

## MANAGEMENT PLAN

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### For the Designation of a Water Conservation Area (WCA) R&R Unruh Farms WCA; Finney and Kearny Counties, KS January 2017 through December 2021

In order to conserve and extend the productive life of the aquifer in our region and increase the value and viability of our water rights and water resources for future generations we, the undersigned water right owners propose the following management plan, pursuant to K.S.A. 82a-745 (WCA Law), to form the basis of a Consent Agreement and Order Designating a Water Conservation Area (WCA).

#### Expression of Conservation Goals

Local water right owners in northern Finney and Kearny counties are seeking ways to further the proper management of the groundwater resources of the area to prevent future economic deterioration by reducing the rate of decline in the Ogallala aquifer in this region. Some areas of this region have seen declines of more than 60 to 70 feet in the water table over the past ten years. Reducing water use through a Local Enhanced Management Area (LEMA) is one tool for extending the usable lifetime of the aquifer. By reviewing past water use and its impact on water levels, data show that a reduction in use will significantly extend the life of the aquifer in this area. Experience in the Sheridan County LEMA show that, with diligence, this can be achieved without a substantial impact on profitability.

In 2017, the water right owners within the potential LEMA boundary and the Southwest Groundwater Management District No. 3 (GMD#3) initiated a public information and input process to develop a LEMA proposal – a process that may take several months to more than a year. This Water Conservation Area (WCA) offers individual water right owners in northern Kearny and Finney counties an opportunity to conserve and extend the productive life of the aquifer in advance of participation in the proposed LEMA. The goals of this WCA are to maintain production while enhancing profitability per acre-foot of water pumped, to examine and change current conservation practices as necessary, and to reduce water use over the term of the WCA from long-term averages. Water right owners enrolling in a consent agreement under the terms and conditions of this WCA management plan will work towards these goals by exercising more flexible and efficient use of the water resource.

We, the water right owners are consenting to the terms and conditions of this WCA and commit to reducing water use to a reduction of 50% of our total annual authorized quantity (of 3049 Acre-Feet). We, the water right owners are committing to this WCA prior to the initiation of any LEMA and recognize that current overall water use in the area may not be sustainable for the long term and we desire to reduce water use below long-term averages.

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**Water Rights Enrolled and Geographical Boundaries**

The R&R Unruh Farms WCA shall include the following water rights and all points of diversion associated with those water rights. The following legal descriptions define the areas included in R&R Unruh Farms WCA in Finney and Kearny Counties:

Water Right#	PDIV#	Sect-Twp-Range	Authorized Annual Quantity (AF)	Historical Ave. Use (06-15) (AF)
1662	15718	1-23S-34W	461	271.500
2360	18528	22-23S-33W	320	178.600
2500	70047	1-23S-35W	553	331.800
9599	30009	5-23S-34W	320	241.600
13580	77806	1-23S-34W	154	122.333
14341	63000	22-23S-33W	312	174.600
23506	81050	1-23S-34W	345	206.900
28868	83841	11-23S-35W	584	244.917

Totals 3049.000 1772.250

The current total appropriations authorized for all water rights included in the R&R Unruh Farms WCA are 3,049 Acre-Feet per year, with an average annual use during the period 2006-2015 of 1,772.250 acre-feet. With a 50% reduction from total annual authorized quantity, the 5-Year WCA allocation is 7,622.500 AF.

Average Yearly Use (2006-2015)	1772.250	Acre-Feet
Average Annual Conservation Allocation	1524.500	Acre-Feet
5-Yr Total WCA Allocation	7622.500	Acre-Feet

The geographic boundary for the place of use for the irrigation use is shown on the attached map and is described as follows:

WCA Authorized Place of Use																			
Sec	T (S)	R (W)	NE (1/4)				NW (1/4)				SW (1/4)				SE (1/4)				Total Acres
			NE (1/4)	NW (1/4)	SW (1/4)	SE (1/4)	NE (1/4)	NW (1/4)	SW (1/4)	SE (1/4)	NE (1/4)	NW (1/4)	SW (1/4)	SE (1/4)	NE (1/4)	NW (1/4)	SW (1/4)	SE (1/4)	
1	23	34	40	40.1	40	40	40.2	40.3	40	40	40	40	40	40					480.60
1	23	35									20			20	40	40	40	40	200.00
5	23	34													40	40	40	40	160.00
6	23	34									40	40	40	40					160.00
11	23	35	40	40	40	40	40	13	39	40									292.00
22	23	33									40	40	40	40	40	40	40	40	320.00

Total Authorized Acres 1612.60

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### **Findings Regarding Groundwater Conditions**

We understand that the WCA Law requires a finding that one of the following circumstances be present within the area geographic boundaries of this WCA; specified in K.S.A. 82a-1036 (a) through (d):

- a) Groundwater levels in the area in question are declining or have declined excessively;
- b) The rate of withdrawal of groundwater in the area equals or exceeds the rate of recharge within such area;
- c) Preventable waste of water is occurring or may occur within the area in questions; or
- d) Unreasonable deterioration of the quality of water is occurring or may occur within the area in question

and amendments thereto, exist, or include a finding or findings that the area within the geographic boundaries described in paragraph (1) has been closed to new appropriations by rule, regulation or order of the Chief Engineer.

