

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

1. File Number: <b>43666</b>	2. Status Change Date: <b>2-28-2022</b>	3. Change Num: <b>C3</b>	4. Field Office: <b>4</b>	5. GMD: <b>3</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>2/15/2022</b>
8a. Landowner, WUC, Applicant(s) New to system <input type="checkbox"/>  <b>L H &amp; THAIS J BROWN PO BOX 126 PLAINS, KS 67869-0126</b>		8c. Landowner(s) New to system <input type="checkbox"/>  Person ID <b>40474</b> Add Seq# _____		
8b. Landowner(s), New to system <input checked="" type="checkbox"/>  Person ID _____ Add Seq# _____		8d. WUC New to system <input type="checkbox"/>  Person ID _____ Add Seq# _____		
9. Documents and Enclosure(s): <input checked="" type="checkbox"/> DWR Meter(s) Date to Comply: <b>12/31/2022</b> <input checked="" type="checkbox"/> N & P Date to Comply: <b>3/1/2023</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 checked="" type="checkbox"/> Water Tube <input type="checkbox"/> Driller Copy <input checked="" 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>2/28/2022</b> By: <b>MAM</b> Date Entered: _____    By: _____				

File No. **43666**      11. County: SW      Basin: CIMARRON RIVER      Stream:      Formation Code: 211      Special Use:

12. Points of Diversion  
 CHK  
 MOD  
 DEL PDIV  
 ENT  
 Qualifier      S      T      R      ID      'N      'W      Comment (AKA Line)      Rate gpm      Quantity af      Rate gpm      Quantity af      Overlap PD Files

**DEL 63243**  
**ENT NWNWSE 3 33S 31W 1760 2400 890 500 890 500 48208-A**

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

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

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

16. Place of Use CHK MOD DEL ENT	PUSE	S	T	R	ID	NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg?	Overlap Files
						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>CHK 5521</b>																									
<b>CHK 52383</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 28, 2022

L H & THAIS J BROWN  
PO BOX 126  
PLAINS, KS 67869-0126

RE: Field Office Application for Change  
Water Right, File No. 43666 & 48208-A

Dear Sir: and Madam:

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

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in these approvals for change. Conditions of these approvals are that an acceptable water flow meter 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 meter as soon as these actions are completed.

Since the orders modify the original documents referred to above, they 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 contact 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:  
Groundwater Management District No. 3

**CERTIFICATE OF SERVICE**

On this 28<sup>th</sup> day of February 2022, I hereby certify that the foregoing Approval of Application for Change in Point of Diversion, Water Right, File Nos. 43,666 and 48,208-A dated 28<sup>th</sup> day of February 2022 was mailed postage prepaid, first class, US mail to the following:

L H & THAIS J BROWN  
PO BOX 126  
PLAINS, KS 67869-0126

Pc:

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.

RECEIVED

FEB 15 2022  
 3:09 PM  
 Garden City Field Office  
 Division of Water Resources

File No. 43666

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: L H & THAIS J BROWN

PO BOX 126 PLAINS KS 67869 - 0126

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

Name and address of Water Use Correspondent: Same as above

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.)

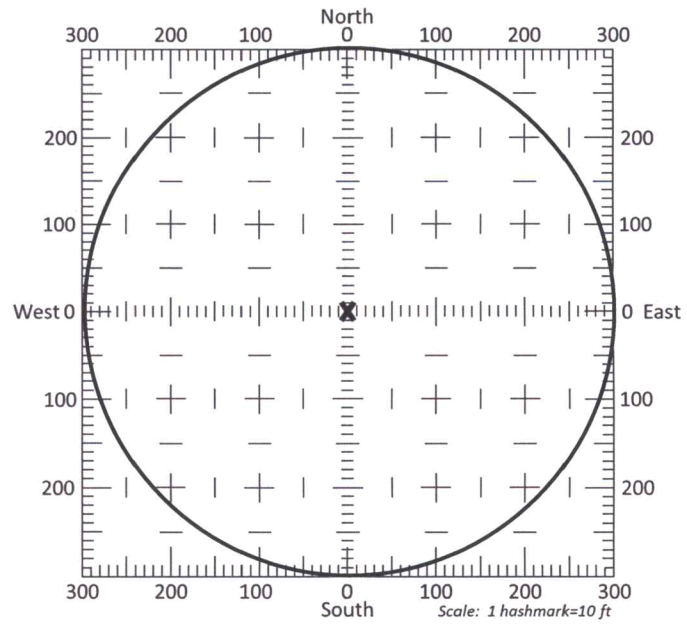
Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

