

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

1. File Number: 43000	2. Status Change Date:	3. Change Num: C2	4. Field Office: 02	5. GMD: 02
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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: 11/6/19
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8a. Applicant(s) Person ID _____ New to system <input type="checkbox"/> Add Seq# _____	8c. Landowner(s) Person ID _____ New to system <input type="checkbox"/> Add Seq# _____
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8b. Landowner(s) Person ID 62417 New to system <input type="checkbox"/> Add Seq# 1 ADDRESS CHANGE JOHN C. GRAY TRUST & DELORIS I. GRAY TRUST C/O TERRY C. GRAY, TRUSTEE 3069 LA PIETRA CIRCLE HONOLULU HI 96815	8d. WUC Person ID 62417 New to system <input type="checkbox"/> Add Seq# 1 JOHN C. GRAY TRUST & DELORIS I. GRAY TRUST C/O TERRY C. GRAY, TRUSTEE 3069 LA PIETRA CIRCLE HONOLULU HI 96815
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9. Documents and Enclosure(s): DWR Meter(s) Date to Comply: **12/31/20** N & P Date to Comply: **12/31/20**

Anti-Reverse Meter Meter Seal Check Valve N & P Form Water Tube Driller Copy H & E Letter

Conservation Plan Date Required: _____ Date Approved: **11/20/19** Date to Comply: _____

10. Use Made of Water From: _____ To: _____

Date Prepared: **11/20/19** By: **TJS**
 Date Entered: _____ By: _____

File No. **43000** 11. County: **HARVEY** Basin: **Little Arkansas River** Stream: **---** Formation Code: **190 (Equis Beds)** Special Use: **013 (Burrton IGUCA)**

12. Points of Diversion
 Rate and Quantity
 Authorized Additional
 Rate Quantity Rate Quantity
 gpm/cfs af/mgy gpm/cfs af/mgy Overlap PD Files

DEL 67151 13 None

ENT _____ SW NW SE 34 23S 3W _____ 1930 2621 No change to rate or quantity 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) _____
 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				
CHK	51149				3																		8b.	No	None

Base Acres: --- Year: --- Minimum Reasonable Quantity: ---
 Comments: ---

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

WATER METER REQUIRED

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.

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 9:34 AM
 NOV 06 2019

Stafford Field Office
 Division of Water Resources

File No. 43000

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: John C. Gray Trust & Deloris I. Gray Trust, c/o Terry C. Gray, Trustee
3069 La Pietra Circle, Honolulu, HI 96815

Phone Number: (808)529-4832 Email address: tcgray@staradvertiser.com

Name and address of Water Use Correspondent: John C. Gray Trust & Deloris I. Gray Trust, c/o Terry C. Gray, Trustee
3069 La Pietra Circle, Honolulu, HI 96815

Phone Number: (808)529-4832 Email address: tcgray@staradvertiser.com

3. The presently authorized place of use is:

Owner of Land ---- NAME: John C. Gray Trust & Deloris I. Gray Trust, c/o Terry C. Gray, Trustee
 ADDRESS: 3069 La Pietra Circle, Honolulu, HI 96815

(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	
34	23S	3W																	136

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: NO CHANGE

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 \$ <u>100-</u> TR # _____ Receipt Date _____ Check # <u>423141187</u>
--

5. **Presently authorized point of diversion:**
 One in the SW Quarter of the NW Quarter of the SE Quarter
 of Section 34, Township 23 South, Range 3W (E/W),
 in Harvey County, Kansas, 1922 feet North 2612 feet West of Southeast corner of section.
 Authorized Rate 685 GPM Authorized Quantity 164 AF Depth of well 54 (feet)
(DWR use only: Computer ID No. 13 GPS 1950 feet North 2571 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 SW Quarter of the NW Quarter of the SE Quarter
 of Section 34, Township 23 South, Range 3W (E/W),
 in Harvey County, Kansas, 1930 feet North 2621 feet West of Southeast corner of section.
 Proposed Rate 685 GPM Proposed Quantity 164 AF Proposed well depth (feet) ~54
 This point is: Additional Well Geo Center List other water rights that will use this point _____

