

Kansas Department of Agriculture
 Division of Water Resources
CHANGE: PD WORKSHEET & OWNERSHIP **DONE 9/15/2021**

see separate
worksheet for
ownership

1. File Number: 968	2. Status Change Date: 9/28/2021	3. Change Num: C2	4. Field Office: 04	5. GMD: 03
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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: 3/29/2021
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8a. Applicant(s) New to system <input type="checkbox"/> Person ID 59134 Add Seq# _____ WARREN M & AMANDA R WILLIS 613 ROAD N HUGOTON, KS 67951	8c. Landowner(s) New to system <input checked="" type="checkbox"/> Person ID _____ Add Seq# _____ VJ LAND & CATTLE CO INC 815 S VAN BUREN HUGOTON, KS 67951-2301
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8b. Landowner(s) New to system <input type="checkbox"/> Person ID 59134 Add Seq# _____ WARREN M & AMANDA R WILLIS 613 ROAD N HUGOTON, KS 67951	8d. WUC New to system <input type="checkbox"/> Person ID 59134 Add Seq# 1 8b
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9. Documents and Enclosure(s): <input checked="" type="checkbox"/> DWR Meter(s) Date to Comply: 12/31/21 <input checked="" type="checkbox"/> N & P Date to Comply: 12/31/21
<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: 8/17/2021 By: li Date Entered: 9/30/2021 By: LMoody

9/22/2021
Lireland

Kansas Department of Agriculture
 Division of Water Resources
WAIVER REQUEST & WAIVER RULE WORKSHEET

File Number: **968**

FO: **4**

GMD: **3**

WAIVER REQUEST:

UMW	Date Requested	Rule ID	Applies	Rule Type	Rule Subtype
IRR	3/30/2021	27		Well Spacing	Well to Well Spacing
Rule Number	Date Granted	Date Denied	Justification:	GMD No. 3 recommends a waiver of the well spacing regulation since the wells in question have not met well spacing requirements in the past, the requested change will move the higher authorized quantity and rate away from nearby domestic wells. No new wells will be drilled.	
K.A.R. 5-23-3(a)(1)	9/28/2021				

WAIVER RULE:

Rule ID	Applicability	Type	Subtype	Rule Number	Date Active	Date Inactive

Date Prepared **8/30/2021** By **LI**

Date Entered **9/30/2021** By **LMoody**

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: August 30, 2021

FROM: Leslie Ireland

RE: Water Right, File Nos. 968; 8,210 & 21,070

Warren and Amanda Willis along with the new owner AJ Stegman on behalf of VJ Land & Cattle Co Inc. as owners of the referenced water rights have filed applications for approval to change the points diversion under the referenced files authorized for irrigation use. The applications were received on March 29, 2021.

The referenced water rights appear in compliance with K.S.A. 82a-718 and K.S.A. 82a-732, and the applications comply with K.A.R. 5-5-2a. It appears the requested changes are the first step for a proposed division and additional changes to the referenced files.

The owners request to move the overlapping files, File Nos. 968 & 8,210 to that of File No. 21,070 and 21,070 to that of File Nos. 968 & 8,210, essentially a "flip-flop" of the rights between existing wells. The wells being changed do not currently meet spacing to the well in Section 16 authorized by File Nos. 968 & 8,210.

File Nos. 968 & 8,210 authorize two overlapping wells with the junior having two limitations per point of diversion with the senior. These limitations will remain as certified. The proposal is to move the well in Section 21 (ID #3) that is located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ of 21-23-38W, Stevens County, 4,450' N and 1,200' W of the SE corner to the well authorized by File No. 21,070, (ID #2) located CE NW $\frac{1}{4}$, approximately 3,960' N & 2,675' W of the SE corner. Under File No. 8,210 the authorized 2,693 gallons per minute (6.00 c.f.s) and 1,200 acre-feet per calendar year limited to 1,280 acre-feet per year when combined with the 1,200 acre that could be diverted with File No. 968 that is authorized a blanket 1,200 acre-feet at 2,693 gallons per minute to be diverted at the well currently authorized by File No. 21,070, located near the center of the East side of the NW $\frac{1}{4}$ of 21-33-38 W, Stevens County, approximately 3,930' N and 2,675' W of the SE corner of said section. The referenced files are located within the Southwest Kansas Groundwater Management District No. 3 (GMD 3).