We have been informed that the following conditions exist:

- Groundwater levels in the area in question are declining or have declined excessively; Water levels in some areas of northern Kearny and Finney counties have declined more than 60 to 70 feet from 2006 to 2015.
- The rate of withdrawal of groundwater in the area exceeds the rate of recharge.

See the attached maps and figures supporting these findings and observations. Such attached documents may include:

- Location Maps
- Estimated Useable Life Maps
- Changes in Water Levels
- Summary of Water Use History
- KGS Observation Well(s) Data (if applicable)
- KDA-DWR Theis analysis report (if applicable)

These conditions suggest the advisability of implementing the R&R Unruh Farms WCA.

Per the Corrective Control Provisions and Plan for Conservation section, under this WCA management plan no water right, or point of diversion, is allowed any additional authorities than is currently authorized in the base water right. Therefore, it is determined that no further analysis, to determine possible impairments, needs to be completed for this WCA.

### **Due Consideration for Past Conservation**

We acknowledge that as described in the law, a water conservation area (WCA) management plan shall give due consideration to water users who have previously implemented reductions in water use resulting from voluntary conservation measures.

We, the water right owners are committed to best water management practices and do not require any specific consideration of past water conservation in determining these allocations with the



aim of, the conservation of the Ogallala aquifer and to preserve the viability of irrigated agriculture within Kearny and Finney counties. As enumerated below we, the R&R Unruh Farms WCA owners, request that its further conservation under this plan be considered in any LEMA proposed for the area or in a subsequent WCA under the terms herein.

We would like to state that we requested to include Water Right, File No. 7054 in this WCA management plan. Due to pending water right changes that will take time to evaluate with the Kansas Department of Agriculture-Division of Water Resources, we cannot include this water right at this time. At which time when the changes to Water Right, File No. 7054 are approved we may request to include it in this WCA. We would like to request that the any future amendment to the management plan reflect that we wished to start in the year 2017 to have included Water Right, File No. 7054.

#### **Corrective Control Provisions and Plan for Conservation**

We acknowledge that the following corrective controls will be in effect within the R&R Unruh Farms WCA during the term of the WCA period listed:

1. Water rights, at the discretion of the owners, may be pumped as directed by the owner, provided that:
  - a. All points of diversion are limited to their annual authorized quantity.
  - b. All points of diversions are limited to their current authorized pumping rates.
  - c. The sum of water use under all water rights combined shall be limited to no more than 7,622.500 acre-feet every five (5) years.
2. The corrective control provisions of the R&R Unruh Farms WCA cannot conflict with the rules and regulations of the local GMD that result in greater overall conservation of water resources. If a Local Enhanced Management Area (LEMA) plan or an Intensive Groundwater Use Control Area (IGUCA) is formed after the initiation of the R&R Unruh Farms WCA, and the WCA is partially or wholly within the LEMA or IGUCA, the corrective control provisions that result in the greater overall conservation of water resources based on inches per acre and not based on percent reduction of average historical use shall prevail. However, any LEMA or IGUCA must give due consideration to the conservation achieved by WCA participants pursuant to 82a-745(a)(6). The Chief Engineer is authorized to amend the provision of the WCA to conform to any rules, regulations, or requirements that result in greater conservation of the water resource subject to the foregoing due consideration for past and current conservation.

We, the water right owners enrolling in this WCA understand we may gain the following flexibilities in consideration for our conservation.

3. Should an order of designation for a LEMA be implemented for the area including the WCA prior to December 31<sup>st</sup>, 2021, the applicant requests that the due consideration of its voluntary conservation under this plan be provided via an additional allocation within the first LEMA allocation period in the amount of any unused water based on the average

annual WCA allocation per year before a LEMA is implemented. [e.g. if a WCA precedes a LEMA by two years and the total two-year use is 3,000 acre-feet then the additional carry over into a LEMA can be as much as 49 acre-feet {2x average WCA average annual allocation (2x 1,524.50 AF) minus the total two-year water use (3000 AF)= 49 AF}].

4. Should an order of designation for a LEMA not be implemented prior to December 31<sup>st</sup>, 2021, up to 1/5<sup>th</sup> (1,524.500 acre-feet) of the 5-year WCA allocation may be carried over and added to a subsequent WCA period; if unused during the duration of this WCA period and if a minimum of a 5-year WCA period. In order to for the carryover quantity to be included, all owners must enter into agreement to participate into a subsequent WCA by December 31st of the last year of this WCA period.