6. **Presently authorized point of diversion:**
 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.
 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) Old well casing is failing and is
pumping sand. Moving well 20' south and 50' west

8. If a well, is the test hole log attached? Yes No

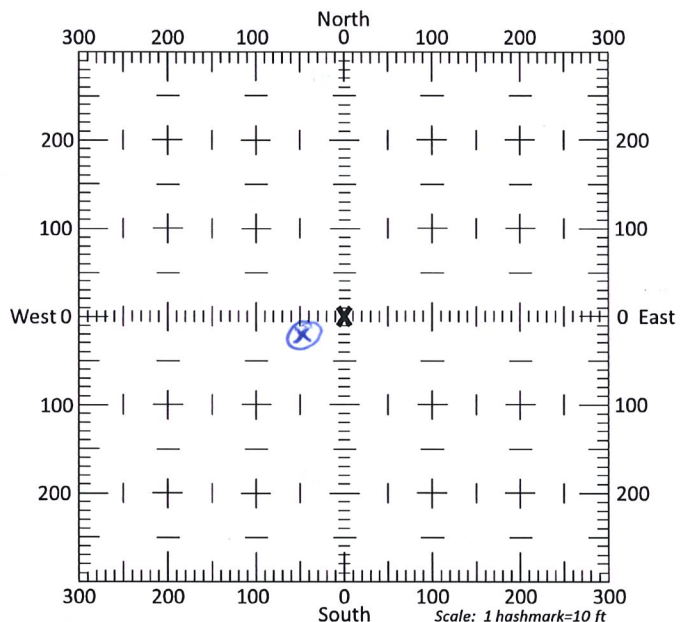
9. The change(s) (was)(will be) completed by?
ASAP

10. If the point of diversion is a well:
 (a) What are you going to do with the old well?
Plug it
 (b) When will this be done? By 12/31/2020

11. Groundwater Management District recommendation
 attached? Yes No 11/20/19 TJS-SFFO

12. Assisted by T. Boese, GMD2

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 300
feet of the existing point of diversion, indicate its location on the
 diagram shown above in relation to the existing point of
 diversion. (PLEASE NOTE: The "X" in center of diagram
 above represents the presently authorized point of
 diversion.)

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 Halstead, Kansas, this 4th day of November, 2019.

<p><u>T. C. Gray</u> _____ (Owner)</p> <p><u>Terry C. Gray, Trustee</u> _____ (Please Print)</p> <p>_____ (Owner)</p> <p>_____ (Please Print)</p> <p>_____ (Owner)</p> <p>_____ (Please Print)</p>	<p>_____ (Spouse)</p> <p>_____ (Please Print)</p> <p>_____ (Spouse)</p> <p>_____ (Please Print)</p> <p>_____ (Spouse)</p> <p>_____ (Please Print)</p>
--	---

State of Kansas }
 County of HARVEY } SS

NOTARY PUBLIC - State of Kansas
 REBECCA WILSON
 My Appt. Exp. 06/11/2022

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 4TH day of NOVEMBER, 2019.

Rebecca Wilson

 Notary Public

My Commission Expires 06/11/2022.

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

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Stafford Field Office
 Division of Water Resources

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. 43 000.

- 1. A change application was received on November 6, 2019 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 50 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 104 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, 2020, 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, 2020, or within any authorized extension of time. By March 1, 2021 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-1901, 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: Jeff Lanterman
Duly Authorized Designee of the Chief Engineer

(Print Name): Jeff Lanterman
Division of Water Resources - Kansas Department of Agriculture

Date of Issuance: 11/20/2019

State of Kansas)

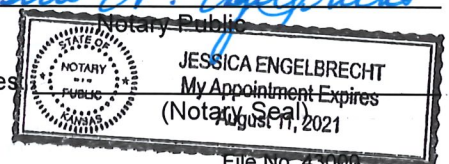
County of Stafford) SS

Acknowledged before me on 11/20/2019

by Jeff Lanterman

Signature: Jessica C. Engelbrecht

My commission expires



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Stafford Field Office
Division of Water Resources