**For Office Use Only:** Code \_\_\_\_\_ Fee \$ 200.00 TR # \_\_\_\_\_ Receipt Date 2-15-2022 Check # 14427

5. **Presently authorized point of diversion:**  
 One in the SE Quarter of the SE Quarter of the NE Quarter of Section 3, Township 33 South, Range 31 W, in Seward County, Kansas, 2982 feet North 59 feet West of Southeast corner of section.  
 Authorized Rate \_\_\_\_\_ Authorized Quantity \_\_\_\_\_ Depth of well 510 (feet)  
 (DWR use only: Computer ID No. 02 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 NW Quarter of the NW Quarter of the SE Quarter of Section 3, Township 33 South, Range 31 W, in Seward County, Kansas, 1760 feet North 2400 feet West of Southeast corner of section.  
 Proposed Rate \_\_\_\_\_ Proposed Quantity \_\_\_\_\_ Proposed well depth (feet) 520  
 This point is:  Additional Well  Geo Center List other water rights that will use this point 48208-A

6. **Presently authorized point of diversion:**  
 One in the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of Section \_\_\_\_\_, Township \_\_\_\_\_ South, Range \_\_\_\_\_ 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 \_\_\_\_\_

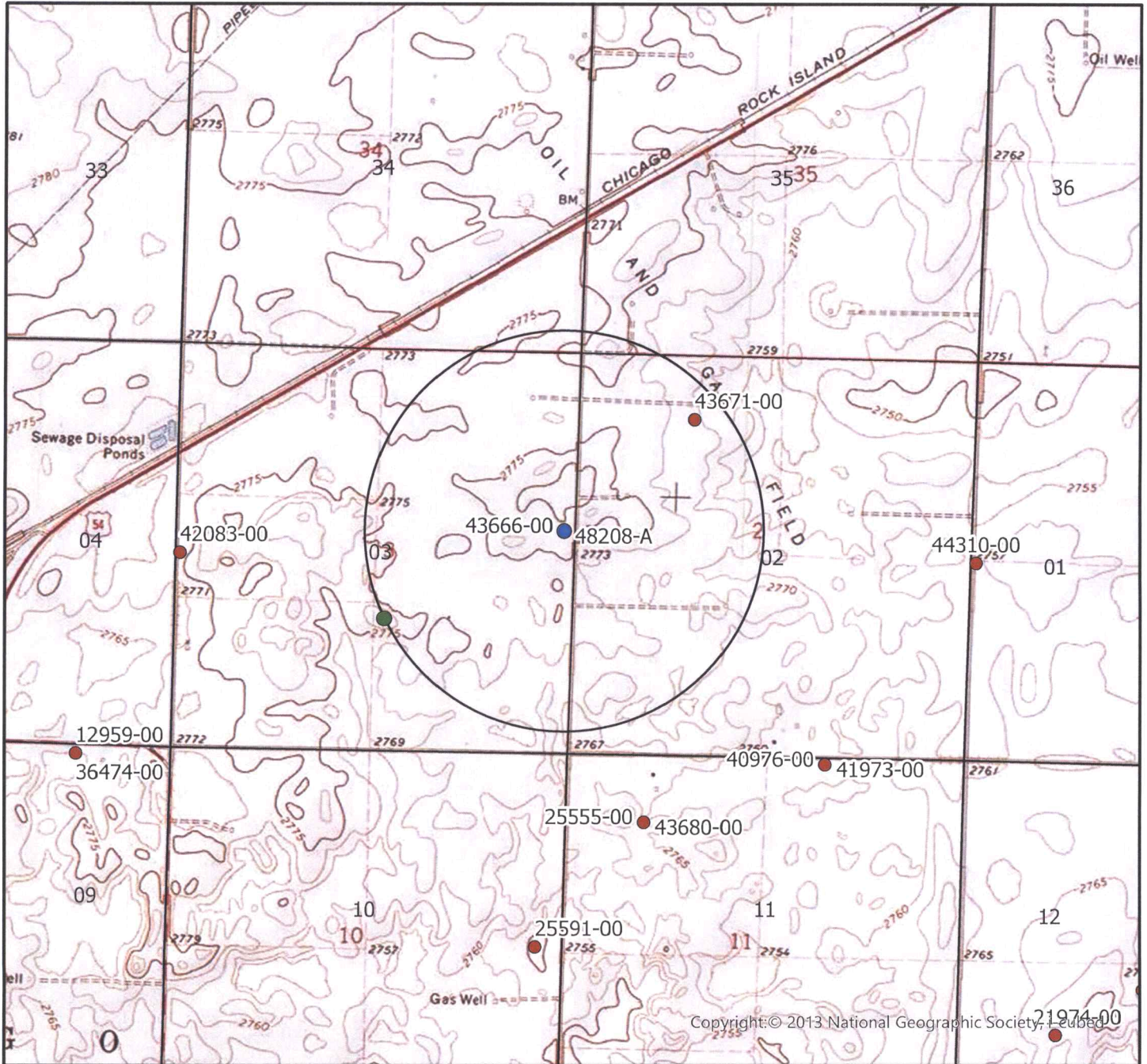


13a. If the proposed point of diversion will be relocated more than 300 feet but within 2,640 feet of the existing point of diversion, attach a topographic map or aerial photograph. For groundwater sources, show all wells (including domestic) within one-half mile of the proposed point of diversion and 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 a 300 foot radius of the existing point of diversion, indicate its location on the diagram shown above in relation to the existing point of diversion. The proposed point of diversion must be located within the circle shown above. (PLEASE NOTE: The "X" in center of diagram above represents the presently authorized point of diversion.)

# CHANGE IN POINT OF DIVERSION WATER RIGHT, FILE NOS. 43666 & 48208-A

Section 3 Township 33 South Range 31 West Seward County



<span style="color: blue;">●</span>	Authorized Point of Diversion
<span style="color: green;">●</span>	Proposed Point of Diversion
<span style="color: red;">●</span>	Permitted Water Right
★	Domestic Well within 1/2 mile
<span style="border: 1px solid black; display: inline-block; width: 15px; height: 15px;"></span>	1/2 mile buffer

List of owner name and addresses within 1/2 mile:



By signing below I agree that all wells, including domestic, and owners names and addresses within 1/2 mile of the proposed point of diversion have been shown on the map

(Signature)

Date

