

Kansas Department of Agriculture
Division of Water Resources

**CHANGE: P/D P/U WORKSHEET & ORDER IN THE MATTER OF QUANTITY RECUCION
ADDITIONAL WELL**

1. File Number: FO 33	2. Status Change Date: 6/28/2019	3. Change Num: C1	4. Field Office: 02	5. GMD: 3
6. Status: <input type="checkbox"/> Approved <input type="checkbox"/> Denied by DWR/GMD <input type="checkbox"/> Dismiss by Request/Failure to Return				7. Filing Date of Change: 10/1/2018
8a. Applicant(s) New to system <input type="checkbox"/> PHILLIP E & VERNA M OCHS TR 10509 W 142ND ST OVERLAND PARK KS 66221-8197		8c. Landowner(s) New to system <input type="checkbox"/> Person ID <u>31065</u> Add Seq# _____		
8b. Landowner(s) New to system <input type="checkbox"/> Person ID _____ Add Seq# _____		8d. WUC New to system <input type="checkbox"/> Person ID <u>31065</u> Add Seq# _____ 8A		
9. Documents and Enclosure(s): <input checked="" type="checkbox"/> DWR Meter(s) Date to Comply: <u>12/31/2019</u> <input checked="" type="checkbox"/> N & P Date to Comply: <u>12/31/2019</u>				
<input checked="" type="checkbox"/> <u>Anti-Reverse Meter</u> <input checked="" type="checkbox"/> <u>Meter Seal</u> <input type="checkbox"/> Check Valve <input type="checkbox"/> N & P Form <input type="checkbox"/> Water Tube <input type="checkbox"/> Driller Copy <input type="checkbox"/> H & E Letter				
<input type="checkbox"/> Conservation Plan Date Required: _____ Date Approved: _____ Date to Comply: _____				
10. Use Made of Water From: _____ To: _____				
Date Prepared: 6/21/2019 By: LI Date Entered: 7/1/2019 By: UM				

File No. **FO 33** 11. County: FO Basin ARKANSAS RIVER: Stream: NA Formation Code: 075 Special Use: 016

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	30109	NW	NE	NW		26	26	26W	2	4777	3879	GPS UPDATE	800	200	800	200	NONE
ENT	31277	SE	NW	NE		26	26	26W	1	4536	1666	ADDITIONAL WELL	700	163.7	700	163.7	FO 035

SPECIAL CONDITIONS ADDITIONAL WELL REVIEW AFTER 5-10 YEARS

A3-3 A4-4 A5-5

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

14. Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) NONE NO CHANGE _____
 Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) _____

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

16. Place of Use	CHK	MOD	DEL	ENT	PUSE	NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg?	Overlap Files		
						S	T	R	ID	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼					NE ¼	NW ¼
MOD	2662	23	26	26W	2											16.0	19.0			4.0		39	8a	NO	FO 035		
MOD	3540	26	26	26W	3	23.5	39.5	LT 3 39.5	LT 4 35.5	40	LT 1 37.5	LT 1 8.5	LT 2 24.0					LT 4 3.50	LT 3 2.75			255	8a	NO	FO 035		
LOT ACRES IN SEC 26								38.5				5.5	22.5					2.75	0.75								

Base Acres: Year: Minimum Reasonable Quantity:
 Comments: **QUANTITY REDUCED BY CHANGE TO 363.7 AF LOTS AND NON-LOT ACRES IN SECTION 26.**

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: June 20, 2019

FROM: Leslie Ireland

RE: Vested Right
File Nos. FO 033 & FO 035

Philip E. Ochs Trustee of the Phil & Verna Ochs Trust as owner has filed an applications for approval to change the point of diversion and place of use under File No. FO 033 and place of use under File No. FO 035, both authorized for irrigation use. The applications were received in the office of the Chief Engineer on October 1, 2018.

The referenced water rights are considered in good standing as per K.S.A. 82a-718 and K.S.A. 82a-732. The rights currently have the requirement to install anti-reverse gears and pay a penalty for pumping the rights with what was thought to be a blanket quantity instead of assigned. It appears the owner has complied with the terms and conditions for exceeding the authorized quantity. The applications appear to be complete per K.A.R. 5-5-2a, *Complete change application*, with the True and Correct copies of June 3, 2019 serving as the original applications.

Both of the referenced files authorize a partial incomplete overlap totaling 315 acres along the North side of the Arkansas River. Together the rights provide 512 acre-feet and appear to have no other limitations with the exception of being located in the Ark River Intensive Groundwater Control Area, (IGUCA) and within the boundaries of the Southwest Kansas Groundwater Management District No. 3, (GMD 3). The proposed change in place of use is to make a complete overlap of 294 acres. It does not appear that any new acres are being added. The base acres were summarized in a 2018 summary memo as 236 acres for File No. FO 033 and 130 acres under File No. FO 035 with an additional note of only 63 acres are additional above and beyond File No. FO 033. It would appear the referenced files have 299 total combined base acres. The proposal to irrigate 294 acres appears to comply with Part b of K.A.R. 5-5-11, *Applications for change in place of use for irrigation purposes*, as the change will not permit more acres than established as base acres.

The change in point of diversion for File No. FO 033, proposes to shift a portion of the quantity and rate from its single well to the single well authorized under File No. FO 035. This will result in File No. FO 033 to authorize two (2) wells per K.A.R. 5-5-16, *Additional well*. The change should help resolve pumping issues under File No. FO 035. The applications were completed by Elizabeth Fitch, Environmental Scientist, Stafford Field Office, who listed GPS feet distances for the wells. The listed measurements place the wells approximately 2,226 feet apart. The listed feet distances comply with K.A.R. 5-5-6, *Failure to construct diversion works at authorized location*, as no feet distances are listed for the authorized points of diversion. Currently, File No. FO 033 authorizes 1,500 gallons per minute (gpm) to divert 472 acre-feet per year. The proposal is to move 700 gpm and 163.7 AF to the existing well under File No. FO 035.

Per K.A.R. 5-5-16 the quantity and rate available for change must be determined. The maximum acres irrigated during the perfection period for the referenced file were determined to be 236 acres which was utilized for the determination of the quantity for the consumptive use calculation as required by Party (a)(2)(C)(i):

$$236 \text{ acres} \times 1.31 \text{ (80\%NIR FO Co.)} \div 0.85 = 363.7 \text{ acre-feet.}$$

It would appear that the referenced file will require that the authorized quantity of 472 acre-feet, be reduced. The original application stated the calculation and reduction and further informed by letter dated February 19, 2019, which returned the applications for the needed flow rate testing. The reduction to 363.7 acre-feet on File No. FO 033 as required by K.A.R. 5-5-16(a)(2)(C)(i) should assure that consumptive use will not increase.

The tested rate of diversion as required by K.A.R. 5-5-16(a)(3)(A) was completed on April 8, 2019, by Chris Law with GMD 3. The conducted *Flow Test Evaluation* with a Fuji PortaFlow meter determined a rate of 1,720 gallons per minute (3.83 c.f.s.) at the well under File No. FO 033, located in the Northwest Quarter (NW ¼) of 26-26-26W. The well is authorized a rate of 1,500 GPM, being less than the tested rate will not require any rate reduction. As required by K.A.R. 5-5-16(a)(3)(A) the rate will be divided between the wells as specified in K.A.R. 5-5-16(d). In summary:

File No.	Well Description	Quantity AF	Rate gpm
FO 033	NW NE NW ID 2	200	800
FO 033	SE NW NE ID 1	163.7	700
FO 035	SE NW NE ID 1	40	900

File Nos. FO 033 and FO 035 will authorize a combined total of 203.7 AF to be diverted from the well located in the SE¼ NW¼ NE¼ of Section 26, Township 26 South, Range 26 West, Ford County. Per K.A.R. 5-23-3, *Minimum well spacing requirements: high plains aquifer*, the 203.7 AF requires 1,600 feet of well to well spacing. At the minimum rate of 700 gallons per minute the total 203.7 AF can be diverted in 66 days.

It appears the wells have both been designated alluvial deposits of the Arkansas River with the source of supply determined to be the Ark River IGUCA (Code 75). A 2007 summary memo listed FO 033 to have a well depth of 200 feet and a static water level of 9 feet in 1980. It also listed FO 035 to have a well depth of 210 and the same static water level of 9 feet. Well logs were submitted with the change application. It would appear K.A.R. 5-5-16(b) has been met.

Nearby wells located within one-half (½) mile of the proposed additional well were listed by the applicant. It appears there are three (3) domestic wells and three (3) irrigation wells in the area. Two (2) of the irrigation wells are owned by the applicant. The notification letter on the proposed changes yielded no written replies. The requirements of K.S.A 82a-1906 appear to have been met.

The Southwest Kansas Groundwater Management District No. 3 was sent a request for recommendation. In a letter dated May 3, 2019, Jason Norquest, Assistant Manager, detailed their review and recommended the applications be approved.

The proposed change will result in one well to authorize 203.7 AF and leave 200 AF behind. Under K.A.R. 5-23-3 (a), **Minimum well spacing requirements: high plains aquifer** the new additional well and the existing well will each require a minimum well spacing of 1,600 feet and 1,300 feet, respectively. The wells are approximately 2,226 feet apart, hence a move of less than 2,640 feet and complying with part (b) of K.A.R. 5-23-3. The nearest nontemporary, nondomestic well is indicated by WRIS to be 2,368 feet away from the proposed additional well. The domestic wells shown on the map appear to be more than the minimum of 660 feet away. It appears that the proposed change meets the spacing requirements of K.A.R. 5-23-3 as required by K.A.R. 5-5-13(c).

Jeff Lanterman, Water Commissioner of the Stafford Field Office recommended approval of the requested changes per his email of June 20, 2019.

The meters were updated this year to anti-reverse meters which will be a condition of the approvals. The wells will also be required to have a DWR meter seal. A water level measurement tube not applicable due to age of the wells. Stratigraphic logs were supplied with the applications, so a well logs will not be required. As per K.A.R. 5-5-16(a)(4), a condition will be placed on the approval that the administrative priority of the quantity and rate moved to the additional well will be October 1, 2018, and the approval will contain the jurisdictional wording as required by K.A.R. 5-5-16(f).

Based on the above discussion, and that the changes are reasonable, that impairment to existing water rights is unlikely, that no change in the local source of supply will occur, it is recommended that the referenced applications be approved.


 Leslie Ireland
 Environmental Scientist
 Change Application Unit

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

July 2, 2019

PHILLIP E & VERNA M OCHS
10509 W 142ND ST
OVERLAND PARK KS 66221

RE: Vested Right, File Nos. FO 033 & FO 035

FILE COPY

Dear Mr. & Mrs. Ochs:

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

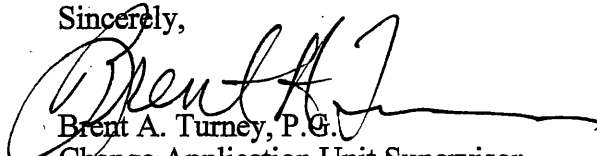
Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in the approvals for change. A condition of the approvals is that an anti-reverse totalizing water flowmeter which meets or exceeds specifications adopted by the Chief Engineer must be installed on the diversion works authorized. Additionally, a seal shall be placed on each flowmeter by the Division of Water Resources in such a manner as to render the meter non-removable from the measuring chamber without breaking the seal. Please contact Cameron Conant, Assistant Water Commissioner, Stafford Field Office at (620) 234-5311, should you have questions and seal installations. Please return the required notification of installation of the meter as soon as this action is completed.

Please note that the application to change the point of diversion under File No. FO 033 is subject to the condition that for the sole purpose of administering wells concerning direct impairment, shall be considered to have the priority date of the date the application was filed, October 1, 2018. In addition, the Chief Engineer specifically retains jurisdiction in this matter.

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

If you have any questions, please contact Leslie Ireland, Environmental Scientist, at (785) 564-6633. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,


Brent A. Turney, P.G.
Change Application Unit Supervisor
Water Appropriation Program

BAT:LI:li
Enclosures

cc: Stafford Field Office
Groundwater Management District No. 3

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE
Mike Beam, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

**APPROVAL OF APPLICATION
FOR
CHANGE IN PLACE OF USE, POINT OF DIVERSION
AND
ORDER IN THE MATTER OF THE AUTHORIZED QUANTITY OF WATER
VESTED RIGHT, FILE NO. FO 033**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Philip E. Ochs, Trustee, of the Phillip E. & Verna M. Ochs Trust, 10509 W. 142nd Street, Overland Park, Kansas 66221, received in the office of the Chief Engineer on October 1, 2018, for approval of a change in the location of the place of use under the vested right order, determining and establishing a vested right to continue the beneficial use of water, then identified in the office of the Chief Engineer as Vested Right, Code 6233, Ford County, now identified as Vested Right, File No. FO 033, as modified and amended by the Order of the Chief Engineer dated April 25, 1968, approving the application to change the place of use, and Order of the Chief Engineer dated September 5, 1980, approving the application to change the place of use and the point of diversion, finds that the change is reasonable and will not impair existing rights, and that the application should be and is hereby approved.

