

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

1. File Number: 28234	2. Status Change Date: 2/6/2023	3. Change Num: C3	4. Field Office: 4	5. GMD: 3
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: 6/22/2022
8a. Applicant(s) New to system <input type="checkbox"/> BEN RATZLAFF ESTATE Attn: % LINDA FINK PO BOX 996 ELKHART, KS 67950		Person ID 50887 Add Seq# _____	8c. Landowner(s) New to system <input type="checkbox"/> Person ID _____ Add Seq# _____	
8b. Landowner(s) New to system <input type="checkbox"/> AMY K RATZLAFF ET AL PO BOX 996 ELKHART, KS 67950		Person ID 41714 Add Seq# _____	8d. WUC New to system <input type="checkbox"/> 8a Person ID _____ Add Seq# _____	
9. Documents and Enclosure(s): <input checked="" type="checkbox"/> DWR Meter(s) Date to Comply: 12/31/2023 <input checked="" type="checkbox"/> N & P Date to Comply: 3/1/2024				
<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 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: _____				
WAIVER INCLUDED <div style="display: flex; justify-content: space-around; align-items: center;"> <div style="border: 1px solid red; padding: 5px; text-align: center; color: red;"> 1/20/2023 JDK </div> <div style="border: 1px solid blue; padding: 5px; text-align: center; color: blue;"> 2/7/2023 LMoody </div> </div> <div style="display: flex; justify-content: space-between; margin-top: 10px;"> Date Prepared: 1/12/2023 By: AM Date Entered: 2/7/2023 By: _____ </div>				

File No. **28234** 11. County: **MT** Basin: **N F CIMARRON RIVER** Stream: Formation Code: **211** Special Use:

12. Points of Diversion											Rate and Quantity						
CHK	MOD	DEL	ENT	PDIV	Qualifier	S	T	R	ID	'N	'W	Comment (AKA Line)	Rate gpm	Quantity af	Rate gpm	Quantity af	Overlap PD Files
MOD	23011				NE NW NW	34	32S	42W	2	5220	4075		1050	814	1050	629	NONE
CHK	30969				SE NW NW	33	32S	42W	2	4070	4180		600	574	600	325	NONE
DEL	37196																
CHK	45367				SE NW NW	33	32S	42W	3	4200	4000		180	159	180	94	NONE

13. Storage: Rate _____ NF Quantity _____ ac/ft Additional Rate _____ NF Additional Quantity _____ ac/ft

14. Limitation: **1280** af/yr at _____ gpm (_____ cfs) when combined with file number(s) **9075 (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																			Total	Owner	Chg?	Overlap Files						
CHK	MOD	DEL	ENT	PUSE	S	T	R	ID	NE¼				NW¼				SW¼				SE¼							
									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				
CHK	4952																											
CHK	25505																											
CHK	36847																											
CHK	38428																											
CHK	67624																											

Base Acres: Year: Minimum Reasonable Quantity:
 Comments:

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

File Number: 28,234

FO: 4 GMD: 3

WAIVER REQUEST:

UMW	Date Requested	Rule ID	Applies	Rule Type	Rule Subtype
IRR	6/22/2022	26	GMD 3	Well Spacing	Well to Well Spacing
Rule Number	Date Granted	Date Denied	Justification:	No new well is being drilled, no increase in authorized quantity, rate only. Passes DWR This evaluation.	
K.A.R. 5-23-3(a)(1)	2/6/2023				

WAIVER RULE:

Rule ID	Applicability	Type	Subtype	Rule Number	Date Active	Date Inactive

Date Prepared 1/12/2023 By AM

Date Entered 2/7/2023 By LMoody

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: January 17, 2023

FROM: Austin McColloch

RE: Water Right,
File No. 28,234

On June 22, 2022, Linda Fink on behalf of the Ben Ratzlaff Estate, owner of the referenced water right, filed an application for approval to change the authorized point of diversion under the above referenced file, authorized for irrigation use in the N F Cimarron River Basin.

The above referenced water rights do not appear to be abandoned as per K.S.A. 82a-718.