AM/GCFO  
1:24,000 Scale





File No. 43665

Any use of water that is not as authorized by the water right or permit to authorize water **before** the chief engineer approves this application is a violation of the Kansas Water Appropriation Act for which criminal or civil penalties may be assessed. Such violation is a class C misdemeanor, punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. K.S.A. 82a-728(b). Civil penalties shall be not less than \$100 nor more than \$1,000 per violation. In the case of a continuing violation, each day such violation continues may be deemed a separate violation. In addition to these penalties the water right may be modified or suspended. K.S.A. 82a-737, as amended.

**The application must be signed by all owners of the place of use authorized under the water right and his or her spouse, if married. Please indicate if there is no spouse.** If land is being purchased under contract, the seller must sign as landowner until such time as the contract is completed.

In the event that all applicants cannot appear before one notary public, they may as necessary sign separate copies of the application before any notary public conveniently available to them. All copies signed in this manner shall be considered to be valid parts of the application.

If the request is signed on behalf of any Owner by someone with legal authority to do so (for example, an agent, one who has power of attorney, or an executor, executrix, conservator), it will be necessary to attach proper documents showing such authority.

I declare that I am an owner of the currently authorized place of use as identified herein, or that I represent all such owners and am authorized to make this application on their behalf, and declare further that the statements contained herein are true, correct, and complete. By filing this application I authorize the chief engineer to permanently reduce the quantity of water and/or rate of diversion as specified in sections 14 and 15 of this application.

Dated at Plains, Kansas, this 15 day of February, 20 22.

\_\_\_\_\_  
(Owner) Yvain Bro  
(Spouse)

\_\_\_\_\_  
(Please Print) \_\_\_\_\_  
(Please Print)

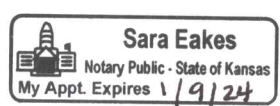
\_\_\_\_\_  
(Owner) \_\_\_\_\_  
(Spouse)

\_\_\_\_\_  
(Please Print) \_\_\_\_\_  
(Please Print)

\_\_\_\_\_  
(Owner) \_\_\_\_\_  
(Spouse)

\_\_\_\_\_  
(Please Print) \_\_\_\_\_  
(Please Print)

State of Kansas }  
County of Meade } SS



I hereby certify that the foregoing application was signed in my presence and sworn to before me this 15 day of February, 20 22.