This order effectively reduces the authorized quantity of water to not exceed 363.7 acre-feet per calendar year in accordance with the application for change received in this office on October 1, 2018.

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 points of diversion shall be:

one (1) well located in the Northwest Quarter of the Northeast Quarter of the Northwest Quarter (NW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 26, more particularly described as being near a point 4,777 feet North and 3,879 feet West of the Southeast corner of said section, at a rate not in excess of 800 gallons per minute (1.78 c.f.s.) and a quantity not to exceed 200 acre-feet per calendar year, and

one (1) well located in the Southeast Quarter of the Northwest Quarter of the Northeast Quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 26, more particularly described as being near a point 4,536 feet North and 1,666 feet West of the Southeast corner of said section, at a rate not in excess of 700 gallons per minute (1.67 c.f.s.) and a quantity not to exceed 163.7 acre-feet per calendar year,

both in Township 26 South, Range 26 West, Ford County, Kansas, and

the authorized location of the place of use shall be:

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
23	26S	26W										16.00	19.00			4.00		39.0	
26	26S	26W	23.50	39.50	1.00		40.0		3.00	1.50				0.75	2.75			112.0	
26	26S	26W			Lot 3 38.50	Lot 4 35.50		Lot 1 37.5	Lot 1 5.50	Lot 2 22.50				Lot 4 2.75	Lot 3 0.75			143.0	

a total of 294 acres in Township 26 South, Range 26 West, Ford County, Kansas,

located substantially as shown on the topographic map accompanying the application to change the point of diversion and place of use.

The application is approved subject to the condition that for the sole purpose of administering wells concerning direct impairment, the well located in the Southeast Quarter of the Northwest Quarter of the Northeast Quarter (SE¼ NW¼ NE¼) of Section 26, more particularly described as being near a point 4,536 feet North and 1,666 feet West of the Southeast corner of said section, in Township 26 South, Range 26 West, Ford County, Kansas, approved by this order shall be considered to have the priority of the date the application was filed (October 1, 2018).

Installation of the works for diversion of water shall be completed on or before December 31, 2019, or within any authorized extension of time. The applicant shall notify the Chief Engineer of the Division of Water Resources, Kansas Department of Agriculture, when construction of the works for diversion has been completed.

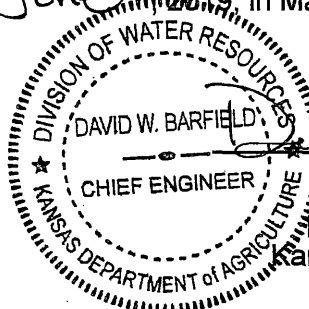
All diversion works into which any type of chemical or other foreign substance will be injected into the water pumped from the diversion works shall be equipped with an in-line, automatic, quick-closing check valve capable of preventing pollution of the source of the water supply. The type of valve installed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

The owners of the authorized place of use shall properly install an anti-reverse totalizing water flowmeter which meets or exceeds specifications adopted by the Chief Engineer and said meter shall be installed 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.

A seal will be placed on the water flowmeter by the Division of Water Resources in such a manner as to render the meter non-removable from the measuring chamber without breaking the seal. If the seal is broken without the written permission of the Chief Engineer, it shall constitute a violation of the order of the Chief Engineer.

In all other respects, the vested right order, determining and establishing a vested right to continue the beneficial use of water, identified in the office of the Chief Engineer as Vested Right, File No. FO 033, is as stated and set forth in the vested right order executed by the Chief Engineer on February 11, 1955, as modified and amended by the aforementioned orders.

Ordered this 28th day of June, 2019, in Manhattan, Riley County, Kansas.



David W. Barfield

David W. Barfield, P.E.
Chief Engineer
Division of Water Resources
Kansas Department of Agriculture

State of Kansas)
County of Riley) SS

The foregoing instrument was acknowledged before me this 28th day of June, 2019, by David W. Barfield, P.E., Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.



Karen Hunter

Notary Public

RIGHT TO A HEARING AND TO ADMINISTRATIVE REVIEW

If you are aggrieved by this Order, then pursuant to K.S.A. 82a-1901, you may:

- 1) request an evidentiary hearing before the Chief Engineer, or
- 2) request administrative review by the Secretary of Agriculture.

Failure to request an evidentiary hearing before the Chief Engineer does not preclude your right to administrative review by the Secretary.

To obtain an evidentiary hearing before the Chief Engineer, a written request for hearing must be filed within 15 days after service of this Order as provided in K.S.A. 77-531 (i.e., **within a total of 18 days after this Order was mailed to you**), with: Kansas Department of Agriculture, Attn: Legal Section, 1320 Research Park Drive, Manhattan, KS 66502, FAX (785) 564-6777.

If you do not file a request for an evidentiary hearing before the Chief Engineer, you may petition for administrative review of the Order by the Secretary of Agriculture. A petition for review shall be in writing and state the basis for requesting administrative review. The request for hearing may be denied if the request fails to clearly establish factual or legal issues for review. See K.S.A. 77-527. The petition must be filed within 30 days after service of this Order as provided in K.S.A. 77-531 (i.e., **within a total of 33 days after this Order was mailed to you**), and be filed with: Secretary of Agriculture, Attn: Legal Division, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, KS 66502, FAX (785) 564-6777.

If neither a request for an evidentiary hearing nor a petition for administrative review is filed as set forth above, then this Order shall be effective and become a final agency action as defined in K.S.A. 77-607(b). Failure to timely request either an evidentiary hearing or administrative review may preclude further judicial review under the Kansas Judicial Review Act.

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

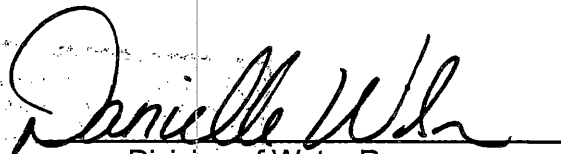
CERTIFICATE OF SERVICE

On this 2nd day of July, 2019, I hereby certify that the attached original Approval of Application for Change in Place of Use, Point of Diversion and Order Reducing the Authorized Quantity of Water, Vested Right, File No. FO 033 dated June 28th, 2019 was mailed postage prepaid, first class, US mail to the following:

Phillip E. & Verna M. Ochs Trust
10509 W 142nd St
Overland Park, KS 66221

With photo copies sent to:

Stafford Field Office
Groundwater Management District No. 3


Division of Water Resources

Submit To: CHIEF ENGINEER
Division of Water Resources
Kansas Department of Agriculture
1320 Research Park Drive
Manhattan, Kansas 66502
http://agriculture.ks.gov/dwr

APPLICATION FOR APPROVAL TO
CHANGE THE PLACE OF USE, THE
POINT OF DIVERSION OR THE USE
MADE OF THE WATER UNDER AN
EXISTING WATER RIGHT



State of Kansas

Filing Fee Must Accompany the Application
(Please refer to Fee Schedule on signature page of application form.)

Paragraph Nos. 1, 2, 3, 4 & 8 must be completed. Complete all other applicable portions. A topographic map or detailed plat showing the authorized and proposed points(s) of diversion and /or place of use must accompany this application.

1. Application is hereby made for approval of the Chief Engineer to change the

- Place of Use
(Check one or more) Point of Diversion
 Use Made of Water

COPY

I hereby certify that this instrument is a true and correct copy of the original as purpoted.
Dated at Manhattan, Kansas this 3rd day

June 2018
Samuel Wilson
DIVISION OF WATER RESOURCES
KANSAS DEPARTMENT OF AGRICULTURE

File No. FO-33

RECEIVED
12:32pm
SEP 27 2018

Stafford Field Office
Division of Water Resources

2. Name of applicant: Phil & Verna Ochs Trust

Address: 10509 W 142nd St

City, State and Zip: Overland Park KS 66221-8197

Phone Number: (620)338-5555

E-mail address: pochs44@gmail.com

What is your relationship to the water right; owner tenant agent other? If other, please explain

Name of water use correspondent: Phil & Verna Ochs Trust

Address: 10509 W 142nd St

City, State and Zip: Overland Park KS 66221-8197

Phone Number: (620) 338-5555

E-mail address: pochs44@gmail.com

3. The change(s) proposed herein are desired for the following reasons (please be specific): The change in place of use will create a complete overlap with File No. FO-35 and add irrigated acres that are not authorized on the east end of the field. The change in point of diversion will create an additional well that will be an overlap with File No. FO-35.

The change(s) will be completed by approval of this application

(Date)

For Office Use Only:

F.O. 2 GMD 3 Meets K.A.R. 5-5-1 (YES / NO) Use 1/2 Source G/S County FO By DAW Date 10/2/18
Code C-2 Fee \$400 TR # _____ Receipt Date 10/1/18 Check # 1995

APPLICATION COMPLETE

6/20/19
Reviewer LI

SCANNED

Assisted by: EKF/SFFO

10/8/18 DAW

6. The presently authorized point(s) of diversion is one (1) well and diversion works
(Provide description and number of points)
7. The proposed point(s) of diversion are two (2) wells and diversion works
(Provide description and number of points)

List all presently authorized point(s) of diversion:

8. **Presently authorized point of diversion:**
 One in the NW Quarter of the NE Quarter of the NW Quarter of Section 26, Township 26 South, Range 26 W, in Ford County, Kansas, --- feet North --- feet West of Southeast corner of section.
 Authorized Rate 1,500 gpm Authorized Quantity 472 AF
 (DWR use only: Computer ID No. 2 GPS 4,777 feet North 3,879 feet West)
 This point will not be changed This point will be changed as follows:
Proposed point of diversion: (Complete only if change is requested):
 One in the NE NW Quarter of the NW NE Quarter of the NW Quarter of Section 26, Township 26 South, Range 26 W, in Ford County, Kansas, 4,777 feet North 3,879 feet West of Southeast corner of section.
 Proposed Rate 800 gpm Proposed Quantity 200 AF
 This point is: Additional Well Geo Center List other water rights that will use this point none

9. **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 _____
 (DWR use only: Computer ID No. _____ GPS _____ feet North _____ feet West)
 This point will not be changed This point will be changed as follows:
Proposed point of diversion: (Complete only if change is requested)
 One in the SE Quarter of the NW Quarter of the NE Quarter of Section 26, Township 26 South, Range 26 W, in Ford County, Kansas, 4,536 feet North 1,666 feet West of Southeast corner of section.
 Proposed Rate 700 gpm Proposed Quantity 163.7 AF
 This point is: Additional Well Geo Center List other water rights that will use this point FO-35

10. **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 _____
 (DWR use only: Computer ID No. _____ GPS _____ feet North _____ feet West)
 This point will not be changed This point will be changed as follows:
Proposed point of diversion: (Complete only if change is requested)
 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 _____
 This point is: Additional Well Geo Center List other water rights that will use this point _____

11. Describe the current condition of and future plans for any point(s) of diversion which will no longer be used. NA

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY.

x 27000 from for assessment

RECEIVED
 SEP 27 2018
 Stafford Field Office
 Division of Water Resources

4. The presently authorized place of use is:

Owner of Land — NAME: Phil & Verna Ochs Trust

ADDRESS: 10509 W 142nd St, Overland Park KS 66221-8197

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	
23	26	26W										33	20			5		58	
26	26	26W	26	39	Lot 3 42	Lot 4 52	40		Lot 1 46	Lot 2 20				Lot 4	Lot 3			265	
Total:																	323		

List any other water rights that cover this place of use. FO-35 (Partial Overlap)

Owner of Land — NAME: _____

ADDRESS: _____

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	

List any other water rights that cover this place of use. _____

(If there are more than two landowners, attach additional sheets as necessary.)

I hereby certify that this instrument is a true and correct copy of the original as purported.

Dated at Manhattan, Kansas this 3rd day of June, 2019

Parcella Wilson

 DIVISION OF WATER RESOURCES
 KANSAS DEPARTMENT OF AGRICULTURE

5. It is proposed that the place of use be changed to:

Owner of Land — NAME: Phil & Verna Ochs Trust

ADDRESS: 10509 W 142nd St, Overland Park KS 66221-8197

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	
23	26	26W										16	19			4		39	
26	26	26W	23.5	39.5	1		40		3	1.5				0.75	2.75			112	
26	26	26W			Lot 3 38.5	Lot 4 35.5		Lot 1 37.5	Lot 1 5.5	Lot 2 22.5				Lot 4 2.75	Lot 3 0.75			143	
Total:																	294		

List any other water rights that cover this place of use. FO-35

Owner of Land — NAME: _____

ADDRESS: _____

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	

List any other water rights that cover this place of use. _____

Water Resources

RECEIVED

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

APR 12 2019

Received
 OCT 01 2018

SEP 27 2018

SCANNED
 Stafford Field Office
 Division of Water Resources

KS Dept Of Agriculture

12. The presently authorized use of water is for IRRIGATION purposes.
It is proposed that the use be changed to --- purposes.