The referenced Water Right is currently authorized under four (4) wells located as follows:

one (1) well located in the Northeast Quarter of the Northwest Quarter of the Northwest Quarter (NE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 34, more particularly described as being near a point 5,220 feet North and 4,075 feet West of the Southeast corner of said section, at a diversion rate not in excess of 790 gallons per minute and a quantity not to exceed 814 acre-feet of water per calendar year.

one (1) well located in the Southeast Quarter of the Northwest Quarter of the Northwest Quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 33, more particularly described as being near a point 4,070 feet North and 4,180 feet West of the Southeast corner of said section, at a diversion rate not in excess of 600 gallons per minute and a quantity not to exceed 574 acre-feet of water per calendar year.

one (1) well located in the Northwest Quarter of the Northwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 34, more particularly described as being near a point 5,220 feet North and 4,785 feet West of the Southeast corner of said section, at a diversion rate not in excess of 260 gallons per minute and a quantity not to exceed 268 acre-feet of water per calendar year.

one (1) well located in the Southeast Quarter of the Northwest Quarter of the Northwest Quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 33, more particularly described as being near a point 4,200 feet North and 4,000 feet West of the Southeast corner of said section, at a diversion rate not in excess of 180 gallons per minute and a quantity not to exceed 159 acre-feet of water per calendar year.

all in Township 32 South, Range 42 West, Morton County, Kansas.

The application proposes to move the rate of one of the wells to overlap another, while eliminating the point of diversion and quantity as follows:

one (1) well located in the Northeast Quarter of the Northwest Quarter of the Northwest Quarter (NE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 34, more particularly described as being near a point 5,220 feet North and 4,075 feet West of the Southeast corner of said section, at a diversion rate not in excess of 1,050 gallons per minute and a quantity not to exceed 814 acre-feet of water per calendar year.

one (1) well located in the Southeast Quarter of the Northwest Quarter of the Northwest Quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 33, more particularly described as being near a point 4,070 feet North and 4,180 feet West of the Southeast corner of said section, at a diversion rate not in excess of 600 gallons per minute and a quantity not to exceed 574 acre-feet of water per calendar year.

one (1) well located in the Southeast Quarter of the Northwest Quarter of the Northwest Quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 33, more particularly described as being near a point 4,200 feet North and 4,000 feet West of the Southeast corner of said section, at a diversion rate not in excess of 180 gallons per minute and a quantity not to exceed 159 acre-feet of water per calendar year.

all in Township 32 South, Range 42 West, Morton County, Kansas.

The application proposes moving the authorized rate (260 gpm) of the well located in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 34 to overlap the well located in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 34. The well located in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ will no longer be an authorized point of diversion. The two wells are 790 feet apart and currently authorized under the same water right, therefore the same local source of supply.

The applicant identified one nearby well within one-half mile and nearby notification letters were sent on October 3, 2022. No response of any kind was received.

Spacing requirements have been met except to one irrigation well under File No. 21,634. The distance between the two wells is 1,996 feet which is short of meeting the spacing requirement of 2,300 feet under K.A.R. 5-23-3.

The point of diversion is located within the boundary of Groundwater Management District No. 3. A letter was sent to GMD No. 3 for a recommendation on the application on October 27, 2022. GMD No. 3 provided a recommendation for denial on November 10, 2022. Per GMD No. 3 board review, the application does not meet their rules and regulations due to the neighboring well being the senior right, reduced supply in the area and unfavorable analysis.

Standard procedure of running Theis on change applications which do not pass the GMD 3 analysis was done. Evaluations done on December 1, 2022 by DWR staff indicated that the proposed change has been found to be reasonable and its effects do not exceed the net drawdown limit of 20% of future saturated thickness. The Chief Engineer reviewed the analysis, and with the landowner modifying the application to reduce number of points of diversion and authorized quantity, and agreed to approve a waiver of the spacing regulation.

In an email dated January 17, 2023, with Mike Meyer, Water Commissioner, Garden City Field Office, indicated he is not opposed to approval of the request and agrees with the waiver of the spacing regulation.

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.

Based on the above discussion, that the change is reasonable, that impairment to existing water rights is unlikely. It is recommended that if the change application for File No. 28234 is approved.

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

Austin McColloch
Assistant Water Commissioner
Garden City Field Office

S. Thurlow
12/1/2022

This evaluation of proposed change in point of diversion, File No. 28234

A 50-year Theis analysis was used to evaluate the potential increase in dynamic drawdown as a result of the proposed stacking of 268 AF currently authorized by File No. 28234 ID3 to the well currently authorized by File No. 28234 ID2. The change proposes reallocating the authorized quantity approximately 710 feet East of the currently authorized location (Figure 1).