My Commission Expires 1/9/2024

Sara Eakes  
Notary Public

**FEE SCHEDULE**

Each application to change the place of use, the point of diversion or the use made of the water under this section shall be accompanied by the application fee set forth in the schedule below:

- (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
- (4) Application to change the use made of the water . . . . . \$300

Make check payable to **Kansas Department of Agriculture.**

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 2-7-2022 Plains, Kansas, this 7<sup>th</sup> day of February, 2022.

<u>[Signature]</u> (Owner)	_____	(Spouse)
<u>L.H. Brown</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 Meade } SS



I hereby certify that the foregoing application was signed in my presence and sworn to before me this 7<sup>th</sup> day of February, 2022.

[Signature]  
Notary Public

My Commission Expires 1-25-2024.

**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**

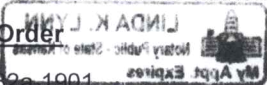
This Summary Order is issued under authority of K.S.A. 82a-708b, as amended, and K.A.R. 5-5-1, *et seq.* and other applicable provisions of the *Kansas Water Appropriation Law*, K.S.A. 82a-701 *et seq.*, and rules and regulations promulgated thereunder, With the exception of those conditions expressly contained herein, this Summary Order does not change the terms, conditions and limitations of File No. 43666

1. A change application was received on February 15, 2022 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 2640 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, 2022**, 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, 2022**, or within any authorized extension of time. By March 1, 2023 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-1001, 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  
Duty Authorized Designee of the Chief Engineer

(Print Name): MICHAEL A. MEYER  
Division of Water Resources - Kansas Department of Agriculture

Date of Issuance: February 28, 2022

State of Kansas )

) SS

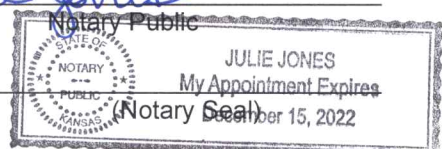
County of Linney )

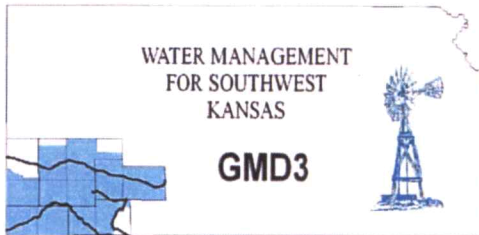
Acknowledged before me on February 28, 2022

by Michael A. Meyer

Signature: Julie Jones

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





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

February 28, 2022

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

RE: Application for Change in Point of Diversion  
Water Right, File Nos. 43666 & 48208A

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 minimum spacing to neighboring wells and distance moved.

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 (4.0 ft on the sections saturated thickness greater than 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. 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 none of the neighboring wells exceeded the net effect above the maximum allowable threshold and no critical wells determined. We did not receive any comments from neighbor notices. Therefore, GMD3 sees this move as meeting current rules and would recommend approval of the application. 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,

Jason L. Norquest  
Assistant Manager

RECEIVED

FEB 28 2022

Garden City Field Office  
Division of Water Resources

## GMD3 Change Review

---

File No(s): 43666 & 48208A .

DWR office: GC.

App filed to change: PD.

Is Landowner(s) correct in WRIS: LH & Thais J Brown .

If NO, is documentation included?

Is Water Use Correspondent correct in WRIS?   .

If NO, is documentation included?

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

Point of diversion ID No(s) 02 being changed.

	ft. North	ft. West	
Authorized PD	2982	59	Sect 3-33-31
Proposed PD	1760	2400	
Difference	1222 s	-2341 w	
a2 + b2 = c2	1493284	5480281	2640.751 foot move SW

GPS for proposed PD: Lat: 37.2036706 Long: -100.6801969.

Is proposed PD stacking on existing WRs? Keep current stack .

Is Proposed PU overlapping existing WRs? No Change .

Neighboring certified well(s) notified:   .

Name JDH Trust (12959, 12981, 36474, 42082, 42083, domestic).

Address PO Box 216.

Zip Kismet, KS 67859.

Email: jlheadrick@swko.net Phone: 620-563-9362.

Name Jeffrey Kyle Torline (25555 LH Brown the correspondent).

Address 7771 W Harvest Ln.

Zip Wichita, KS 67212.

Email: . Phone: .

Domestic well(s) notified:   .

Name Jorge DeLaTorre (CN NW of 11-33-31).

Address PO Box 186.

Zip Plains, KS 67869.