CERTIFICATE OF SERVICE

On this **20th** day of **November, 2019**, I hereby certify that the attached Change in Point of Diversion for Water Right, File No. **43000**, dated **November 20, 2019** was mailed via Certified U.S. mail to the following:

John C Gray Trust & Deloris I Gray Trust
C/O Terry C Gray, Trustee
3069 La Pietra Circle
Honolulu HI 96815

A copy of the change approval was sent to the following:

GMD 2



Staff



Stafford Field Office
300 S. Main Street
Stafford, Kansas 67578-1521

phone: (620) 234-5311
fax: (620) 234-6900
www.ksda.gov/dwr

Dale A. Rodman, Secretary
David W. Barfield, Chief Engineer
Jeff Lanterman, Water Commissioner

Sam Brownback, Governor

November 20, 2019

John C. Gray Trust & Deloris I. Gray Trust
C/O Terry C. Gray, Trustee
3069 La Pietra Circle
Honolulu HI 96815

Re: Water Right, File No(s). 43000

Dear Water Right Owner:

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

Your attention is directed to the enclosures and to the terms, conditions and limitations specified in this approval for change. An acceptable water flow meter must be installed on your well before any water is applied as authorized under this change approval. A copy of the approved list of Certified Water Flowmeters as well as the regulations regarding the installation of flowmeters, measurement tubes and check valves can be found at www.ksda.gov/includes/document_center/dwr/Forms/ApprovalPack.pdf. If you do not have access to the internet, please contact this office and we will send you a paper copy of the referenced information.

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.

Any 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 to contact this office. If you wish to refer to a specific file, please reference it when you contact us.

Sincerely,

Jeff Lanterman
Water Commissioner

Enclosures

pc: Water Rights Section
Groundwater Management District No. 2

ADDITIONAL CONDITION TO
SUMMARY ORDER APPROVING APPLICATION FOR CHANGE
AND IMPOSING CONDITIONS

The effective date of the change shall be the date this order is executed by the Chief Engineer, after which the following conditions are included as a condition of the approval of this application for change in point of diversion.

11. a. The proposed groundwater diversion is confined to the aquifer's upper zone with the lower screen limit of the proposed well to be set at or above approximately 55 feet below land surface;
11. b. The point of diversion complies with the well construction standards adopted by the Kansas Department of Health and Environment for the Burrton Intensive Groundwater Use Control Area, which include grout placement from immediately above the screen interval to land surface;
11. c. The constructed well be equipped with a sample port or ports for water sample collection;
11. d. The biannual water samples required under permit condition #18, be collected from the approved well at the start and end of each irrigation season following the completed change in point of diversion, and analyzed by a State accredited laboratory to include chloride and specific conductance;
11. e. Water sample collection shall be conducted by trained and qualified persons as determined by the Division of Water Resources and the Equus Beds Groundwater Management District; and
11. f. The approval conditions are subject to the provisions of the June 1, 1984, Burrton Intensive Groundwater Use Control Area Order.

Equus Beds Groundwater Management District No. 2 Abandoned Well Plugging Agreement

I, Terry C. Gray, Trustee of the John C. & Deloris I. Gray Trusts, the undersigned and owner of an abandoned water well understand that an abandoned water well is a groundwater contamination threat and a public health and safety hazard.

The abandoned water well is located SW, NW, SE, Section 34, Township 23 South, Range 3W West, Harvey County which is approximately 1950 feet north and 2571 feet west of the apparent Southeast section corner. Total well depth is 54 feet and the diameter of the well is 16 inches. Current depth to static water level in the well is ~10 feet below land surface. The well was previously authorized by water permit no. 43000.

