

File No. **14715** 11. County: **SW** Basin: **CIMARRON RIVER** Stream: **NA** Formation Code: **211** Special Use: **NA**

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	
DEL				67358 NE SE NW	9	34	33W	4	3440	3025	PLUG	1075	693	1075	693	NONE
ENT				89372 SE SE NW	9	34	33W		3026	2794		1075	693	1075	693	NONE

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										
NO CHANGE																																		

Base Acres: Year: Minimum Reasonable Quantity:
 Comments:

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

File Number: 14715

FO: 4

GMD: 3

WAIVER REQUEST:

UMW	Date Requested	Rule ID	Applies	Rule Type	Rule Subtype
IRR	7/14/2021	27		Well Spacing	Well to Well Spacing
Rule Number	Date Granted	Date Denied	Justification:	The proposed well does not meet spacing to a well under a different junior file, but both serve the same place of use. Spacing to all other wells has been met. GMD 3 Board recommends a waiver of the well spacing regulation as the analysis showed no nonowner critical wells and the GMD expanded nearby notification did not receive any comments.	
K.A.R. 5-23-3(a)(1)	3/17/2022				

WAIVER RULE:

Rule ID	Applicability	Type	Subtype	Rule Number	Date Active	Date Inactive

Date Prepared 3/15/2022 By LI

Date Entered 3/21/2022 By _____
LMoody

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: March 15, 2022

FROM: Leslie Ireland

RE: Water Right, File No. 14,715

Fred L. & Kathy R. Bloom along with Donita Payne owners of the referenced water right authorized for irrigation use, filed an application for approval to change the point of diversion to drill a new well. The application was received on July 14, 2021.

The referenced water right appears to be in compliance with K.S.A. 82a-732, and the application is in compliance with K.A.R. 5-5-1, *Filing an application for change*.

The referenced file authorizes one (1) well with no overlaps in the point of diversion. The requested change is due to the loss of production at the well. The referenced file is authorized 693 acre-feet at 1,075 gallons per minute. The well has been authorized at its current location since 2002. The 455 acres of the place of use overlaps with Water Right, File No. 47,254, authorized 650 AF and further limited to 910 AF per year with the referenced file. The source of supply has been determined to be the Ogallala Formation, and is not located within a special use area. It is in the Cimarron River Basin and Southwest Groundwater Management District No. 3, (GMD3).

The currently authorized well located in the Northeast Quarter of the Southeast Quarter of the Northwest Quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 9, and determined to be 3,462 feet North and 3,063 feet West of the Southeast corner of said section, in Township 34 South, Range 33 West, Seward County is proposed to be moved to the Southeast to complete a new well that will be located in the Southeast Quarter of the Southeast Quarter of the Northwest Quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 9, approximately 3,026 feet North and 2,794 feet West of the Southeast corner of Section 9. The new well was determined by the GMD 3 to be approximately 512 feet to the Southeast of the currently authorized well, and complies with GMD 3's regulation 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. The currently authorized well will be plugged or capped.

The submitted drillers log completed by DBE of Dalhart, Texas in June of 2021, listed as Test No.2 with a total well depth of 580 feet to the red bed was indicated to be medium to coarse to fine sands and Caliche. No static water level was indicated. It appears the source of supply will remain the Ogallala Formation (code 211).

The proposed new well will be approximately 1,890 feet from the well authorized under File No. 47,254, located 1,142 feet North and 2,675 feet West of the Southeast corner of Section 9. The change is subject to Part (a)(1) of K.A.R. 5-23-3, requiring the minimum well spacing to other non-temporary and non-domestic wells for the 693 acre-feet authorized shall be a minimum of 2,300 feet. The spacing for this file and the limited 650 acre-feet that could be diverted by File No. 47,254 also requires 2,300 feet of well to well spacing. As the proposed point of diversion does not meet the required spacing for wells in the High Plains Aquifer, the owner requested a **waiver of part (a)(1) of K.A.R. 5-23-3**.

The owner has indicated that within one-half ($\frac{1}{2}$) mile of the proposed well, there is only his domestic well which is located approximately 2,500 feet to the West. As there are no nearby wells other than the applicants well, no written comments were solicited by the Division. GMD 3 notified

In a letter received on March 10, 2022, Jason Norquest, Assistant Manager, Southwest Kansas Groundwater Management District No. 3, said the Board recommended a waiver of K.A.R. 5-23-3(a)(1) and approval of the proposed change in point of diversion.