### **Compliance Monitoring and Enforcement**

We, the owners, understand that the following compliance monitoring and enforcement provisions are proposed. This section also includes any specific provisions regarding measuring or reporting water usage.

There are two (2) recognized observation wells within one mile of the R&R Unruh Farms WCA boundary that have for many years been measured annually by the Kansas Geological Survey (KGS). See attached water right area map. These wells will continue to be measured annually and the data collected will help in evaluating the effectiveness of the WCA. An onsite observation well may be necessary to monitor the local water level more accurately.

We will submit an annual report no later than March 1<sup>st</sup> and maintain a spreadsheet detailing the following information for each well and all wells combined: beginning and ending meter readings, quantity of water diverted, acres irrigated, the inches per acre, and the quantity of water remaining for the WCA period listed. These records will be available to KDA-DWR upon request.

We will ensure backup measurements will be supported or an alternate measurement device will be available to be put into service in case the water flowmeter record for any given well is questionable or not reliable.

We acknowledge that water flowmeters within the WCA will be sealed to the measurement chamber by KDA-DWR during the duration of this management plan to ensure an accurate water use record.

We, water right owners within the R&R Unruh Farms WCA shall be responsible for ensuring the water flowmeters comply with state and local law(s). Any water right owner or authorized designee who finds a flow meter that is inoperable or inaccurate shall within 48 hours contact the KDA-DWR concerning the matter. Whenever an inoperable or inaccurate meter is repaired or replaced, the owner or authorized designee shall notify the KDA-DWR within seven (7) days on a form prescribed by the Chief Engineer of the water flowmeter installation and any water flowmeter repair or replacement event.

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We acknowledge that failure to abide by the terms of this agreement may result in the termination of the WCA. Failure to abide by the terms, conditions, and limitations of the individual water rights will be subject to the civil penalties outlined in K.A.R. 5-14-10.

#### **Review of Effectiveness**

We acknowledge that a review of this WCA shall be completed prior to November 1<sup>st</sup> of the final year of the WCA period listed to ensure the above terms remain appropriate and are achieving the stated goals of the R&R Unruh Farms WCA. Should the Chief Engineer find that the terms are no longer appropriate or that no progress has been made towards the stated goal, the Chief Engineer may refuse to renew a WCA and may suggest new terms and goals. We understand that upon review, and a finding by the Chief Engineer that the WCA has achieved or made progress towards its goals and that the same terms may be included in a subsequent WCA for another designated period. The terms of the WCA may be continued as long as R&R Unruh Farms WCA is in good standing with its most recent WCA period and upon formal approval by the Chief Engineer. The Chief Engineer shall issue findings addressing the terms and goals of the existing management plan prior to any renewal of an subsequent WCA.

We acknowledge that unless terminated under the provisions below (e.g. due to the development of a LEMA), the WCA will be in effect for the listed period with an evaluation at the end of every WCA period. We understand that KDA-DWR will conduct this evaluation to ensure compliance and conservation. The evaluation will determine total water use during the WCA period.

We acknowledge that should an order of designation for a LEMA be implemented prior to end of this WCA period, an evaluation of this WCA will be conducted the year prior to the start of a LEMA. This evaluation may be used to determine an additional allocation amount of water to be carried over into a LEMA; should this be the case.

#### **Member addition, withdrawal, and removal**

We acknowledge that water right owners and their associated water rights and geographic boundaries may be added to the WCA upon written notification to the Chief Engineer by the owners of each enrolling water right with legal descriptions of the areas to be added. A member may withdraw from the WCA through written notification to the Chief Engineer signed by the owners of the participating water right or rights to be withdrawn from the WCA.

If the addition or withdrawal of water rights requires modification to the water allocation quantities, geographical boundaries, places of use, terms, or conditions of the original WCA, the management plan shall be revised to incorporate such changes and the associated consent agreement shall be reaffirmed by all parties, after opportunity for comment on the proposed revisions by the applicable GMD.

#### **Termination**

We acknowledge the R&R Unruh Farms WCA agreement may be terminated by written notification, signed by all then-existing members of the WCA, to the Chief Engineer of the intent to terminate.

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We also acknowledge that the Chief Engineer may terminate this WCA upon findings that it is not being upheld to its terms. Such termination shall give notice and require a full evaluation of the WCA and water rights associated to ensure follow up actions.

#### **State Law**

We acknowledge that the R&R Unruh Farms WCA is subject to compliance with all other applicable state laws.

#### **Notification to Nearby Owners**

We acknowledge that, by statute, the Chief Engineer is required to provide written notification to all water right owners with a point of diversion within ½ of a mile, or farther if deemed necessary, by a rule and regulation of the Chief Engineer, of the boundaries of this WCA.

#### **Assurances**

We acknowledge this WCA will not alter the terms, conditions, and limitations of the base water rights.