The GMD No. 3 groundwater model was used for a projected future (2068) saturated thickness (227.9 ft). The average of model cells located within Township 32 South, Range 42 West, Sections 1, 3, 4, 5, 14-17, 19-36, and Township 33 South, Range 42 West, Sections 2, 6, 8-11 was used.

The transmissivity was estimated based on lithological logs from the Kansas Geological Survey's Water Well Completion Records Database (WWC5). WWC5 records within 2 miles of the proposed point of diversion were used. Records that were within that area, but did not include lithological data, were not drilled to bed rock, or had poor lithological descriptions were excluded. Hydraulic conductivity assumptions were based on the calibrated values used for the GMD No. 3 groundwater model (Figures 2 and 3). In all, five lithological logs were evaluated (Figure 4, Tables 1-5), with an average transmissivity of 5,824 square feet per day. An assumed specific storage of 1×10^{-5} and the projected saturated thickness was used to determine the assumed storativity of 0.00228.

Drawdown was evaluated at 3 nearby existing wells authorized by File Nos. 1364, 9075, and 21634 (Tables 6-8). A quantity of 1082 acre-feet (AF) at a rate of 1050 gallons per minute (gpm) was compared to the average historic use (478.7 AF, 2012-2021) at the most recent pumping rate (850 gpm). The maximum net drawdown occurred at the point of diversion authorized by File No. 21634. The net drawdown at that distance was 9.5 feet, or 4.2% of the projected future saturated thickness (Table 8).