Michael Meyer, Water Commissioner of the Garden City Field Office has reviewed the proposed change and requested waiver. He supported the requested waiver and recommended approval of the proposed change as per his e-mail dated March 15, 2022.

The new well will be required to have a flow-meter installed and to have a water level measuring tube. A check valve will be required on if the systems will be chemigating. The owner will be informed by the transmittal letter that the old well is to be plugged in accordance with KDHE regulations.

Should the waiver be approved, the proposed change appears to be reasonable, the source of supply will remain unchanged, and it is unlikely that the change will cause impairment to any existing water rights, approval of the proposed change in point of diversion should be approved.



Leslie Ireland
Environmental Scientist

From: Fred Bloom
Sent: Wed 3/16/2022 10:27 AM
To: Ireland, Leslie [KDA]
Subject: Re: Address needed for Water Right Change File No. 14715

EXTERNAL: This email originated from outside of the organization. Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Here is Donitas's current address...

Donita Payne
3303 NE163 Street
Lake Forest Park WA 98155
United States

On Tue, Mar 15, 2022 at 4:12 PM Ireland, Leslie [KDA] <Leslie.Ireland@ks.gov> wrote:

Mr. Bloom

I am finishing up the paperwork for the approval documents.

Does Donita Payne have a new address?

Our records have her mailing address to be:

DONITA L PAYNE FAMILY TRUST
Attn: DONITA PAYNE TRUSTEE
6566 ROAD G
LIBERAL, KS 67901-5131

As Ms. Payne is an owner we would send her a copy of the approval for her files.

Leslie Ireland
Environmental Scientist
Change Application Unit
Division of Water Resources



From: Meyer, Mike [KDA]
Sent: Tue 3/15/2022 3:31 PM
To: Ireland, Leslie [KDA]
Subject: RE: File No. 14715 Review & Recommendation for Change in PD _ Bloom

I recommend approval with the recommendation of waiver of spacing as the GMD3 found no impairment concerns with the proposed move

thank you

Mike

From: Ireland, Leslie [KDA] <Leslie.Ireland@ks.gov>
Sent: Tuesday, March 15, 2022 3:22 PM
To: Meyer, Mike [KDA] <Mike.Meyer@ks.gov>
Subject: File No. 14715 Review & Recommendation for Change in PD _ Bloom

Mike,

Please let me know if you'd recommend this change with the waiver of spacing to its junior well.

As always comments and concerns are welcome.

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

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

Date: March 17, 2022
Re: File No. 14,715

1. That K.A.R. 5-23-3(a)(1) states in part, that the minimum well spacing requirement for non-domestic wells which propose the withdrawal of over 500 acre-feet of water from the Ogallala Formation shall be a minimum of 2,300 feet from all other non-domestic wells in the Ogallala aquifer.
2. The proposed well under the referenced file is authorized 693 acre-feet and located approximately 1,889 feet from the well authorized by File No. 47,254, that is authorized a limited 650 acre-feet.
3. The proposed diversion from the well that will be authorized by the change serves the same place of use which is under common ownership.
4. There are no non-domestic wells within one-half ($\frac{1}{2}$) mile of either well, there is a domestic well owned by the applicant located approximately 2,500 feet from the proposed well.
5. That the Southwest Groundwater Management District No. 3, recommended a waiver of part (a)(1) of K.A.R. 5-23-3.
6. That the waiver will not prejudicially or unreasonably affect the public interest.

Comments:



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. 14,715**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Fred L. and Kathy R. Bloom, 6566 Road G, Liberal, Kansas 67901-5131, and Donita L. Payne Trustee, of the Donita L. Payne Family Trust, 3303 NE 163rd Street, Lake Forest Park, Washington 98155-6522, received in this office on July 14, 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 April 24, 2002, approving the application to change 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.

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 in the Southeast Quarter of the Southeast Quarter of the Northwest Quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 9, more particularly described as being near a point 3,026 feet North and 2,794 feet West of the Southeast corner of said section, in Township 34 South, Range 33 West, Seward 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, 2022, 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.