13. If changing the place of use and/or use made of water, describe how the consumptive use will not be increased.
The proposed place of use will create a complete place of use overlap with File No. FO-35. The base acres will not be exceeded, so no increase in consumptive use is expected. The additional well change will restrict the authorized quantity to the consumptive use calculations from K.A.R.5-5-16.

FO-33 Perfection Acres = 236 FO Co. 80% NIR = 1.31 AF/acre

236 acres x 1.31 AF/acre / 0.85 = 363.7 AF
(Please show any calculations here.)

Flow RATE TEST 1720 GPM NO QUANTITY REDUCTIONS
363.7 AF * REPAIR

14. It is requested that the maximum annual quantity of water be reduced to 363.7 AF (acre-feet or million gallons).

15. It is requested that the maximum rate of diversion of water be reduced to --- gallons per minute (--- c.f.s.).

16. The application must include either a topographic map or detailed plat. A U.S. Geological Survey Topographic Map, scale 1:24,000, is available through the Kansas Geological Survey, 1930 Constant Avenue, University of Kansas, Lawrence, Kansas 66047-3726 (www.usgs.gov). The map should show the location of the presently authorized point(s) of diversion. Distances North and West of the Southeast corner of the section must be shown. The presently authorized place of use should also be shown. Identify the center of the section, the section lines and the section corners and show the appropriate section, township, and range numbers on the map. In addition the following information must also be shown on the map.

- a. If a change in the location of the point(s) of diversion is proposed, show:
 - 1) The location of the proposed point(s) of diversion. Distances North and West of the Southeast corner of the section must be shown. Please be certain that the information shown on the map agrees with the information shown in Paragraph Nos. 9, 10 and 11 of the application.
 - 2) If the source of supply is groundwater, please show the location of existing water wells of any kind, including domestic wells, within 1/2 mile of the proposed well or wells. Identify each well as to its use and furnish name and mailing address of the property owner or owners. If there are no wells within 1/2 mile, please indicate so on the map.
 - 3) If the source of supply is surface water, the names and mailing addresses of all landowner(s) 1/2 mile downstream and 1/2 mile upstream from your property lines must be shown.
- b. If a change in the place of use is desired, show the proposed place of use by crosshatching on the map. Please be certain that the information shown on the map agrees with the information shown in Paragraph No. 5 of the application.

17. Attach documentation to show the change(s) proposed herein will not impair existing water rights and relates to the same local source of supply as to which the water right relates. This information may include statements, plats, geology reports, well logs, test hole logs, and other information as necessary information to show the above. Additional comments may be made below.

This change proposes an additional well in order to increase the authorized quantity on the well currently authorized by File No. FO-35. There will not be any changes to operation, as the proposed additional well has been severely overpumped for years. Both wells are ~200 feet deep and are drilled to shale.

I hereby certify that this instrument is a true and correct copy of the original as purported.

Dated at Manhattan, Kansas this 03rd day of June, 2019

[Signature]

18. If the proposed change(s) does not meet all applicable rules and regulations of the Kansas Water Appropriation Act, please identify the rules and regulations for which you request a waiver. State the reasons why you believe the request should be granted. Attach documentation showing that granting the request will not impair existing water rights and will not prejudicially and unreasonably affect the public interest.

No waivers are anticipated

* LI/DWR

WATER RESOURCES RECEIVED

Water Resources Received

APR 12 2019

RECEIVED

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

KANSAS DEPT OF AGRICULTURE

OCT 01 2018

SEP 27 2018

* LI/MKS Dept Of Agriculture

SCANNED

Stafford Field Office

INITIAL

DATE

2/13/19

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 _____, Kansas, this _____ day of _____, 20____.

x Philip E. Debs Trustee
(Owner)

x _____
(Spouse)

Philip E Debs Trustee
(Please Print)

(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

State of Kansas }
County of Stafford } SS

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 27th day of September, 2018



Jessica Engelbrecht
Notary Public

My Commission Expires _____

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.**

RECEIVED
SEP 27 2018
Stafford Field Office
Division of Water Resources

The
Professional

MINTER-WILSON DRILLING CO.
INCORPORATED

April 17, 1980

L. Stuart Curtis
Ford County

Location: NW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ 26-26-26 - from Howell 2 $\frac{1}{2}$ miles east 1000
feet south about 1300 feet west and 1000 feet south
west 30 feet south of pivot

Stratigraphic Water Level -
Test #

0	7	Top Soil
7	25	Med. Coarse Gravel Loose
25	48	Brown Sandy Clay
48	65	Fine to Med. Sand and Gravel Loose
65	79	Brown Sandy Clay
79	93	Fine to Med. Sand and Gravel Mixed Yellow Rock Loose
93	98	Fine to Med. Sand and Gravel Small Clay Streaks
98	108	Brown Sandy Clay
108	127	Fine to Med. Sand and Fine Gravel Small Clay Streak Loose
127	137	Brown Sandy Clay
137	141	Fine to Med. Sand and Gravel Yellow Rock Little Tight
141	188	Med. Coarse Gravel Yellow Rock Loose
188	194	Med. Coarse Gravel Yellow Rock Little Tight
194	211	Yellow Clay
211	215	Shale

T.D. 200

Water Resources
Received

OCT 01 2018

KS Dept Of Agriculture

RECEIVED

SEP 27 2018

Central Field Office
Dept. of Water Resources

Water Rights and Points of Diversion Within 1.10 miles of point defined as:

4777 ft N and 3879 ft W of the SE Corner of Section 26, T 26S, R 26W

Located at: 100.137044 West Longitude and 37.764523 North Latitude

GROUNDWATER ONLY

PO 033 ACTUAL

File Number	Use	ST	SR	Dist (ft)	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Twp	Rng	ID	Batt	Auth	Quan	Add_Quan	Unit
A__ 9407	00	IRR	NK	G	4134	--	SW	SW	NW	3300	5230	25	26	26W	2		246.00	246.00	AF
A__ 10559	00	IRR	NK	G	5509	--	SW	SW	NE	3140	2620	22	26	26W	1		64.00	64.00	AF
A__ 11656	00	IRR	NK	G	4507	--	SW	NW	SE	1400	2600	22	26	26W	4		112.00	112.00	AF
Same					2871	--	--	CN	NE	5105	1400	27	26	26W	2		162.00	162.00	AF
A__ 12710	00	IRR	NK	G	5410	--	SW	NE	NW	4175	3700	25	26	26W	3		141.00	141.00	AF
A__ 16967	00	IRR	NK	G	2368	--	NW	SW	SE	1180	2200	23	26	26W	1		132.00	120.00	AF
A__ 21897	00	IRR	NK	G	5410	--	SW	NE	NW	4175	3700	25	26	26W	3		130.00	130.00	AF
A__ 38122	00	IRR	NK	G	2843	--	NW	SE	SE	1236	743	22	26	26W	5		16.00	16.00	AF
VFO 30	00	IRR	AA	G	5509	--	SW	SW	NE	3140	2620	22	26	26W	1		20.00	20.00	AF
VFO 31	00	IRR	AA	G	2871	--	--	CN	NE	5105	1400	27	26	26W	2		60.00	60.00	AF
VFO 32	00	IRR	AA	G	2368	--	NW	SW	SE	1180	2200	23	26	26W	1		12.00	12.00	AF
VFO 33	00	IRR	AA	G*	286	--	NW	NE	NW	-----	-----	26	26	26W	2		472.00	472.00	AF
VFO 35	00	IRR	AA	G*	2233	--	SE	NW	NE	-----	-----	26	26	26W	1		40.00	40.00	AF

NEARBY

FROM ABOVE

PROPOSED

Total Net Quantities Authorized:	Direct	Storage
Total Requested Amount (AF) =	.00	.00
Total Permitted Amount (AF) =	.00	.00
Total Inspected Amount (AF) =	.00	.00
Total Pro_Cert Amount (AF) =	.00	.00
Total Certified Amount (AF) =	991.00	.00
Total Vested Amount (AF) =	604.00	.00
TOTAL AMOUNT (AF) =	1595.00	.00

An * after the source of supply indicates a pending application for change for the file number.
 An * after the ID indicates a 15 AF exemption was granted for 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 1.10 miles of point defined as:

100.137044 West Longitude and 37.764523 North Latitude

GROUNDWATER ONLY

WATER USE CORRESPONDENTS:

File Number Use ST SR
 A__ 9407 00 IRR NK G
 > PHILLIP E & VERNA M OCHS TR
 >
 > 10509 W 142ND ST
 > OVERLAND PARK KS 66221

A__ 10559 00 IRR NK G
 > BAILES INVESTMENTS INC
 > JIM BAILES
 > 209 S 2ND AVE
 > DODGE CITY KS 67801

A__ 11656 00 IRR NK G

*ACTUAL 4777 3879 DISTANCES MOVE
 PROPOSED 4536 1,666
 2412 2213 = 1 = 2,226'
 MOVE*

> MARK D FISCHER
>
> PO BOX 131
> WRIGHT KS 67882

A__ 12710 00 IRR NK G
> KANS LLC
> TOM L & KAY A HERRMANN
> 190 MONTCLAIR DR
> SHERMAN TX 75092

A__ 16967 00 IRR NK G
> CHARLENE SCHULTE
>
> 12221 EAGLE RD
> SPEARVILLE KS 67876

A__ 21897 00 IRR NK G
> KANS LLC
> TOM L & KAY A HERRMANN
> 190 MONTCLAIR DR
> SHERMAN TX 75092

A__ 38122 00 IRR NK G
> MARK D FISCHER
>
> PO BOX 131
> WRIGHT KS 67882

VFO 30 00 IRR AA G
> BAILES INVESTMENTS INC
> JIM BAILES
> 209 S 2ND AVE
> DODGE CITY KS 67801

VFO 31 00 IRR AA G
> MARK D FISCHER
>
> PO BOX 131
> WRIGHT KS 67882

VFO 32 00 IRR AA G
> CHARLENE SCHULTE
>
> 12221 EAGLE RD
> SPEARVILLE KS 67876

VFO 33 00 IRR AA G
> PHILLIP E & VERNA M OCHS TR
>
> 10509 W 142ND ST
> OVERLAND PARK KS 66221

Ireland, Leslie [KDA]

From: Lanterman, Jeff [KDA]
Sent: Thursday, June 20, 2019 8:54 AM
To: Ireland, Leslie [KDA]; Conant, Cameron [KDA]
Subject: RE: Recommendation for Change in PDP, File No. FO 033 & PU File No. FO 035 _ Ochs

Leslie. This is timely Phil called my office a couple days ago and asked about these. I told them it looked like it was out to GMD for comments.

Anyway I am aware of these changes and they are fixing a long standing problem so I recommend approval.

Yes please require AR gears and a DWR seal on them.

Thanks.
Jeff

From: Ireland, Leslie [KDA]
Sent: Thursday, June 20, 2019 8:38 AM
To: Lanterman, Jeff [KDA] <Jeff.Lanterman@ks.gov>; Conant, Cameron [KDA] <Cameron.Conant@ks.gov>
Subject: Recommendation for Change in PDP, File No. FO 033 & PU File No. FO 035 _ Ochs

Please let me know if you could recommend the change for the additional well. The approvals will both require the totalizer anti-reverse meters. Should the approval documents also require the meters to be sealed?

Both changes also request to overlap the place of use.

As always comments and concerns are welcome.

Leslie Ireland, Environmental Scientist
Kansas Department of Agriculture
Division of Water Resources - Change Unit
(785) 564-6633
Leslie.Ireland@ks.gov
www.agriculture.ks.gov

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

June 5, 2019

ADDRESS LIST

Re: Vested Right, File Nos. FO 033 & FO 035

Dear Sir or Madam:

This letter is to inform you that the Phillip E. & Verna M. Ochs Trust has file an application to change the point of diversion and place of use under the referenced file authorized for irrigation use.

