

Kansas Department of Agriculture
Division of Water Resources
PERMIT OF NEW APPLICATION WORKSHEET

1. File Number: <p style="text-align: center;">49803</p>	2. Status Change Date: <p style="text-align: center;">1/17/2018</p>	3. Field Office: <p style="text-align: center;">03</p>	4. GMD:
5. Status: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied by DWR/GMD <input type="checkbox"/> Dismiss by Request/Failure to Return			
6. Enclosures: <input checked="" type="checkbox"/> Check Valve <input checked="" type="checkbox"/> N of C Form <input checked="" type="checkbox"/> Water Tube <input type="checkbox"/> Driller Copy <input checked="" type="checkbox"/> Meter			
<p>7a. Applicant(s) New to system <input type="checkbox"/></p> <p style="text-align: right;">Person ID 65409 Add Seq# 1</p> <p>JAY CARSWELL 2628 W 40TH DR ALTON KS 67623</p>	<p>7c. Landowner(s) New to system <input type="checkbox"/></p> <p style="text-align: right;">Person ID _____ Add Seq# _____</p>		
<p>7b. Landowner(s) New to system <input type="checkbox"/></p> <p style="text-align: right;">Person ID 2603 Add Seq# 1</p> <p>WILDA CARSWELL 415 1ST AVE ALTON KS 67623-9307</p>	<p>7d. Landowner New to system <input type="checkbox"/></p> <p style="text-align: right;">Person ID _____ Add Seq# _____</p>		
<p>8. WUR Correspondent New to system <input type="checkbox"/> Overlap File (s) WUC <input type="checkbox"/> Agree <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p style="text-align: right;">Person ID 2603 Add Seq# 1 Notarized WUC Form</p> <p>WILDA CARSWELL 415 1ST AVE ALTON KS 67623-9307</p>	<p>9. Use of Water: Changing? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p style="text-align: center;"><input checked="" type="checkbox"/> Groundwater <input type="checkbox"/> Surface Water</p> <p><input checked="" type="checkbox"/> IRR <input type="checkbox"/> REC <input type="checkbox"/> DEW <input type="checkbox"/> MUN</p> <p><input type="checkbox"/> STK <input type="checkbox"/> SED <input type="checkbox"/> DOM <input type="checkbox"/> CON</p> <p><input type="checkbox"/> HYD DRG <input type="checkbox"/> WTR PWR <input type="checkbox"/> ART RECHRG</p> <p><input type="checkbox"/> IND SIC: _____ <input type="checkbox"/> OTHER: _____</p>		
10. Completion Date: <u>12/31/2019</u> 11. Perfection Date: <u>12/31/2023</u> 12. Exp Date: _____			
13. Conservation Plan Required? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Date Required: _____ Date Approved: _____ Date to Comply: _____			
14. Water Level Measuring Device? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Date to Comply: _____ Date WLMD Installed: _____			
Date Prepared: 1/04/2018 By: RAK Date Entered: 1/18/2018 By: LUM			

File No. **49803** 15. Formation Code: **115** Drainage Basin: **SF SOLOMON RIVER** County: **OB** Special Use: Stream:

16. Points of Diversion										17. Rate and Quantity					
MOD	DEL	ENT	PDIV	Qualifier	S	T	R	ID	'N	'W	Authorized		Additional		Overlap PD Files
											Rate gpm	Quantity af	Rate gpm	Quantity af	
MOD			83381	NE¼ SW¼ NW¼	8	7S	15W	6	3440	3996	50 g.p.m.	30.49 AF	50 g.p.m.	0	18291;37023
(NOTE PDIV 83381 better described with gps feet distances per WRIS prior ft distances 3520'N 3680'W)															

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

19. **ADD** Limitation: **30.49AF** af/yr at _____ gpm (_____ cfs) when combined with file number(s) **18291;37023**
ADD Limitation: **OLAP WEB #4-126 AF/YR COM/W #5745; 18291;18501 and 37023** af/yr at _____

20. Meter Required? Yes No To be installed by **12/31/2019** Date Acceptable Meter Installed _____

21. Place of Use	NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg?	Overlap Files	
	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼					
MOD DEL ENT	PUSE	S	T	R	ID																
MOD		8	7S	15W	3	26.00	27.00	17.00	14.00									84.00	7b	no	18291;18501;37023
Add pu comment O-LAP WEB #4																					

Comments:

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources
MEMORANDUM

TO: Files

DATE: January 8, 2018

FROM: Richelle A. Krueger

RE: Application, File No. 49,803
Water Right
File Nos. 18,291; 18,501; and 37,023

Jay Carswell on behalf of Wilda Carswell, and Michelle Nichols, on behalf of Osborne Rural Water District No. 1A, filed the referenced package of applications to:

- convert the use made of water of Water Right, File Nos. 18,291 and 37,023 from municipal use to irrigation use;
- “flip flop” the rate and quantity of the well authorized by File Nos. 18,291/37,023 with the well authorized by Water Right, File No. 18,501;
- obtain rate-only Application, File No. 49,803, for the existing well proposed for File Nos. 18,291/37,023.

File Nos. 18,291 and 37,023 are authorized a total of 9.94 million gallons (30.49 acre-feet) with a limited diversion rate from the same well for municipal use within the boundaries of Osborne County Rural Water-District No. 1A; Rooks County Rural Water District No. 1, the Cities of Alton and Woodston and all of their immediate vicinities. File Nos. 18,291 and 37,023 presently overlap in the authorized place of use along with Water Right, File Nos. 24,749; 27,619; 37,024 and Appropriation of Water, File No. 42,558. DWR records indicate that the presently authorized well is high in nitrates so the District has not been able to use the well. The District is in the process of selling File Nos. 18,291 and 37,023 to the Carswells, who propose to convert the rights to irrigation use. The application appears to comply with K.A.R. 5-5-3 and K.A.R. 5-5-8 since irrigation use appears to be a less consumptive use of water than the 100% consumptive use of municipal water – no reduction in quantity required.

The proposed irrigation place of use for File Nos. 18,291 and 37,023, located in the Northwest Quarter of Section 8, Township 7 South, Range 15 West, Osborne County KS, in the South Fork Solomon River Basin will cover the 84-acre irrigation place of use now covered by File No. 18,501 and proposed for File No. 49,803. The place of use is also covered by Webster Irrigation District No. 4 (File No. 5,745). The quantity of water to be authorized for the irrigation place of use totals 117.50 acre-feet. File Nos. 18,291, 37,023 and 49,803 will be limited to 126 acre-feet (1.5 AF/acre) when combined with File No. 5,745 (Webster).

The exchange of rates and quantities between the well authorized by File Nos. 18,291/37,023 (30.49 acre-feet @ 30 g.p.m.) and the well authorized by File No. 18,501 (87 AF @ 400 g.p.m.) involves a distance move of 953 feet based on approved feet distances. Kelly indicated in a June 21, 2017 memo that spacing should be sufficient to prevent impairment and that K.A.R. 5-5-13 *Relocation of alluvial wells* is not applicable.

Rate-only Application File No. 49,803 proposes 30.49 acre-feet and 50 g.p.m., is exempt from a safe yield calculation, meets the criteria of K.A.R. 5-4-5(b) on an existing well proposed to be authorized by Water Right, File Nos. 18,291 and 37,023, and is located 3,440 feet North and 3,996 feet West of the Southeast corner of the aforementioned Section 8.

There are three other irrigation wells not under common ownership within one-half mile of the wells proposed for the referenced file numbers. No domestic wells were shown on the submitted maps.

Nearby well owners were notified of the proposed applications through letters dated June 27, 2017. On July 19, 2017, Darren Rubottom and on July 20, 2017, Todd Kee contacted this office and the Stockton Field Office with concerns about the impact of the proposed move of File No. 18,501 on the irrigation well authorized by Water Right, File No. 19,099 since the proposed existing well is less than 1,320 feet (approximately 1,100 ft) from the well authorized by File No. 19,099. No written comments were received in this office.

Jay Carswell

File Nos. 18,291; 18,501; 37,023 and 49,803

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Based on those referenced concerns additional information was submitted by Jay Carswell and additional study was conducted by Stockton Field Office staff, please see the memorandum to the files dated July 20, 2017 by Steven Walters, Stockton Field Office and December 21, 2017 by Mark Billinger, Assistant Water Commissioner of the Stockton Field Office. As summarized in an e-mail dated December 29, 2017 Kelly Stewart, Water Commissioner of the Stockton Field Office, indicates that the proposed well spacing is adequate to prevent impairment, the proposed well is an existing well, and that the referenced change applications should be approved.

The source of supply for the files was previously determined to be Terrace (115), no change in the same local source of supply is proposed for the referenced files.

Authorized points of diversion will be better described with g.p.s. feet distances as indicated on the applications.

In a January 3, 2018 e-mail Kelly recommended approval of all of the referenced applications.



Richelle A. Krueger
Environmental Scientist



1320 Research Park Drive
Manhattan, Kansas 66502
(785) 564-6700

900 SW Jackson, Room 456
Topeka, Kansas 66612
(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

January 23, 2018

JAY CARSWELL
2628 W 40TH DR
ALTON KS 67623

FILE COPY

RE: Appropriation of Water, File No. 49,803
Water Right, File Nos. 18,291; 18,501 and 37,023

Dear Mr. Carswell:

There is enclosed a permit (File No. 49,803) to appropriate water authorizing you to proceed with construction of the proposed diversion works (except those dams and stream obstructions regulated by K.S.A. 82a-301 through 305a), to divert such unappropriated water as may be available from the source and at the location specified in the permit, and to use it for the purpose and at the location described in the permit.

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in this permit. A water meter is required and you must install it prior to water being put to beneficial use in order for you to maintain accurate records of water use. The meter should be used to provide the information required on the annual water use report.

Failure to notify the Chief Engineer of the Division of Water Resources of the completion of the diversion works within the time allowed, or within any authorized extension of time thereof, will result in the dismissal of this permit. Enclosed is a form which may be used to notify the Chief Engineer that the proposed diversion works have been completed.

All requests for extensions of time to complete diversion works, or to perfect appropriations, must be submitted to the Chief Engineer before the expiration of time originally set forth in the permit to complete diversion works or to perfect an appropriation. If for any reason, you require an extension of time, you must request it before the expiration of time set forth in this permit. Failure to comply with this regulation will result in the dismissal of your permit or your water right. Any request for an extension of time shall be accompanied by the required statutory fee, which is currently \$100.00.

There is also enclosed an information sheet setting forth the procedure to obtain a Certificate of Appropriation which will establish the extent of your water right.

In addition, enclosed are orders executed by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the applications for change under Water Right, File Nos. 18,291; 18,501 and 37,023. Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in these approvals for change. A condition of these approvals is that acceptable water flow meters must be installed on the diversion works authorized under the referenced file numbers. Please return the required notification of completion of the diversion works and/or installation of the required meters as soon as these actions are completed.

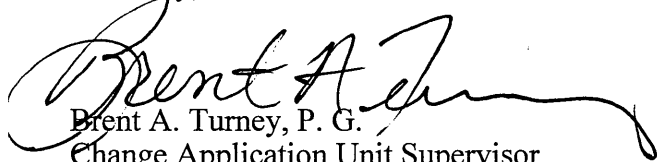
Jay Carswell
File Nos. 18,291; 18,501; 37,023 and 49,803
Page 2

Since the orders for File Nos. 18,291; 18,501 and 37,023 modify the original documents referred to above they should be recorded with the Register of Deeds as other instruments affecting real estate.

Please be reminded that reports of water usage must be submitted to this office annually. Records indicating the amount of water used should be furnished to the Chief Engineer by March 1 following the end of the previous calendar year so that the continued use of water becomes a matter of record in this office. The owner, or his or her legally designated agent, is held responsible for submitting annual water use reports. Failure to file an accurate water use report is a violation of law which makes you subject to civil penalties.

If you have any questions, please contact our office. 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:rak

Enclosures

pc: Stockton Field Office
Wilda Carswell
Osborne Rural Water District No. 1A, c/o Michelle Nichols/Gary Nonamaker



KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

**APPROVAL OF APPLICATION
and
PERMIT TO PROCEED**
(This is not a Certificate of Appropriation)

This is to certify that I have examined Application File No. 49,803 of the applicant

**JAY CARSWELL
2628 W 40TH DR
ALTON KS 67623**

for a permit to appropriate water for beneficial use, together with the maps, plans and other submitted data, and that the application is hereby approved and the applicant is hereby authorized, subject to vested rights and prior appropriations, to proceed with the construction of the proposed diversion works (except those dams and stream obstructions regulated by K.S.A. 82a-301 through 305a, as amended), and to proceed with all steps necessary for the application of the water to the approved and proposed beneficial use and otherwise perfect the proposed appropriation subject to the following terms, conditions and limitations:

1. That the priority date assigned to such application is **March 20, 2017**.
2. That the water sought to be appropriated shall be used for irrigation use on land described in the application, as follows:

Sec. Twp. Range	NE¼				NW¼				SW¼				SE¼				TOTAL
	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
8 7S 15W					26.00	27.00	17.00	14.00									84.00

3. That the authorized source from which the appropriation shall be made is groundwater, to be withdrawn by means of one (1) well located in the Northeast Quarter of the Southwest Quarter of the Northwest Quarter (NE¼ SW¼ NW¼) of Section 8, more particularly described as being near a point 3,440 feet North and 3,996 feet West of the Southeast corner of said section, in Township 7 South, Range 15 West, Osborne County, Kansas, located substantially as shown on the topographic map accompanying the application.
4. That the appropriation sought shall be limited to a maximum diversion rate not in excess of **50 gallons per minute (0.11 c.f.s.)** and to a quantity not to exceed **30.49 acre-feet** of water for any calendar year.
5. That installation of works for diversion of water shall be completed on or before **December 31, 2019** or within any authorized extension thereof. The applicant shall notify the Chief Engineer and pay the statutorily required field inspection fee, which is currently \$400.00, when construction of the works has been completed. Failure to timely submit the notice and the fee will result in revocation of the permit. Any request for an extension of time shall be submitted prior to the expiration of the deadline and shall be accompanied by the required statutory fee, which is currently \$100.00.
6. That the proposed appropriation shall be perfected by the actual application of water to the proposed beneficial use on or before **December 31, 2023** or any authorized extension thereof. Any request for an extension of time shall be submitted prior to the expiration of the deadline and shall be accompanied by the required statutory fee, which is currently \$100.00.

