrigated acres will be reduced as requested in the change application. A conservation plan will not be requested for the proposed change as the quantity appears to be reasonable. The reduction in quantity and the irrigation under a pivot in the currently authorized Southeast Quarter of Section 12, Township 19 South, Range 39 West, Greeley County, should assure that consumptive use will not increase as required by K.A.R. 5-5-3, *Consumptive use*.

The rate of diversion test as required by K.A.R. 5-5-16(a)(3)(A) was completed by Garden City Field Office Staff on November 25, 2020. The rate determined at the well currently authorized by was 313 gpm with the allowable error the 317 gpm authorized will be retained. The allocated rate for the additional well was requested to be 159 gpm that will divert the 97.412 AF in 138.64 days. The currently authorized well retaining 158 gpm to pump the requested 97.412 AF could be completed in 139.5 days of continuous pumping. The rate has been divided and assigned between the wells as specified in K.A.R. 5-5-16(d).

The source of supply has been determined to be the Ogallala Formation (Code 211). There are no well logs available for the referenced file that has been enrolled in the Water Conservation Program since the late 90's. Information prior to WCRP indicates the well to be approximately 160 feet deep. A well log completed in 2013 for a domestic well located in Section 14 approximately 3,300 feet or more away was completed 163 feet to shale. The driller indicated the static water level to be 110 feet with Cliché sand identified which would indicate the source of supply to be the Ogallala Formation. It would appear that the requirements of K.A.R. 5-5-16(b) have been met and that the existing and proposed existing well are in the same source of supply. WWC-5 records will not be a condition of the approval.



The maximum acres legally irrigated were determined by the Garden City Field Office to be 160 acres, which was utilized as the value for the determination of the quantity for the consumptive use calculation as required by K.A.R. 5-5-16(a)(2)(C)(i):

$$160 \text{ acres} \times 1.37 \text{ (80\%NIR for Greeley Co)} \div 0.85 = 257 \text{ acre-feet.}$$

The owners have agreed to reduce the quantity from 270 to 257 acre-feet. The reduction in rate an 13 acre-feet and should assure that consumptive use will not increase as required by K.A.R. 5-5-3, *Consumptive use*. The reduction in quantity will not result in a major change to the irrigation ratio as the place of use is also authorized by File Nos. 12,474; 16,929; 19,972 & 22,819.

In summary the proposed existing additional well located near the center of the West Side of the Southeast Quarter (CW SE $\frac{1}{4}$ ) to be authorized 175 gpm to divert 82 AF. The currently authorized well located in the Northwest Quarter of the Northeast Quarter of the Southeast Quarter (NW $\frac{1}{4}$  NE $\frac{1}{4}$  SE $\frac{1}{4}$ ) approximately 2,566 feet North and 766 feet West of Section 13 to be authorized 375 gpm to divert 175 AF.

The propose change in point of diversion is 2,213 feet from the currently authorized well, is less than 2,640 feet thus complying with part (b) of K.A.R. 5-23-3, *Minimum well spacing requirements: high plains aquifer*. Under part (a) of this regulation, the maximum quantity of 175 acre-feet requires a minimum well spacing of 1,300 feet. The nearest well to the additional well other than the well under the referenced file is indicated by the database to be 3,429 feet away, under File No. 8097. A Theis Analysis completed by David Engelhaupt, DWR, determined the drawdown at File No. 8097 would increase by 2.9 feet, which is 3.1% of the projected saturated thickness. This information would indicate that the additional well will not result in impairment to this nearby well and the proposed change meets the well to well(s) spacing requirements.