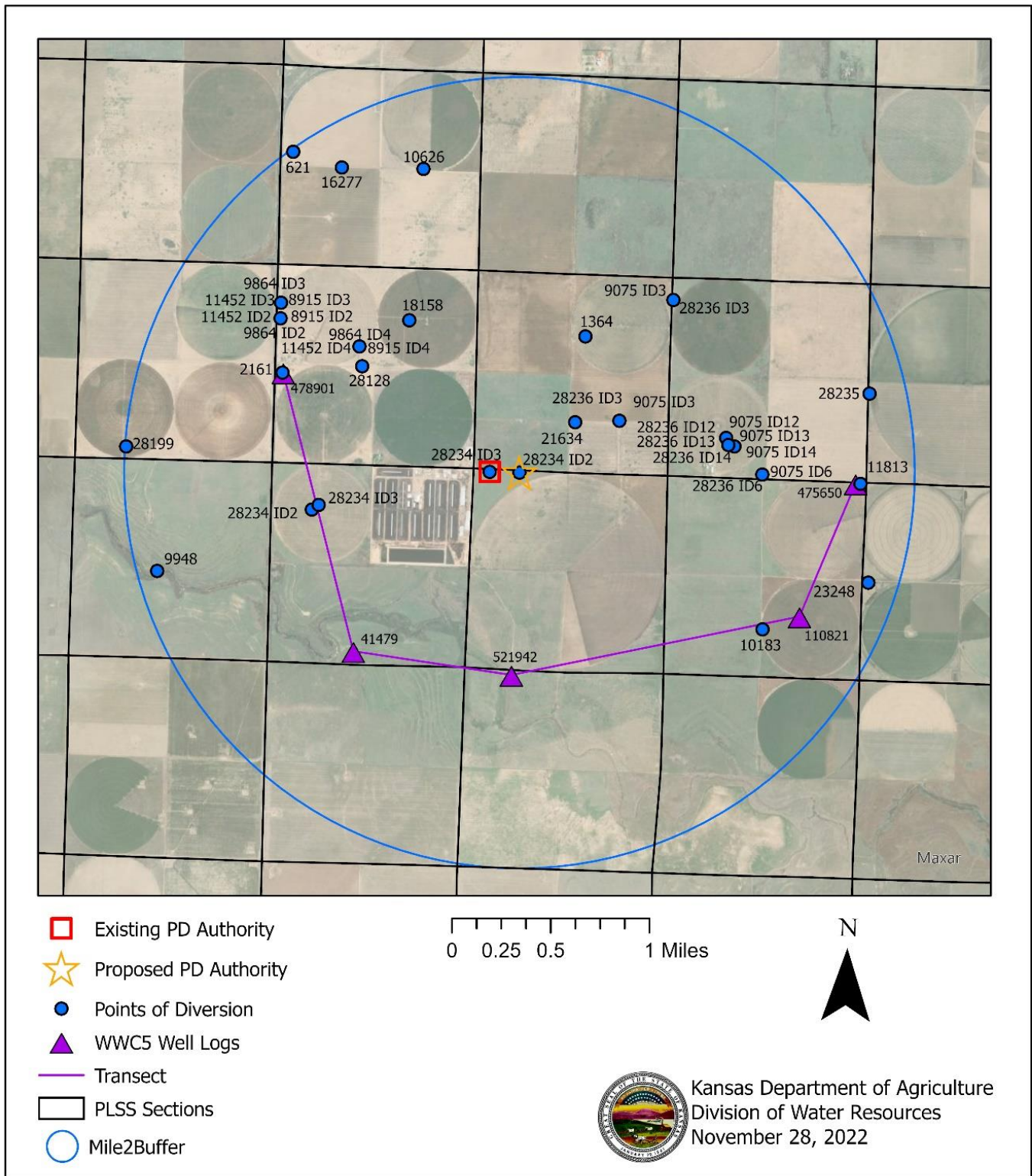


Figure 1: Location of current and proposed point of diversion, surrounding points of diversion, and WWC5 records

Table 1. PST+ synonymy codes and lithology descriptions.

Synonymy	Lithology	Synonymy	Lithology	Synonymy	Lithology
sh	Shale	sc	Sandy Clay or Silty Sand	fsnd	Fine Sand
c	Clay	fds	Fine Sandy Silt	fmgnd	Fine to Medium Sand
coal	Coal	fmds	Fine to Medium Sandy Silt	fmsnd	Fine to Medium Sand
br	Bedrock	fcrsds	Fine to Coarse Sandy Silt	snd	Sand
rb	Red Bed	ds	Sandy Silt	fcrrsnd	Fine to Coarse Sand
r	Rock	mms	Medium Sandy Silt	msnd	Medium Sand
sst	Siltstone	gc	Gravelly Clay	mcrsds	Medium to Coarse Sand
ca	Limestone/caliche	mcrsds	Medium to Coarse Sandy Silt	cg	Clayey Gravel
o	Overburden	crsds	Coarse Sandy Silt	crsds	Coarse Sand
ts	Topsoil	cesd-cg	Cemented Sand and/or Gravel	sg	Silty Gravel
fs	Fine Silt	fss	Fine Silty Sand	fsdg	Fine Sand and Gravel
fsc	Fine Sandy Clay	fmss	Fine to Medium Silty Sand	fmsdg	Fine to Medium Sand and Gravel
fmcs	Fine to Medium Sandy Clay	ss	Silty Sand	msdg	Medium Sand and Gravel
m	Marl or Ochre	mss	Medium Silty Sand	sdg	Sand and Gravel
msc	Medium Sandy Clay	fcrrss	Fine to Coarse Silty Sand	fcrrsdg	Fine to Coarse Sand and Gravel
s	Silt	mcrsds	Medium to Coarse Silty Sand	mcrsds	Medium to Coarse Sand and Gravel
crssc	Coarse Sandy Clay	crsss	Coarse Silty Sand	crssdg	Coarse Sand and Gravel
fcrrsc	Fine to Coarse Sandy Clay	u	Unknown (most likely unintelligible)	fg	Fine Gravel
mcrssc	Medium to Coarse Sandy Clay			fmg	Fine to Medium Gravel
				fcrg	Fine to Coarse Gravel
				fcrrsg	Fine to Coarse Gravel
				g	Gravel
				mg	Medium Gravel
				mcrsg	Medium to Coarse Gravel
				crsg	Coarse Gravel

Figure 2: Synonymy codes and lithology descriptions. Source: KGS OFR 2010-18

Table 6. The calibrated values for PST+ synonymy lithologies.