I agree to properly plug the abandoned well pursuant to the Equus Beds Groundwater Management District rules and regulations K.A.R. 28-30-200 through K.A.R. 28-30-207 and the following agreement provisions:

1. Well plugging operations will be supervised by either (a) a water well contractor licensed with the Kansas Department of Health and Environment, (b) a profession engineer or geologist licensed to practice in the State of Kansas, or (c) the abandoned water well owner or land owner of the property on which the water well or borehole is located.
2. The above described well will be plugged: a) by December 31, 2020, or b) within 30 days after the replacement well, approved by a change in point of diversion, becomes operational.
3. A completed WWC-5P form will be submitted to the Kansas Department of Health and Environment within 30 days after the abandoned well is plugged and a copy of the WWC-5P form will be furnished to the District within the same period of time.
4. The well owner or authorized agent will notify the District 48 hours before plugging operations occur.
5. Failure to comply with the provisions of this agreement shall constitute noncompliance of the groundwater management district rules and regulations K.A.R. 28-30-200 through K.A.R. 28-30-207.

Dated this 4th day of November, 2019 at Halstead

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Stafford Field Office
Division of Water Resources

Signature T. C. Gray Trustee

Address 2069 LaPietra Cir

City, State, Zip Code Honolulu, HI, KS 96815

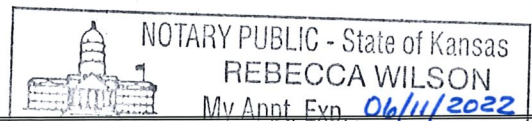
Telephone 808-529-4832

State of Kansas County of HARVEY

Subscribed and affirmed to before me this 4th day of NOVEMBER, 2019,

by Rebecca Wilson
(Notary Public)

My Commission Expires 06/11/2022



INPUTS	
Target Section Definition	
Section	34
Township	23
Range	3
Range Direction	W
Target Point Coordinates (NAD27 or NAD83)	
Target Longitude	-97.637571 NAD83
Target Latitude	38.005000

Load Data and Compute

Instructions

1. Enter values for section, township, range and range direction.
2. Enter **NAD27** or **NAD83** longitude and latitude of target point.
3. Click "Load Data and Compute" button.
4. Use feet distances corresponding to datum of target point.

Longitude changed

Latitude changed

water right no. 43000 existing irr. Well

UTM - NAD83

4207246

619612

11/4/2019

Loaded Section Data From LEOBASE using NAD83		
Corner	Corner Latitudes	Corner Longitudes
SW	37.99964554	-97.64706663
NW	38.01414137	-97.64706647
NE	38.01412544	-97.62875503
SE	37.99964554	-97.62864807
Degrees Longitude per Foot		3.47048155E-06
Degrees Latitude per Foot		2.74608978E-06
Target Point Distances from Corners using NAD83		
Corner	Feet North(+)/South(-)	Feet East(-)/West(+)
SW	1950	-2736
NW	-3329	-2736
NE	-3323	2540
SE	1950	2571

Loaded Section Data From LEOBASE using NAD27		
Corner	Corner Latitudes	Corner Longitudes
SW	37.99963400	-97.64674400
NW	38.01413000	-97.64674400
NE	38.01411400	-97.62843300
SE	37.99963400	-97.62832600
Degrees Longitude per Foot		3.47048101E-06
Degrees Latitude per Foot		2.74598553E-06
Target Point Distances from Corners using NAD27		
Corner	Feet North(+)/South(-)	Feet East(-)/West(+)
SW	1954	-2643
NW	-3325	-2643
NE	-3319	2633
SE	1954	2664

Difference (NAD83 Minus NAD27)		
Corner	Corner Latitudes	Corner Longitudes
SW	0.00001154	-0.00032263
NW	0.00001137	-0.00032247
NE	0.00001144	-0.00032203
SE	0.00001154	-0.00032207
Difference (NAD83 Minus NAD27)		
Corner	Feet North(+)/South(-)	Feet East(-)/West(+)
SW	-4.27652774	-92.96363234
NW	-4.01420390	-92.91752923
NE	-4.03991590	-92.79156779
SE	-4.27652774	-92.80309837

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Stafford Field Office
Division of Water Resources

Saryerwinnie, Tyler [KDA]

From: Saryerwinnie, Tyler [KDA]
Sent: Wednesday, November 6, 2019 2:47 PM
To: Rebecca Wilson
Subject: RE: GMD Recommendation Request - File No. 43000
Attachments: 43000.Add Conditions.pdf

Rebecca,

Please include this attachment with the review materials.