#### **Review of Other Applicable Requirements**

We acknowledge that upon review, the R&R Unruh Farms WCA management plan was found to effect equal or greater overall conservation than applicable GMD regulations, LEMA, and IGUCA requirements.

#### **Participant's Agreement**

By signing below, we, the water right owners, agree that this Water Conservation Area Management Plan is fair and equitable. This management plan, provided to the Chief Engineer and water right owners, is the expressed written intent of the parties and the whole agreement between the parties. We, the water right owners agree to be bound by all the terms contained in this WCA Management Plan and understand that the provisions of this agreement shall be construed to give effect to the provisions listed. We, the water right owners also agree that this management plan is the basis for a consent agreement among the Chief Engineer and the undersigned water right owners, and therefore any order and consent agreement issued by the Chief Engineer, designating the R&R Unruh Farms WCA, shall be binding upon all parties as the necessary formal implementation of this management plan.

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**FOR THE PARTICIPANTS:** All participating water right owner(s) signing below, affirm their approval of this WCA Management Plan and if approved by the Chief Engineer allow consent to the Chief Engineer to formally approve the designation of this Water Conservation Area, described herein, by means of a Consent Agreement and Order.

Roger G. Unruh Date: 12-19-17  
**Roger Unruh, Owner (Signature)**  
Water Right No(s). 1662; 2360; 9599; 13580; 14341; 23506; 28868  
625 S COWGILL DR, GARDEN CITY KS 67846-8911  
Full Mailing Address  
runruh@wbsnet.org 620-271-8893  
Email Address Phone Number

**ACKNOWLEDGMENT OF NOTARY**

State of Kansas )  
County of Linney ) SS  
Acknowledged before me on December 19, 2017  
by Roger G. Unruh  
Signature: Julie Jones  
Notary Public

My commission expires: \_\_\_\_\_  
(Notary Seal)



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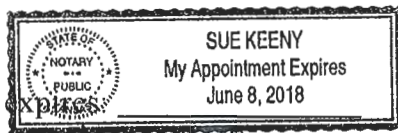
**FOR THE PARTICIPANTS:** All participating water right owner(s) signing below, affirm their approval of this WCA Management Plan and if approved by the Chief Engineer allow consent to the Chief Engineer to formally approve the designation of this Water Conservation Area, described herein, by means of a Consent Agreement and Order.

Randall Unruh Date: 12-19-17  
Randall Unruh, Owner (Signature)  
Water Right No(s). 1662; 2360; 9599; 13580; 14341; 23506; 28868  
625 S COWGILL DR, GARDEN CITY KS 67846-8911  
Full Mailing Address  
r/unruh@sbcglobal.net 620-271-8894  
Email Address Phone Number

**ACKNOWLEDGMENT OF NOTARY**

State of Kansas )  
County of Finney ) SS  
Acknowledged before me on 12-19-17  
by Randal Unruh  
Signature: Sue Keeny  
Notary Public


My commission expires




(Notary Seal)

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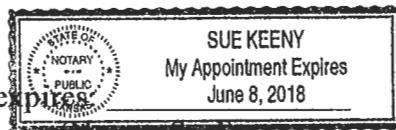
**FOR THE PARTICIPANTS:** All participating water right owner(s) signing below, affirm their approval of this WCA Management Plan and if approved by the Chief Engineer allow consent to the Chief Engineer to formally approve the designation of this Water Conservation Area, described herein, by means of a Consent Agreement and Order.

 Date: 12-19-17  
ACU Inc, Owner (Signature)  
Water Right No(s). 2500  
1319SW 7 mile Rd  
RT 1 BOX 388, DEERFIELD KS 67838  
Full Mailing Address  
  
Cherylunruh@yahoo.com 620-260-6647  
Email Address Phone Number

**ACKNOWLEDGMENT OF NOTARY**

State of Kansas )  
 ) SS  
County of Finney )  
Acknowledged before me on 12-19-17  
by Cheryl Unruh  
Signature:   
Notary Public

My commission expires



(Notary Seal)

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**CERTIFICATE OF SERVICE**

I hereby certify that on this \_\_\_\_ day of \_\_\_\_\_, 201 \_\_\_\_, copies of the foregoing were sent via first class, U.S. mail, to the following:

ROGER G & RANDALL UNRUH  
625 S COWGILL DR  
GARDEN CITY KS 67846-8911

ACU INC  
RT 1 BOX 388  
DEERFIELD KS 67838

Groundwater Management District No. 3

DWR-KDA Water Commissioner, Garden City Field Office

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Kansas Department of Agriculture  
Staff Person