7. That the applicant shall not be deemed to have acquired a water appropriation for a quantity in excess of the amount approved herein nor in excess of the amount found by the Chief Engineer to have been actually used for the approved purpose during one calendar year subsequent to approval of the application and within the time specified for perfection or any authorized extension thereof.

8. That the use of water herein authorized shall not be made so as to impair any use under existing water rights nor prejudicially and unreasonably affect the public interest.

9. That the right of the appropriator shall relate to a specific quantity of water and such right must allow for a reasonable raising or lowering of the static water level and for the reasonable increase or decrease of the streamflow at the appropriator's point of diversion.

10. That this permit does not constitute authority under K.S.A. 82a-301 through 305a to construct any dam or other obstruction; nor does it grant any right-of-way, or authorize entry upon or injury to, public or private property.

11. That all diversion works constructed under the authority of this permit 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.

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

13. That an acceptable water flow meter shall be installed on the diversion works authorized by this permit in accordance with the Kansas Administrative Regulations 5-1-4 through 5-1-12 adopted by the Chief Engineer. This water flow meter shall be used to provide an accurate quantity of water diverted as required for the annual water use report (including the meter reading at the beginning and ending of the report year).

14. That the applicant shall maintain accurate and complete records from which the quantity of water diverted during each calendar year may be readily determined and the applicant shall file an annual water use report with the Chief Engineer by March 1 following the end of each calendar year. Failure to file the annual water use report by the due date shall cause the applicant to be subject to a civil penalty.

15. That no water user shall engage in nor allow the waste of any water diverted under the authority of this permit.

16. That failure without cause to comply with provisions of the permit and its terms, conditions and limitations will result in the forfeiture of the priority date, revocation of the permit and dismissal of the application.

17. That the right to appropriate water under authority of this permit is subject to any minimum desirable streamflow requirements identified and established pursuant to K.S.A. 82a-703c for the source of supply to which this water right applies.

18. That the quantity of water approved under this permit is further limited to the quantity which combined with Water Right, File Nos. 18,291 and 37,023, will provide a total not to exceed 30.49 acre-feet of water per calendar year from the well at the location described herein for irrigation purposes.

19. That this appropriation right is further limited to a quantity which when combined with the water right set forth in the Certificate of Appropriation issued pursuant to File Nos. 5,745; 18,291; 18,501 and 37,023 will provide a quantity not to exceed 126 acre-feet per calendar year for irrigation use on the land described herein.

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 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.

Ordered this 17th day of January, 2018, in Topeka, Shawnee County, Kansas.

Lane P. Letourneau

Lane P. Letourneau, P.G.
Program Manager
Water Appropriation Program
Division of Water Resources
Kansas Department of Agriculture

State of Kansas)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this 17th day of January, 2018, by Lane P. Letourneau, P.G., Program Manager, Division of Water Resources, Kansas Department of Agriculture.



Danielle Wilson
Notary Public

CERTIFICATE OF SERVICE

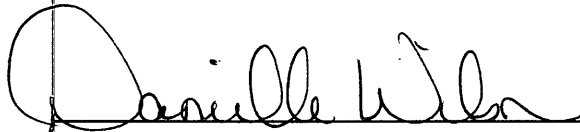
On this 23rd day of January, 2018, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 49,803, dated January 17, 2018 was mailed postage prepaid, first class, US mail to the following:

JAY CARSWELL
2628 W 40TH DR
ALTON KS 67623

With photocopies to:

WILDA CARSWELL
415 1ST AVE
ALTON KS 67623

Stockton Field Office



Division of Water Resources



THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

File Number 49803
This item to be completed by the Division of Water Resources.

APPLICATION FOR PERMIT TO APPROPRIATE WATER FOR BENEFICIAL USE
Filing Fee Must Accompany the Application
(Please refer to Fee Schedule attached to this application form.)

WATER RESOURCES RECEIVED
MAR 20 2017
1:50
KS DEPT OF AGRICULTURE

To the Chief Engineer of the Division of Water Resources, Kansas Department of Agriculture,
1320 Research Park Drive, Manhattan, Kansas 66502:

1. Name of Applicant (Please Print): Jay Carswell
Address: 2628 W. 40th Dr.
City: Alton State KS Zip Code 67623
Telephone Number: (785) 984-8448

2. The source of water is: [] surface water in (stream)
OR [x] groundwater in South Fork Solomon (drainage basin)

Certain streams in Kansas have minimum target flows established by law or may be subject to administration when water is released from storage for use by water assurance district members. If your application is subject to these regulations on the date we receive your application, you will be sent the appropriate form to complete and return to the Division of Water Resources.

3. The maximum quantity of water desired is 30.49 acre-feet OR 9.94 million gallons per calendar year, to be diverted at a maximum rate of 50 gallons per minute OR cubic feet per second.

Once your application has been assigned a priority, the requested maximum rate of diversion and maximum requested quantity of water under that priority number can NOT be increased. Please be certain your requested maximum rate of diversion and maximum quantity of water are appropriate and reasonable for your proposed project and are in agreement with the Division of Water Resources' requirements.

4. The water is intended to be appropriated for (Check use intended):
(a) [] Artificial Recharge (b) [x] Irrigation (c) [] Recreational (d) [] Water Power
(e) [] Industrial (f) [] Municipal (g) [] Stockwatering (h) [] Sediment Control
(i) [] Domestic (j) [] Dewatering (k) [] Hydraulic Dredging (l) [] Fire Protection
(m) [] Thermal Exchange (n) [] Contamination Remediation

YOU MUST COMPLETE AND ATTACH ADDITIONAL DIVISION OF WATER RESOURCES FORM(S) PROVIDING INFORMATION TO SUBSTANTIATE YOUR REQUEST FOR THE AMOUNT OF WATER FOR THE INTENDED USE REFERENCED ABOVE.

For Office Use Only:
F.O. 3 GMD 0 Meets K.A.R. 5-3-1 (YES/NO) Use TRR Source G/S County OB By Adw Date 3/20/17
Code CAU Fee \$ 200 TR# Receipt Date 3/20/17 Check # 129

APPLICATION CONTINUED
113 118
Reviewer RAT

SCANNED
3/23/2017 UAM

5. The location of the proposed wells, pump sites or other works for diversion of water is:

Note: For the application to be accepted, the point of diversion location must be described to at least a 10 acre tract, unless you specifically request a 60 day period of time in which to locate the site within a specifically described, minimal legal quarter section of land.

(A) * One in the ^{NE}~~NORTHWEST~~ quarter of the ^{SW}~~SOUTHEAST~~ quarter of the NORTHWEST quarter of Section 8, more particularly described as being near a point 3,440 feet North and 3,996 feet West of the Southeast corner of said section, in Township 7 South, Range 15 West, Osborne County, Kansas.

(B) One in the _____ quarter of the _____ quarter of the _____ quarter of Section _____, more particularly described as being near a point _____ feet North and _____ feet West of the Southeast corner of said section, in Township _____ South, Range _____ East/West (circle one), _____ County, Kansas.

(C) One in the _____ quarter of the _____ quarter of the _____ quarter of Section _____, more particularly described as being near a point _____ feet North and _____ feet West of the Southeast corner of said section, in Township _____ South, Range _____ East/West (circle one), _____ County, Kansas.

(D) One in the _____ quarter of the _____ quarter of the _____ quarter of Section _____, more particularly described as being near a point _____ feet North and _____ feet West of the Southeast corner of said section, in Township _____ South, Range _____ East/West (circle one), _____ County, Kansas.

If the source of supply is groundwater, a separate application shall be filed for each proposed well or battery of wells, except that a single application may include up to four wells within a circle with a quarter (1/4) mile radius in the same local source of supply which do not exceed a maximum diversion rate of 20 gallons per minute per well.

A battery of wells is defined as two or more wells connected to a common pump by a manifold; or not more than four wells in the same local source of supply within a 300 foot radius circle which are being operated by pumps not to exceed a total maximum diversion rate of 800 gallons per minute and which supply water to a common distribution system.

6. The owner of the point of diversion, if other than the applicant is (please print):

Wilda Carswell 415 1st St. Alton, KS 67623 (785)984-2341
(name, address and telephone number)

(name, address and telephone number)

You must provide evidence of legal access to, or control of, the point of diversion from the landowner or the landowner's authorized representative. Provide a copy of a recorded deed, lease, easement or other document with this application. In lieu thereof, you may sign the following sworn statement:

I have legal access to, or control of, the point of diversion described in this application from the landowner or the landowner's authorized representative. I declare under penalty of perjury that the foregoing is true and correct.

Executed on March 9, 2017. [Signature]
Applicant's Signature

The applicant must provide the required information or signature irrespective of whether they are the landowner. Failure to complete this portion of the application will cause it to be unacceptable for filing and the application will be returned to the applicant.

7. The proposed project for diversion of water will consist of One (1) well
(number of wells, pumps or dams, etc.)
and (was)(will be) completed (by) already complete.

(Month/Day/Year - each was or will be completed)

8. The first actual application of water for the proposed beneficial use was or is estimated to be 5/1/17
(Mo/Day/Year)

* 0 feet distances shown for PDIV 83381 (well currently authorized by File No 18501) in WAFS
Apr 8/6/14 compliance investigation
* no down 1/3/18

9. Will pesticide, fertilizer, or other foreign substance be injected into the water pumped from the diversion works?
 Yes No If "yes", a check valve shall be required.

All chemigation safety requirements must be met including a chemigation permit and reporting requirements.

10. If you are planning to impound water, please contact the Division of Water Resources for assistance, prior to submitting the application. Please attach a reservoir area capacity table and inform us of the total acres of surface drainage area above the reservoir.

Have you also made an application for a permit for construction of this dam and reservoir with the Division of Water Resources? Yes No

- If yes, show the Water Structures permit number here n/a
- If no, explain here why a Water Structures permit is not required n/a

11. The application must be supplemented by a U.S.G.S. topographic map, aerial photograph or a detailed plat showing the following information. On the topographic map, aerial photograph, or plat, identify the center of the section, the section lines or the section corners and show the appropriate section, township and range numbers. Also, please show the following information:

- (a) The location of the proposed point(s) of diversion (wells, stream-bank installations, dams, or other diversion works) should be plotted as described in Paragraph No. 5 of the application, showing the North-South distance and the East-West distance from a section line or southeast corner of section.
- (b) If the application is for groundwater, please show the location of any existing water wells of any kind within 1/2 mile of the proposed well or wells. Identify each existing well as to its use and furnish the name and mailing address of the property owner or owners. If there are no wells within 1/2 mile, please advise us.
- (c) If the application is for surface water, the names and addresses of the landowner(s) 1/2 mile downstream and 1/2 mile upstream from your property lines must be shown.
- (d) The location of the proposed place of use should be shown by crosshatching on the topographic map, aerial photograph or plat.
- (e) Show the location of the pipelines, canals, reservoirs or other facilities for conveying water from the point of diversion to the place of use.

A 7.5 minute U.S.G.S. topographic map may be obtained by providing the section, township and range numbers to: Kansas Geological Survey, 1930 Constant, Campus West, University of Kansas, Lawrence, Kansas 66047.

12. List any application, appropriation of water, water right, or vested right file number that covers the same diversion points or any of the same place of use described in this application. Also list any other recent modifications made to existing permits or water rights in conjunction with the filing of this application.

This well is currently auth. by file no. 18501. Changes are being filed to flip-flop p/ds between file no. 18501 and file nos. 18291 & 37023. File Nos. 18291 & 37023 will be changed from MUN to IRR and will authorize 30.49 AF @ 30 gpm. This app is for additional rate only to bring the pumping rate up to 80 gpm. This app should be processed according to the criteria of K.A.R. 5-4-5(b)(2).

WATER RESOURCES
RECEIVED

MAR 20 2017

SCANNED
KS DEPT OF AGRICULTURE

13. Furnish the following well information if the proposed appropriation is for the use of groundwater. If the well has not been completed, give information obtained from test holes, if available.

Information below is from: Test holes Well as completed Drillers log attached

Well location as shown in paragraph No.	(A)	(B)	(C)	(D)
Date Drilled	_____	_____	_____	_____
Total depth of well	_____	_____	_____	_____
Depth to water bearing formation	_____	_____	_____	_____
Depth to static water level	_____	_____	_____	_____
Depth to bottom of pump intake pipe	_____	_____	_____	_____

14. The relationship of the applicant to the proposed place where the water will be used is that of tenant
(owner, tenant, agent or otherwise)

15. The owner(s) of the property where the water is used, if other than the applicant, is (please print):
Wilda Carswell 415 1st St. Alton, KS 67623 (785)984-2341
(name, address and telephone number)

(name, address and telephone number)

16. The undersigned states that the information set forth above is true to the best of his/her knowledge and that this application is submitted in good faith.