The application for change in point of diversion under Vested Right, File No. FO033, proposes the following change:

from: one (1) well located in the Northwest Quarter of the Northeast Quarter of the Northwest Quarter (NW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 26, at a quantity not to exceed 472 acre-feet per calendar year and at a diversion rate not in excess of 1,500 gallons per minute (3.34 c.f.s.)

to: one (1) well located in the Northwest Quarter of the Northeast Quarter of the Northwest Quarter (NW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 26, more particularly described as being near a point 4,777 feet North and 3,879 feet West of the Southeast corner of said section, at a quantity not to exceed 200 acre-feet per calendar year and at a diversion rate not in excess of 800 gallons per minute (1.78 c.f.s.), and

one (1) existing well currently authorized by Vested Right, File No. FO 035 located in the Southeast Quarter of the Northwest Quarter of the Northeast Quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 26, more particularly described as being near a point 4,057 feet North and 3,066 feet West of the Southeast corner of said section, at a quantity not to exceed 163.7 acre-feet per calendar year and at a diversion rate not in excess of 700 gallons per minute (1.56 c.f.s.),

all in Township 26 South, Range 26 West, Ford County, Kansas and

the proposed change in place of use is to overlap the referenced files to irrigate the following:

Sec. Twp. Range	NE¼				NW¼				SW¼				SE¼				TOTAL
	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
26 26S 26W	23.5	39.5	1		40.0		3.0	1.5			16.0	19.0	0.75	2.75	4.0		151
26 26S 26W			Lot 3 38.5	Lot 4 35.5		Lot 1 37.5	Lot 1 5.5	Lot 2 22.5						Lot 4 2.75	Lot 3 0.75		143.0

a total of 294 acres in Section 26, Township 26 South, Range 26 West, Ford County, Kansas.

Records in this office indicate that you may have a well or wells in this vicinity of the proposed changes in point of diversion to that will shift the authorized quantity between these existing wells. You are being notified of the proposals so that you may furnish this office written comments or other information you may desire to submit. Such written comments or other information must be received in this office within 15 days from the date of this letter.

If you have any questions, please contact our office, my desk phone is (785) 564-6633. If you wish to discuss a specific file, please have the file numbers ready so that we may help you more efficiently.

Sincerely,



Leslie Ireland
 Environmental Scientist
 Water Appropriation Program

LI

pc: Stafford Field Office ✓
 Groundwater Management District No. 3

ADDRESS LIST

Nearby comments, File Nos. FO 033 & FO 035

CHARLENE SCHULTE Owners of File No. FO 032 & 16,967
12221 EAGLE RD
SPEARVILLE KS 67876

TOM L & KAY A HERRMANN
2101 E CRESCENT DR
DODGE CITY KS 67801

JACK FOX TRUST
10502 HVVY 50
DODGE CITY KS 67801

CURTIS ADAMS
10520 HVVY 50
DODGE CITY KS 67801

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FILE COPY

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

June 5, 2019

ADDRESS LIST

Re: Vested Right, File Nos. FO 033 & FO 035

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FILE COPY

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If you have any questions, please contact our office, my desk phone is (785) 564-6633. If you wish to discuss a specific file, please have the file numbers ready so that we may help you more efficiently.

Sincerely,



Leslie Ireland
 Environmental Scientist
 Water Appropriation Program

LI
 pc: Stafford Field Office
 Groundwater Management District No. 3

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

June 5, 2019

CHARLENE SCHULTE
12221 EAGLE RD
SPEARVILLE KS 67876

Re: Vested Right, File Nos. FO 033 & FO 035

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FILE COPY

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June 5, 2019

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from: one (1) well located in the Northwest Quarter of the Northeast Quarter of the Northwest Quarter (NW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 26, at a quantity not to exceed 472 acre-feet per calendar year and at a diversion rate not in excess of 1,500 gallons per minute (3.34 c.f.s.)

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all in Township 26 South, Range 26 West, Ford County, Kansas and

FILE COPY

the proposed change in place of use is to overlap the referenced files to irrigate the following:

Sec. Twp. Range	NE¼				NW¼				SW¼				SE¼				TOTAL
	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
26 26S 26W	23.5	39.5	1		40.0		3.0	1.5			16.0	19.0	0.75	2.75	4.0		151
26 26S 26W			Lot 3 38.5	Lot 4 35.5		Lot 1 37.5	Lot 1 5.5	Lot 2 22.5					Lot 4 2.75	Lot 3 0.75			143.0

a total of 294 acres in Section 26, Township 26 South, Range 26 West, Ford County, Kansas.

Records in this office indicate that you may have a well or wells in this vicinity of the proposed changes in point of diversion to that will shift the authorized quantity between these existing wells. You are being notified of the proposals so that you may furnish this office written comments or other information you may desire to submit. Such written comments or other information must be received in this office within 15 days from the date of this letter.

If you have any questions, please contact our office, my desk phone is (785) 564-6633. If you wish to discuss a specific file, please have the file numbers ready so that we may help you more efficiently.

Sincerely,



Leslie Ireland
 Environmental Scientist
 Water Appropriation Program

LI
 pc: Stafford Field Office
 Groundwater Management District No. 3

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

June 5, 2019

JACK FOX TRUST
10502 HVVY 50
DODGE CITY KS 67801

Re: Vested Right, File Nos. FO 033 & FO 035

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Sincerely,



Leslie Ireland
 Environmental Scientist
 Water Appropriation Program

LI
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1320 Research Park Drive
Manhattan, KS 66502
785-564-6700
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900 SW Jackson, Room 456
Topeka, KS 66612
785-296-3556

Mike Beam, Secretary

Laura Kelly, Governor

June 5, 2019

CURTIS ADAMS
10520 HVVY 50
DODGE CITY KS 67801

Re: Vested Right, File Nos. FO 033 & FO 035

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all in Township 26 South, Range 26 West, Ford County, Kansas and

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Sincerely,



Leslie Ireland
 Environmental Scientist
 Water Appropriation Program

LI
 pc: Stafford Field Office
 Groundwater Management District No. 3

From: Jason Norquest <norquest@gmd3.org>
Sent: Friday, May 3, 2019 7:43 AM
To: Ireland, Leslie [KDA]
Subject: FO33+
Attachments: 2019_April24_NeighborNotice_FO33+.pdf; 2019_May3_ReviewMat_PDPU_FO33.pdf

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

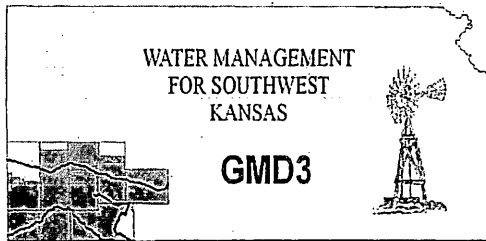
Good morning Leslie, here is the review for FO33 and FO35. Again the analysis looked reasonable for the area and no complaints from neighbors. Cover will be in the mail to you.

Have a great weekend and talk to you later!!!

Jason Norquest
Assistant Manager, GMD3
Cell: 620-271-1289
Office: 620-275-7147
www.gmd3.org

Water Resources
Received
MAY 03 2019
KS Dept Of Agriculture

SCANNED



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

May 3, 2019

Leslie Ireland
Kansas Department of Ag
Division of Water Resources
1320 Research Park Drive
Manhattan, Kansas 66502

RE: Application for Change in Point of Diversion
Change in Place of Use
Vested Right, File Nos. FO33 & FO35

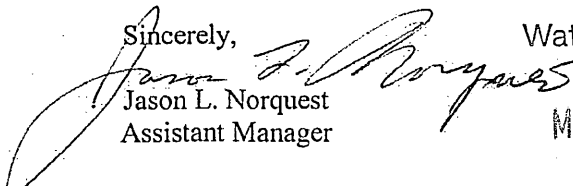
Dear Leslie:

We have completed a review of the applications for the above referenced water right. The proposed change in place of use is making a complete overlap in acres and follows criteria set forth in K.A.R. 5-5-11. The proposed change in point of diversion is in accordance with current area rules, K.A.R. 5-23-3, as it pertains to distance moved and minimum spacing to neighboring wells. The proposal also meets the criteria set forth in the additional well rule, K.A.R. 5-5-16.

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 (3.0 ft in cases where saturated thickness is between 125-150 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 in no case did the net effect on neighboring wells exceed the 3.0 ft maximum allowable threshold. Notices linking this information was sent out to the well owners and our office received no response or concerns raised. Therefore, GMD3 sees this move as reasonable and unlikely to impair neighboring wells. It should also be noted that the calculations is based on maximum annual quantity and rate. It is therefore recommended that the applications be approved.

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

Water Resources

Received

MAY 03 2019

GMD3 Change Review

File No(s): FO 33 & FO 35. DWR office: HQ.

App filed to change: PU and PD for Add Well (FO33) .

Is Landowner(s) correct in WRIS: Phillip E & Verna M Ochs TR.

If NO, is documentation included?

Is Water Use Correspondent correct in WRIS? Yes.

If NO, is documentation included?

Regulation(s) Reviewed: KAR 5-5-11(PU), KAR 5-5-16(AddWell) & KAR 5-23-3(Distance and spacing)

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

	ft. North	ft. West
Authorized PD		
Proposed PD		
Difference	0	0
$a^2 + b^2 = c^2$	0	0
		0

GPS for proposed PD: Lat: Long: .

Is proposed PD stacking on existing WRs? Part of AF from current FO33 will be stacked on current FO35.

Is Proposed PU overlapping existing WRs? Will create a complete overlap on both water rights.

Land Owner(s) notified: .

Name . Name .

Address . Address .

Zip . Zip .

Neighboring certified well(s) notified: .

Name . Name .

Address . Address .

Zip . Zip .

Domestic well(s) notified: .

Name . Name .

Address . Address .

Zip . Zip .

Base Acres: .

Perfected Acres: .

Irr. Return-Flow %

Currently has incomplete PU overlap, these applications will create a complete overlap and not increase base.

FO35 has history of overpumping and the change on FO33 for additional well will move authority over to stack and balance pumping from the wells.

(Base acres X NIR80%) / .85 = AF to keep and split.

(236 acres X 1.31') / .85 = 363.7AF => reduction of 108.3AF total.


GMD3 Change Review

200AF @ 800gpm remains at current well under FO33.

163.7AF @ 700gpm stacked on FO35 for total of 203.7AF

Is a waiver needed: Consumptive use applied for additional well. PU change falls within guidelines. The moving of authority is less than half mile and current minimum spacing to neighboring wells appears met.

Recommendation: The proposal meets all current area rules. Analysis shows that the proposal appears to have minimal effect and there were no concerns raised by the neighbors from the notices sent.



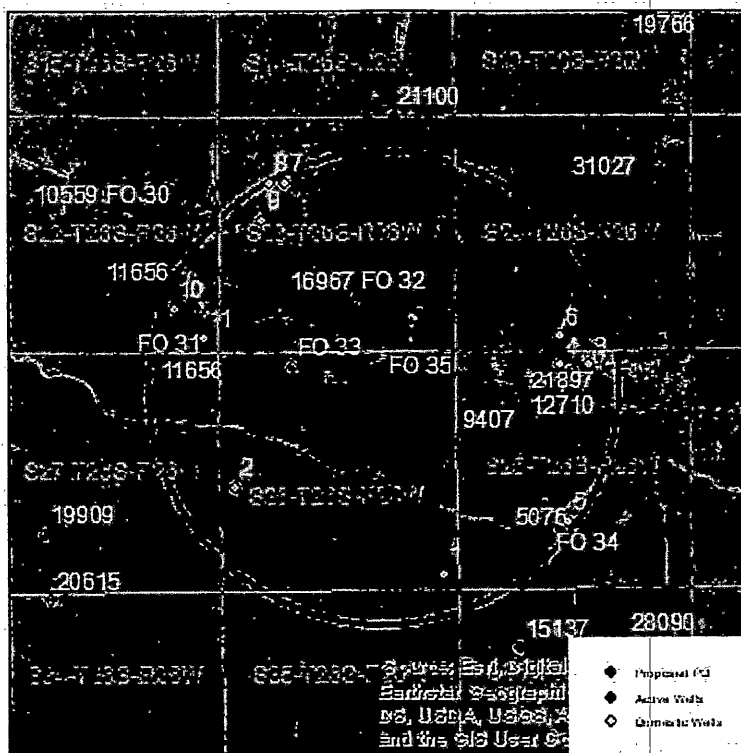
Water Resources
Received

MAY 03 2019

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Evaluation of proposed additional well for Water Right No FO 33

Proposed: Move 163.7 AF at 700 gpm from the well currently authorized under FO 33 to the well currently authorized under FO 35 using the additional well rule. The well currently authorized under FO 33 will reduce its current authority from 472 AF at 1500 gpm to 200 AF at 800 gpm. The well currently authorized under FO 35 will gain authority from 40 AF at 900 gpm to 203.7 AF at 1600 gpm.



Wells within 1 mile: 9407, FO 34 & 5076, 12710 & 21897, FO 32 & 16967, FO 31 & 11656, 38122, and 11 domestic wells. Domestic wells are identified by number, from 1 to 11 on the above map.