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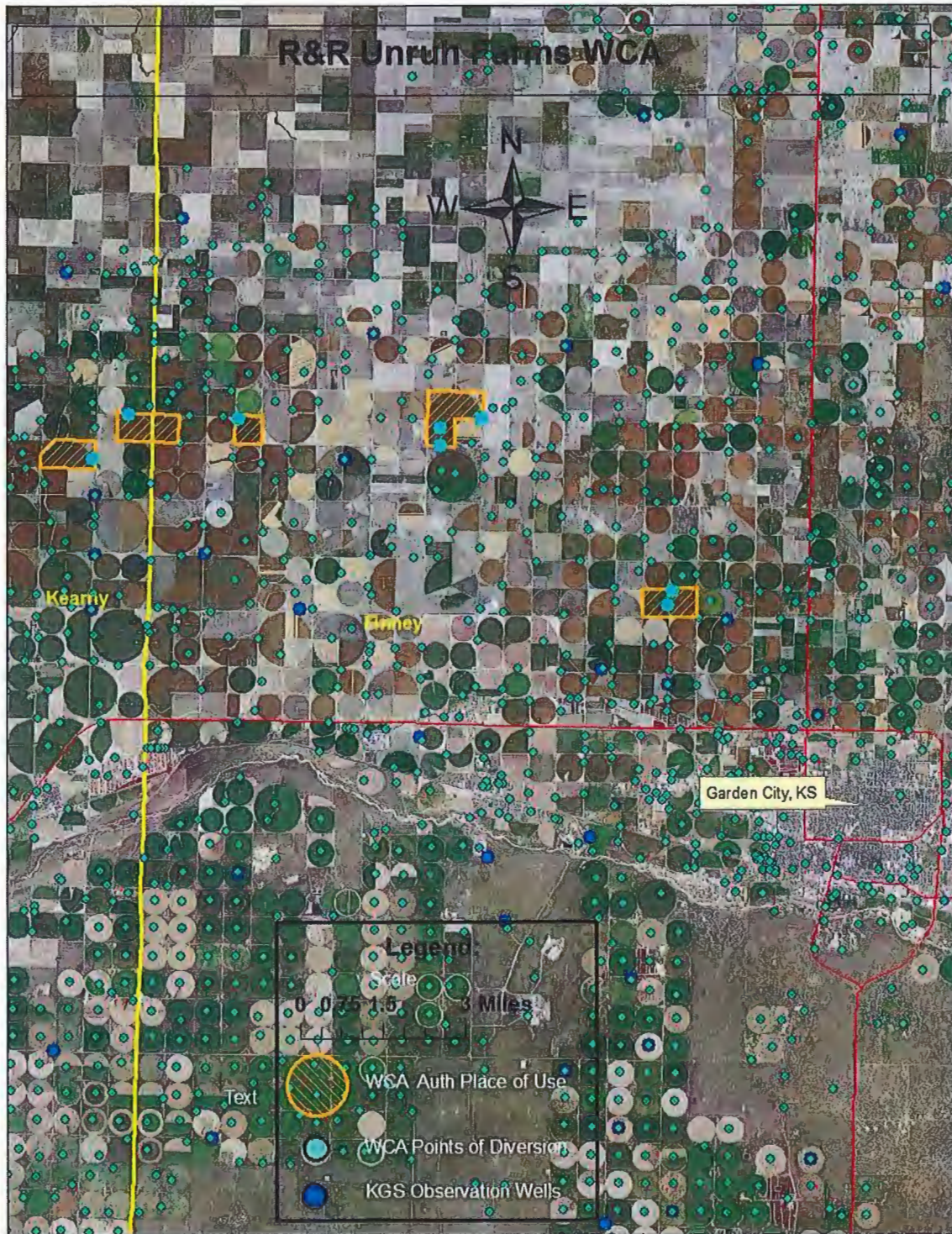
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### Attached Maps & Figures:

Water Right Area Location Map- R&R Unruh Farms WCA Water Rights & WCA Place of Use



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Water Right Area Location Map- R&R Unruh Farms WCA Water Rights & WCA Place of Use (West)