Dated at Stockton, Kansas, this 9 day of March, 2017.
(month) (year)



(Applicant Signature)

By _____
(Agent or Officer Signature)

(Agent or Officer - Please Print)

Assisted by DLM STKFO/ESII Date: 3/9/17
(office/title)

20170309 10:41:26

49803

IRRIGATION USE SUPPLEMENTAL SHEET

File No. _____

Name of Applicant (Please Print): Jay Carswell

1. Please supply the name and address of each landowner, the legal description of the lands to be irrigated, and designate the actual number of acres to be irrigated in each forty acre tract or fractional portion thereof:

Landowner of Record NAME: Wilda Carswell
ADDRESS: 415 1st Ave Alton, KS 67623

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
8	7	15W					26	27	17	14									84

Landowner of Record NAME: _____
ADDRESS: _____

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Landowner of Record NAME: _____
ADDRESS: _____

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

WATER RESOURCES
RECEIVED

2. Please complete the following information for the description of the operation for the irrigation project. Attach supplemental sheets as needed.

a. Indicate the soils in the field(s) and their intake rates:

Soil Name	Percent of field (%)	Intake Rate (in/hr)	Irrigation Design Group
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
Total:	100 %		

b. Estimate the average land slope in the field(s): _____%

Estimate the maximum land slope in the field(s): _____%

c. Type of irrigation system you propose to use (check one):

- Center pivot Center pivot - LEPA "Big gun" sprinkler
 Gravity system (furrows) Gravity system (borders) Sideroll sprinkler

Other, please describe: _____

d. System design features:

i. Describe how you will control tailwater:

ii. For sprinkler systems:

- (1) Estimate the operating pressure at the distribution system: _____ psi
- (2) What is the sprinkler package design rate? _____ gpm
- (3) What is the wetted diameter (twice the distance the sprinkler throws water) of a sprinkler on the outer 100 feet of the system? _____ feet
- (4) Please include a copy of the sprinkler package design information.

e. Crop(s) you intend to irrigate. Please note any planned crop rotations:

f. Please describe how you will determine when to irrigate and how much water to apply (particularly important if you do not plan a full irrigation).

You may attach any additional information you believe will assist in informing the Division of the need for your request.

Krueger, Richelle [KDA]

From: Stewart, Kelly [KDA]
Sent: Wednesday, January 3, 2018 9:05 AM
To: Krueger, Richelle [KDA]
Cc: Billinger, Mark [KDA]; Hageman, Rebecca [KDA]; Turney, Brent [KDA]
Subject: RE: Request for Recommendation Carswell New App File No. 49803;Change App File Nos. 18,291; 18,501; and 37023

Richelle,

I recommend approval of all the applications.

Kelly

From: Krueger, Richelle [KDA]
Sent: Wednesday, January 3, 2018 8:15 AM
To: Stewart, Kelly [KDA] <Kelly.Stewart@ks.gov>
Cc: Billinger, Mark [KDA] <Mark.Billinger@ks.gov>; Hageman, Rebecca [KDA] <Rebecca.Hageman@ks.gov>; Turney, Brent [KDA] <Brent.Turney@ks.gov>
Subject: Request for Recommendation Carswell New App File No. 49803;Change App File Nos. 18,291; 18,501; and 37023

Hi Kelly,

Received your e-mail from December 29th which recommended proceeding with approval of the referenced change applications. I attached a draft memo for the referenced package in case you want to review. Do you also recommend approval of the rate only new application that goes with this package of change applications?

Thanks,
Richelle

Krueger, Richelle [KDA]

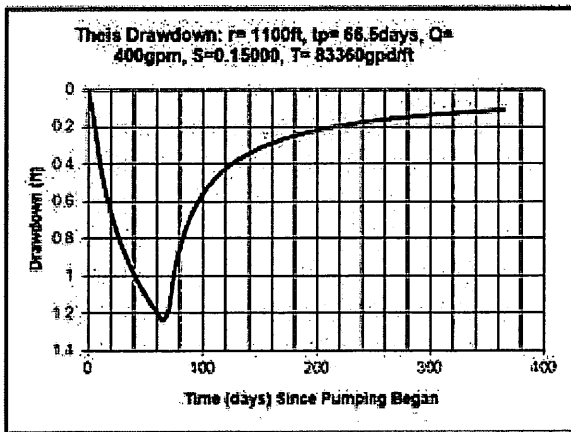
From: Stewart, Kelly [KDA]
Sent: Friday, December 29, 2017 9:03 AM
To: Krueger, Richelle [KDA]
Cc: Billinger, Mark [KDA]; Turney, Brent [KDA]; Hageman, Rebecca [KDA]
Subject: RE: You may get a call from Darren Rubottom Re Carswell/Osborne RWD 1A change/new apps
Attachments: Carswell Aquifer Pumping Test Memo.doc

Richelle,

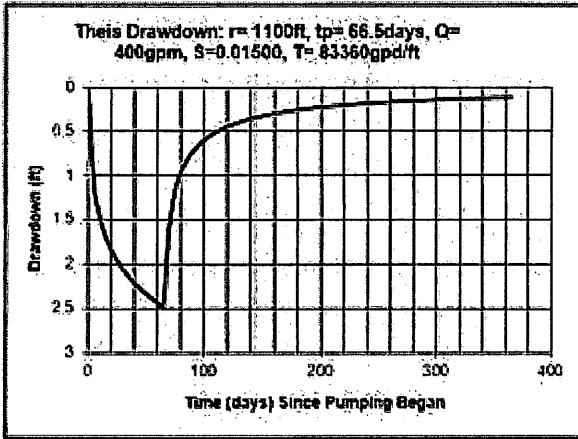
Please see Mark's attached memo. Unfortunately, the pump test conducted by Mr. Carswell didn't produce the information we had hoped for, but it did give us some insight into the pumping impacts in the area. During the 48 hour pump test, we didn't observe any appreciable drawdown in the neighboring irrigation wells (about 1,100' to 19,099 and about 1,275' to 18,501's current location). It obviously would have taken a longer pump test or a higher pumping rate to see measurable drawdown at these locations. However, we were able to glean some information from the pumping well itself during this test.

With the pump test, Mark was able to calculate a T value of 83,360. This was considerably higher than what we had originally estimated based on well log data (see Steven Walters' memo to the file dated 7/20/17). Unfortunately, we were not able to determine the S value through this test. At least it didn't produce believable results. Using known specific yield numbers from the alluvial deposits in this area, S could reasonable be estimated around .15 to .2.

Using a T of 83,360 and an S of .15, I again calculated the potential drawdown caused by the proposed applications. Under worse-case scenario, pumping all 117.5 a.f. at 400 g.p.m. (66.5 days of continuous pumping), the estimated drawdown 1,100' away is only 1.24'.



Even if I use the much smaller and conservative S of .015 that was used in our original calculations, the drawdown only increases to 2.5'. This extreme pumping scenario is highly unlikely in reality. Any other pumping scenario involving fewer days of pumping or a lower average pumping rate will only lessen the impacts.



It's my opinion that based on what we have learned, that the proposed well spacing is adequate to prevent impairment. Again, it is important to note the applicant is not proposing to drill a new well. This is an existing well currently authorized by File Nos. 18,291 & 37,023.

I would recommend that we proceed with approving the proposed changes.

Kelly

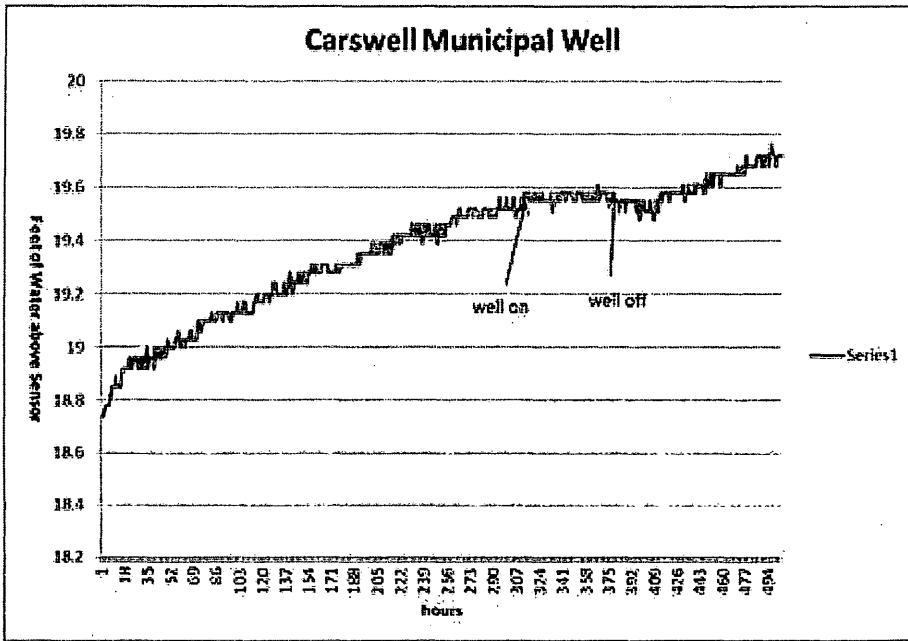
From: Krueger, Richelle
Sent: Wednesday, August 23, 2017 3:58 PM
To: Stewart, Kelly <Kelly.Stewart@ks.gov>
Cc: Billinger, Mark <Mark.Billinger@ks.gov>; Turney, Brent <Brent.Turney@ks.gov>
Subject: RE: You may get a call from Darren Rubottom Re Carswell/Osborne RWD 1A change/new apps

Kelly,
 Thanks for the update, I will try to get a letter out either this week or first of next and give them 30 days with the possibility of extension as you suggest.
 Thanks again,
 Richelle

From: Stewart, Kelly
Sent: Wednesday, August 23, 2017 3:51 PM
To: Krueger, Richelle <Richelle.Krueger@ks.gov>
Cc: Billinger, Mark <Mark.Billinger@ks.gov>; Turney, Brent <Brent.Turney@ks.gov>
Subject: RE: You may get a call from Darren Rubottom Re Carswell/Osborne RWD 1A change/new apps

Richelle,

Sorry it has taken me so long to get back to you on this. Mark was able to install a pressure transducer at the existing well previously used by the RWD. Through this, he was able to monitor the impacts of Darren Rubottom's pumping of 19,099. Unfortunately, the results of the monitoring are inconclusive. We believe the aquifer is being recharged currently by the nearby Webster Irrigation District main canal. If you look at Mark's graph below, you can see that the water table was actually rising prior to Darren turning on the well. The operation of the well appears to have temporarily halted the rise, but it again resumed when the well was shut off. See below:



Due to this "interference" from the irrigation canal, we don't have a clear picture of well to well impacts. Further pump testing is warranted, but that burden should be the applicant's and not DWR's. Since our Theis drawdown calculations are the best information available to date and those calculations would indicate the potential for impairment should the change be approved, I would recommend the application be denied unless the applicant can demonstrate that impairment will not occur.

I recently called Jay Carswell and discussed this situation with him and what my position was and what my recommendation would be based on available information. He was very understanding of the situation and needed time to discuss this with the family and figure out what to do. I would recommend writing Jay a letter stating his applications will be denied unless he can demonstrate impairment won't occur. I think a 30 day deadline would be appropriate with the possibility for an extension should he need one. Perhaps another pump test can be conducted once the irrigation canal shuts off for the season.

Kelly

From: Krueger, Richelle
Sent: Wednesday, July 19, 2017 11:11 AM
To: Stewart, Kelly <Kelly.Stewart@ks.gov>
Cc: Billinger, Mark <Mark.Billinger@ks.gov>; Turney, Brent <Brent.Turney@ks.gov>
Subject: You may get a call from Darren Rubottom Re Carswell/Osborne RWD 1A change/new apps

Hi Kelly,
 Just an FYI you may get a call from Darren Rubottom Re Carswell/Osborne RWD 1A change/new apps File Nos. 18291,18501,37023 and 49803. He was calling on behalf of the owners of File No. 19099, he was somewhat concerned about what impact the proposal will have on their well, I told him he would need to get concerns in writing.. I told him we didn't think it would cause a problem but no guarantees of course. Anyway just a heads up.
 I will hold up on processing the applications until I hear from you.
 Thanks,
 Richelle



KANSAS DEPARTMENT OF AGRICULTURE

Division of Water Resources

Stockton Field Office

MEMORANDUM

TO: Files

DATE: 12/21/17

FROM: Mark Billinger

RE: aquifer pumping test,
File No. 18501, 18291, 37023, 49803

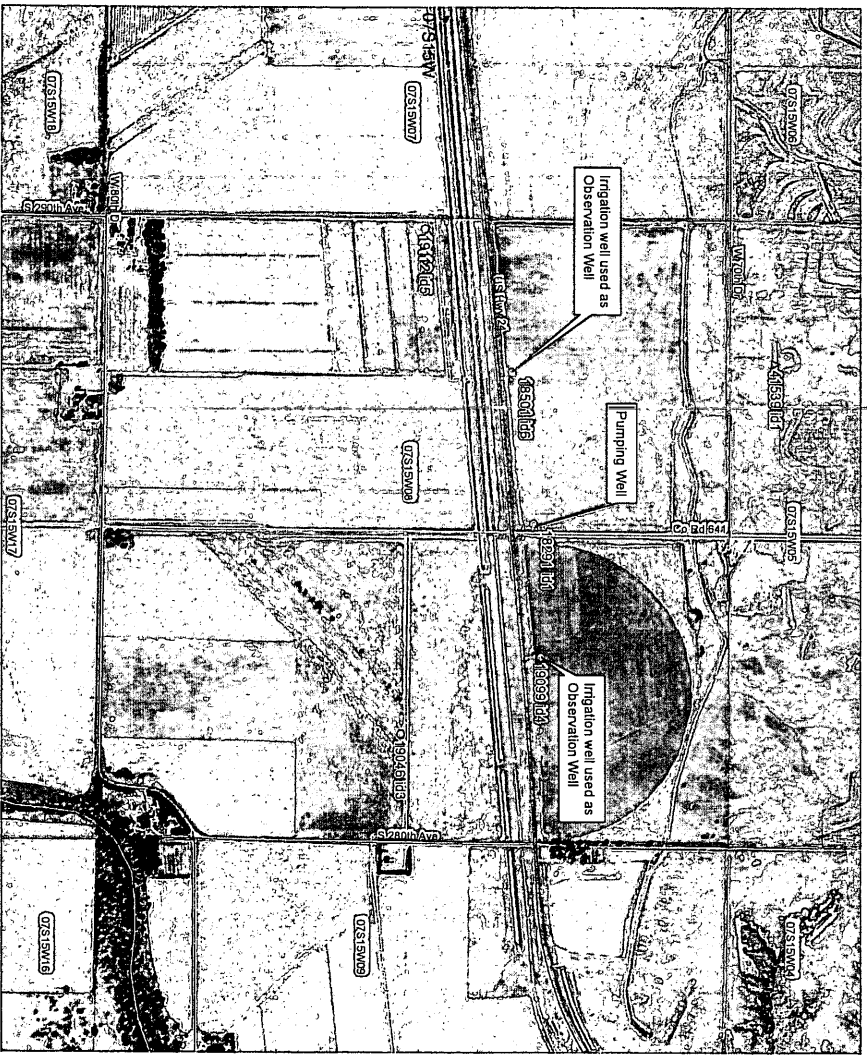
Upon receiving the change application filed by Jay Carswell to move water rights 18501 & 49803 to the same well as the files 18291 & 37023, a determination was made that this move would violate spacing to nearby irrigation water right 19099 that is owned by Darren Rubottom.