The saturated thickness at the proposed well location is estimated to be 142 ft, based upon water table elevation obtained from a monitoring well in section 36-26-26 and the driller's log at FO 33. For saturated thickness between 125 ft and 150 ft, the maximum allowable 50 year Theis drawdown to neighboring critical wells is 3.0 ft.

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

$S = 0.2365$, $T = 6888 \text{ ft}^2/\text{day}$, $tp_{\text{current}}(\text{FO 33}) = 29 \text{ days}$ (based upon observed rate and reported quantity), $Q_{\text{current}}(\text{FO 33}) = 1500 \text{ gpm}$ (Authorize rate. Flow test showed well can pump greater than authorized.), $tp_{\text{proposed}}(\text{FO 33}) = 57 \text{ days}$, $Q_{\text{proposed}}(\text{FO 33}) = 800 \text{ gpm}$, $Q_{\text{current}}(\text{FO 35}) = 650 \text{ gpm}$ (based upon 2018 DWR inspection), $tp_{\text{current}}(\text{FO 35}) = 14 \text{ days}$ (based upon reported quantity and observed rate), $Q_{\text{proposed}}(\text{FO 35}) = 1600 \text{ gpm}$, $tp_{\text{proposed}}(\text{FO 35}) = 29 \text{ days}$.

Theis drawdown calculations are as follows:

9407: Current drawdown = 1.57 ft
Proposed drawdown = 3.32 ft
Net drawdown = **1.8 ft**

FO 34 & 5076: Current drawdown = 1.09 ft
Proposed drawdown = 2.04 ft
Net drawdown = **0.9 ft**

12710 & 21897: Current drawdown = 1.31 ft
Proposed drawdown = 2.56 ft
Net drawdown = **1.2 ft**

FO 32 & 16967: Current drawdown = 2.41 ft
Proposed drawdown = 4.21 ft
Net drawdown = **1.8 ft**

FO 31 & 11656: Current drawdown = 1.67 ft
Proposed drawdown = 2.63 ft
Net drawdown = **1.0 ft**

38122: Current drawdown = 1.76 ft
Proposed drawdown = 2.74 ft
Net drawdown = **1.0 ft**

Domestic 1: Current drawdown = 1.21 ft
Proposed drawdown = 2.25 ft
Net drawdown = **1.0 ft**

Domestic 2: Current drawdown = 1.75 ft
Proposed drawdown = 2.87 ft
Net drawdown = **1.1 ft**

Domestic 3: Current drawdown = 1.12 ft
Proposed drawdown = 2.12 ft
Net drawdown = **1.0 ft**

Domestic 4: Current drawdown = 1.20 ft

Water Resources
Received

MAY 03 2019

KS Dept Of Agriculture

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Proposed drawdown = 2.30 ft
Net drawdown = **1.1 ft**

Domestic 5: Current drawdown = 1.08 ft
Proposed drawdown = 2.01 ft
Net drawdown = **0.9 ft**

Domestic 6: Current drawdown = 1.19 ft
Proposed drawdown = 2.27 ft
Net drawdown = **1.1 ft**

Domestic 7: Current drawdown = 1.43 ft
Proposed drawdown = 2.39 ft
Net drawdown = **1.0 ft**

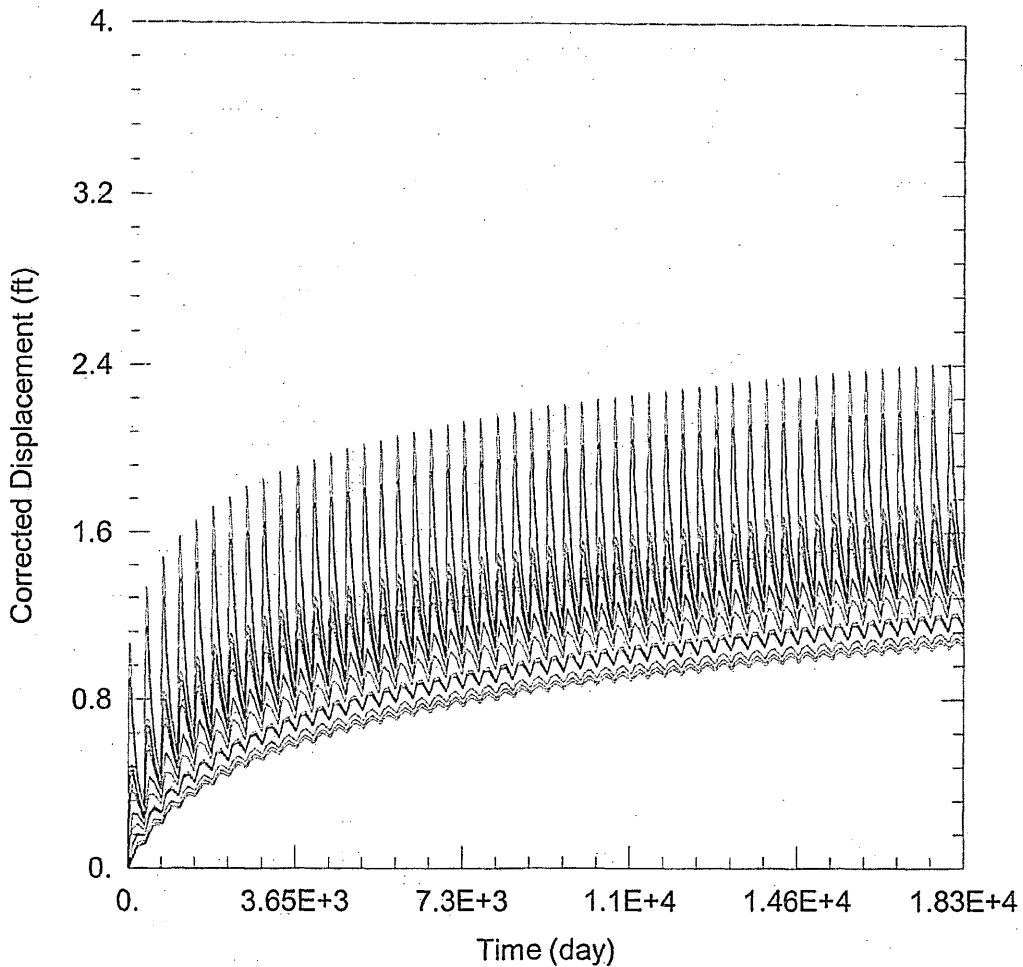
Domestic 8: Current drawdown = 1.42 ft
Proposed drawdown = 2.36 ft
Net drawdown = **1.0 ft**

Domestic 9: Current drawdown = 1.60 ft
Proposed drawdown = 2.61 ft
Net drawdown = **1.0 ft**

Domestic 10: Current drawdown = 1.71 ft
Proposed drawdown = 2.67 ft
Net drawdown = **1.0 ft**

Domestic 11: Current drawdown = 2.20 ft
Proposed drawdown = 3.25 ft
Net drawdown = **1.0 ft**

No well effects exceed the drawdown allowance of 3.0 ft, so no further evaluation is necessary.



WELL TEST ANALYSIS

Data Set: C:\Users\trevora\Documents\2019_moves\FO33_FO35\FO33_FO35 Current.aqt
 Date: 04/25/19 Time: 11:55:50

PROJECT INFORMATION

Company: GMD 3
 Project: FO33 FO35
 Location: Ford County
 Test Well: FO33 FO35

WELL DATA

Pumping Wells

Well Name	X (ft)	Y (ft)
	191556	324784
	193579	324346

Observation Wells

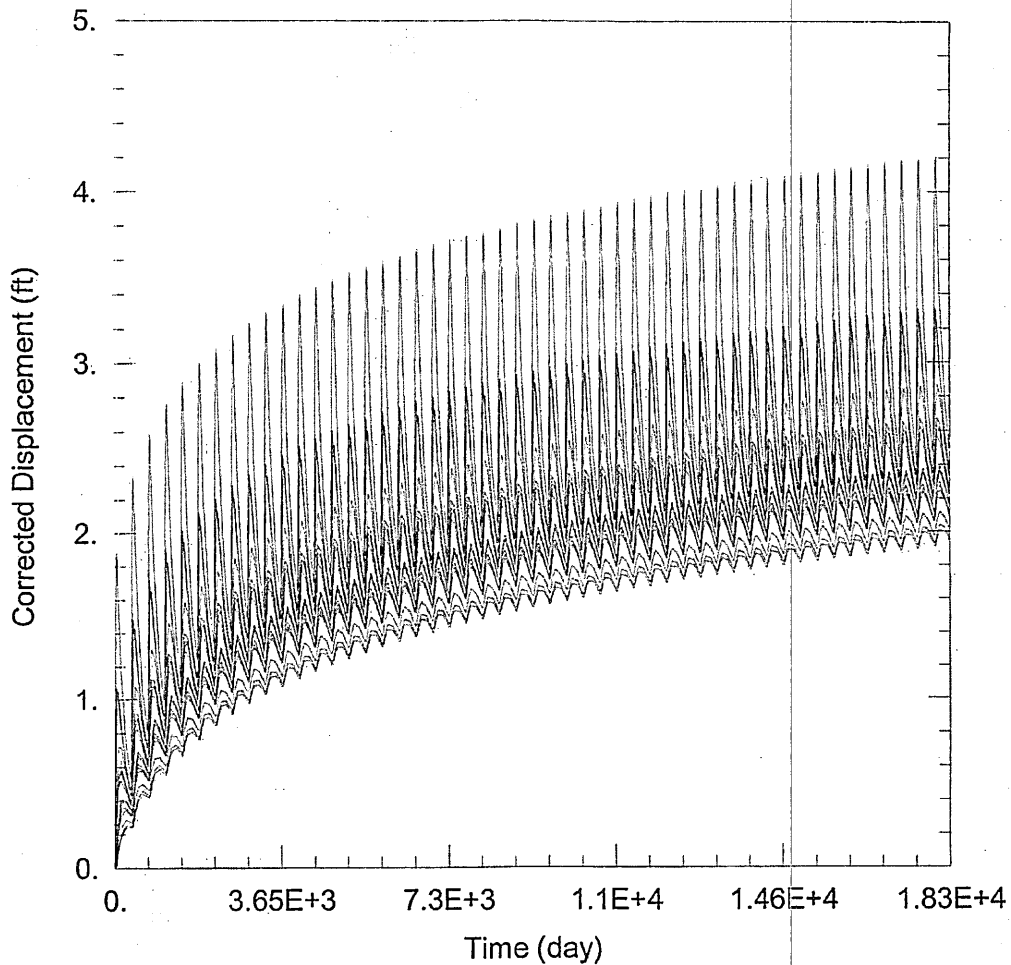
Well Name	X (ft)	Y (ft)
□	191556	324784
□	193579	324346
□ 9407	195242	323140
□ FO 34 5076	197305	320999
□ 12710 21897	196746	324022
□ FO 32 16967	192991	326292
□ FO 31 11656	188510	324882
□ Domestic 1	194939	320151
□ Domestic 2	190256	322114
□ Domestic 3	198191	324813
□ Domestic 4	197527	324809
□ Domestic 5	197714	321335
□ Domestic 6	197524	325470

Water Resources
 Received

MAY 03 2019

KS Dept Of Agriculture

SCANNED



WELL TEST ANALYSIS

Data Set: C:\Users\trevora\Documents\2019_moves\FO33_FO35\FO33_FO35 Proposed.aqt
 Date: 04/25/19 Time: 11:55:32

PROJECT INFORMATION

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□ FO 32_16967	192991	326292
□ FO 31_11656	188510	324882
□ Domestic 1	194939	320151
□ Domestic 2	190256	322114
□ Domestic 3	198191	324813
□ Domestic 4	197527	324809
□ Domestic 5	197714	321335
□ Domestic 6	197524	325470