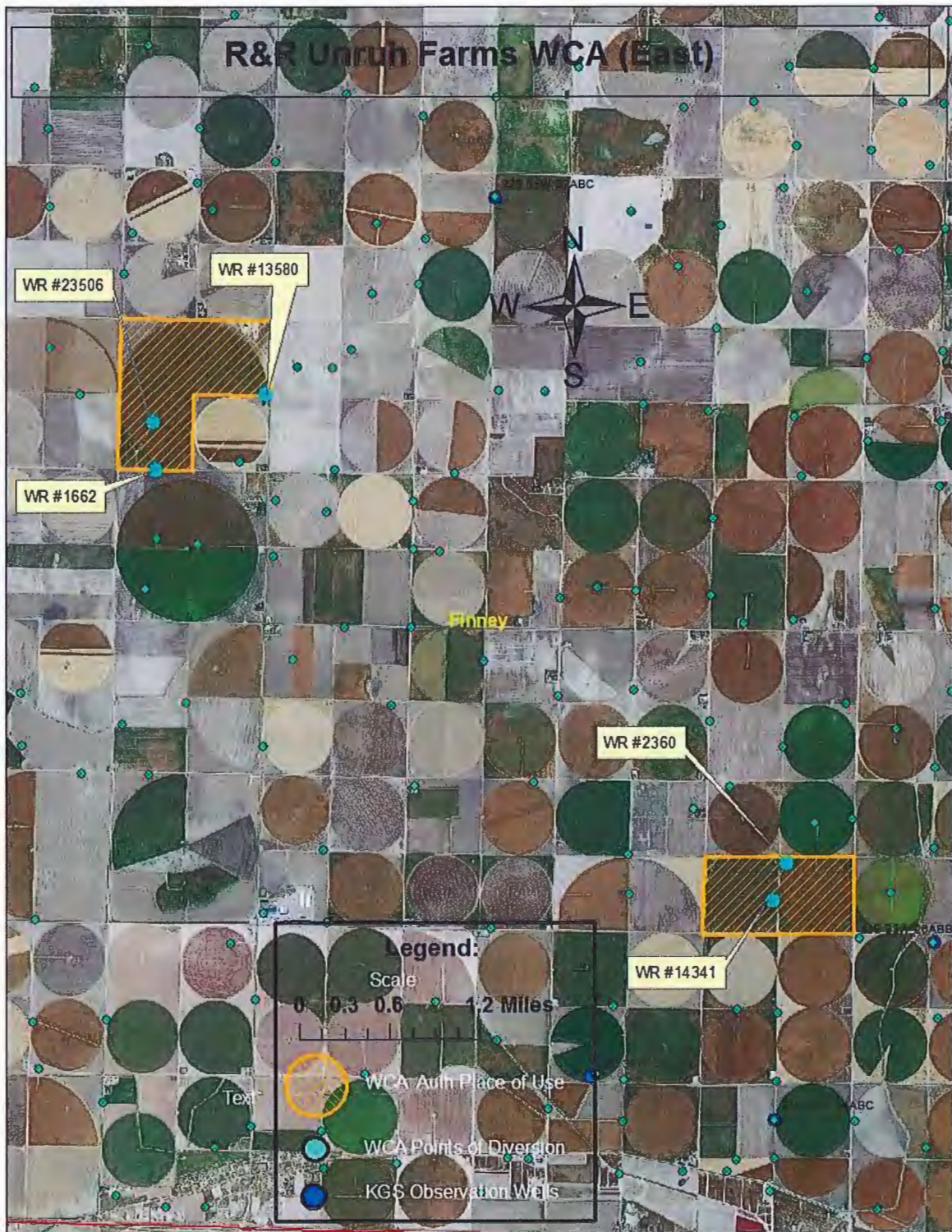
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Water Right Area Location Map- R&R Unruh Farms WCA Water Rights & WCA Place of Use (East)





## Summary of Water Use History- R&amp;R Unruh Farms WCA Water Use

**Unruh Farms WCA Summary**

"Legal Ave Water Use"- A historical average calculated only using water use reports of equal or less than the annual authorized quantity.

WR #	ID#	PDIV#	Location (Sect, Twn, Range)	Historical Period (20XX- 20XX)
1662	1	15718	1-23S-34W	06-15
2360	6	18528	22-23S-33W	06-15
2500	3	70047	1-23S-35W	06-15
9599	2	30009	5-23S-34W	06-15
13580	6	77806	1-23S-34W	06-15
14341	7	63000	22-23S-33W	06-15
23506	7	81050	1-23S-34W	06-15
28868	3	83841	11-23S-35W	06-15

Historical Use Summary				
2017 Annual Auth Qty (AF)	Legal Ave WU (AF)	Ave IRR Acres	Average Acre- Inch/Acre	% Use of Authorized
3,049	1,772	1,360	15.63	58%

Recent Water Use Summary				
2013 Use	2014 Use	2015 Use	2016 Use	Based of reported
1,957	1,865	1,277	1,364	AF
18.56	18.50	12.67	13.54	AI/Acre
64%	61%	42%	45%	% of Auth

WCA Allocation (50% Conservation off Base Authority)				
	Total AF/year	Reduction off Ave Use	% of Authorized	Est. Acre- Inches (2016 Acres)
Totals	1,525	14%	50%	15.13

7,622.500 = 5-Year Allocation

WCA Allocation (15% Conservation off Average)				
	Total AF/year Allocation	Reduction off Ave Use	% of Authorized	Est. Acre- Inches (2016 Acres)
Totals	1,506	15%	49%	14.95

7,532.062 = 5-Year Allocation

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## KGS Observation Well Data #1- 23S 35W 12CCC