The proposed spacing would be 1100 feet which is slightly smaller than the required 1320 feet via rules and regulation. This resulted in the recommendation of denial for the change but an option was given to Jay Carswell to perform an aquifer pumping test at the proposed location to determine if it would have any negative effect on 19099.

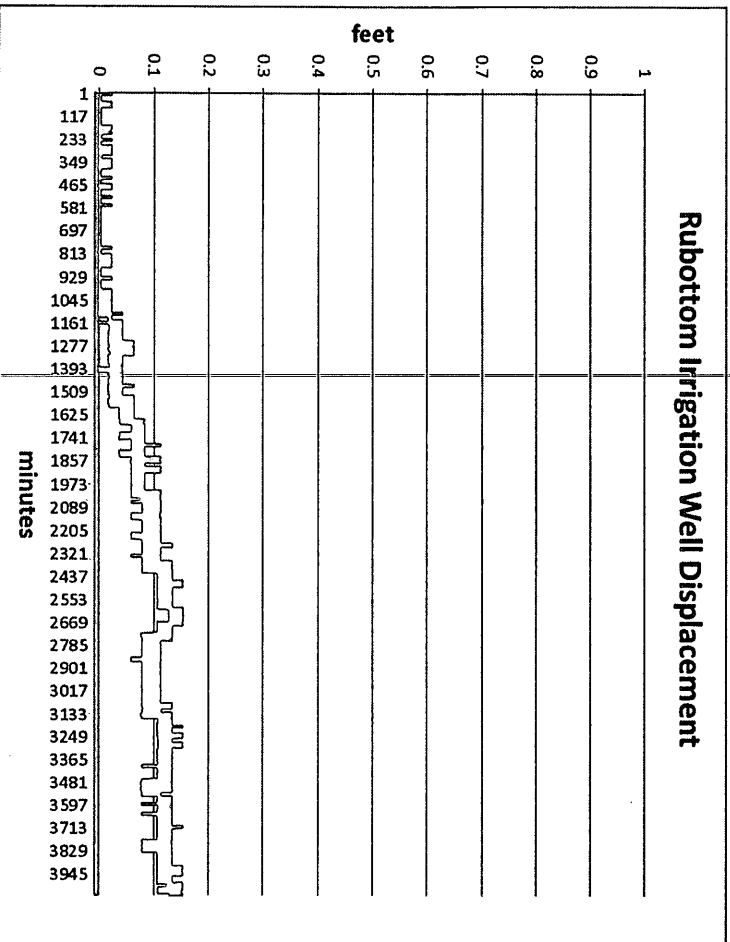
On 12-15-07 Jay Carswell had Woofter Irrigation install a pump in the proposed well and pumped it at 185 gpm for a 48 hour time frame. DWR employees David Means and Mark Billinger installed pressure transducers in all three wells to monitor the pumping test while Jay Carswell periodically measured the discharge of the pumping well.

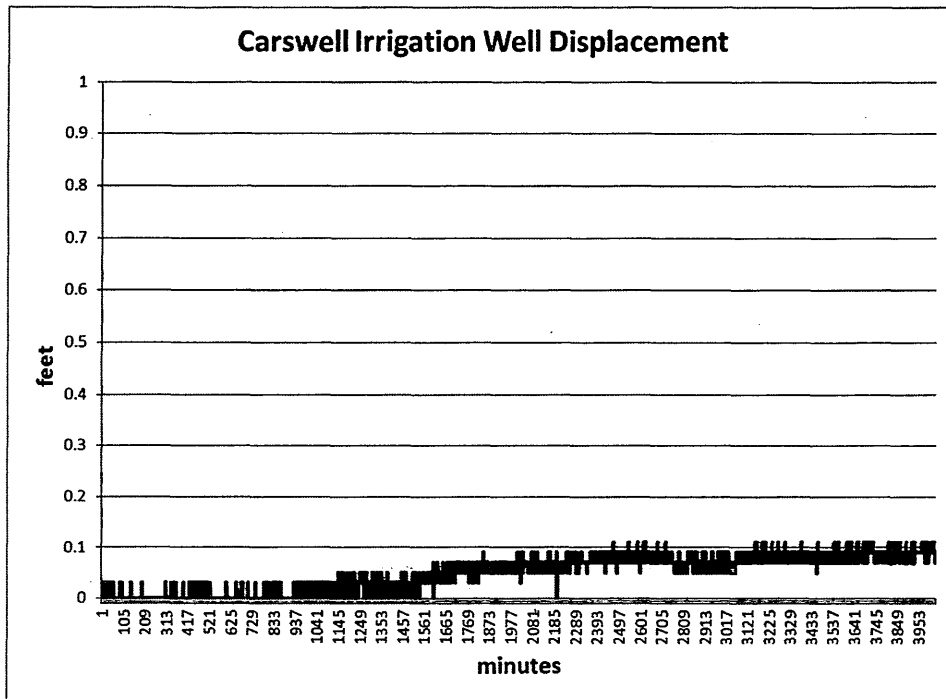
Results of the aquifer pumping test did not show any appreciable impact at Rubottom's or Carswell's neighboring irrigation wells. Further analysis of the data concluded that the results of the data collection in the neighboring wells were insignificant and could not even be used to determine T&S values.

The only analysis that could be completed was analyzing data collected in the pumping well itself. This analysis resulted in a calculated T value of 83,360 and an unusually high S value of 4.077. While the T value is consistent with what is expected in the alluvial aquifer the S value that was calculated is highly suspect. It is concluded that the values are highly influenced by the dynamics of the pumping well itself so are determined to be less than an ideal estimate of aquifer properties. However it is noted that these are the only results we could obtain from the aquifer pumping test.

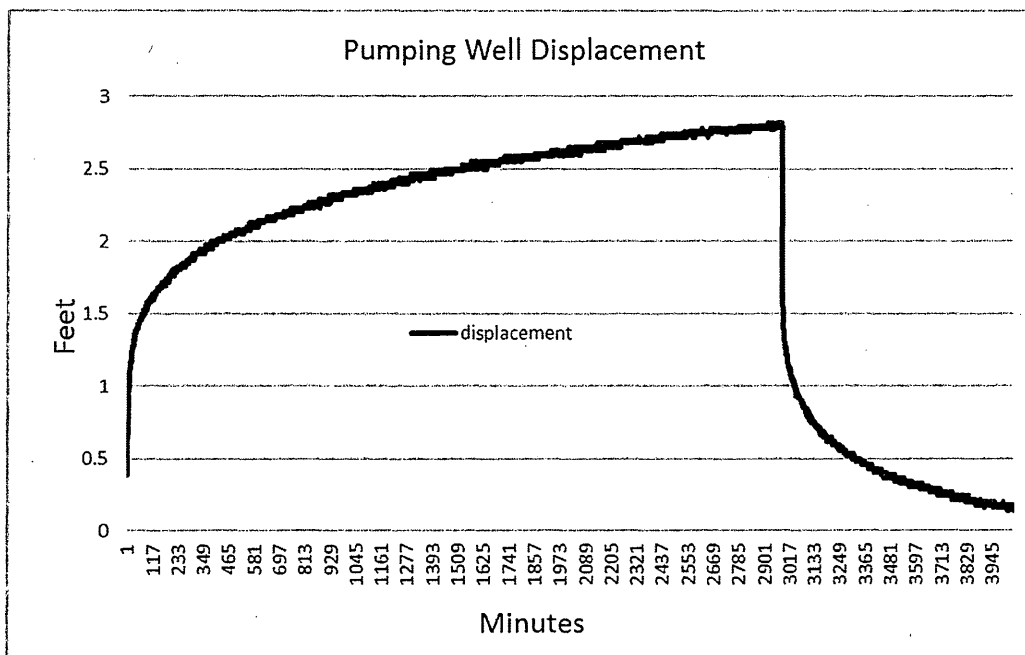


Location of Aquifer Pumping Test





Displacement observed during the aquifer pumping test on the two neighboring irrigation wells. Time of test pumping started at minute 1 and concluded at minute 2984. It should be noted that the observed displacement matches the local trend in water level changes due to continued aquifer decline after cessation of Webster Irrigation District canal deliver on Sept 1st. Neither hydrograph shows the expected drawdown and recovery created by the pumping well.

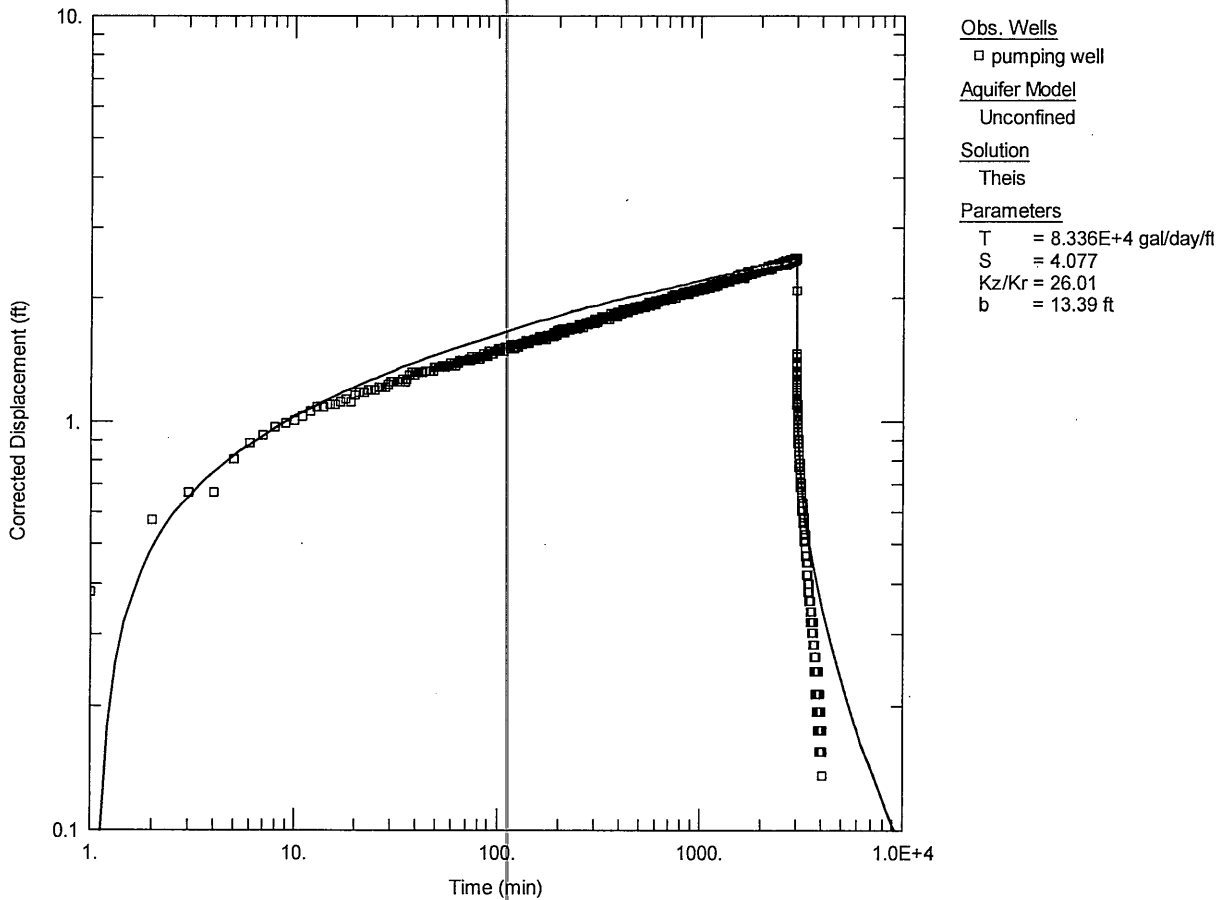


During the pumping test the maximum drawdown at the pumping well was measured at 2.8 feet. Total saturated thickness at the well was measured at 13.8 feet.

Conclusions:

From the Aquifer pumping test performed during the hydrologic conditions at the time, a pumping rate of 185 gpm for 48 hours had virtually no effect on water levels measured in the neighboring irrigation wells.

Perhaps pumping at a higher rate or for a longer duration may yield measurable results in the nearby irrigation wells but it is debatable how much pumping rate can be sustained by the limited saturated thickness at that site.



Analysis of drawdown in pumping well in AQTESOLV. Note due to well construction and effects of drawdown within the pumping well these values may be inferior to a proper aquifer pumping test under ideal conditions.

1320 Research Park Drive
Manhattan, Kansas 66502
(785) 564-6700



900 SW Jackson, Room 456
Topeka, Kansas 66612
(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

FILE COPY

November 29, 2017

JAY AND PAULA CARSWELL
2628 W 40TH DR
ALTON KS 67623

RE: Water Right, File Nos. 18,291; 18,501 and 37,023
Application, File No. 49,803

Dear Mr. and Mrs. Carswell,

In response to the request received in this office on November 28, 2017, the Chief Engineer has extended until **January 2, 2018**, the time in which to submit additional information to the Chief Engineer regarding the applications for approval of the Chief Engineer to: change the point of diversion under Water Right, File No. 18,501; the place of use, point of diversion and use made of water under Water Right, File Nos. 18,291 and 37,023; and Application, File No. 49,803.

If you do not submit additional information by that date or do not request more time on or before January 2, 2018, or if your request is not granted, the applications will be dismissed and their priorities forfeited.

If you have any questions, please contact me at (785) 564-6635. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

A handwritten signature in cursive script that reads "Richelle A. Krueger".