A__ 11656 00 IRR NK G

- > MARK D FISCHER
- >
- > PO BOX 131
- > WRIGHT KS 67882

A__ 12710 00 IRR NK G

- > KANS LLC
- > TOM L & KAY A HERRMANN
- > 190 MONTCLAIR DR
- > SHERMAN TX 75092

A__ 16967 00 IRR NK G

- > CHARLENE SCHULTE
- >
- > 12221 EAGLE RD
- > SPEARVILLE KS 67876

A__ 21897 00 IRR NK G

- > KANS LLC
- > TOM L & KAY A HERRMANN
- > 190 MONTCLAIR DR
- > SHERMAN TX 75092

A__ 38122 00 IRR NK G

- > MARK D FISCHER
- >
- > PO BOX 131
- > WRIGHT KS 67882

VFO 31 00 IRR AA G

- > MARK D FISCHER
- >
- > PO BOX 131
- > WRIGHT KS 67882

VFO 32 00 IRR AA G

- > CHARLENE SCHULTE
- >
- > 12221 EAGLE RD
- > SPEARVILLE KS 67876

VFO 33 00 IRR AA G

- > PHILLIP E & VERNA M OCHS TR
- >
- > 10509 W 142ND ST
- > OVERLAND PARK KS 66221

VFO 34 00 IRR AA G

- > RICK L KONECNY REV TR
- >
- > 10652 MARSHALL RD

Water Resources
Received

MAY 03 2019

KS Dept Of Agriculture **SCANNED**

> DODGE CITY KS 67801

VFO 35 00 IRR AA G

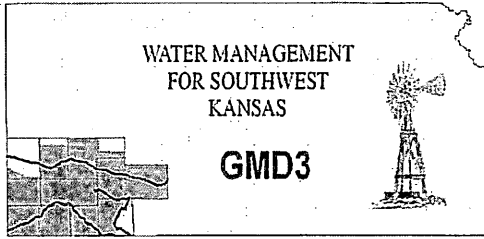
> PHILLIP E & VERNA M OCHS TR

>
> 10509 W 142ND ST

> OVERLAND PARK KS 66221

=====

#####



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

April 24, 2019

Jack Frost Trust
10502 Hwy 50
Dodge City, Kansas 67801

RE: Application for Change in Point of Diversion
Vested Water Right, File Nos. FO33 & FO35

Dear Jack Frost Trust:

This is to inform you that Phillip E & Verna M Ochs TR has applied to relocate a portion of their well 2101 feet SE of their current well location in Section 26, Township 26s, Range 26w, in Ford county. The current well under Vest Right FO33 will retain 200AF and 163.7AF will be moved and stacked on the well currently covered by Vested Right FO35. The overall allocation for Vested Right FO33 will be reduced by 108.3AF, in accordance with K.A.R. 5-5-16. The proposed change in point of diversion is in accordance with current area rules, K.A.R. 5-23-3, as it pertains to distance moved and minimum spacing to neighboring wells.

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. An analysis was 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 ft in cases where saturated thickness is 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. 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.

A copy of the full change application can be requested from our office. The results of the analysis can be found at <http://www.gmd3.org/what-we-do/well-to-well-analysis/>. Please review the analysis for the proposed change to Vested Water Right FO33. If you have any questions or wish to provide better information, please contact our office by May 2, 2019. If no response is provided to our office, we will proceed with our recommendation to the Chief Engineer.

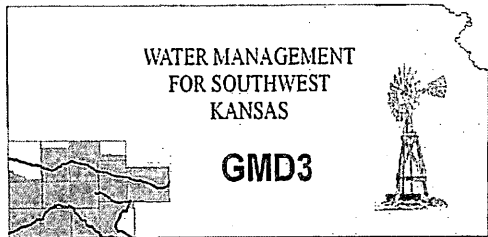
Thank you for the for your time to review the application and to provide any information. If you have any questions, please don't hesitate to contact us.

Sincerely,

Jason L. Norquest
Assistant Manager

Water Resources
Received

MAY 03 2019



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

April 24, 2019

Curtis Adams
10520 Hwy 50
Dodge City, Kansas 67801

RE: Application for Change in Point of Diversion
Vested Water Right, File Nos. FO33 & FO35

Dear Curtis Adams:

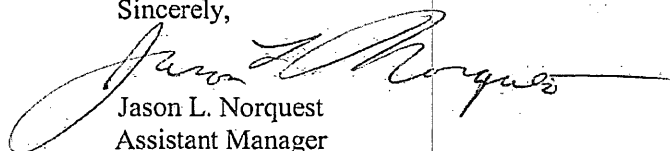
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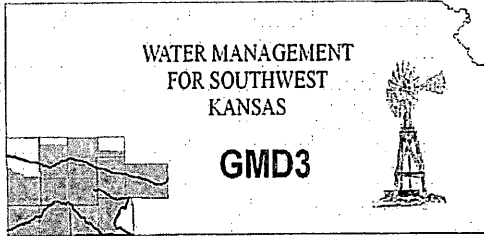
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Thank you for the for your time to review the application and to provide any information. If you have any questions, please don't hesitate to contact us.

Sincerely,



Jason L. Norquest
Assistant Manager



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

April 24, 2019

Arlene Baird
10556 Hwy 50
Dodge City, Kansas 67801

RE: Application for Change in Point of Diversion
Vested Water Right, File Nos. FO33 & FO35

Dear Arlene Baird:

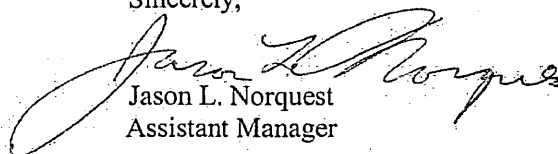
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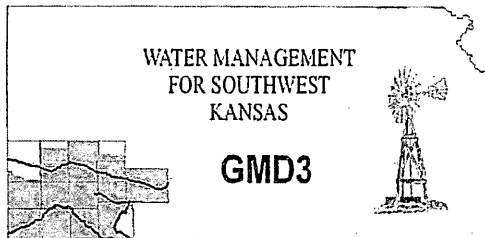


Jason L. Norquest
Assistant Manager

Water Resources
Received

MAY 03 2019

KS Dept Of Agriculture



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

April 24, 2019

Mark D Fischer
PO Box 131
Wright, Kansas 67882

RE: Application for Change in Point of Diversion
Vested Water Right, File Nos. FO33 & FO35

Dear Mark D Fischer:

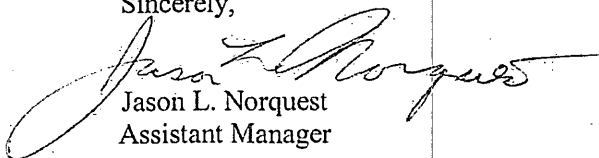
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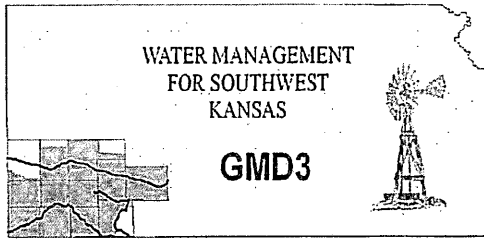
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Sincerely,



Jason L. Norquest
Assistant Manager



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

April 24, 2019

Rick L Konecny Rev TR
10652 Marshall RD
Dodge City, Kansas 67801

RE: Application for Change in Point of Diversion
Vested Water Right, File Nos. FO33 & FO35

Dear Rick L. Konecny Rev TR:

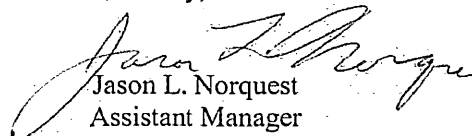
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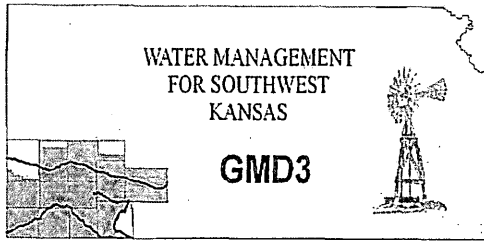
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Sincerely,


Jason L. Norquest
Assistant Manager

Water Resources
Received

MAY 03 2019



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

April 24, 2019

Charlene Schulte
12221 Eagle RD
Spearville, Kansas 67876

RE: Application for Change in Point of Diversion
Vested Water Right, File Nos. FO33 & FO35

Dear Charlene Schulte:

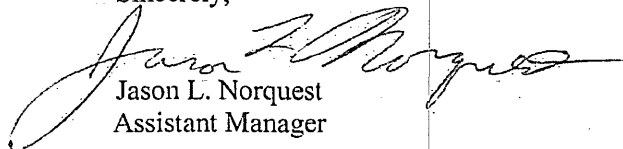
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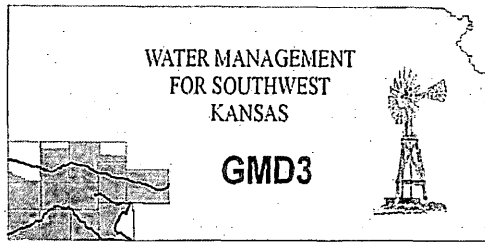
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Sincerely,



Jason L. Norquest
Assistant Manager



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

April 24, 2019

Kans LLC
% Tom L & Kay A Herrmann
190 Montclair DR
Sherman, Texas 75092

RE: Application for Change in Point of Diversion
Vested Water Right, File Nos. FO33 & FO35

Dear Kans LLC:

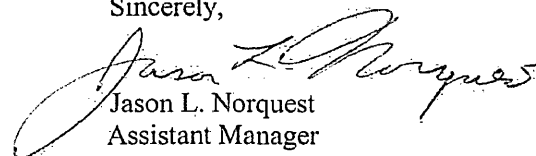
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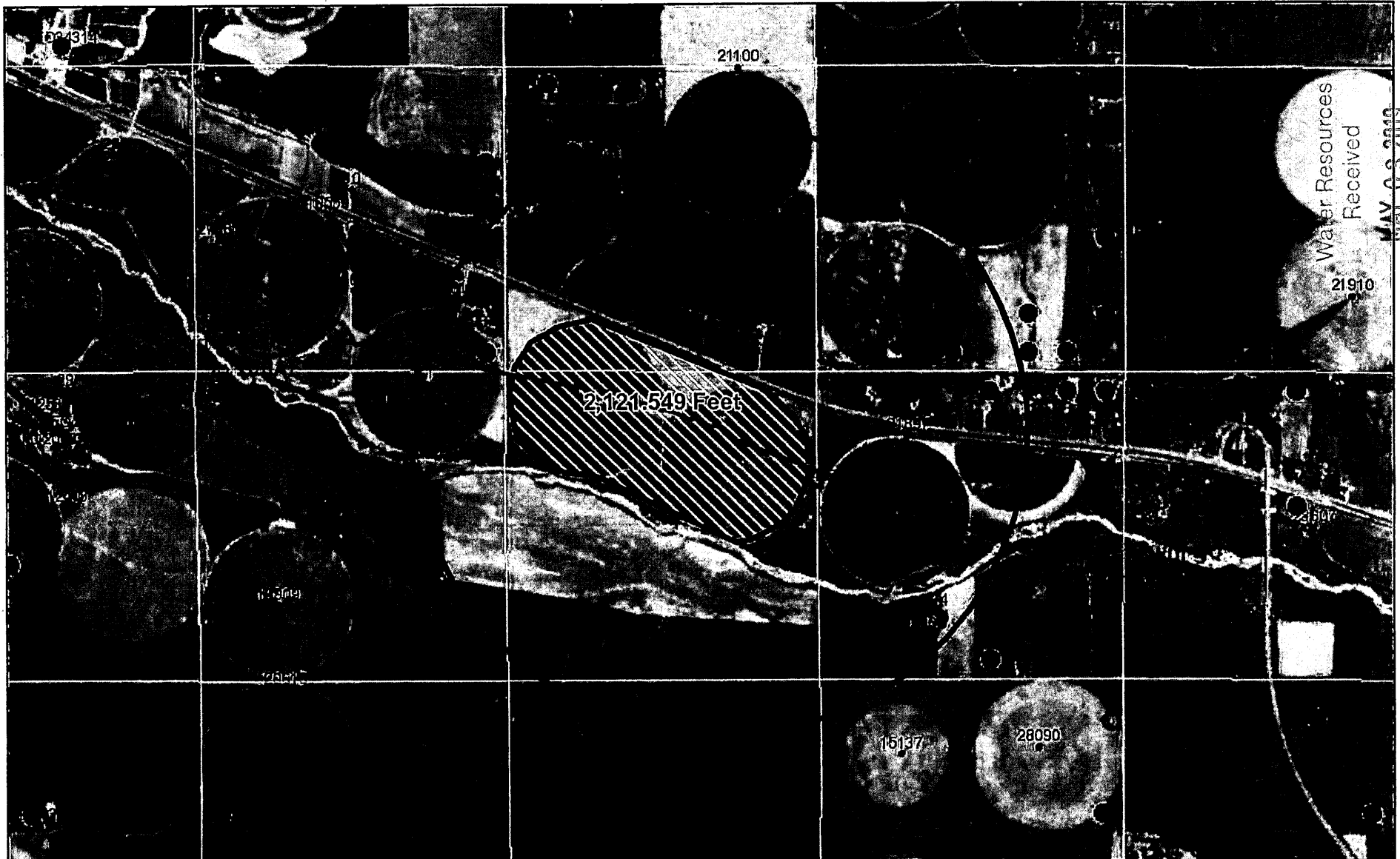
Sincerely,



Jason L. Norquest
Assistant Manager

Water Resources
Received

MAY 03 2019



SCANNED

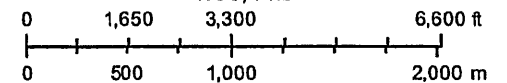
April 23, 2019
13:46 PM

DISCLAIMER: This map is not intended for conveyances, nor is it a legal survey. The information is presented on a best-efforts basis, and should not be relied upon for making financial, survey, legal or other commitments.