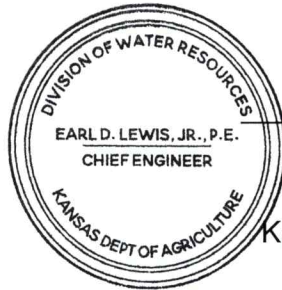
All wells with a diversion rate of 100 gallons per minute or more drilled under the authority of this order shall have a tube or other device installed in a manner acceptable to, and in accordance with specifications adopted by, the Chief Engineer. This tube or device shall be suitable for making water level measurements and shall be maintained in a condition satisfactory to the Chief Engineer.

The water right owner shall submit to the Chief Engineer a copy of the well log for the new point of diversion as required by the Kansas Department of Health and Environment under the authority of K.S.A. 82a-1212, currently form WWC-5, following the drilling of the well at the authorized location.

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. 14,715, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated July 12, 1983, as modified and amended by the aforementioned order.

Ordered this 17th day of March, 2022, 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 17 day of March 2022, by Earl D. Lewis Jr., P.E., Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.

Melinda Jennings
Notary Public



KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

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Leslie Ireland
Environmental Scientist

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

March 22, 2022

FRED L & KATHY R BLOOM
6566 ROAD G
LIBERAL, KS 67901-5131

RE: Water Right, File No. 14,715

Dear Mr. & Mrs. Bloom:

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 a water flowmeter meeting K.A.R. 5-1-4 through 5-1-12, must be installed on the diversion works. Please return the required *Notification of Completion of the Diversion Works and/or Installation of the Required Flowmeter*, as soon as these actions are completed. The Notice of Completion form may be found online at www.agriculture.ks.gov, Water Appropriation Forms, there is no fee for the required completion notification. Please be reminded the well log, WWC-5, should be submitted with the Notice of Completion.

Any abandoned water wells 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.

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.

If you have any questions, please contact our staff at the Garden City Field Office, their phone number is 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

Enclosure

pc: Garden City Field Office
Groundwater Management District No. 3
Donita L. Payne

RIGHT TO A HEARING AND TO ADMINISTRATIVE REVIEW

This Order shall become a final agency action, as defined by K.S.A. 77-607(b), without further notice to the parties, if a request for hearing or a petition for administrative review is not filed as set forth below.

Request for Hearing. According to K.A.R. 5-14-3(c), any party who desires a hearing must submit a request within 15 days after the date shown on the Certificate of Service attached to this Order. Filing a request for a hearing will give you the opportunity to submit additional facts for consideration, contest any findings made by the Chief Engineer or present any other information you believe should be considered in this matter. A timely-filed request for hearing will stay the deadline for requesting administrative review of this Order pending the outcome of the hearing.

Petition for Review. Any person aggrieved by this Summary Order may petition for administrative review, pursuant to K.S.A. 82a-708b(a) and K.S.A. 82a-1901(a). The petition must be filed within 30 days after the date shown on the Certificate of Service attached to this Order and must set forth the basis for the review, unless stayed by the timely filing of a request for hearing.

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

CERTIFICATE OF SERVICE

On this 22 day of March, 2022, I hereby certify that the attached Approval of Application for Change, Water Right, File No. 14,715, dated 17 March 2022 was mailed postage prepaid, first class, US mail to the following:

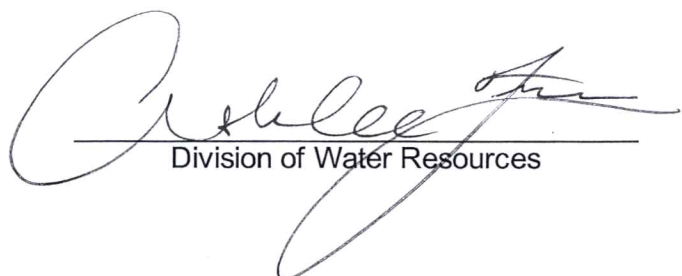
FRED L & KATHY R BLOOM
6566 ROAD G
LIBERAL, KS 67901-5131

With a True and Correct Copy to:

DONITA L. PAYNE FAMILY TRUST
DONITA L. PAYNE TRUSTEE
3303 NE 163rd STREET
LAKE FOREST PARK, WA 98155-6522

With a Photocopy to:

Garden City Field Office
Groundwater Management District No. 3


Division of Water Resources