Richelle A. Krueger
Environmental Scientist
Water Appropriation Program

Enclosures

pc: Stockton Field Office
Wilda Carswell
Osborne County RWD No. 1A

Krueger, Richelle

From: Krueger, Richelle
Sent: Tuesday, November 28, 2017 11:35 AM
To: Stewart, Kelly; Billinger, Mark
Cc: Turney, Brent
Subject: RE: Jay Carswell just called asking for an extension of time to January 1 is that okay with you?

K I will get that extension in the mail to him, thanks!

From: Stewart, Kelly
Sent: Tuesday, November 28, 2017 10:52 AM
To: Krueger, Richelle <Richelle.Krueger@ks.gov>; Billinger, Mark <Mark.Billinger@ks.gov>
Cc: Turney, Brent <Brent.Turney@ks.gov>
Subject: RE: Jay Carswell just called asking for an extension of time to January 1 is that okay with you?

Yes, he has been talking to Mark and I. He plans a pump test before the end of the year.

From: Krueger, Richelle
Sent: Tuesday, November 28, 2017 10:51 AM
To: Stewart, Kelly <Kelly.Stewart@ks.gov>; Billinger, Mark <Mark.Billinger@ks.gov>
Cc: Turney, Brent <Brent.Turney@ks.gov>
Subject: Jay Carswell just called asking for an extension of time to January 1 is that okay with you?

Jay Carswell just called asking for an extension of time to January 1 is that okay with you?
Richelle

1320 Research Park Drive
Manhattan, Kansas 66502
(785) 564-6700



900 SW Jackson, Room 456
Topeka, Kansas 66612
(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

October 31, 2017

FILE COPY

JAY AND PAULA CARSWELL
2628 W 40TH DR
ALTON KS 67623

RE: Water Right, File Nos. 18,291; 18,501 and 37,023
Application, File No. 49,803


Dear Mr. and Mrs. Carswell,

In response to the request received in this office on October 30, 2017, the Chief Engineer has extended until **December 1, 2017**, the time in which to submit additional information to the Chief Engineer regarding the applications for approval of the Chief Engineer to: change the point of diversion under Water Right, File No. 18,501; the place of use, point of diversion and use made of water under Water Right, File Nos. 18,291 and 37,023; and Application, File No. 49,803.

If you do not submit additional information by that date or do not request more time on or before October 31, 2017, or if your request is not granted, the applications will be dismissed and their priorities forfeited.

If you have any questions, please contact me at (785) 564-6635. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,


Richelle A. Krueger
Environmental Scientist
Water Appropriation Program

Enclosures

pc: Stockton Field Office
Wilda Carswell
Osborne County RWD No. 1A

SCANNED

1320 Research Park Drive
Manhattan, Kansas 66502
(785) 564-6700



900 SW Jackson, Room 456
Topeka, Kansas 66612
(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

September 6, 2017

JAY AND PAULA CARSWELL
2628 W 40TH DR
ALTON KS 67623

FILE COPY

RE: Water Right, File Nos. 18,291; 18,501 and 37,023
Application, File No. 49,803

Dear Mr. and Mrs. Carswell,

In response to the request received in this office on September 1, 2017, the Chief Engineer has extended until **October 31, 2017**, the time in which to submit additional information to the Chief Engineer regarding the applications for approval of the Chief Engineer to: change the point of diversion under Water Right, File No. 18,501; the place of use, point of diversion and use made of water under Water Right, File Nos. 18,291 and 37,023; and Application, File No. 49,803.

If you do not submit additional information by that date or do not request more time on or before October 31, 2017, or if your request is not granted, the applications will be dismissed and their priorities forfeited.

If you have any questions, please contact me at (785) 564-6635. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

Richelle A. Krueger
Environmental Scientist
Water Appropriation Program

Enclosures

pc: Stockton Field Office
Wilda Carswell
Osborne County RWD No. 1A

SCANNED

Krueger, Richelle

From: Stewart, Kelly
Sent: Friday, September 1, 2017 2:50 PM
To: Turney, Brent; Krueger, Richelle
Subject: FW: Carswell Application File #49803

I have no problem with this extension request to the end of October.

Kelly

From: Jay and Paula Carswell [mailto:carswell@ruraltel.net]
Sent: Friday, September 1, 2017 2:37 PM
To: Stewart, Kelly <Kelly.Stewart@ks.gov>
Cc: Billinger, Mark <Mark.Billinger@ks.gov>
Subject: Carswell Application File #49803

To Whom It May Concern:

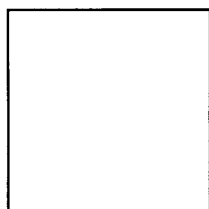
This correspondence is in reply to the letter dated August 25, 2017 referencing File Application #49803. The letter indicated that the application would not be approved with the current information available. We are requesting an extension to the application to gather more data.

It is my understanding that the application will not be approved because it cannot be proven that the proposed change will not impact neighboring water rights. It is believed that the current testing may be misleading due to the flow of water in the Webster Irrigation ditch adjacent to these rights. I have met with Kelly Stewart at the Stockton field office and discussed a plan of action.

Webster Irrigation has ceased their water release at this time. We are planning to complete additional testing now. I have contacted a neighboring water right operator that is planning to complete a late season irrigation cycle with his well. We will coordinate with him and monitor well levels during this time frame. This testing may warrant a recommendation to approve Application File #49803 or require that additional testing be completed. I have discussed a plan for further testing at the end of October with Kelly. He believes this step to be an appropriate course of action to insure that flows in the Webster Irrigation ditch are not impacting the test.

It is our hope that you will allow an extension on this application. Your attention to this matter is greatly appreciated.

Sincerely,
Jay Carswell



This email has been checked for viruses by AVG antivirus software.
www.avg.com



1320 Research Park Drive
Manhattan, Kansas 66502
(785) 564-6700

900 SW Jackson, Room 456
Topeka, Kansas 66612
(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

August 25, 2017

JAY CARSWELL
2628 W 40TH DR
ALTON KS 67623

FILE COPY

RE: Water Right, File Nos. 18,291; 18,501 and 37,023
Application, File No. 49,803

Dear Mr. Carswell,

Reference is made to the applications for approval of the Chief Engineer to: change the point of diversion under Water Right, File No. 18,501; the place of use, point of diversion and use made of water under Water Right, File Nos. 18,291 and 37,023; and Application, File No. 49,803 all received in the office of the Chief Engineer on March 30, 2017. Upon review of the applications, we find that they cannot be approved as proposed.

K.S.A. 82a-708b states in part that any owner of a water right may change the place of use, the point of diversion or the use made of water, without losing priority of right, provided such owner shall:

“ . . . demonstrate to the Chief Engineer that any proposed change is reasonable and will not impair existing rights . . . ”

Furthermore, K.S.A. 82a-711 states in part:

“ . . . (b) in ascertaining whether a proposed use will prejudicially and unreasonably affect the public interest, the chief engineer shall take into consideration : . . . (3) the priority of existing claims of all persons to use the water of the appropriate water supply; (4) the amount of each claim to use water from the appropriate water supply; and (5) all other matters pertaining to such question. . . . ” and

“ . . . (c) With regard to whether a proposed use will impair a use under an existing water right, impairment shall include the unreasonable raising or lowering of the static water level . . . ”

There is concern that the referenced package of applications will cause an unreasonable lowering of the static water level at neighboring wells based on the best information available to date. As submitted, the referenced applications do not provide information to show that the drawdown caused by pumping the proposed wells will not impair neighboring wells by the unreasonable lowering of the static water level. For the reason given above, it will be recommended to the Chief Engineer that the referenced applications be denied and dismissed due to the failure to comply with K.S.A. 82a-708b and 82a-711.

OVER→

SCANNED

JAY CARSWELL

August 25, 2017

File Nos. 18,291; 18,501; 37,023 and 49,803

Page No. 2

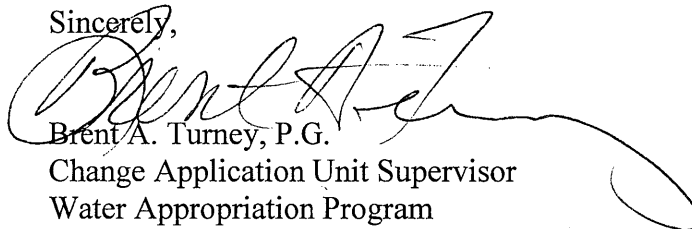
We are advising you of this recommendation in order to allow you to submit additional information to show why the evaluation should be reconsidered. You have a period of **30 days (until September 26, 2017)** to either (1) submit additional information to our office or (2) to request additional time beyond the 30 days to submit additional information. If 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.

If you do not request more time within the 30 day period, or if your request is not granted, the above-referenced applications will be submitted to the Chief Engineer for final decision based on the recommendation stated above. If you do submit additional information within the 30 day period (or any authorized extension), that information will be given due consideration prior to final action on the applications.

I recommend contacting Kelly Stewart, Water Commissioner of the Stockton Field Office for assistance in exploring possible options with your referenced applications. If you would like assistance, please call (785) 425-6787 to set an appointment time. We appreciate you making an appointment, as it will save your time and allows us to better serve you. If you do go to the field office for assistance, please take this letter and any attachments.

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,



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

BAT:rak

pc: Stockton Field Office
Wilda Carswell
Osborne County RWD No. 1A



KANSAS DEPARTMENT OF AGRICULTURE

Division of Water Resources

Stockton Field Office

MEMORANDUM

TO: Files

DATE: 7/20/2017

FROM: Steven Walters

RE: Change Application,
File No. 18501.

The above referenced change application is under review as such I ran a Theis analysis on the proposed change in pd on the nearby well Water Right No. 19099. The change application proposes to switch the rate and quantity of Water Right No. 18501 and 18291, effectively moving 87 AF @ 400 gpm closer to Water Right No. 19099.

The Theis analysis was ran on two scenarios including the impact of the current configuration of the three water rights and the proposed change in the configuration of the water rights.

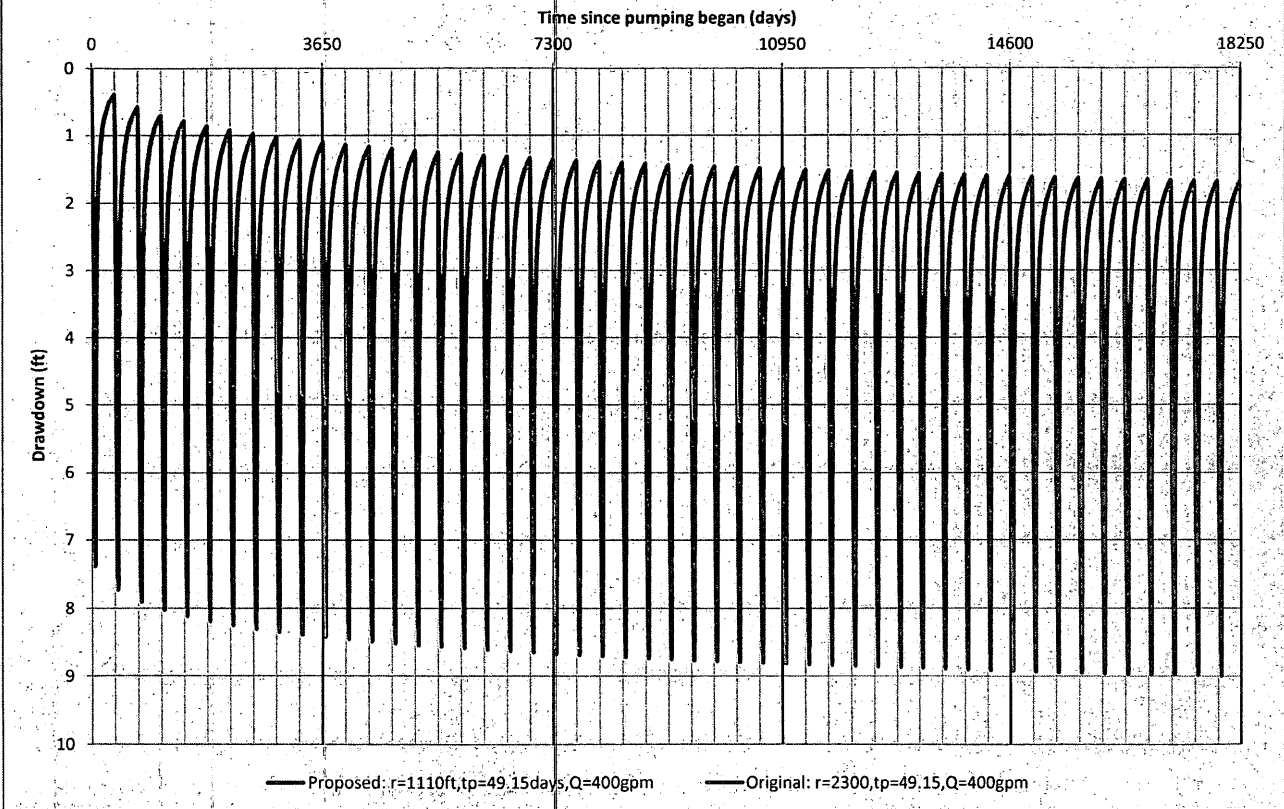
The T and S values were based on the lithology of Water Right No. 18501.
Well(s) T = -16755 S = 0.014

Under the current configuration of the quantities and rates associated with Water Right Nos. 18501 and 18291 the cumulative pumping of the wells would draw down Water Right No. 19099 approximately 5.6 ft after 50 years. Under the proposed change application the wells would draw down Water Right No. 19099 approximately 9.75 ft after 50 years for a net change in drawdown of approximately 4 ft. Graph 1 attached details the change in the impact of the drawdown on Water Right No. 19099 if the higher rate and quantity was moved closer (original vrs proposed). Graph 2 attached details the difference in drawdown on Water Right No. 19099 based on the current location (original) of Water Right No. 18501 and the proposed change in point of diversion to the current location of Water Right 18291 (proposed).

The wells are associated with the alluvium of the Southfork Soloman River and the location of the wells have a limited aquifer due to the saturated thickness (20 feet) of the alluvial aquifer. In turn this increases the well to well impacts in the area.