In turn File No. 21,070 proposes to move its authorized 1,250 gallons per minute (2.79 c.f.s) and 471 acre-feet per calendar year limited to 2,246 acre-feet per year when combined with File Nos. 968 & 8,210 & 15,366 to located (ID #3). Compliance investigation of ID #3 place these wells approximately 2,425 feet and 2,571 feet per GMD 3 from each other complying with part(b) of K.A.R. 5-23-3, *Minimum well spacing requirements: high plains aquifer*, as the approval will move the well less than 2,640 feet. As this is a "flip-flop" or switch between the two (2) existing points of diversion it will allow 809 acre-feet more to be pumped from the Eastern well under File Nos. 968 & 8,210. The quantity limitation on File No. 21,070 will remain and its less annual quantity than historically diverted at the well to be authorized.

The wells under File Nos. 968 & 8,210 source of supply designated as Ogallala (Code 211) Formation. The source of supply designated for the well under File No. 21,070 listed in WRIS as the Tertiary System Code 200. It appears the source of supply is the same formation just additional detail, it will be updated to the Ogallala (Code 211) as the source of supply.

When File Nos. 968 & 8,210 move to the East, the applicants have indicated there are three (3) domestic wells and two (2) irrigation wells located within one-half ($\frac{1}{2}$) mile of the proposed existing point of diversion. The change will move the larger annual quantity away from these domestic wells. The proposed well under File No. 21,070, has six (6) domestic wells and the irrigation wells under File Nos. 968 & 8,210, located within one-half mile. Informational letters sent to the nonapplicant domestic well owners resulted in no replies. The proposed long-range plan is to move further away from the domestic wells, but it does appear spacing is met to the domestic wells, but the 1,971 feet of well to well spacing of the irrigation wells does not meet the required spacing of 2,100 feet per K.A.R. 5-23-3. A waiver was

requested by the owners.

Each well being moved does not comply with K.A.R. 5-23-3, *Minimum well spacing requirements: high plains aquifer*, to the well in Section 16 under File Nos. 968 & 8,210. In a letter dated August 12, 2021, and received on August 12, 2021, Jason Norquest, Assistant Manager, stated that the Board of the Southwest Kansas Groundwater Management District No. 3, recommended approval of the changes and a waiver of K.A.R. 5-23-3. A **waiver** of K.A.R. 5-23-3 has been prepared.

After a review of the proposed changes, Michael Meyer, Water Commissioner of the Garden City Field Office, indicated that he recommended approval of the proposed changes as per his email of August 30, 2021.

The changes in points of diversion will require water flowmeters meeting the specifications of the Chief Engineer to be installed and Notice of Completion. Check valves will also be required if chemigating. Water level measurements tubes and WWC-5 logs will not be required as no new wells will be drilled.

Based on the above discussion and the approval of the requested waiver, the changes appear to be reasonable, that impairment to existing water rights is unlikely, the local source of supply remains unchanged, it is recommended that the referenced applications be approved.



Leslie Ireland
Environmental Scientist
Water Appropriation Program

From: Meyer, Mike [KDA]
Sent: Mon 8/30/2021 7:25 AM
To: Ireland, Leslie [KDA]
Subject: RE: Review and Recommendation Changes in PD, File Nos. 968 8210 & 21070

approve thanks

Mike

From: Ireland, Leslie [KDA] <Leslie.Ireland@ks.gov>
Sent: Friday, August 27, 2021 4:43 PM
To: Meyer, Mike [KDA] <Mike.Meyer@ks.gov>
Subject: Review and Recommendation Changes in PD, File Nos. 968 8210 & 21070

Mike,

Please let me know if you could recommend these change and support the requested waiver.

As always comments and concerns are welcome.

GO CHIEFS... THE jets for the fly over zoomed by a little while ago..... it is almost game time.

Leslie Ireland
Environmental Scientist
Change Application Unit
Division of Water Resources



Water Rights and Points of Diversion Within 1 mile of point defined as:
 480 Feet N and 3500 Feet W of the Southeast Corner of Section 16 Twp 33S Rng 38W
 Located at: 101.459272 West Longitude and 37.171326 North Latitude
 GROUNDWATER ONLY