In a letter dated May 10, 2021, Jason Norquest, Assistant Manager, Southwest Kansas Groundwater Management District No. 3, recommended approval, however conditioned their reply an evaluation per K.A.R. 5-5-16(f) on File No. 18,181 due to them receiving comments from Todd Greeley the owner of File Nos. 17,856; 24,725 and a domestic well all located at a minimum of 5,800 feet North of the proposed additional well. As the comments made by Mr. Greeley were E-mailed to Mike Meyer, Water Commissioner of the Garden City Field Office his comments were further reviewed and acknowledged by letter dated May 20, 2021, as the DWR Theis analysis completed would further indicated the additional well proposed by the referenced file will not impair his appropriations. ~~A general evaluation of the annual quantities diverted by File No. 18,181, was supplied to the GMD by letter dated May 20, 2021.~~

Mike Meyer, Water Commissioner of the Garden City Field Office was notified of the proposed change and has reviewed the summary memo. He indicated by E-mail on May 20, 2021, that he has no objection to the approval of the proposed change in point of diversion **and requested anti-reverse and a meter seal be added to the approval.**

A water flow meter 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. **The 2020 compliance investigation shows an anti-reverse register is. As no new well is being drilled a water level measurement tube and well log will not be a condition of the approval.**

As per K.A.R. 5-5-16(a)(4), a condition will be placed on the approval that should direct impairment result the additional well will have the priority date of the date the application for change was received in the office of the Chief Engineer, July 23, 2020. The approval will contain the jurisdictional wording as required by K.A.R. 5-5-16(f).

Based on the above discussion that the change is reasonable, that impairment to existing water rights is unlikely, that there are no pending applications within the vicinity of this proposed change, that there is no change in the source of supply, it is recommended that the application for change be approved.



Leslie Ireland  
Environmental Scientist  
Water Appropriation Program

**From:** Meyer, Mike [KDA]  
**Sent:** Thu 9/30/2021 1:05 PM  
**To:** Ireland, Leslie [KDA]  
**Subject:** Re: Review and Recommendation for Change in PD File No. 839

Approve please. Thanks

Sent from my Verizon, Samsung Galaxy smartphone

Get [Outlook for Android](#)

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

**Sent:** Thursday, September 30, 2021 2:02:13 PM

**To:** Meyer, Mike [KDA] <Mike.Meyer@ks.gov>

**Subject:** Review and Recommendation for Change in PD File No. 839

Mike,

Attached is the summary memo for your review and recommendation of the additional well.

As always comments and concerns are welcome

Please thank Mitch for the help on this one.

Leslie Ireland  
Environmental Scientist  
Change Application Unit  
Division of Water Resources



THE STATE OF KANSAS



**KANSAS DEPARTMENT OF AGRICULTURE**

Mike Beam, Secretary of Agriculture

**DIVISION OF WATER RESOURCES**

Earl D. Lewis Jr., Chief Engineer

**APPROVAL OF APPLICATION  
FOR  
CHANGE IN POINT OF DIVERSION  
AND  
ORDER REDUCING THE AUTHORIZED QUANTITY OF WATER AND PLACE OF  
USE  
WATER RIGHT  
FILE NO. 839**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Scott M. Schneider, 111 Private Lane, Tribune, Kansas 67879, received in this office on April 26, 2021, 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 Order of the Chief Engineer dated September 14, 1979, in the matter of the authorized point of diversion, finds that the change is reasonable and will not impair existing rights, that the change relates to the same local source of supply and that the application should be and is hereby approved.

This order effectively reduces the authorized quantity of water to 194.823 acre-feet of water per calendar year accordance with the Application for Approval to Change the Point of Diversion received in this office on April 26, 2021.

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 (April 26, 2021) 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 Northwest Quarter of the Northwest Quarter of the Southeast Quarter (NW $\frac{1}{4}$  NW $\frac{1}{4}$  SE $\frac{1}{4}$ ) Section 12, more particularly described as being near a point 2,583 feet North and 2,143 feet West of the Southeast corner of said section, at a diversion rate not in excess of 158 gallons per minute (0.35 c.f.s.) and a quantity not to exceed 97.412 acre-feet per calendar year, 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 12, more particularly described as being near a point 2,485 feet North and 1,323 feet West of the Southeast corner of said section, at a diversion rate not in excess of 159 gallons per minute (0.35 c.f.s.) and a quantity not to exceed 97.412 acre-feet per calendar year, (additional well), and

both in Township 19 South, Range 39 West, Greeley County, Kansas, and



irrigation use on the following described property:

Sec. Twp. Range	NE¼				NW¼				SW¼				SE¼				TOTAL
	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
12 19S 39W													31.25	31.25	31.25	31.25	125

a total of 125 acres in Township 19 South, Range 39 West, Greeley 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, 2021, 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.