1:36,112

- | | | | | | | | | | |
|-------|-------|-----|-----|-----|-----|-----|-----|-----|-----------------|
| Wells | + | CON | ● | FPR | ▲ | MUN | ⌘ | THX | |
| ? | Other | ☒ | DEW | + | HYD | ⊖ | REC | ? | Empty |
| • | IRR | ▲ | DOM | ★ | IND | ⊗ | STK | ● | WWC5 WELLS GMD3 |

Sections



AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER V FO 35 00

#####

AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER V FO 35 00 IRR

Water Right and Points of Diversion Within 1.00 miles of point defined as:

-SE-NW-NE of Section 26 T 26S R 26W

GROUNDWATER ONLY

1600 ft would cover all spacing

File Number	Use	ST	SR	Dist	(ft)	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Twp	Rng	ID	Batt	Auth	Quan	Add	Quan	Unit		
A_ 5076	00	IRR	NK	G	4885	/	--	--	--	1150	3200	25	26	26W	1			40.00	40.00	AF			
A_ 9407	00	IRR	NK	G	1957	/	SW	SW	NW	3300	5230	25	26	26W	2		130	246.00	246.00	AF	1600		
A_ 11656	00	IRR	NK	G	5099	/	--	CN	NE	5105	1400	27	26	26W	2			162.00	220	162.00	AF	1600	
A_ 12710	00	IRR	NK	G	3196	/	SW	NE	NW	4175	3700	25	26	26W	3			141.00	271	141.00	AF	1600	
A_ 16967	00	IRR	NK	G	2237	/	NW	SW	SE	1180	2200	23	26	26W	4			132.00	142	120.00	AF	1800	
A_ 21897	00	IRR	NK	G	3196	/	SW	NE	NW	4175	3700	25	26	26W	3			130.00		130.00	AF		
A_ 38122	00	IRR	NK	G	4937	/	NW	SE	SE	1236	743	22	26	26W	5			16.00		16.00	AF		
VFO	31	00	IRR	AA	G	5099	/	--	CN	NE	5105	1400	27	26	26W	2			60.00		60.00	AF	
VFO	32	00	IRR	AA	G	2237	/	NW	SW	SE	1180	2200	23	26	26W	4			12.00		12.00	AF	
VFO	33	00	IRR	AA	G	2101	/	NW	NE	NW	-----	-----	26	26	26W	2		472.00	200	472.00	AF		
VFO	34	00	IRR	AA	G	4885	/	--	--	1150	3200	25	26	26W	1			80.00		80.00	AF		
VFO	35	00	IRR	AA	G	0	/	SE	NW	NE	-----	-----	26	26	26W	1		40.00		40.00	AF		

Total Net Quantities Authorized:	Direct	Storage
Total Requested Amount (AF) =	.00	.00
Total Permitted Amount (AF) =	.00	.00
Total Inspected Amount (AF) =	.00	.00
Total Pro_Cert Amount (AF) =	.00	.00
Total Certified Amount (AF) =	855.00	.00
Total Vested Amount (AF) =	664.00	.00
TOTAL AMOUNT (AF) =	1519.00	.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 1.00 miles of point defined as:

-SE-NW-NE of Section 26 T 26S R 26W

GROUNDWATER ONLY

WATER USE CORRESPONDENTS:

File Number Use ST SR

A_ 5076 00 IRR NK G

> RICK L KONECNY REV TR

>

> 10652 MARSHALL RD

> DODGE CITY KS 67801

>-----

A_ 9407 00 IRR NK G

> PHILLIP E & VERNA M OCHS TR

>

> 10509 W 142ND ST

> OVERLAND PARK KS 66221

>-----

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

April 15, 2019

SOUTHWEST KANSAS GROUNDWATER
MANAGEMENT DISTRICT NO 3
ATTN MARK RUDE
2009 E SPRUCE
GARDEN CITY KS 67846

FILE COPY

Re: Change in Point of Diversion Applications,
Water Right, File Nos. FO 033 & FO 035

Dear Mr. Rude:

We are enclosing a copy of the applications referred to above that appear to be in proper form. The proposed change for File No. FO 033 is requesting to add an additional well per K.A.R. 5-5-16, *Additional well*. Thank you for your assistance in completing the needed rate testing.

We are delaying any further action for a period of 15 days from the date of this letter to allow you time to submit your recommendations concerning the applications.

Please submit your recommendations within the allotted time, or any authorized extension of time thereof.

Sincerely,

Leslie Ireland
Environmental Scientist
Water Appropriation Program

LI:li
Enclosures

pc: Stafford Field Office
Phillip E. & Verna M. Ochs

SCANNED

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

April 15, 2019

SOUTHWEST KANSAS GROUNDWATER
MANAGEMENT DISTRICT NO 3
ATTN MARK RUDE
2009 E SPRUCE
GARDEN CITY KS 67846

FILE COPY

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Sincerely,

A handwritten signature in cursive script that reads "Leslie Ireland".

Leslie Ireland
Environmental Scientist
Water Appropriation Program

LI:li
Enclosures

pc: Stafford Field Office
Phillip E. & Verna M. Ochs

SCANNED

Ireland, Leslie [KDA]

From: Chris Law <claw@gmd3.org>
Sent: Tuesday, April 9, 2019 8:45 AM
To: Phil Ochs (pochs44@gmail.com); Ireland, Leslie [KDA]
Subject: FW: FO 33 Flow test
Attachments: FO33 Flow test letter.pdf; FO 33 Flow test report.xlsx; 1-560 Meter Repair_Replacement-New.pdf

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

Good morning Phil & Leslie

Results from yesterday's flow test.

From: Chris Law
Sent: Monday, April 8, 2019 5:04 PM
To: Duce Hamilton <duceham@hotmail.com>
Cc: Jeff Lanterman - DWR Stafford (Jeff.Lanterman@ks.gov) <Jeff.Lanterman@ks.gov>
Subject: FO 33 Flow test

Phil & Duce

Attached is the flow test report and a summary letter of today's flow test. The flow test was done to verify a maximum flow for the purposes of applying the Additional Well rule. I was able to show that the well can pump the maximum authorized rate of 1500 gpm.

The test also revealed the flowmeter to be over registering 7.4 % which will require that it be taken to an authorized repair person. A Repair Report form to be submitted after the repair is also attached.

I have copied Jeff Lanterman with DWR.

Let me know if you have any questions.

Chris Law
Director, Field Services
Southwest Kansas Groundwater Management District
O 620.275.7147
C 620.272.6193
www.gmd3.org

SCANNED

**SOUTHWEST KANSAS GROUNDWATER MANAGEMENT DISTRICT #3
FLOWMETER TEST REPORT**

FILE(S) **FO 33** COUNTY: Ford TEST CONDUCTED BY: CL

DATE April 8, 2019 TIME: 1:00

GPS N: 37.76458 W: 100.13785 Taken at: Well

WELL LOCATION Section: 24 Township: 26 Range: 26

ID: 2 QUARTER: NW

Distance from SE corner: feet North feet West

METER LOCATION Well

METER INFORMATION

Serial Number: **05-8-1407** Model: MO308-1200
Manufacturer: McCrometer Meter Type: Propeller
Pipe Size: OD: 8.625 ID: 8.250
Totalizer units: Acre Feet Multiplier: 0.001
Manufacturer Seal & ID: GPM GMD3 Seal: None
DWR Chain & Seal & ID: None
Remarks:

METER INSTALLATION

Full pipe flow: Yes
Straightening vanes: Unknown
Straight Run (inches) Upstream: 64 Downstream: 32 *Measurements to meter stem.*

PUMP INFORMATION

Power: Natural Gas
Manufacturer: Horsepower: Ratio:
Engine rpm: Pump rpm:
Pressure (psi): Measured at:

INSTALLED METER TIME TEST

Visual Rate: 1900 gpm
Calculated rate:

End Read	752.029	End Time	12:31
Begin Read	751.958	Begin Time	0
Difference	0.071	Time (min.)	
Diff. Gal.	23135.4	Time (.00)	12.52

Installed Meter gpm 1847.9

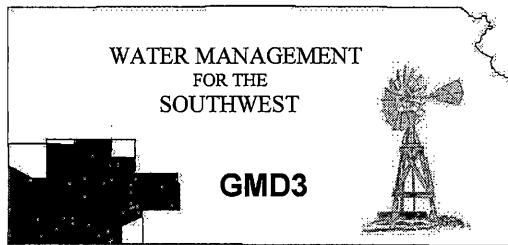
NON-INTRUSIVE FLOWMETER TEST

Manufacturer: FUJI
Model: PORTAFLOW Serial number: Q6J4361T
Pipe OD: 8.66 Thickness: 0.185 Material: Steel
Test location: Well, approximately 40" downstream of cooling coils.
Transducer spacing: 6.568
Signal Strength: 5 bars, normal
Sound Speed (ft/s): Velocity (ft/s): 1.0

RESULT **Standard meter rate: 1720.5 gpm** Installed meter rate: **1847.9 gpm**

Remarks: 10 minute flow test resulted in 17,205 total gallons.
Installed gpm - Standard gpm = **127.4 gpm difference**
GPM Difference ÷ Standard gpm = calculated % difference
Calculated % difference 7.4% GMD3 seal # None

SCANNED



**Southwest Kansas
Groundwater Management District**
2009 E. Spruce Street
Garden City, Kansas 67846-6158
(620) 275-7147 phone (620) 275-1431 fax
www.gmd3.org

April 8, 2019

Phil Ochs
Via email

Re: Flow Test for WR File FO 33

Dear Mr. Ochs:

On April 8, 2019 a flow test was conducted on the flowmeter located at the well in the NW quarter of Section 24 - Township 26s – Range 26w, Ford County, under Water Right File #FO 33. The installed flowmeter, SN 05-8-1407, registered a flow of 1847.9 gpm as determined by timing the six digit totalizer. The GMD3 standard flowmeter registered a flow of 1720.5 gpm. This results in the installed flowmeter having an accuracy of 7.4% (107.4% of actual volume) which is not within the accuracy range of +/- 6% as required by state law.

Because the installed flowmeter is not within the required accuracy range it is necessary for you to have the flowmeter repaired or replaced as soon as possible. Please notify us as soon as the flowmeter is repaired or replaced.

A copy of this flow test is being sent to the Kansas Department of Agriculture, Division of Water Resources for their records as well. A Water Flowmeter Repair / Replacement Report form is enclosed and is required to be submitted within 30 days of a flowmeter repair or replacement. If you have any questions or need further assistance please don't hesitate to contact our office at your convenience.

Sincerely,

Chris Law
Director, Field Services
claw@gmd3.org

Enclosures
Cc: Division of Water Resources, Stafford

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, Acting Secretary

Laura Kelly, Governor

February 26, 2019

PHILIP E OCHS
10509 W 142ND ST
OVERLAND PARK KS 66221-8197

RE: Vested Right, File Nos. FO 033 & FO 035

Dear Mr. Ochs:

In response to your request received in the office of the Chief Engineer on February 26, 2019, regarding the applications for change under the referenced files, the Chief Engineer has extended until April 20, 2019, as the time in which to provide additional information as detailed in my letter of February 19, 2019.

According to the law, default in supplying the requested information, within the time allowed, shall constitute forfeiture of the priority date and dismissal of the applications.

If you wish to request additional time, you must do so in writing, before the extension period expires. Such a request should state what steps are being taken to obtain the information and the amount of time you will need to supply the information to our office. Your request may be submitted via email directly to me at Leslie.Ireland@kda.ks.gov, or via US postal mail at the Manhattan address listed above.

If you have any questions, please contact me at (785) 564-6645. If you wish to discuss a specific file, please have the file number ready so that I may help you more efficiently.

Sincerely,

A handwritten signature in cursive script that reads "Leslie Ireland".

Leslie Ireland
Environmental Scientist
Water Appropriation Program

FILE COPY

LI:li

Enclosure(s)

pc: Stafford Field Office
Groundwater Management District No. 3

SCANNED

Garden City Field Office
2508 Johns Street
Garden City, KS 67846-2804



Phone: 620-276-2901
Fax: 620-276-9315
www.agriculture.ks.gov

Mike Beam, Acting Secretary

Laura Kelly, Governor

February 19, 2019

PHILIP E OCHS
10509 W 142ND ST
OVERLAND PARK KS 66221-8197

FILE COPY

RE: Vested Right, File Nos. FO 033 & FO 035

Dear Mr. Ochs:

Reference is made to the application for approval of the Chief Engineer to change the point of diversion under the referenced file number which was received in this office on September 2018. Further review of the application found that the following information will be required.