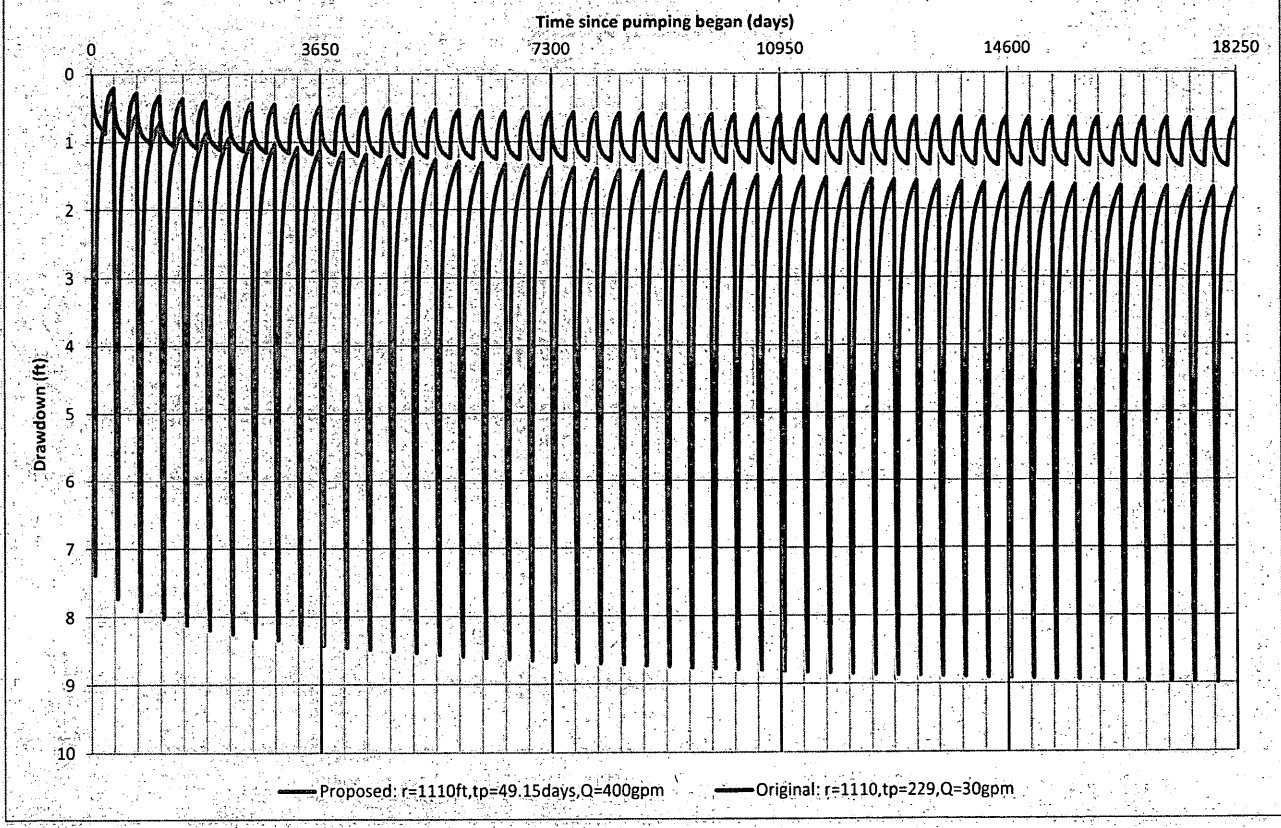
Graph 2

**This Drawdown after 50 Years of Pumping Cycles: $S=0.014$,
 $T=16755\text{gpd/ft}$**

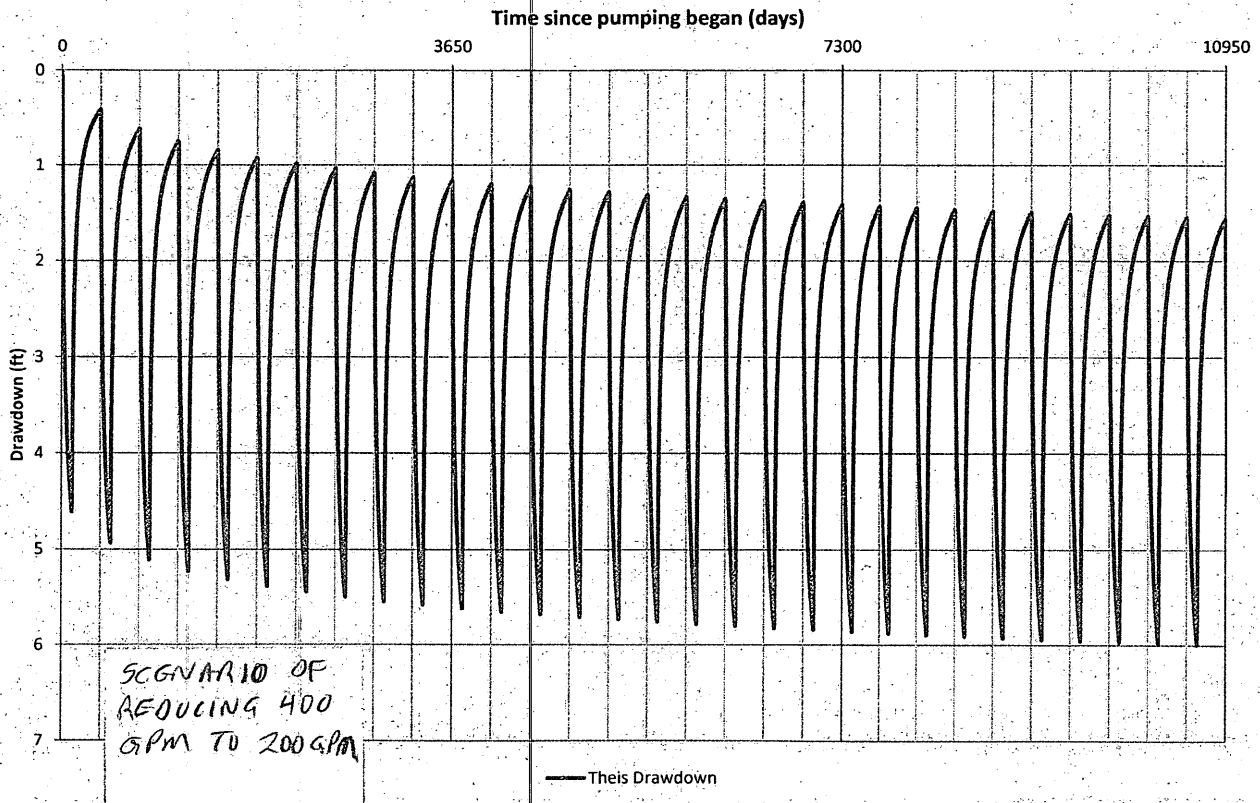


Graph 1

**Theis Drawdown after 50 Years of Pumping Cycles: $S=0.014$,
 $T=16755\text{gpd/ft}$**



**This Drawdown after 50 Years of Pumping Cycles: $r=1110\text{ft}$, $t_p=98\text{days}$,
 $Q=200\text{gpm}$, $S=0.014$, $T=16755\text{gpd/ft}$**



1320 Research Park Drive
Manhattan, Kansas 66502
(785) 564-6700



900 SW Jackson, Room 456
Topeka, Kansas 66612
(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

FILE COPY

June 27, 2017

DOROTHY DIBBLE
2890 W 80TH DR
ALTON KS 67623

Re: Water Right, File Nos. 18,291, 18,501 and 37,023
Application, File No. 49,803

Dear Sir or Madam:

This is to advise you that Jay Carswell, on behalf of Wilda Carswell, filed one (1) application to change the point of diversion for Water Right, File No. 18,501. The application proposes to move the authorized quantity and diversion rate from the existing well to an existing municipal well authorized by File Nos. 18,291 and 37,023. The application proposes the following change in the point of diversion.

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OVER →

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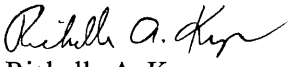
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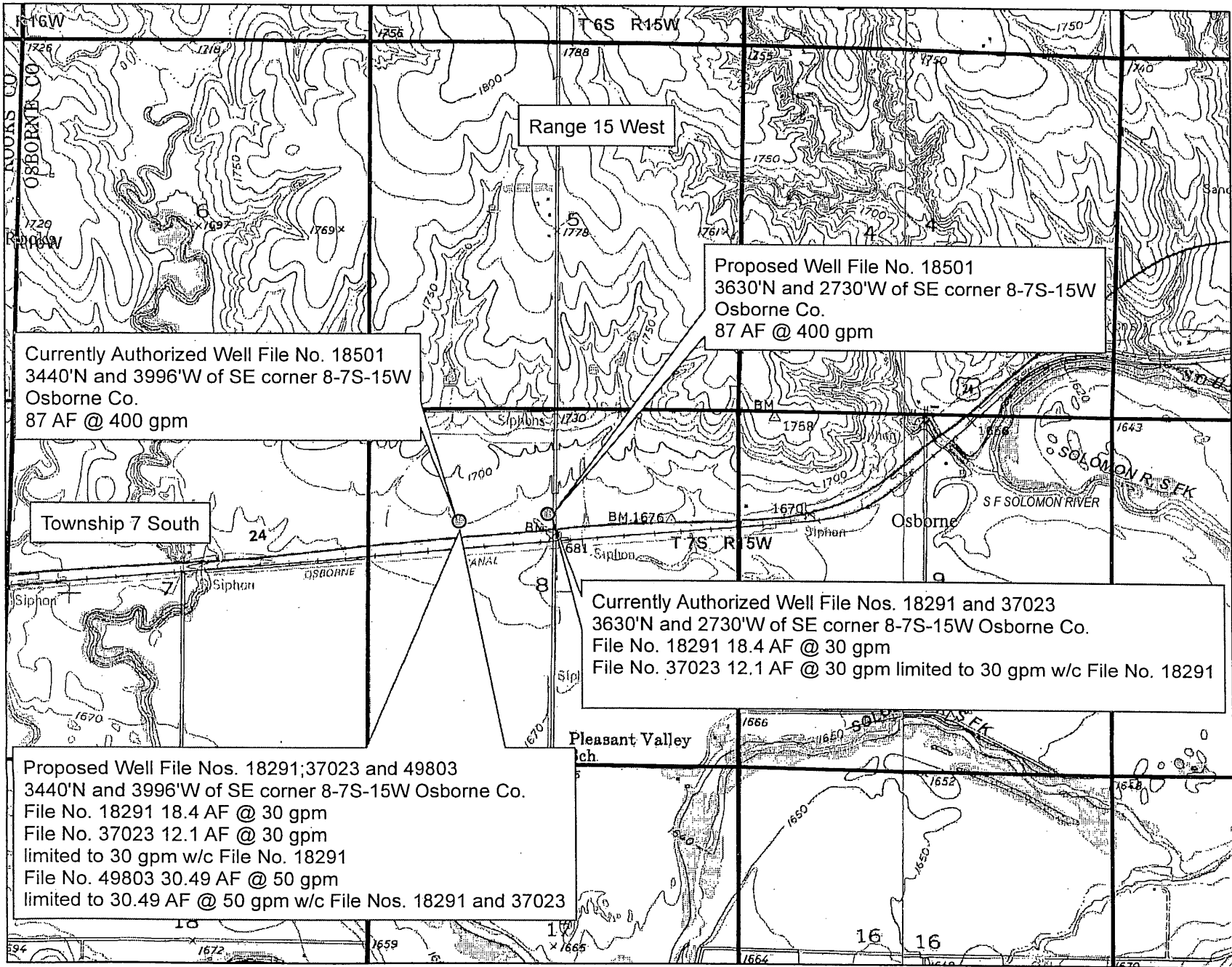
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Richelle A. Krueger
Environmental Scientist

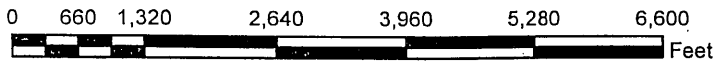
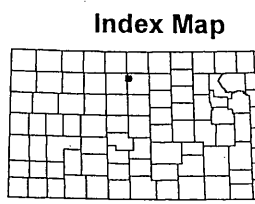
Enclosure

pc: Stockton Field Office
Jay Carswell
Osborne County RWD No. 1A

Proposed Points of Diversion File Nos. 18291, 18501, 37023 and 49083



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Topeka, Kansas 66612
(785) 296-3556