Base Acres:   .

Perfected Acres:   .

Irr. Return-Flow   %

### Seward Co.

**43666: 500AF @ 890gpm**

**48208A: 500AF @ 1100gpm, Limited to 500AF @ 1100gpm combined**

**Avg WUR ( 2011-2020): 396.4AF/year. A few years reported overpumping.**

## GMD3 Change Review

---

**1150gpm reported in 2017 (over rate)**

**2018 GMD3 inspection calculated 958gpm.**

**Proposed depth around 520'.**

**Current well around 480'.**

Is a waiver needed: Move less than half mile. Minimum spacing to neighboring wells appears met. Analysis showed possible effects within guidelines, no critical wells.

Recommendation: After review of all available information, the proposed change appears to be within current area rules. Staff therefore recommends approval of the application.



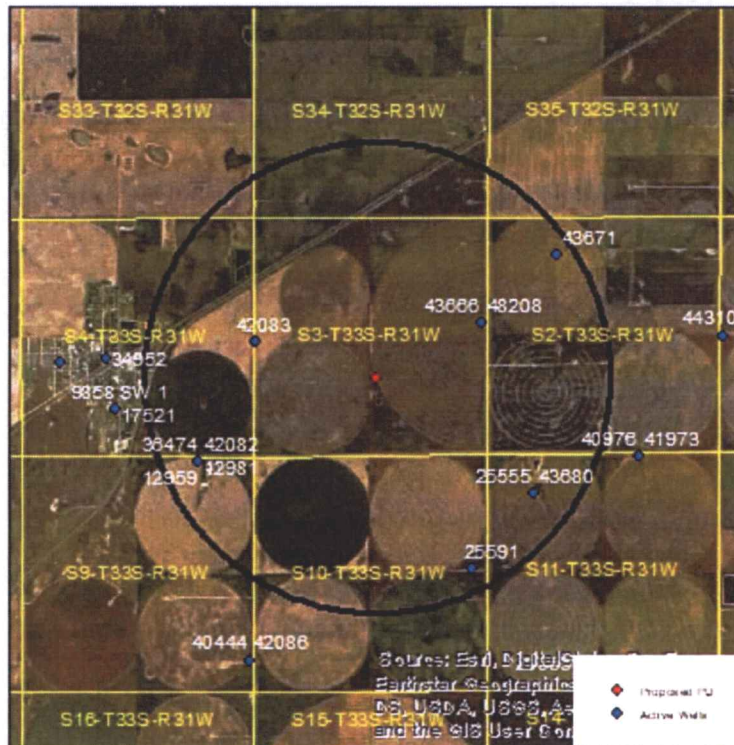
RECEIVED

FEB 28 2022

Garden City Field Office  
Division of Water Resources

**Evaluation of proposed move for Water Right Nos. 43666 and 48208A**

Proposed: Move water right nos. 43666 & 48208A a distance of 2,640 ft to the southwest.



Wells within 1 mile: 42083, 43671, 12959 & 12981 & 36474 & 42082, 25591, and 25555 & 43680.

The saturated thickness at the proposed well location is estimated to be 220 ft, based upon the driller’s log and an observation well in section 9-33-31. For saturated thickness greater than 200 ft, the drawdown allowance is 4.0 ft.

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

$S = 0.1902, T = 7437.7 \text{ ft}^2/\text{day},$

$t_{p_{\text{current}}} = 94 \text{ days}$  (based on observed rate and average use),  $Q_{\text{current}} = 958 \text{ gpm}$  (based on 2018 field inspection),  $t_{p_{\text{proposed}}} = 103 \text{ days}, Q_{\text{proposed}} = 1100 \text{ gpm}$

Theis drawdowns were calculated as follows:

- 42083: Drawdown from current location = 2.20 ft  
 Drawdown from proposed location = 4.02 ft  
 Net drawdown = **1.8 ft**
- 43671: Drawdown from current location = 3.80 ft  
 Drawdown from proposed location = 2.84 ft  
 Net drawdown = **-1.0 ft**

12959 & 12981 &

36474 & 42082:

Drawdown from current location = 1.79 ft

Drawdown from proposed location = 2.98 ft

Net drawdown = **1.2 ft**

25591:

Drawdown from current location = 2.10 ft

Drawdown from proposed location = 2.88 ft

Net drawdown = **0.8 ft**

25555 & 43680:

Drawdown from current location = 2.57 ft

Drawdown from proposed location = 3.03 ft

Net drawdown = **0.5 ft**

Net drawdown does not exceed the drawdown allowance of 4.0 ft for any well within 1 mile of the proposed location. Therefore, critical well analysis is not necessary.