File Number	Use	ST	SR	Dist (ft)	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Twp	Rng	ID	Batt	Auth_Quan	Add_Quan	
A__ AF	968 00	IRR	NK	G*	9	--	SW	SE	SW	480	3500	16	33	38W	5		1200.00	1200.00
Same					2168	--	SW	NW	NW	4450	5200	21	33	38W	3			
A__ AF	6032 00	IRR	NK	G	4847	--	CE	SE	1284	70	20	33	38W	4		573.00	573.00	
A__ AF	8210 00	IRR	NK	G*	9	--	SW	SE	SW	480	3500	16	33	38W	5		1280.00	595.00
Same					2168	--	SW	NW	NW	4450	5200	21	33	38W	3		960.00	446.00
A__ AF	15366 00	IRR	NK	G	1939	--	NW	NW	SE	2200	2600	16	33	38W	2		820.00	5.00
A__ AF	17498 00	IRR	NK	G	3598	--	SW	SW	SW	100	5180	15	33	38W	2		400.00	400.00
A__ AF	21070 00	IRR	NK	G*	1971	--	CE	NW	3960	2675	21	33	38W	2		471.00	.00	
A__ AF	26808 00	IRR	NK	G	3643	--	NC	W2	NW	3960	4620	16	33	38W	4		686.00	.00
A__ AF	32443 00	IRR	NK	G	4847	--	CE	SE	1284	70	20	33	38W	4		290.00	290.00	
A__ AF	33039 00	IRR	NK	G	4847	--	CE	SE	1284	70	20	33	38W	4		246.00	27.00	

Total Net Quantities Authorized:	Direct	Storage
Total Requested Amount (AF) =	.00	.00
Total Permitted Amount (AF) =	.00	.00
Total Inspected Amount (AF) =	.00	.00
Total Pro_Cert Amount (AF) =	.00	.00
Total Certified Amount (AF) =	3536.00	.00
Total Vested Amount (AF) =	.00	.00
TOTAL AMOUNT (AF) =	3536.00	.00

An * after the source of supply indicates a pending application for change under the file number.
 An * after the ID indicates a 15 AF exemption was granted under the file number.
 A "G" in the Batt column indicates the GEO CTR of a battery. A "B" indicates a well in the battery.
 The number in the Batt column is the number of wells in the battery.

Water Rights and Points of Diversion Within 1 mile of point defined as:
 480 Feet North and 3500 Feet West of the Southeast Corner of Section 16 Twp 33S Rng 38W
 Located at: 101.459272 West Longitude and 37.171326 North Latitude
 GROUNDWATER ONLY
 WATER USE CORRESPONDENTS:

- > HIGH PLAINS TRUST
- > RICHARD FARRAR
- > 1536 BELLAIRE AVE
- > LIBERAL KS 67901
- >-----
- > WARREN M & AMANDA R WILLIS
- >
- > 613 ROAD N
- > HUGOTON KS 67951
- >-----
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- > 613 ROAD N

> HUGOTON KS 67951
>-----
> HIGH PLAINS TRUST
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> HIGH PLAINS TRUST
> RICHARD FARRAR
> 1536 BELLAIRE AVE
> LIBERAL KS 67901
>-----
> JOEL T MCCLURE
>
> 1949 ROAD 7
> HUGOTON KS 67951
>-----
> WARREN M & AMANDA R WILLIS
>
> 613 ROAD N
> HUGOTON KS 67951
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> HUGOTON KS 67951
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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
WATER RIGHT
FILE NO. 968**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Warren M. and Amanda R. Willis, 613 Road N, Hugoton, Kansas 67951, along with AJ Stegman on behalf of VJ Land & Cattle Company Incorporated, 815 S. Van Buren, Hugoton, Kansas 67951-2301, received in this office on March 29, 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 July 19, 1962, approving the application to change the place of use, and by the Findings and Order of the Chief Engineer dated March 13, 1979, in the matter of the point of diversion, and by the Order of the Chief Engineer dated April 8, 1991, approving the application to change the authorized point of diversion and place of use, and by Order of the Chief Engineer dated April 21, 2006, approving the application to change the authorized point of diversion, finds that the change is reasonable and will not impair existing rights, and that the application should be and is hereby approved.

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

one (1) well located near the center of the East Side of the Northwest Quarter (NW $\frac{1}{4}$) of Section 21, more particularly described as being near a point 3,960 feet North and 2,675 feet West of the Southeast corner of said section, and

one (1) well located in the Southwest Quarter of the Southeast Quarter of the Southwest Quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 16, more particularly described as being near a point 480 feet North and 3,500 feet West of the Southeast corner of said section,

both in Township 33 South, Range 38 West, Stevens County, Kansas,

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

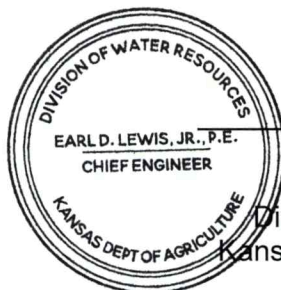
Installation of the works for diversion of water shall be completed on or before December 31, 2021, or within any authorized extension of time. The water right owner shall notify the Chief Engineer of the Division of Water Resources, Kansas Department of Agriculture, when construction of the works for diversion has been completed.