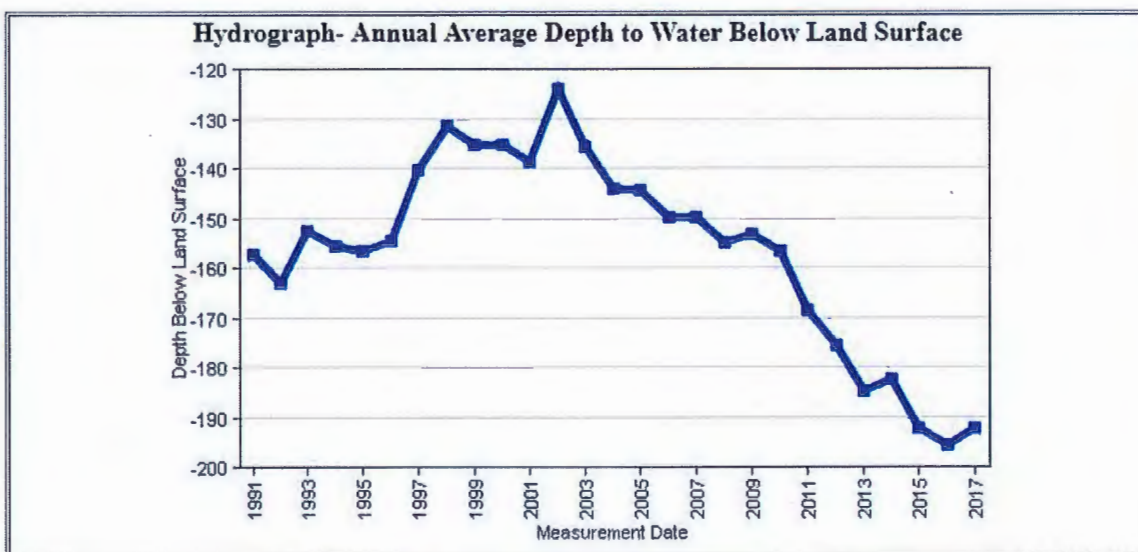
**General Well Site Information ?**

<b>USGS ID:</b>	380344101071302	<b>KGS Local Well ID:</b>	23S 35W 12CCC 02
<b>County:</b>	Kearny	<b>PLSS Description:</b>	23S 35W 12 SWSWSW
<b>HUC 8 Code:</b>	11030001	<b>GMD:</b>	Southwest Kansas GMD #3
<b>Longitude:</b>	-101.121044	<b>Lat/Long Source:</b>	GPS (within 50 feet)
<b>Latitude:</b>	38.061442	<b>Lat/Long Accuracy:</b>	5 seconds
<b>Surface Elevation (ft):</b>	3010	<b>Depth of Well (ft):</b>	Unknown
<b>Geological Unit Codes:</b>	QU TO	<b>USGS Map Name:</b>	WOLF
<b>Use of Site:</b>	Withdrawal of Water	<b>Use of Water:</b>	Irrigation
<b>WWC5 Links:</b>	<a href="#">31319</a>	<b>WIMAS Link:</b>	<a href="#">10420</a>

**Water Level Measurements ?**

380344101071302

Note that depth to water is feet below land surface and all measurements for the well are included.



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## KGS Observation Well Data #2- 23S 33W 26ABB (1958-2009)