According to the application, it appears that you are proposing to change the point of diversion which will add an additional point of diversion beyond what is presently authorized, therefore, the change will be subject to K.A.R. 5-5-16, *Additional wells*. This regulation requires that the combined rate of diversion for the authorized and proposed well will not exceed the rate of diversion of a single well at that location.

(A) The total rate of diversion based on a current **water flow rate** test done on the point or points of diversion; or

(B) a value based on a valid hydraulic analysis submitted by the applicant showing the current capacity of the aquifer to yield water at the currently authorized point or points of diversion.

If you choose to use method (A) as described above, a water flow rate test should be completed preferably during the irrigation season. Either staff at our Stafford Field Office or staff with the Southwest Kansas Groundwater Management District No. 3 may to conduct the needed water flow rate test. As you are located closer to the Southwest Kansas Groundwater Management District No. 3 office please contact Jason Norquest, Assistant Manager of the Southwest Kansas Groundwater District No. 3 about a rate test and to schedule an appointment.

Southwest Kansas Groundwater Management District No. 3
Jason Norquest, Assistant Manager
2009 E. Spruce Street
Garden City, KS 67846
Phone: 620-275-7147

Should the tested rate equal or exceed the authorized 1500 gallons per minute you will only need to return the applications. Please also return a copy of the rate test so it may become part of the records of the Chief Engineer.

SCANNED

Should the test for the rate provide a value less than the 1,500 gallons per minute as currently authorized please record the reduced rate in paragraph No. 15 of the application and modify the proposed rate per point of diversion as indicated in paragraph Nos. 8 & 9. Please be reminded the proposed rate should be sufficient to divert the proposed quantity. All pages modified should have your initials and date of modification added to the page.

The regulation allowing for additional wells further requires that the annual quantity and rate of diversion that will move to the well that will become the additional well for the referenced file, have the priority date of the date the application for change was filed, October 1, 2018. Furthermore, the Chief Engineer specifically retains jurisdiction 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 the two (2) wells authorized by the approval of the application for change is exceeding the total annual quantity of water that could have been physically withdrawn. The Chief Engineer retains the authority to make a reasonable reduction in the authorized quantity of water as may be deemed to be in the public interest.

As your application for change is in conjunction with File No. FO 035, both are being returned so that you may comply with the above instructions. In order that the applications retain their priority of filing, the enclosed original applications and attachments must be returned, with the requested information to this office by March 21, 2019, or any requested and authorized extension thereof.

You have a period of **30 days, until March 21, 2019**, to modify and return the applications, to our office. Should you wish to request additional time, you must do so in writing, before the 30 day period expires. Such a request should state what steps are being taken to obtain the information and the amount of time you will need to supply the information to our office.

According to law, default in the returning of the applications as outlined above within the time allowed or any authorized extension of time, shall cause dismissal of the applications for change under the above referenced files.

If you have any questions, please contact me at (785) 564-6633. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,



Leslie Ireland
Environmental Scientist
Water Appropriation Program

LI:li

Enclosure(s)

pc: Stafford Field Office
Groundwater Management District No. 3

INPUTS	
Target Section Definition	
Section	26
Township	26
Range	26
Range Direction	W
Target Point Coordinates (NAD27 or NAD83)	
Target Longitude	-100.137459
Target Latitude	37.764545

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.

Vested Right, File No. FO033
Aerial Based GPS Coordinates
NAD 83

Loaded Section Data From LEOBASE using NAD83		
Corner	Corner Latitudes	Corner Longitudes
SW	37.75141011	-100.14247505
NW	37.76605799	-100.14253607
NE	37.76599680	-100.12417937
SE	37.75142503	-100.12404257
Degrees Longitude per Foot		3.45885578E-06
Degrees Latitude per Foot		2.74620690E-06
Target Point Distances from Corners using NAD83		
Corner	Feet North(+)/South(-)	Feet East(-)/West(+)
SW	4783	-1450
NW	-551	-1468
NE	-529	3839
SE	4777	3879

Loaded Section Data From LEOBASE using NAD27		
Corner	Corner Latitudes	Corner Longitudes
SW	37.75138900	-100.14205900
NW	37.76603700	-100.14212000
NE	37.76597600	-100.12376400
SE	37.75140400	-100.12362700
Degrees Longitude per Foot		3.45885480E-06
Degrees Latitude per Foot		2.74598553E-06
Target Point Distances from Corners using NAD27		
Corner	Feet North(+)/South(-)	Feet East(-)/West(+)
SW	4791	-1330
NW	-543	-1348
NE	-521	3959
SE	4786	3999

Water Resources
Received

OCT 01 2018

KS Dept Of Agriculture

RECEIVED

SEP 27 2018

Stafford Field Office
Division of Water Resources

STATE OF KANSAS

DEPARTMENT OF AGRICULTURE
1320 RESEARCH PARK DRIVE
MANHATTAN, KS 66502
PHONE: (785) 564-6700
FAX: (785) 564-6777

900 SW JACKSON, ROOM 456
TOPEKA, KS 66612
PHONE: (785) 296-3556
www.agriculture.ks.gov



GOVERNOR JEFF COLYER, M.D.
JACKIE McCLASKEY, SECRETARY OF AGRICULTURE

PHIL & VERNA OCHS, TRUST
10509 W 142ND ST
OVERLAND PARK, KS 66221

October 5, 2018

RE: File No FO-33

Dear Sir or Madam:

An application for approval of the Chief Engineer to change the following condition or conditions of the file number referred to above has been received:

- place of use PU/PD
- point of diversion
- use made of water

As a matter of record, the Division of Water Resources has on hand a large number of applications awaiting processing. Therefore, to be fair to all concerned, and so that we can process those applications on hand in the order they were received, we intend to concentrate on the backlog of applications until the issue is resolved. You will be contacted regarding this application as soon as it has been examined.

In accordance with the provisions of the Kansas Water Appropriation Act, a portion of which is included below, the use of water prior to approval of the application is unlawful. You should not proceed and divert water as indicated by your plans in your application for a change for this file until you receive approval for this change from the Chief Engineer. Once approved, compliance with the terms, conditions and limitations of the permit is necessary. Conservation of the water resources of Kansas is required.

Section 82a-728 of the Kansas Water Appropriation Act, provides (a) except for the appropriation of water for the purpose of domestic use, . . . it shall be unlawful for any person to appropriate or threaten to appropriate water from any source without first applying for and obtaining a permit to appropriate water in accordance with the provisions of the Water Appropriation Act or for any person to violate any condition of a vested right, appropriation right or an approved application for a permit to appropriate water for beneficial use.

(b) (1) The violation of any provision of this section by any person is a class C misdemeanor...

A class C misdemeanor is punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. Each day that the violation occurs constitutes a separate offense.

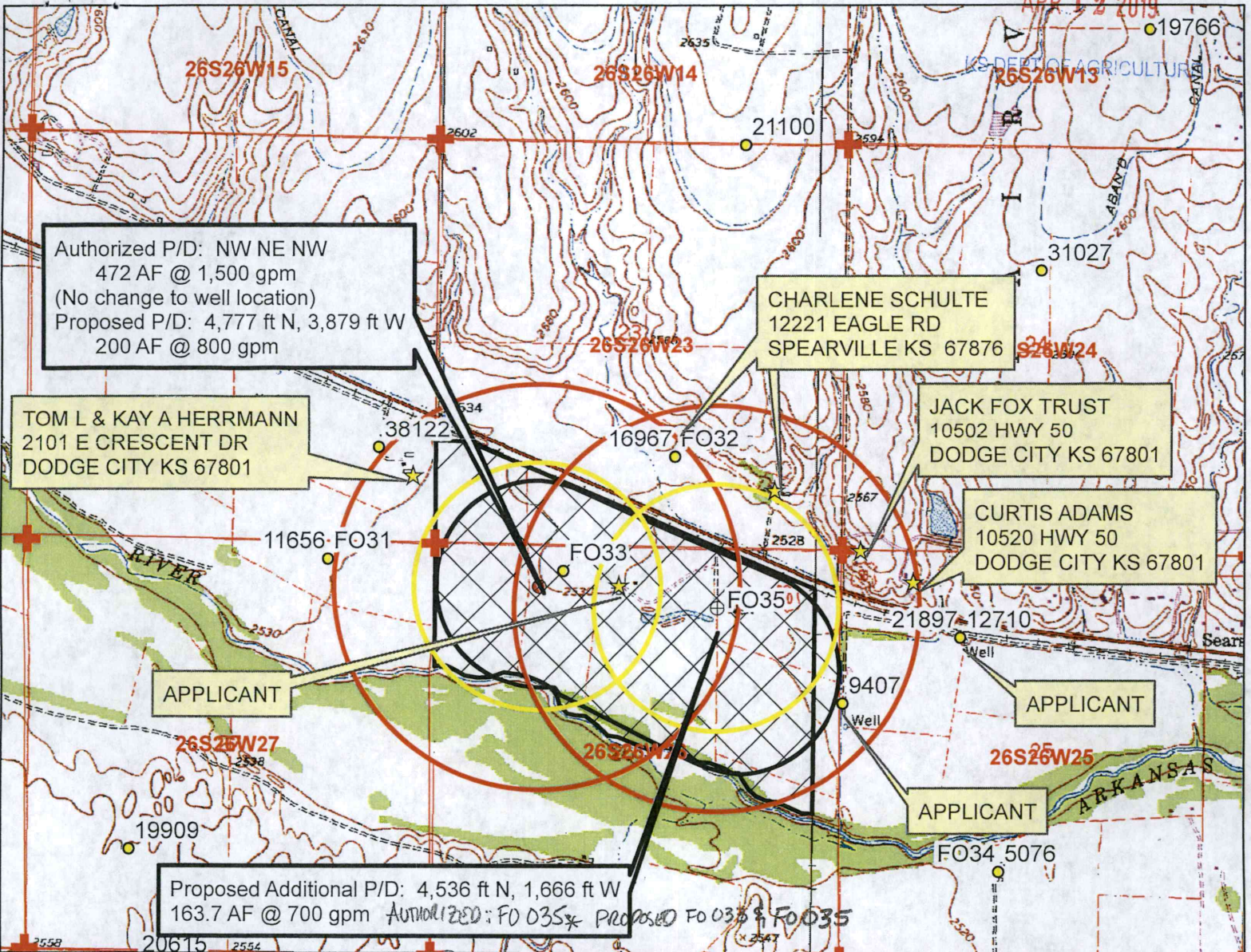
If you have any questions, please contact me at (785) 564-6645. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

Brent Tourney, L.G.
Change Applications Unit Supervisor
Water Appropriation Program

BAT: DLW
pc: STAFFORD Field Office GMD2

APR 12 2019



Authorized P/D: NW NE NW
 472 AF @ 1,500 gpm
 (No change to well location)
 Proposed P/D: 4,777 ft N, 3,879 ft W
 200 AF @ 800 gpm

TOM L & KAY A HERRMANN
 2101 E CRESCENT DR
 DODGE CITY KS 67801

CHARLENE SCHULTE
 12221 EAGLE RD
 SPEARVILLE KS 67876

JACK FOX TRUST
 10502 HWY 50
 DODGE CITY KS 67801

CURTIS ADAMS
 10520 HWY 50
 DODGE CITY KS 67801

APPLICANT

APPLICANT

APPLICANT

Proposed Additional P/D: 4,536 ft N, 1,666 ft W
 163.7 AF @ 700 gpm

Legend

- Water Appropriations
- ⊗ Actual/Authorized Point of Diversion
- ⊕ Proposed Additional Point of Diversion
- ★ Domestic Well
- ⊕ Section Corner
- Half Mile Circle
- 1,600 ft Circle
- Section Line

Place of Use

- ▨ Proposed
- ▨ Authorized

I hereby certify that this instrument is a true and correct copy of the original as purported.
 Dated at Manhattan, Kansas this 3rd day of April 2019

Philip E Oels
 DIVISION OF WATER RESOURCES
 KANSAS DEPARTMENT OF AGRICULTURE

Vested Right, File No. FO-33

Change in Point of Diversion and Place of Use
 Application Map (Overlap/ FO-35)
 23 & 26-26S-26W // Ford County

To the best of my knowledge, all wells within 1/2 mile of the proposed points of diversion have been shown.

Philip E Oels
 Signature

SEP 27 2018