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

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.

In all other respects, the Certificate of Appropriation issued pursuant to Approval of Application, File No. 968, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated September 17, 1959, as modified and amended by the aforementioned orders.

Ordered this 28th day of September, 2021, in Manhattan, Riley County, Kansas.



Earl D. Lewis Jr.
Earl D. Lewis Jr., P.E.

Chief Engineer
Division of Water Resources
Kansas Department of Agriculture

State of Kansas)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this 28 day of September, 2021, by Earl D. Lewis Jr., P.E., Chief Engineer, 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.

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 , 2021, I hereby certify that the attached Approval of Application for Change in Point of Diversion, Water Right, File No. 968 dated, , 2021, was mailed postage prepaid, first class, US mail to the following:

WARREN M & AMANDA R WILLIS
613 ROAD N
HUGOTON, KS 67951

With a true and correct copy to:

VJ LAND & CATTLE CO INC
AJ STEGMAN
815 S VAN BUREN
HUGOTON, KS 67951-2301

With photocopies to:

Garden City Field Office
Groundwater Management District No. 3

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE
Mike Beam, Secretary of Agriculture

DIVISION OF WATER RESOURCES
Earl D. Lewis Jr., Chief Engineer


WAIVER OF REGULATION
K.A.R. 5-23-3(a)(1)

Date: September 28, 2021

Re: File Nos. 968; 8,210 & 21,070

1. That K.A.R. 5-23-3(a) states in part, that the minimum well spacing shall be based on the maximum annual quantity of water in acre-feet authorized and requested for the proposed well or authorized and requested by a senior application, permit or water right, and that a change in point of diversion greater than 300 feet and does not improve well spacing.
2. The owners propose to flip flop the authorized diversions under the wells in Section 21 under File Nos. 968 & 8,210, with that of File No. 21,070. These wells do not currently meet the required 2,300 feet of spacing to the well in Section 16 authorized by File Nos. 968 & 8,210, by approximately 130 & 320 feet.
3. The approvals will result in the larger annual diversion quantity to move away from several domestic wells.
4. The nearby well owners have no objection to the proposed changes.
5. That the Board of Southwest Groundwater Management District No. 3, recommended a waiver of part (a) of K.A.R. 5-23-3 for each requested change.
6. That waiving this regulation will not prejudicially or unreasonably affect the public interest and should not impair the nearby rights.

Comments:


Earl D. Lewis Jr., P.E.
Chief Engineer
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

September 30, 2021

WARREN M & AMANDA R WILLIS
613 ROAD N
HUGOTON, KS 67951

RE: Water Right, File Nos. 968; 8,210 & 21,070

Dear Mr. & Mrs. Willis:

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

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

Your attention is directed to the enclosures and to the terms and conditions specified in these approvals for change. A condition of the approvals is that an acceptable water flowmeter must be installed on the diversion works authorized under the referenced files. Please be reminded that the quantity of water authorized under File Nos. 8,210 and 21,070, are limited with their senior rights.

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

If you have any questions, please contact us at 785-566-6633, or our staff at the Garden City Field Office, 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,

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

KAB:LI:li

Enclosures

pc: Garden City Field Office
Groundwater Management District No. 3
AJ Stegman, VJ Land & Cattle Co., Inc.

RIGHT TO A HEARING AND TO ADMINISTRATIVE REVIEW

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- 2) request administrative review by the Secretary of Agriculture.

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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 30 day September, 2021, I hereby certify that the attached Approval of Application for Change in Point of Diversion, Water Right, File No. 968 dated 28 September, 2021, was mailed postage prepaid, first class, US mail to the following:

WARREN M & AMANDA R WILLIS
613 ROAD N
HUGOTON, KS 67951

With a true and correct copy to:

VJ LAND & CATTLE CO INC
AJ STEGMAN
815 S VAN BUREN
HUGOTON, KS 67951-2301

With photocopies to:

Garden City Field Office
Groundwater Management District No. 3


Division of Water Resources