**Conclusion:**

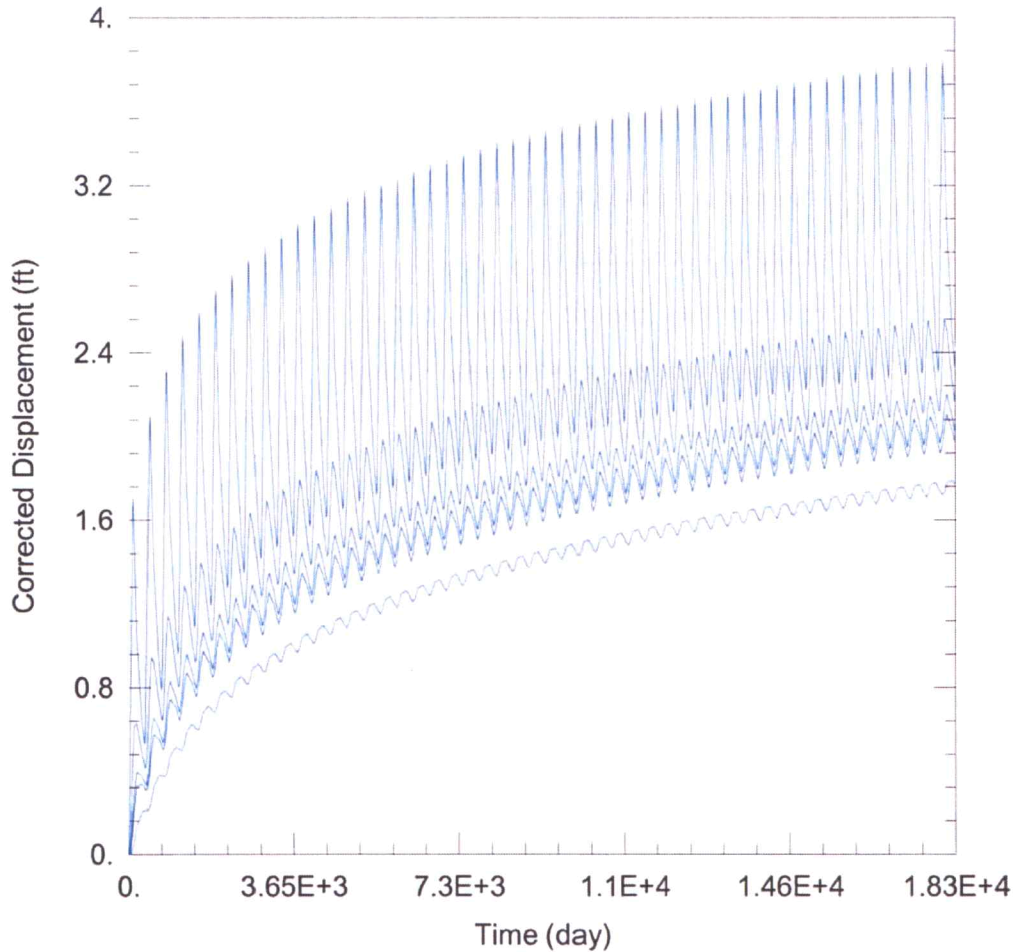
The proposed move is likely to create minimal effects on neighboring wells and is unlikely to cause impairment. GMD3 staff recommends approval of this proposal.

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Division of Water Resources





WELL TEST ANALYSIS

Data Set: C:\Users\trevora\Documents\2022\_moves\43666\_48208A\43666 Current.aqt  
 Date: 02/17/22 Time: 16:19:31

PROJECT INFORMATION

Company: GMD 3  
 Project: 43666 & 48208A  
 Location: Seward County

WELL DATA

Pumping Wells

Well Name	X (ft)	Y (ft)
43666 & 48208	37088	120913

Observation Wells

Well Name	X (ft)	Y (ft)
□	37088	120913
□ 42083	31992	120484
□ 43671	38775	122434
□ 12959 & 12981 & 36474 & 430684		117789
□ 25591	36862	115404
□ 25555 & 43680	38258	117088