Synonymy	K	SY	Synonymy	K (ft/d)	Sy	Synonymy	K (ft/d)	Sy
sh	0.00004	0.05	sc	4.4	0.08	fsnd	15	0.24
c	0.00004	0.05	fds	4.4	0.08	fmgnd	15	0.24
coal	0.00004	0.05	fmds	4.4	0.08	fmsnd	15	0.24
br	0.00004	0.05	fcrsds	4.4	0.08	snd	63	0.24
rb	0.00004	0.05	ds	4.4	0.08	fcrrsnd	63	0.24
r	0.00004	0.05	mms	4.4	0.08	msnd	63	0.24
sst	0.00004	0.05	gc	4.4	0.08	mcrsds	63	0.24
ca	0.0001	0.08	mcrsds	4.4	0.08	cg	63	0.24
o	0.0001	0.08	crsds	4.4	0.08	crsds	63	0.29
ts	0.0001	0.08	cesd-cg	14.5	0.16	sg	63	0.29
fs	0.0001	0.08	fss	14.5	0.16	fsdg	299	0.29
fsc	0.0001	0.08	fmss	14.5	0.16	fmsdg	299	0.29
fmcs	0.0001	0.08	ss	14.5	0.16	msdg	299	0.29
m	0.0001	0.08	mss	14.5	0.16	sdg	299	0.29
msc	0.0001	0.08	fcrrss	14.5	0.16	fcrrsdg	299	0.29
s	0.0001	0.08	mcrsds	14.5	0.16	mcrsds	299	0.29
crssc	0.0001	0.08	crsss	14.5	0.16	crssdg	299	0.29
fcrrsc	0.0001	0.08	u	14.5	0.16	fg	299	0.29
mcrssc	0.0001	0.08				fmg	299	0.29
						fcrg	299	0.29
						fcrrsg	299	0.29
						g	299	0.29
						mg	299	0.29
						mcrsg	299	0.29
						crsg	299	0.29