Jackie McClaskey, Secretary

Governor Sam Brownback

June 27, 2017

RUSSELL E MICK TR #1
1864 W 70TH DR
ALTON KS 67623

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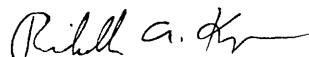
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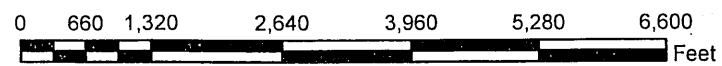
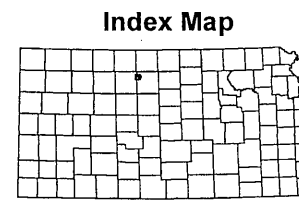
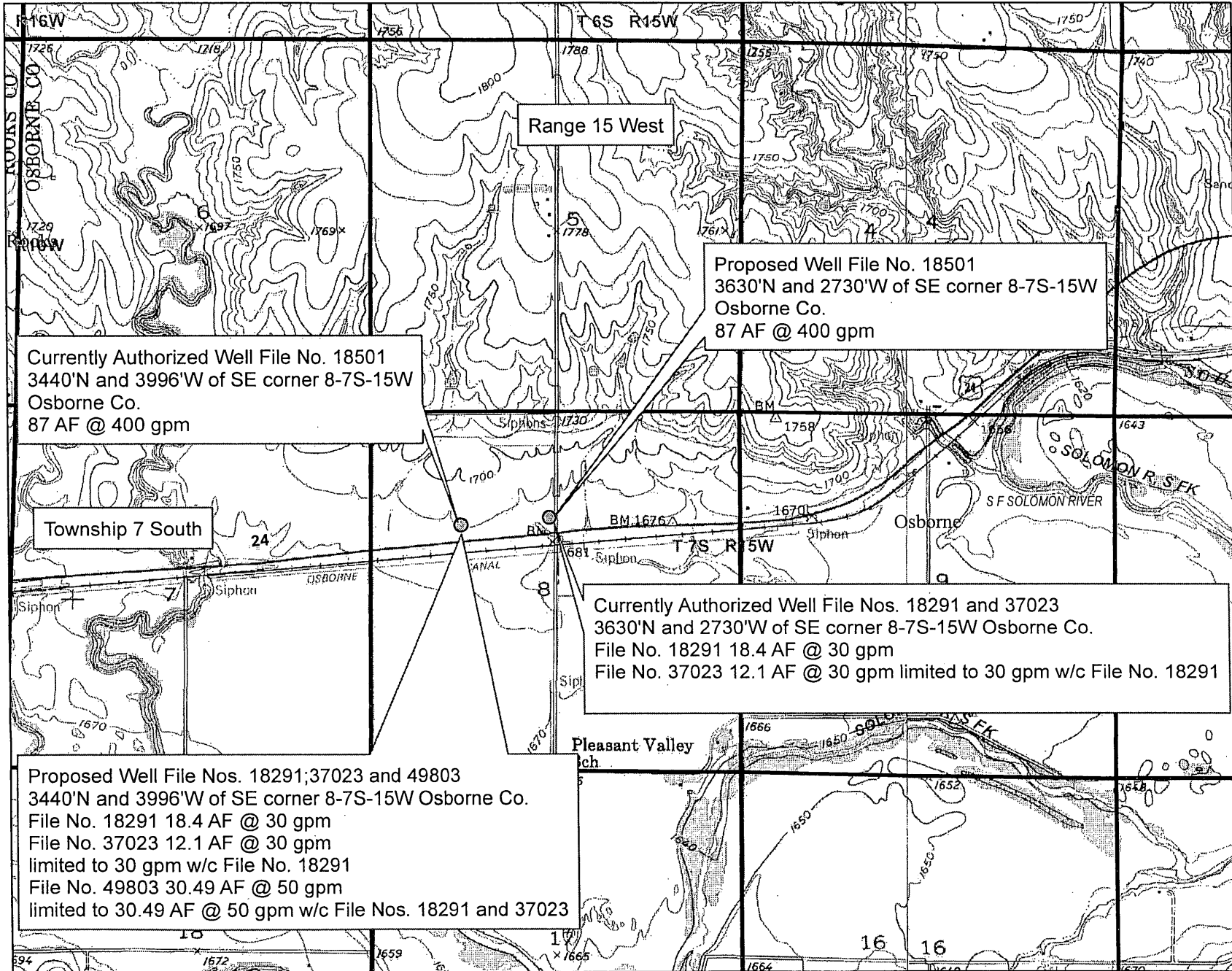
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Environmental Scientist

Enclosure

pc: Stockton Field Office
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Proposed Points of Diversion File Nos. 18291, 18501, 37023 and 49083

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Jackie McClaskey, Secretary

Governor Sam Brownback

June 27, 2017

PAMELA JAKOPLIC AND TODD P KEE
PO BOX 465
BURRTON KS 67020

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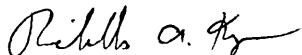
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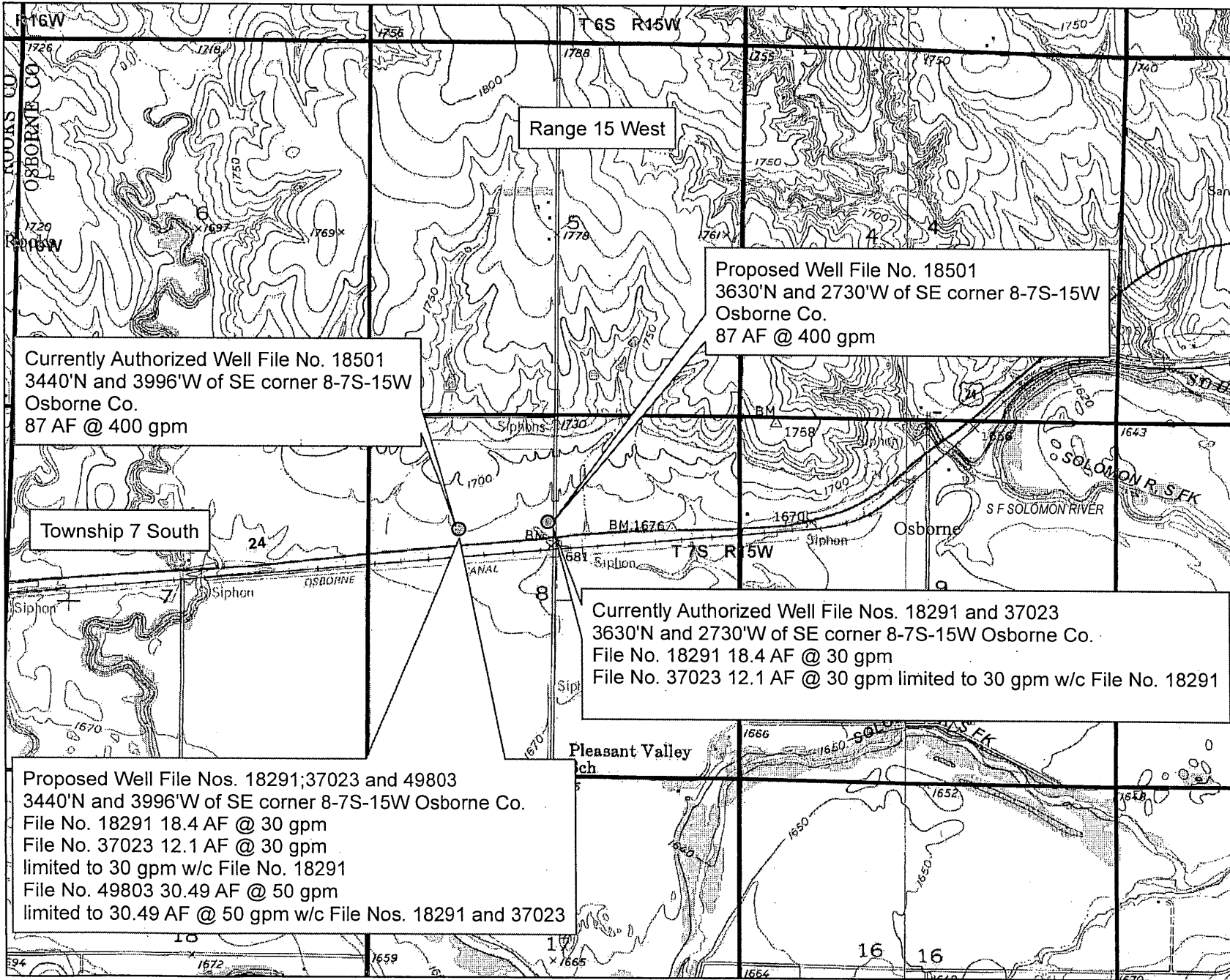
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Enclosure

pc: Stockton Field Office
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Osborne County RWD No. 1A

Proposed Points of Diversion File Nos. 18291, 18501, 37023 and 49083

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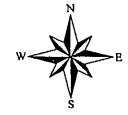
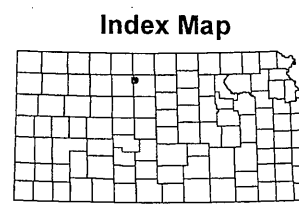
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 Osborne Co.
 87 AF @ 400 gpm

Proposed Well File No. 18501
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 Osborne Co.
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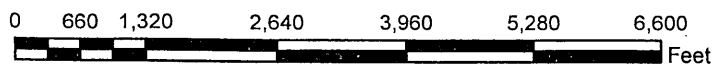
Township 7 South

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 File No. 49083 30.49 AF @ 50 gpm
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1:24,000



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900 SW Jackson, Room 456
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Jackie McClaskey, Secretary

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June 27, 2017

DARREN RUBOTTOM
3075 P ROAD
WOODSTON KS 67675

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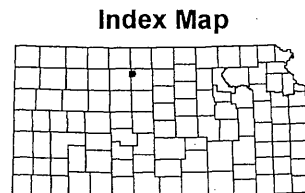
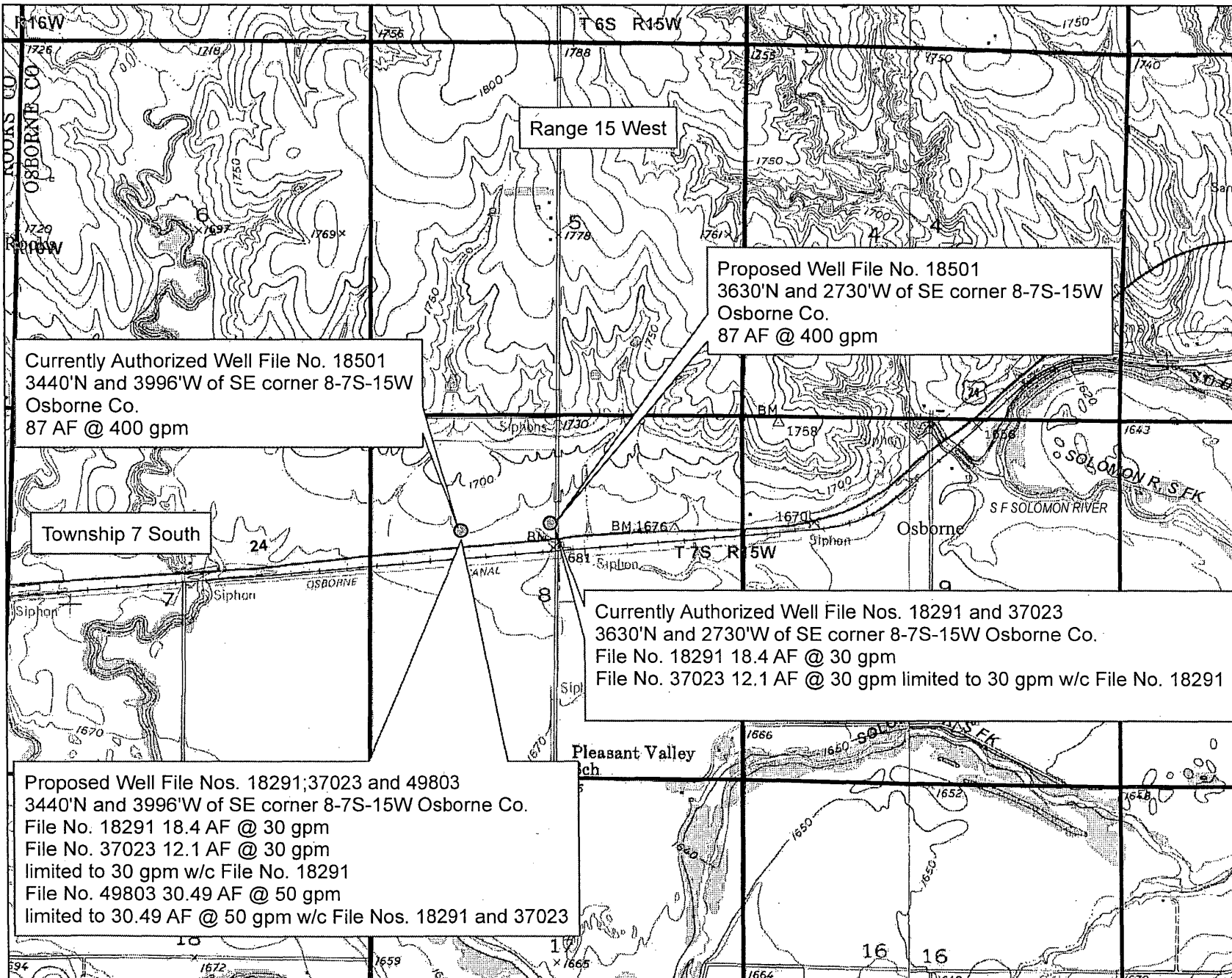
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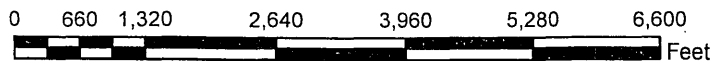
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June 27, 2017

LORINE WEBB ET AL
316 S ASH ST
STOCKTON KS 67669

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to: one (1) existing well located in the Northeast Quarter of the Southeast Quarter of the Northwest Quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 8, more particularly described as being near a point 3,630 feet North and 2,730 feet West of the Southeast corner of said section, in Township 7 South, Range 15 West, Osborne County, Kansas, at a diversion rate not in excess of 400 gallons per minute and in a quantity not to exceed 87 acre-feet of water per calendar year.

Osborne County Rural Water District No. 1A filed two (2) applications to change the place of use, point of diversion and use made of water under Water Right, File Nos. 18,291 and 37,023. The water right owner proposes to convert the use made of water from municipal use to irrigation use and the following change in point of diversion:

from: one (1) well located in the Northeast Quarter of the Southeast Quarter of the Northwest Quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 8, more particularly described as being near a point 3,630 feet North and 2,730 feet West of the Southeast corner of said section, in Township 7 South, Range 15 West, Osborne County, Kansas, at a diversion rate not in excess of 30 gallons per minute and in a quantity not to exceed 18.4 acre-feet of water per calendar year under File No. 18,291, and at a diversion rate not in excess of 30 gallons per minute and in a quantity not to exceed 12.1 acre-feet of water per calendar year under File No. 37,023,

to: one (1) existing well located in the Northeast Quarter of the Southwest Quarter of the Northwest Quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 8, more particularly described as being near a point 3,440 feet North and 3,996 feet West of the Southeast corner of said section, in Township 7 South, Range 15 West, Osborne County, Kansas, at a diversion rate not in excess of 30 gallons per minute and in a quantity not to exceed 18.4 acre-feet of water per calendar year under File No. 18,291, and at a diversion rate not in excess of 30 gallons per minute and in a quantity not to exceed 12.1 acre-feet of water per calendar year under File No. 37,023.