SOLUTION

Aquifer Model: Unconfined

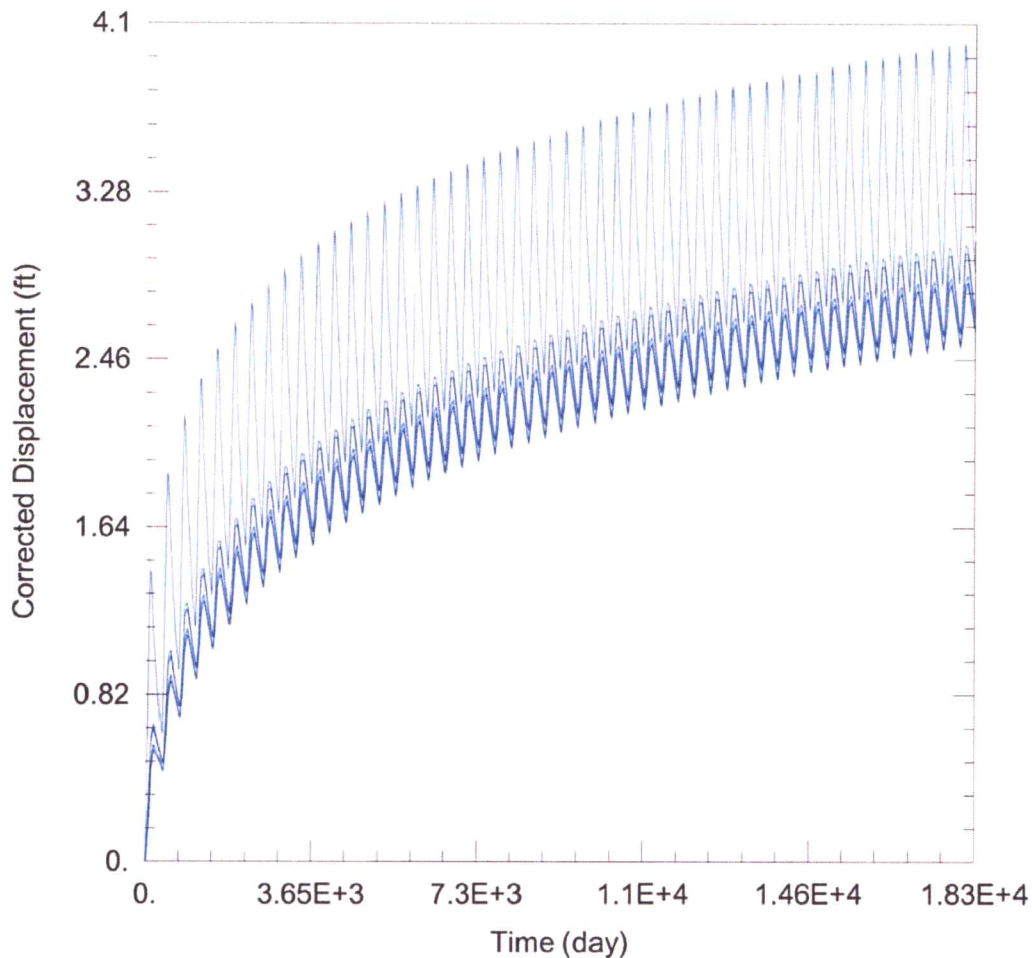
Solution Method: Theis

T = 7437.7 ft<sup>2</sup>/day

S = 0.1902

Kz/Kr = 1.

b = 220. ft



WELL TEST ANALYSIS

Data Set: C:\Users\trevora\Documents\2022\_moves\43666\_48208A\43666 Proposed.aqt  
 Date: 02/17/22 Time: 16:19:24

PROJECT INFORMATION

Company: GMD 3  
 Project: 43666 & 48208A  
 Location: Seward County

WELL DATA

Pumping Wells

Well Name	X (ft)	Y (ft)
43666 & 48208	34731	119687

Observation Wells

Well Name	X (ft)	Y (ft)
□	34731	119687
□ 42083	31992	120484
□ 43671	38775	122434
□ 12959 & 12981 & 36474 & 430684		117789
□ 25591	36862	115404
□ 25555 & 43680	38258	117088

SOLUTION

Aquifer Model: Unconfined

T = 7437.7 ft<sup>2</sup>/day  
 Kz/Kr = 1.