Thank you,
Tyler

Tyler Saryerwinnie, Environmental Scientist

From: Saryerwinnie, Tyler [KDA]
Sent: Wednesday, November 6, 2019 2:09 PM
To: Rebecca Wilson <rwilson@gmd2.org>
Cc: tboese@gmd2.org
Subject: GMD Recommendation Request - File No. 43000

Rebecca,

I have attached a cover letter and a copy of one (1) point of diversion change application for GMD review and recommendation. Please provide the GMD recommendation by no later than November 27, 2019.

Please let me know if you have any questions or concerns.

Thank you,
Tyler

Tyler Saryerwinnie, Environmental Scientist
Kansas Department of Agriculture
Division of Water Resources
Stafford Field Office
Phone: (620)234-5311

Stafford Field Office
300 S. Main Street
Stafford, KS 67578-1521



Phone: 620-234-5311
Fax: 620-234-6900
www.agriculture.ks.gov

Mike Beam, Secretary

Laura Kelly, Governor

November 6, 2019

Tim Boese
Equus Beds – GMD No. 2
313 Spruce Street
Halstead, KS 67056

RE: Point of Diversion Change Application, File No. 43,000

Dear Mr. Boese,

We are enclosing a copy of the application, as referenced above, for your review and recommendation. At this time the application appears to be in proper form. Although the application only proposes a move distance of fifty-four feet the Stafford Field Office requests the recommendation of your office, specifically regarding the additional conditions addressing water quality and soil quality concerns.

This office will delay any further action on this file for a period of 15 business days from the date of this letter to allow you time to submit your recommendations concerning the application. Please submit your recommendation within the allotted time, or any authorized extension of time thereof.

If you have any questions, please feel free to contact the office.

Sincerely,

A handwritten signature in blue ink, appearing to read "Tyler Saryerwinnie".

Tyler Saryerwinnie
Environmental Scientist
Stafford Field Office
tyler.saryerwinnie@ks.gov

Enclosure

Property Details for PID: 0400683400000004000

QuickRef ID : R3733

Owner Name : GRAY, JOHN C; TR

Location: 3301 S SAND HILL RD, Burrton, KS 67020

Abbreviated Boundary Description: S34, T23, R03W, ACRES 157.1, SE1/4, LESS ROW

Owner Information:

Owner GRAY, JOHN C; TR
GRAY, DELORIS I; TR

Mailing Address C/O TERRY C GRAY; TRT 3069 LA PIETRA CIR
HONOLULU, HI 96815-4736

Property Information:

Type Agricultural Use

Status Active

Taxing Unit 155

Neighborhood Code 191

No Secondary Address Details found

Market Land Details:

Actual Width: 0

Eff. Width 0

Eff. Depth 0

JEFF WINTER, PRESIDENT
VIN KISSICK, VICE PRESIDENT
DAVID BOGNER, SECRETARY
MIKE MCGINN, TREASURER
TIM BOESE, MANAGER
THOMAS A. ADRIAN, ATTORNEY



DIRECTORS:
ALAN BURGHART
JOE PAJOR
DALE SCHMIDT
BOB SEILER
DAVID STROBERG

EQUUS BEDS GROUNDWATER MANAGEMENT DISTRICT NO. 2

313 SPRUCE STREET • HALSTEAD, KANSAS 67056-1925 • PHONE (316) 835-2224 • FAX (316) 835-2225 • equusbeds@gmd2.org • www.gmd2.org

November 20, 2019

Chief Engineer, Division of Water Resources
Attn: Tyler Saryerwinnie
300 S. Main St.
Stafford, Kansas 67578

Re: Water Right No. 43000 Change in Point of Diversion Application - John C. Gray Tr. & Deloris I. Gray Tr.