OVER →

SCANNED

Jay Carswell, on behalf of Wilda Carswell, has also filed one (1) application for permit to appropriate water for beneficial use, identified as File No. 49,803 for a permit to appropriate 30.49 acre-feet of ground water per calendar year for irrigation use to be diverted at a diversion rate of 50 gallons per minute, from one (1) existing well located as follows:

one(1) well located in the Northeast Quarter of the Southwest Quarter of the Northwest Quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 8, more particularly described as being near a point 3,440 feet North and 3,996 feet West of the Southeast corner of said section, in Township 7 South, Range 15 West, Osborne County, Kansas.

Please note the Application, File No. 49,803 is not requesting additional quantity from the well but is requesting additional rate.

A map indicating the well locations is included for your information. Records in this office indicate that you may have a well or wells in this vicinity and you are being notified of receipt of these applications in order that you may be fully informed of the proposed location of the applicant's points of diversion and proposed use of water. Consideration will be given to comments or other information which you desire to submit to this office within 15 days from the date of this letter. If you have any questions about the referenced application, please contact me at 1-785-564-6635.

Sincerely,



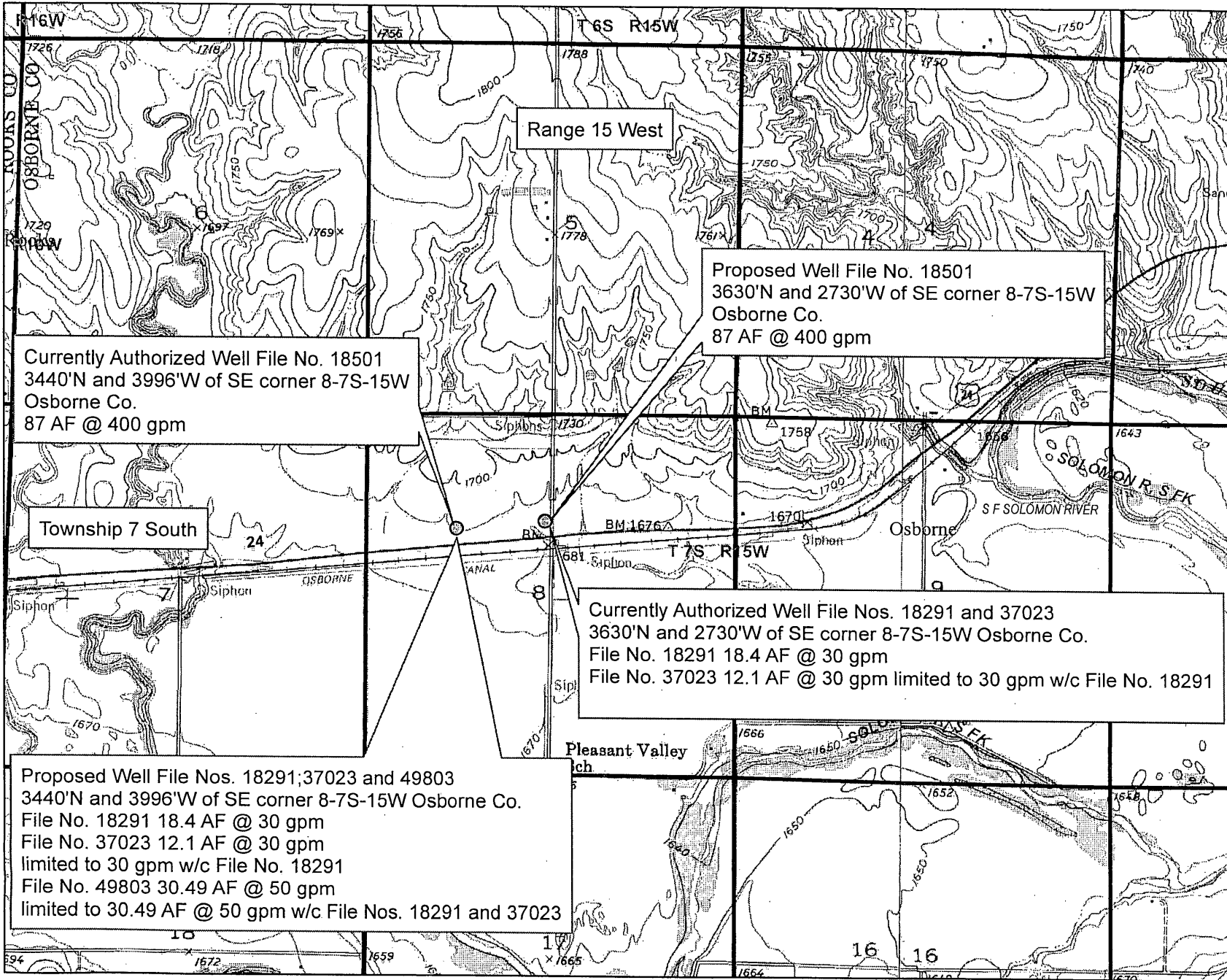
Richelle A. Krueger
Environmental Scientist

Enclosure

pc: Stockton Field Office
Jay Carswell
Osborne County RWD No. 1A

Proposed Points of Diversion File Nos. 18291, 18501, 37023 and 49083

SCANNED

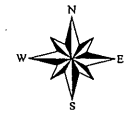
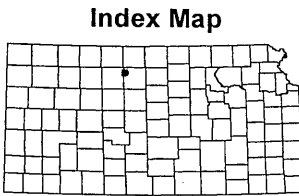


Proposed Well File No. 18501
 3630'N and 2730'W of SE corner 8-7S-15W
 Osborne Co.
 87 AF @ 400 gpm

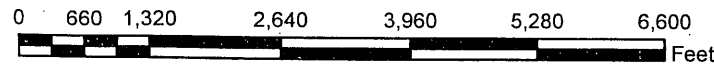
Currently Authorized Well File No. 18501
 3440'N and 3996'W of SE corner 8-7S-15W
 Osborne Co.
 87 AF @ 400 gpm

Currently Authorized Well File Nos. 18291 and 37023
 3630'N and 2730'W of SE corner 8-7S-15W Osborne Co.
 File No. 18291 18.4 AF @ 30 gpm
 File No. 37023 12.1 AF @ 30 gpm limited to 30 gpm w/c File No. 18291

Proposed Well File Nos. 18291;37023 and 49083
 3440'N and 3996'W of SE corner 8-7S-15W Osborne Co.
 File No. 18291 18.4 AF @ 30 gpm
 File No. 37023 12.1 AF @ 30 gpm
 limited to 30 gpm w/c File No. 18291
 File No. 49083 30.49 AF @ 50 gpm
 limited to 30.49 AF @ 50 gpm w/c File Nos. 18291 and 37023



1:24,000



Krueger, Richelle

From: Stewart, Kelly
Sent: Wednesday, June 21, 2017 8:21 AM
To: Krueger, Richelle
Cc: Billinger, Mark; Turney, Brent; Baum, Kristen
Subject: RE: Carswell/Osborne RWD No. 1A applications Change in PD PU UMW FILE Nos.18291and 37023; Change in PD File No. 18501 and New App Rate Only File No. 49803

Richelle,

Answers below.....

From: Krueger, Richelle
Sent: Tuesday, June 20, 2017 4:00 PM
To: Stewart, Kelly <Kelly.Stewart@ks.gov>
Cc: Billinger, Mark <Mark.Billinger@ks.gov>; Turney, Brent <Brent.Turney@ks.gov>; Baum, Kristen <Kristen.Baum@ks.gov>
Subject: Carswell/Osborne RWD No. 1A applications Change in PD PU UMW FILE Nos.18291and 37023; Change in PD File No. 18501 and New App Rate Only File No. 49803

Hi Kelly,

I have begun reviewing the referenced package of applications, you guessed it, I have questions, I know you will have the answers! Applicants propose to convert the umw of File Nos. 18291 and 37023 from muni use to irrigation use, flip flop the well authorized by File No. 18501 with the well authorized by File Nos. 18291/37023 and then add a rate only app(49803) to the well to be authorized by File Nos. 18291/37023.

- WRIS shows File No. 18501 as Terrace (115), I assume the well authorized by File Nos. 18291 and 37023 is also. Do you think K.A.R. 5-5-13 *relocation of alluvial wells* applies to terrace deposits in this area? If so do you think it meets the reg? I don't think 5-5-13 applies to terrace deposits. If it did, it should say so or it should at least say something along the lines of "alluvium or any other hydraulically connected aquifers". Obviously the intent of the regulation was to protect streamflow from further depletion, but I don't think this regulation was written well enough to cover this situation. As attorneys frequently say, I'd hate to fight that one in court.
- The existing wells proposed for File Nos. 18501 and 18291/37023/49803 do not meet 1320 feet well spacing regulations to each other, it appears they are about 956'-1283' apart. Do you think spacing is sufficient to prevent impairment? Since these are existing wells and there are no physical changes in the location of either and there have been no problems in the past even with different landowners and use made of water involved, I believe spacing will be sufficient especially given that both wells will now be under common ownership.
- New app File No. 49803 is a rate only application for greater than 15%, do you think this application meets K.A.R. 5-4-5? Yes. I do not think it will impair existing water rights given spacing and relatively small quantity. I do not think it will affect the public interest and I do not think it will increase consumptive use since the water rights it is be stacked on were originally municipal use (100% consumptive) and now will be irrigation.
- Do you know why Osborne RWD No. 1A would sell their water rights and are their rights File Nos. 18291 and 37023 in good standing? Osborne 1A quit using this well due to water quality (nitrates). They are in good standing due to being located in a closed area.

- Looks like the perfection period for Osborne RWD No. 1A pu overlapping File No. 42558 expires Dec. 31, 2017, it has a limitation that mentions File Nos. 18291 and 37023, hopefully those can be removed at the time of certification. Agreed.

Any info you have on these apps will be appreciated, as always!

Thanks,
Richelle

March 9 2017
(Date)

Kansas Department of Agriculture
Division of Water Resources
David W. Barfield, Chief Engineer
109 SW 9th Street, 2nd Floor
Topeka, Kansas 66612-1283

Re: Application
File No. _____

Minimum Desirable Streamflow

Dear Sir:

I understand that a Minimum Desirable Streamflow requirement has been established by the legislature for the source of supply to which the above referenced application applies.

I understand that diversion of water pursuant to this application will be subject to regulation any time Minimum Desirable Streamflow requirements are not being met.

I also understand that if this application is approved, there could be times, as determined by the Division of Water Resources, when I would not be allowed to divert water. I realize that this could affect the economics of my decision to appropriate water.

I am aware of the above factors, and with the knowledge thereof, request that the Division of Water Resources proceed with processing and approval, if possible, of the above referenced application.

[Signature]
Signature of Applicant
Jay Carswell
(Print Applicant's Name)

State of Kansas)
County of ROOKS) ss

I hereby certify that the foregoing instrument was signed in my presence and sworn to before me this 9th day of March, 2017.



[Signature]
Notary Public

My Commission Expires:
6-29-19

WATER RESOURCES
RECEIVED
MAR 20 2017
KS DEPT OF AGRICULTURE
SCANNED

FEE SCHEDULE

1. The fee for an application for a permit to appropriate water for beneficial use, except for domestic use, shall be (see paragraph No. 2 below if requesting storage):

ACRE-FEET	FEE
0-100	\$200.00
101-320	\$300.00
More than 320	\$300.00 plus \$20.00 for each additional 100 acre-feet or any part thereof.

2. The fee for an application in which storage is requested, except for domestic use, shall be:

ACRE-FEET	FEE
0-250	\$200.00
More than 250	\$200.00 plus \$20.00 for each additional 250 acre-feet of storage or any part thereof.

Note: If an application requests both direct use *and* storage, the fee charged shall be as determined under No. 1 or No. 2 above, whichever is greater, but not both fees.

3. The fee for an application for a permit to appropriate water for water power or dewatering purposes shall be \$100.00 plus \$200.00 for each 100 cubic feet per second, or part thereof, of the diversion rate requested.

Note: The applicant shall notify the Chief Engineer and pay the statutorily required field inspection fee of \$400.00 when construction of the works for diversion has been completed, except that for applications filed on or after July 1, 2009, for works constructed for sediment control use and for evaporation from a groundwater pit for industrial use shall be accompanied by a field inspection fee of \$200.00.

MAKE CHECKS PAYABLE TO THE KANSAS DEPARTMENT OF AGRICULTURE

ATTENTION

A Water Conservation Plan may be required per K.S.A. 82a-733. A statement that your application for permit to appropriate water may be subject to the minimum desirable streamflow requirements per K.S.A. 82a-703a, b, and c may also be required from you. After the Division of Water Resources has had the opportunity to review your application, you will be notified whether or not you will need to submit a Water Conservation Plan. You also may be required to install a water flow meter or water stage measuring device on your diversion works prior to diverting water. There may be other special conditions or Groundwater Management District regulations that you will need to comply with if this application is approved.

CONVERSION FACTORS

1 acre-foot equals 325,851 gallons

1 million gallons equal 3.07 acre-feet

**WATER RESOURCES
RECEIVED**

MAR 20 2017

KS DEPT OF AGRICULTURE

SCANNED

1320 Research Park Drive
Manhattan, Kansas 66502
Jackie McClaskey, Secretary



Phone: (785) 564-6700
Fax: (785) 564-6777
Email: ksag@kda.ks.gov
www.agriculture.ks.gov
Sam Brownback, Governor

March 20, 2017

FILE COPY

JAY CARSWELL
2628 W 40TH DR
ALTON KS 67623

RE: Application
File No. 49803

Dear Sir or Madam:

Your application for permit to appropriate water in 08-07S-15W in Osborne County, was received and has been assigned the file number noted above.

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. Once review of your application has begun, we will contact you, if additional information is required.

In accordance with the provisions of the Kansas Water Appropriation Act, a portion of which is included below, the use of water as proposed prior to approval of the application is unlawful. 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,

A handwritten signature in cursive script that reads "Brent A. Turney".

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

BAT: dlw
pc: STOCKTON Field Office
GMD

SCANNED