Figure 3: Calibrated hydraulic conductivity values. Source: KGS OFR 2010-18

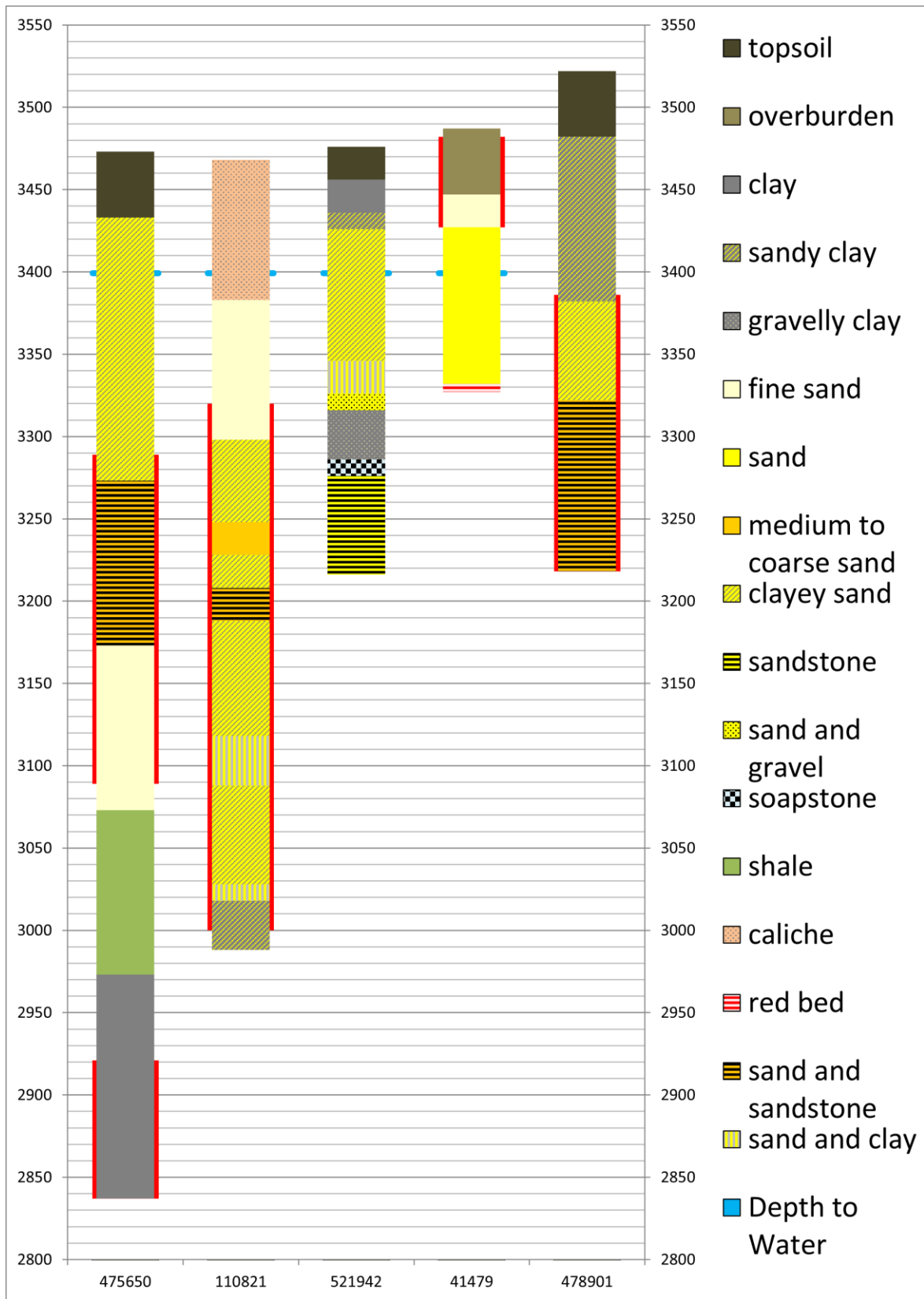


Figure 4: lithology log of KGS Wells

Table 1: Lithology, KGS Well ID 478901

Driller's Description	Synonymy Codes	Percentages	Saturated Thickness (Feet)	Transmissivity (feet ² /day)
surface top soil to brown clay sandy clay, caliche and rock	Above water surface			
brown clay with sand strips				
brown clay with sand strips	c, snd	70, 30	17	321.3
fine sand with clay and clay mix	fsnd, c	60, 40	60	540.0
fine sand with brown clay, gravel, sandstone and shale strips to red shale	fsnd, c, g, ds, sh	40, 15, 15, 15, 15	104	5357.0
Total Transmissivity:				6218.3

Table 2: Lithology, KGS Well ID 475650

Driller's Description	Synonymy Codes	Percentages	Saturated Thickness (Feet)	Transmissivity (feet ² /day)
surface soil to brown clay	Above water surface			
sand with clay strips				
fine sand, with red clay strips	fsnd, c	80, 20	60	720.0
fine sand with sandstone	fsnd, ds	70, 30	100	1182
fine red sand with shale mix	fsnd, sh	70, 30	100	1050.0
red shale with rock strips	sh, r	100	100	0.0
red clay and shale	c, sh	100	100	0.0
red clay and shale with broken rock	c, sh, br	100	36	0.0
Total Transmissivity:				6278.4

Table 3: Lithology, KGS Well ID 41479

Driller's Description	Synonymy Codes	Percentages	Saturated Thickness (Feet)	Transmissivity (feet ² /day)
overburden	Above water surface			
fine sand				
fine to medium sand				
medium sand	msnd	100	12	756.0
medium sand	msnd	100	20	1260.0
medium sand	msnd	100	20	1260.0
medium sand	msnd	100	15	945.0
red bed	rb	100	5	0.0
Total Transmissivity:				4221

Table 4: Lithology, KGS Well ID 110821

Driller's Description	Synonymy Codes	Percentages	Saturated Thickness (Feet)	Transmissivity (feet ² /day)
surface-caliche	ca	100	16	0.0
fine sand	fsnd	100	85	1275.0
fine-medium sand with clay stringers	fmsnd, c	80, 20	30	360.0
medium sand with clay stringers	msnd, c	80, 20	20	1008.0
medium-coarse sand	mcrssnd	100	20	1260.0
medium-coarse sand with 10% clay	mcrssnd, c	90, 10	20	1134.0
medium-coarse sand with sandstone and clay	mcrssnd, ds, c	60, 20, 20	20	773.6
fine-med red sand with clay stringers	fmsnd, c	80, 20	10	120.0
med-coarse red sand with clay stringers	mcrssnd, c	80, 20	10	504.0
fine red sand with 10% clay	fsnd, c	90, 10	10	135.0
fine red sand with 20% clay	fsnd, c	80, 20	10	120.0
fine-med red sand with 20% clay	fmsnd, c	80, 20	20	240.0
fine red sand with 20% clay	fsnd, c	80, 20	10	120.0
fine-med red sand with 40% clay	fmsnd, c	60, 40	10	90.0
fine red sand with 50% clay	fsnd, c	50, 50	10	75.0
fine red sand with 30% clay	fsnd, c	70, 30	10	105.0
fine-medium sand with red clay streak	fmsnd, c	80, 20	10	120.0
fine-medium sand with red clay streak	fmsnd, c	80, 20	20	240.0
fine red sand with 20% clay	fsnd, c	80, 20	20	240.0
fine red sand with 20% clay	fsnd, c	80, 20	10	120.0
fine red sand with 50% clay	fsnd, c	50, 50	10	75.0
red clay with fine sand streaks	c, fsnd	80, 20	10	30.0
red clay with fine sand	c, fsnd	70, 30	10	45.0
red clay with fine sand	c, fsnd	70, 30	10	45.0
Total Transmissivity:				8234.6