Solution Method: Theis

S = 0.1902  
 b = 220. ft

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**FEB 28 2022**

Garden City Field Office  
 Division of Water Resources

Water Rights and Points of Diversion Within 1 mile of point defined as:

1760 Feet N and 2400 Feet W of the Southeast Corner of Section 3 Twp 33S Rng 31W  
 Located at: 100.680090 West Longitude and 37.203677 North Latitude  
 Both SURFACE WATER and GROUNDWATER

File Number	Use	ST	SR	Dist	(ft)	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Twp	Rng	ID	Batt	Auth_Quan	Add_Quan	
A__ AF	12959	00	IRR	NK	G	4500	↙	NW	NE	NE	5205	1235	9	33	31W	1	2300	198.00	198.00
A__ AF	12981	00	IRR	NK	G	4500	↙	NW	NE	NE	5205	1235	9	33	31W	1		62.00	.00
A__ AF	25555	00	IRR	NK	G	4481	↙	SE	NW	NW	4377	4002	11	33	31W	5	2300	127.00	127.00
A__ AF	25591	00	IRR	NK	G	4772	↙	SE	SE	NE	2740	300	10	33	31W	1	2300	276.00	276.00
A__ AF	36474	00	IRR	NK	G	4500	↙	NW	NE	NE	5205	1235	9	33	31W	1		128.00	128.00
A__ AF	42082	00	IRR	NK	G	4500	↙	NW	NE	NE	5205	1235	9	33	31W	1		275.00	275.00
A__ AF	42083	00	IRR	NK	G	2883	↙	NW	NW	SW	2560	5160	3	33	31W	1	2300	719.00	529.00
A__ AF	43666	00	IRR	NK	G*	↙ 2628	↙	SE	SE	NE	2982	59	3	33	31W	2	2300	500.00	500.00
A__ AF	43671	00	IRR	NK	G	4861	↙	SW	NE	NW	4467	3623	2	33	31W	2	2300	201.00	201.00
A__ AF	43680	00	IRR	NK	G	4481	↙	SE	NW	NW	4377	4002	11	33	31W	5	2300	66.00	66.00
A__ AF	48208	A	IRR	NK	G*	↙ 2628	↙	SE	SE	NE	2982	59	3	33	31W	2		500.00	.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

Minimum Spacing  
 Appears MET!!

Total Pro\_Cert Amount (AF) = .00 .00  
 Total Certified Amount (AF) = 2300.00 .00  
 Total Vested Amount (AF) = .00 .00  
 TOTAL AMOUNT (AF) = 2300.00 .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:

1760 Feet North and 2400 Feet West of the Southeast Corner of Section 3 Twp 33S Rng 31W

Located at: 100.680090 West Longitude and 37.203677 North Latitude

Both SURFACE WATER and GROUNDWATER

WATER USE CORRESPONDENTS:

=====

File Number Use ST SR

> JDH TRUST

> PO BOX 216

> KISMET KS 67859

12959

> JDH TRUST

> PO BOX 216

> KISMET KS 67859

12981

Applicant

> L H & THAIS J BROWN

> PO BOX 126

> PLAINS KS 67869

25555

> JEFFREY KYLE TORLINE

> 7771 W HARVEST LN

> WICHITA KS 67212

25591

> JDH TRUST

36474

Garden City Field Office  
 Division of Water Resources

FEB 28 2022

RECEIVED

>  
> PO BOX 216  
> KISMET KS 67859

>-----

> JDH TRUST  
>  
> PO BOX 216  
> KISMET KS 67859

42082



~~Applicant~~

> JDH TRUST  
>  
> PO BOX 216  
> KISMET KS 67859

42053

>-----

> L H & THAIS J BROWN  
>  
> PO BOX 126  
> PLAINS KS 67869

43666

Application

> L H & THAIS J BROWN  
>  
> PO BOX 126  
> PLAINS KS 67869

43671

Applicant

> L H & THAIS J BROWN  
>  
> PO BOX 126  
> PLAINS KS 67869

43680

> L H & THAIS J BROWN  
>  
> PO BOX 126  
> PLAINS KS 67869

48205A

Application

>-----

=====

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

February 15, 2022

SOUTHWEST KANSAS GROUNDWATER  
MANAGEMENT DISTRICT NO. 3  
2009 E SPRUCE ST  
GARDEN CITY KS 67846

Re: Request for Recommendation  
Water Right, File Nos. 43666 & 48208-A

Dear Mr. Norquest:

This is to advise you that L.H. Brown, has filed applications for approval of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, to change the point of diversion.

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,

A handwritten signature in blue ink that reads "Michael A. Meyer".

Michael A. Meyer  
Water Commissioner

MAM  
Enclosures