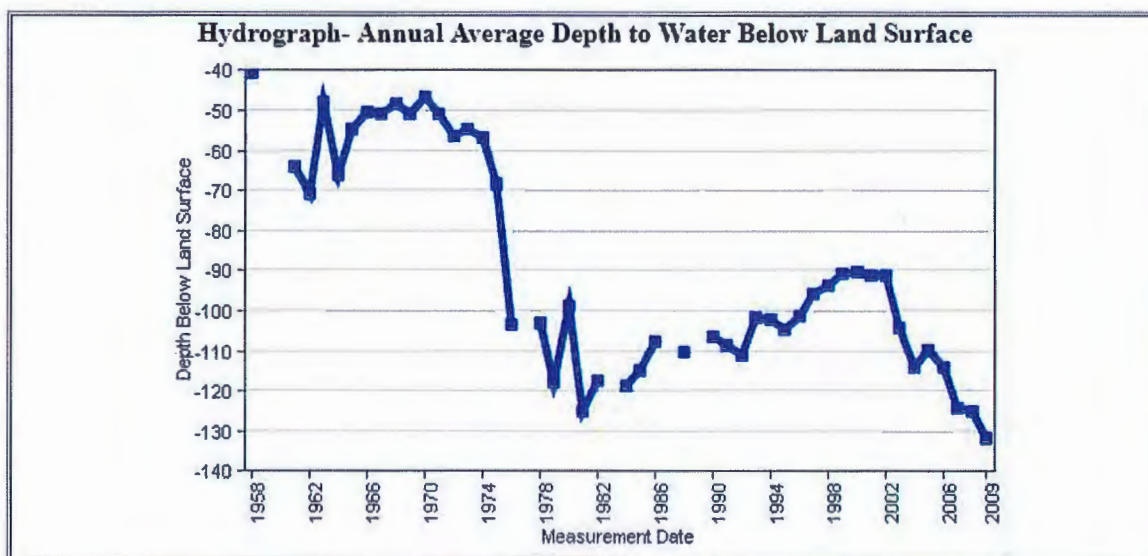
**General Well Site Information ?**

<b>USGS ID:</b>	380155100543401	<b>KGS Local Well ID:</b>	23S 33W 26ABB 01
<b>County:</b>	Finney	<b>PLSS Description:</b>	23S 33W 26 NWNWNE
<b>HUC 8 Code:</b>	11030001	<b>GMD:</b>	Southwest Kansas GMD #3
<b>Longitude:</b>	-100.91084	<b>Lat/Long Source:</b>	GPS (within 50 feet)
<b>Latitude:</b>	38.032193	<b>Lat/Long Accuracy:</b>	5 seconds
<b>Surface Elevation (ft):</b>	2890	<b>Depth of Well (ft):</b>	327
<b>Geological Unit Codes:</b>	QU TO	<b>USGS Map Name:</b>	LOWE
<b>Use of Site:</b>	Withdrawal of Water	<b>Use of Water:</b>	Irrigation
<b>WWC5 Links:</b>	<a href="#">17836</a>	<b>WIMAS Link:</b>	<a href="#">20431</a>

**Water Level Measurements ?**

380155100543401

Note that depth to water is feet below land surface and all measurements for the well are included.



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## KGS Observation Well Data #2- 23S 33W 26ABB (2010-2017)

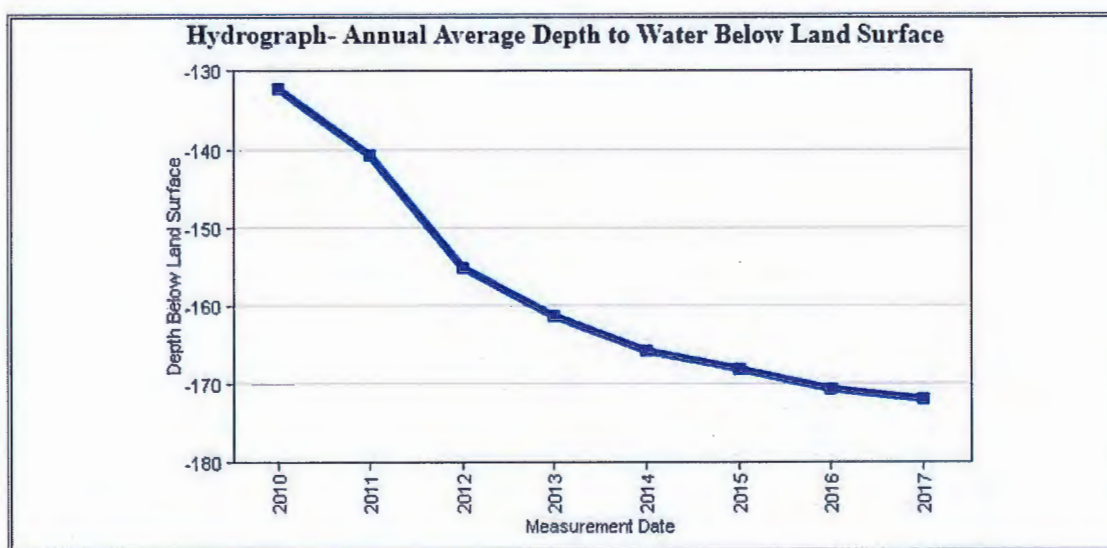
**General Well Site Information** ?

<b>USGS ID:</b>	380156100543801	<b>KGS Local Well ID:</b>	23S 33W 26ABB 02
<b>County:</b>	Finney	<b>PLSS Description:</b>	23S 33W 26 NWNWNE
<b>HUC 8 Code:</b>	11030001	<b>GMD:</b>	Southwest Kansas GMD #3
<b>Longitude:</b>	-100.9104	<b>Lat/Long Source:</b>	GPS (within 50 feet)
<b>Latitude:</b>	38.032185	<b>Lat/Long Accuracy:</b>	5 seconds
<b>Surface Elevation (ft):</b>	2885	<b>Depth of Well (ft):</b>	338
<b>Geological Unit Codes:</b>	QU TO	<b>USGS Map Name:</b>	LOWE
<b>Use of Site:</b>	Withdrawal of Water	<b>Use of Water:</b>	Irrigation
<b>WWC5 Links:</b>	<a href="#">425022</a>	<b>WIMAS Link:</b>	<a href="#">76450</a>

**Water Level Measurements** ?

380156100543801

Note that depth to water is feet below land surface and all measurements for the well are included.

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