Table 5: Lithology, KGS Well ID 521942

Driller's Description	Synonymy Codes	Percentages	Saturated Thickness (Feet)	Transmissivity (feet ² /day)
top soil, fine-coarse sand with caliche streaks and tan clay	Above water surface			
tan clay, white caliche, and fine sand				
tan clay and fine sand				
fine-coarse sand with tan clay layers	fcrssnd, c	70, 30	53	2337.3
fine-coarse sand with red clay	fcrssnd, c	70, 30	20	882.0
fine-coarse sand, rock layers, and some small gravel	fcrssnd, r, g	50, 40, 10	10	614.0
brown and red clay, rock layers, and fine sand	c, r, fsnd	50, 30, 20	30	90.0
gray slate and soapstone, rock clay, sandstone	ca, r, ds	50, 30, 20	10	8.8
tight sandstone	ds	100	45	198
red sandstone and red shale	ds, sh	60, 40	15	39.6
Total Transmissivity:				4169.7

Table 6: Theis drawdown evaluated at File No. 1364; T = 5,824 ft²/day, S = 0.00228

Scenario	Distance (FT)	Pump Rate (GPM)	Volume (AF)	Drawdown (FT)	Drawdown (%ST)
Proposed	4041	1050	1082	19.4	8.5%
Baseline	4425.6	850	478.7	11.4	5.0%
			Net:	8.0	3.5%

Table 7: Theis drawdown evaluated at File No. 9075; T = 5,824 ft²/day, S = 0.00228

Scenario	Distance (FT)	Pump Rate (GPM)	Volume (AF)	Drawdown (FT)	Drawdown (%ST)
Proposed	3010.9	1050.0	1082.0	21.0	9.2%
Baseline	3725.1	850.0	478.7	12.2	5.3%
			Net:	8.8	3.9%

Table 8: Theis drawdown evaluated at File No. 21634; T = 5,824 ft²/day, S = 0.00228

Scenario	Distance (FT)	Pump Rate (GPM)	Volume (AF)	Drawdown (FT)	Drawdown (%ST)
Proposed	2009.6	1050.0	1082.0	23.2	10.2%
Baseline	2640.2	850.0	478.7	13.7	6.0%
			Net:	9.5	4.2%

From: Meyer, Mike [KDA]
Sent: Tue 1/17/2023 9:16 AM
To: McColloch, Austin [KDA]
Subject: RE: Recommendation File No. 28234

Looks good

Do you need to draft up a waiver memo, or does HQ do that?

thanks

From: McColloch, Austin [KDA] <Austin.McColloch@ks.gov>
Sent: Tuesday, January 17, 2023 8:34 AM
To: Meyer, Mike [KDA] <Mike.Meyer@ks.gov>
Subject: Recommendation File No. 28234

Mike,

Attached is the drafted memo for the above referenced change app. Along with the GMD recommendation and This run by DWR HQ staff. Let me know if you have any questions. Thanks,

Austin McColloch
Ph: (620) 276-2901

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. 28,234

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Linda Fink on behalf of Ben Ratzlaff Estate, PO Box 996, Elkhart, Kansas, 67950, received in this office on June 22, 2022, 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 Orders of the Chief Engineer dated June 24, 1997, approving the application to change the authorized place of use, and by the Orders of the Chief Engineer dated October 4, 2012, correcting the authorized place of use, and by the Orders of the Chief Engineer dated March 15, 2016, approving the application to change the authorized place of use, and by the Orders of the Chief Engineer dated September 3, 2020, approving the application to change the authorized place of use, 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 in the Northeast Quarter of the Northwest Quarter of the Northwest Quarter (NE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 34, more particularly described as being near a point 5,220 feet North and 4,075 feet West of the Southeast corner of said section, at a diversion rate not in excess of 1,050 gallons per minute (2.34 c.f.s) and a quantity not to exceed 814 acre-feet of water per calendar year.

one (1) well located in the Southeast Quarter of the Northwest Quarter of the Northwest Quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 33, more particularly described as being near a point 4,070 feet North and 4,180 feet West of the Southeast corner of said section, at a diversion rate not in excess of 600 gallons per minute (1.33 c.f.s) and a quantity not to exceed 574 acre-feet of water per calendar year.

one (1) well located in the Southeast Quarter of the Northwest Quarter of the Northwest Quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 33, more particularly described as being near a point 4,200 feet North and 4,000 feet West of the Southeast corner of said section, at a diversion rate not in excess of 180 gallons per minute (0.40 c.f.s) and a quantity not to exceed 159 acre-feet of water per calendar year.

all in Township 32 South, Range 42 West, Morton County, Kansas,

Installation of the works for diversion of water shall be completed on or before December 31, 2024, 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 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.