Dear Mr. Saryerwinnie:

The Equus Beds Groundwater Management District No. 2 reviewed the referenced change in point of diversion application on November 20, 2019, using the District's Revised Management Program (effective May 1, 1995) and Rules and Regulations K.A.R. 5-22-1 through 5-22-17.

The proposed point of diversion, as described by the application, is located approximately 54 feet west-southwest of the existing authorized point of diversion and is located in the Southwest quarter of the Northwest quarter of the Southeast quarter Section 34, Township 23 South, Range 3 West, Harvey County.

The District's review found that the change application complies with the District's Revised Management Program (effective May 1, 1995) and Rules and Regulations K.A.R. 5-22-1 through 5-22-17 and is therefore recommended for approval, subject to the following conditions:

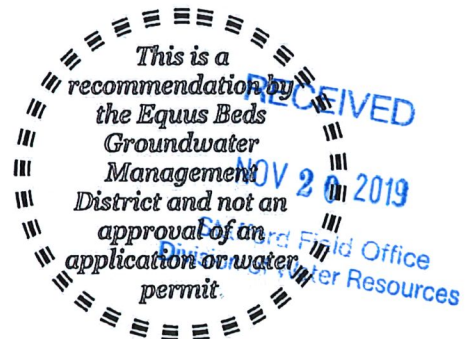
- 1) the proposed groundwater diversion is confined to the aquifer's upper zone with the lower screen limit of the proposed well to be set at or above approximately 55 feet below land surface;
- 2) the point of diversion complies with the well construction standards adopted by the Kansas Department of Health and Environment for the Burrton Intensive Groundwater Use Control Area, which includes grout placement from immediately above the screen interval to land surface;
- 3) the constructed well be equipped with a sample port or ports for water sample collection;
- 4) the biannual water samples required under permit condition #18, be collected from the approved well at the start and end of each irrigation season following the completed change in point of diversion, and analyzed by a State accredited laboratory to include chloride and specific conductance;
- 5) water sample collection shall be conducted by trained and qualified persons as determined by the Division of Water Resources and the Equus Beds Groundwater Management District; and
- 6) the permit approval conditions are subject to the provisions of the June 1, 1984, Burrton Intensive Groundwater Use Control Area order.

A District decision may be appealed to the District Board of Directors by submitting a written petition to the District office within 30 days from date of this notification, pursuant to K.A.R. 5-22-12.

Sincerely,
EQUUS BEDS GROUNDWATER
MANAGEMENT DISTRICT NO. 2

Tim Boese
Manager
TDB/db

Pc: John C. Gray Tr. & Deloris I. Gray Tr., c/o Terry C. Gray, Trustee
Brian Unruh, Tenant



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EQUUS BEDS GROUNDWATER MANAGEMENT DISTRICT NO. 2 FINAL APPLICATION REVIEW CHECKLIST

1) Application No. 43000 Date filed: 11/06/19
 2) Applicant: John C. Gray Trust & Deloris I. Gray Trust, c/o T.C. Gray County: Harvey
 3) Proposed maximum quantity: 164 acre-feet/year Rate: 685 GPM
 4) Proposed Use: Irrigation
 5) P/D location: SW NW SE 34-23S-3W Geo Center: North 1930 ft, West 2621 ft
 6) Number and type of points of diversion listed on the application 1 Well

7) Meter required K.A.R. 5-22-4a or K.A.R. 5-22-8? Yes No, Why
 8) Meets change PD requirements K.A.R. 5-22-8? Yes No N/A

9) Meets Safe Yield K.A.R. 5-22-7? Yes No N/A
 (a) Total allowable appropriations: af/yr
 (b) Total existing appropriations: af/yr
 (c) Total small user exemptions: af/yr
 (d) Total non-consumptive use: af/yr
 (e) Total consumptive use: af/yr
 (f) Total consumptive Appropriations: af/yr
 (total existing) – (non-consumptive)
 (g) exempt from regulation? Yes No, Cite exemption: change in PD only

10) Meets Well Spacing K.A.R. 5-22-2? Yes No N/A
 (a) POD in enhanced well spacing area? Yes No
 (b) Domestic well spacing interval: >660 ft
 (c) Non-Domestic well spacing interval: >1320 ft