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. 839, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated January 14, 1964, as modified and amended by the aforementioned order.

Ordered this 18 day of October, 2021, in Manhattan, Riley County, Kansas.

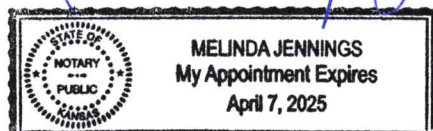
*Lane P. Letourneau*

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 18 day of October, 2021, by Lane P. Letourneau, P.G., Program Manager, Division of Water Resources, Kansas Department of Agriculture.

*Melinda Jennings*  
 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
- 3)

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        day of        , 2021, I hereby certify that the attached Approval of Application for Change in Point of Diversion and Order in the Matter of the Authorized Quantity of Water and Place of Use, Water Right, File No. 839, dated        was mailed postage prepaid, first class, US mail to the following:

SCOTT M SCHNEIDER  
111 PRIVATE LANE  
TRIBUNE, KS 67879

With a Photocopy to:

Garden City Field Office

---

Division of Water Resources

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



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

Mike Beam, Secretary

Laura Kelly, Governor

October 27, 2021

SCOTT M SCHNEIDER  
111 PRIVATE LANE  
TRIBUNE, KS 67879

RE: Water Right, File No. 839

Dear Mr. Schneider:

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

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in the approval for change. A condition of the approval is that acceptable water flowmeter must be installed on the diversion works authorized. Please return the required, *Notification of the Completion of the Diversion Works*, prior to December 31, 2022, for each authorized point of diversion.

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

The change approval is adding a the additional point of diversion located in the Northwest Quarter of the Northeast Quarter of the Southeast Quarter (NW<sup>1</sup>/<sub>4</sub> NE<sup>1</sup>/<sub>4</sub> SE<sup>1</sup>/<sub>4</sub>) of Section 12, therefor it is approved subject to the condition that for the sole purpose of administering wells concerning direct impairment, the quantity and rate approved as the portion of the additional well shall be considered to have the priority of the date the application was filed (April 26, 2021).

If you have any questions, please contact our office at (785) 564-6640, or Michael Meyer, Water Commissioner, Garden City Field Office at (620) 276-2901. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

A handwritten signature in cursive script that reads "Kristen A. Baum".

Kristen A. Baum  
New Application and Change Unit Supervisor  
Water Appropriation Program

KAB:LI

Enclosures

pc: Garden City Field Office



## 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
- 3)

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.

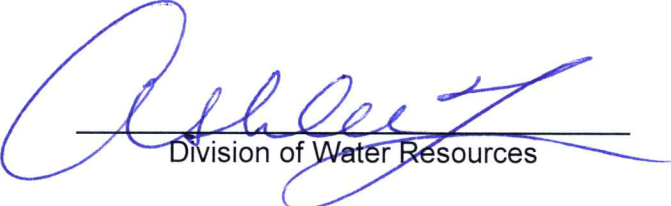
## CERTIFICATE OF SERVICE

On this 27 day of October, 2021, I hereby certify that the attached Approval of Application for Change in Point of Diversion and Order in the Matter of the Authorized Quantity of Water and Place of Use, Water Right, File No. 839, dated \_\_\_\_\_ was mailed postage prepaid, first class, US mail to the following:

SCOTT M SCHNEIDER  
111 PRIVATE LANE  
TRIBUNE, KS 67879

With a Photocopy to:

Garden City Field Office

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