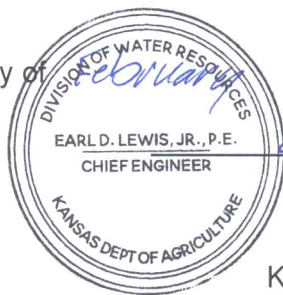
All diversion works into which any type of chemical or other foreign substance will be injected into the water pumped from the diversion works shall be equipped with an in-line, automatic, quick-closing check valve capable of preventing pollution of the source of the water supply. The type of valve installed 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.

The Chief Engineer specifically retains jurisdiction in the 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 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. 28,234, for permit to appropriate water for beneficial use, is as stated and set forth in the Certificate of Appropriation dated June 23, 1997, as modified and amended by the aforementioned orders.

Ordered this 6th day of February, 2023, 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 6 day of February, 2023, by Earl D. Lewis Jr., P.E., Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.

Melinda Jennings
Notary Public



THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE
Mike Beam, Secretary of Agriculture

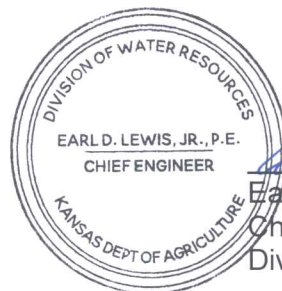
DIVISION OF WATER RESOURCES
Earl D. Lewis Jr., Chief Engineer

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

Date: February 6, 2023

Re: Water Right, File No. 28,234

1. That K.A.R. 5-23-3(a)(1) 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.
2. That the quantity requested by the proposed existing well is 814 acre-feet, no change.
3. That the quantity authorized by Water Right, File No. 21,634 is 240 acre-feet.
4. That K.A.R. 5-23-3(a)(1) requires a minimum well spacing of 2,300 feet between wells authorized more than 500 acre-feet.
5. That the proposed point of diversion, for File No. 28,234 and the well authorized by File No. 21,634 is approximately 1,996 feet apart.
6. That the proposed move of rate only to the existing well is reasonable and the increased drawdown, as calculated using a Theis analysis and GMD No. 3 groundwater model, does not exceed a net drawdown limit of 20% of future saturated thickness.
7. That a waiver of K.A.R. 5-23-3(a)(1) will not prejudicially or unreasonably affect the public interest and will not impair any existing water rights.



EARL D. LEWIS, JR., P.E.
CHIEF ENGINEER

A handwritten signature in blue ink, appearing to read "Earl D. Lewis Jr.", written over a horizontal line.

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

February 10, 2023

BEN RATZLAFF ESTATE
Attn: % LINDA FINK
PO BOX 996
ELKHART, KS 67950

RE: Water Right, File No. 28,234

Dear Sir or Madam:

Enclosed is the order 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 number.

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in this approval for change. A condition of this approval is that an acceptable water flow meter must be installed on the diversion works authorized under the referenced file number 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.

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.

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

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 that reads "Krista Baum". The signature is written in a cursive style.

New Applications and Changes Unit Supervisor
Division of Water Resources

KAB:am
enclosures

pc: Garden City Field Office
GROUNDWATER MANAGEMENT DISTRICT NO. 3

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 request an evidentiary hearing before the Chief Engineer, or 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 Division, 1320 Research Park Drive, Manhattan, Kansas 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 review 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, Kansas 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 10 day February, 2023, I hereby certify that the attached Approval of Application for Change in Point of Diversion, Water Right, File No. 28,234 dated, February 6, 2023 was mailed postage prepaid, first class, US mail to the following:

BEN RATZLAFF ESTATE
Attn: % LINDA FINK
PO BOX 996
ELKHART, KS 67950

With photocopies to:

Groundwater Management District No. 3

Garden City Field Office



Division of Water Resources