If move is over 300 ft from currently authorized, must comply with spacing
 Cannot be moved more than 2640 from originally authorized

11) Meets Max Reasonable Quantity K.A.R. 5-22-14? Yes No N/A
 (a) Irrigation max quantity: 1.21 acre-feet / acre
 application paragraph 3 value (acre-feet) / proposed acres = Q
 (b) Stockwater max quantity: GPD unit
 (c) Industry max quantity: Acre
 Industry standard:
 (d) Groundwater pit max Q:
 Net evap * pit area/12

12) Reasonable rate for intended use? Yes No N/A

13) Depth to water: 14.11 bls at observation well: EB14A

14) Date reviewed: November 20, 2019

15) Reviewed by: T. Boese

Title: Manager

16) District recommendation: Approve Deny Other, see comment

17) Comments and Calculations:

Review completed for change in PD application submitted by John C. Gray Trust & Deloris I. Gray Trust in Harvey County. Change application proposes to move well approx 54 feet west-southwest of existing well due to existing well failing and pumping sand. Due to move of less than 300 feet, minimum spacing requirements are not applicable. However, the proposed well location does meet minimum spacing requirements to domestic and non-domestic wells.

Well is located in the Burrton IGUCA and DWR requested review. Original well was re-drilled in 2002 from middle aquifer zone to shallow aquifer zone due to increased salinity in the middle aquifer zone. GMD2 recommend approval of the 2002 change in PD application, subject to certain conditions including soil and water analysis and chlorides remaining below 350 mg/L. A review of water quality analysis from water samples collected since the 2002 change approval shows chlorides have remained below 350 mg/L and have ranged from 113-307.4 mg/L, with the most recent sample collected on 7/18/2019 showing a chloride value of 198 mg/L.

Recommend approval, complies with K.A.R. 5-22-1 through 5-22-17, subject to 1) the proposed groundwater diversion is confined to the aquifer's upper zone with the lower screen limit of the proposed well to be set at or above approximately 55 feet below land surface; 2) the point of diversion complies with the well construction standards adopted by the Kansas Department of Health and Environment for the Burrton Intensive Groundwater Use Control Area, with ground being placed immediately above the well screens to land surface; 3) the constructed well be equipped with a sample port or ports for water sample collection; 4) biannual water samples be collected from the approved well at the start and end of each irrigation season and analyzed by a State accredited laboratory to include chloride and specific conductance; 5) water sample collection shall be conducted by trained and qualified persons as determined by the Division of Water Resources and the Equus Beds Groundwater Management District; and 6) the permit approval conditions are subject to the provisions of the June 1, 1984, Burrton Intensive Groundwater Use Control Area order.

Equus Beds Groundwater Management District No. 2

Inorganic Chemistry Query

of Water Quality Database

20-Nov-19

Well Name:

43000IWA

Township, Range, Section:

23s03w34

Section Tract:

SWNWSE

Date Sampled	Sample Depth	Total CaCO3	Calcium	Sodium	Chloride	Magnesium	Sulfate	Nitrate-N	Spec Cond	Iron	Manganese
9/2/2002	54	NA	NA		188	NA	NA	NA	1160	NA	NA
11/14/2002	54	NA	NA		113	NA	NA	NA	990	NA	NA
7/3/2003	54	NA	NA		154	NA	NA	NA	1105	NA	NA
8/25/2003	54	NA	NA		231	NA	NA	NA	1265	NA	NA
7/21/2004	54	NA	NA		162	NA	NA	NA	1140	NA	NA
8/24/2004	54	NA	NA		172	NA	NA	NA	1160	NA	NA
6/24/2005	54	NA	NA		159	NA	NA	NA	1235	NA	NA
7/7/2006	54	NA	NA		160	NA	NA	NA	1200	NA	NA
7/31/2006	54	NA	NA		210	NA	NA	NA	1275	NA	NA
7/8/2007	54	NA	NA		185	NA	NA	NA	1225	NA	NA
8/16/2007	54	NA	NA		200	NA	NA	NA	1235	NA	NA
7/8/2008	54	NA	NA		174.5	NA	267.2	NA	1190	NA	NA
7/10/2009	54	NA	NA		209.2	NA	207.8	NA	1470	NA	NA
6/22/2010	54	NA	NA		205.4	NA	236.8	NA	1408	NA	NA
9/7/2010	54	NA	NA		281	NA	167.9	NA	1503	NA	NA
6/7/2011	54	NA	NA		221.4	NA	220	NA	1436	NA	NA
7/28/2011	54	NA	NA		307.4	NA	175.1	NA	1629	NA	NA
6/7/2012	54	NA	NA		230.9	NA	246.7	NA	1533	NA	NA
7/23/2012	54	NA	NA		284.8	NA	197.4	NA	1582	NA	NA
6/25/2013	54	NA	NA		208	NA	287	NA	1540	NA	NA
7/8/2014	54	NA	NA		208	NA	NA	NA	1460	NA	NA
8/26/2014	54	NA	NA		263	NA	NA	NA	1638	NA	NA
6/22/2015	54	NA	NA		214	NA	NA	NA	1540	NA	NA
9/2/2015	54	NA	NA		256	NA	NA	NA	1680	NA	NA
6/29/2016	54	NA	NA		251	NA	NA	NA	1640	NA	NA
6/26/2017	54	NA	NA		249	NA	NA	NA	1617	NA	NA
8/25/2017	54	NA	NA		293	NA	NA	NA	1766	NA	NA
5/29/2018	54	NA	NA		277	NA	NA	NA	1706	NA	NA
8/29/2018	54	NA	NA		248	NA	NA	NA	1633	NA	NA
7/18/2019	54	NA	NA		198	NA	NA	NA	1710	NA	NA

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NOV 20 2019

Stafford Field Office
Division of Water Resources

Explanation: N/A = Not analyzed, ND = None detected

Sample depth - feet; Results expressed in - milligrams/liter;
Spec Cond - Micro Mhos/cm

Data source - Equus Beds Groundwater Management District No. 2

JEFF WINTER, PRESIDENT
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November 20, 2019

John C. Gray Trust & Deloris I. Gray Trust
c/o Terry C. Gray, Trustee
3069 La Pietra Circle
Honolulu, HI 96815

Re: Water Right, File No. 43000

Dear Mr. Gray:

The Equus Beds Groundwater Management District No. 2 made a recommendation to the Division of Water Resources that change in point of diversion application No. 43000 be approved. Pursuant to K.A.R. 5-22-4a, the well described in the application must be equipped with a District approved water flowmeter. The well is located in the Southwest quarter of the Northwest Quarter of the Southeast quarter of Section 34, Township 23 South, Range 3 West, Harvey County.

The well must be properly equipped with an approved meter within 30 days after the approved well is operational and prior to its operation. If more time is needed to install the meter or modify an existing meter installation, you may request an extension of time. The request must be made to the District before the end of the 30-day period.

Enclosed is a Flow Meter Installation form to be completed and returned to this office after completion of the meter installation or modifications. A copy of the Division of Water Resources' meter installation notification form (Notice and Proof of Completion of Works) may be substituted in place of the District form. Upon receiving the completed form, the District will inspect the installation.

Also enclosed is a copy of water meter and installation specifications. The water meter must meet these specifications and the list of certified water meters provided under K.A.R. 5-1-12, for District approval. The list of certified water meters can be obtained by contacting the District or at following link: <http://agriculture.ks.gov/divisions-programs/dwr/water-appropriation/water-flowmeters>. If you have any questions about the District's metering program or the enclosed material, please contact the District for assistance.

Sincerely,
EQUUS BEDS GROUNDWATER
MANAGEMENT DISTRICT NO. 2

Tim Boese
Manager
TDB/db

Enclosures

Pc: Jeff Lanterman, Division of Water Resources, Stafford
Brian Unruh, Tenant

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Stafford Field Office
Division of Water Resources