

Kansas Department of Agriculture
 Division of Water Resources
CHANGE: PD WORKSHEET & ACTION TRAIL MODIFICATION
Landowner Modification

Document Signature LPL

1. File Number: FI 036	2. Status Change Date: <i>2/6/2017</i>	3. Change Num: C1	4. Field Office: 04	5. GMD: 03
6. Status: <input type="checkbox"/> Approved <input type="checkbox"/> Denied by DWR/GMD <input checked="" type="checkbox"/> Dismiss by Request				7. Filing Date of Change: 11/24/14
8a. Applicant(s) New to system <input type="checkbox"/> WORF LAND LLC MARK WORF CO-MGR 1407 MELS DR GARDEN CITY KS 67846		Person ID 56534 Add Seq# _____	8c. Landowner(s) New to system <input type="checkbox"/> Person ID _____ Add Seq# _____	
8b. Landowner(s) New to system <input type="checkbox"/> <i>Subdivision (04) Field Office 4 *</i>		Person ID <i>39126</i> Add Seq# _____	8d. WUC New to system <input type="checkbox"/> NO CHANGE WORF LAND LLC MARK WORF CO-MGR 1407 MELS DR GARDEN CITY KS 67846	
9. Documents and Enclosure(s): <input type="checkbox"/> DWR Meter(s) Date to Comply: _____ <input type="checkbox"/> N & P Date to Comply: _____				
<input type="checkbox"/> Anti-Reverse Meter <input type="checkbox"/> Meter Seal <input type="checkbox"/> Check Valve <input type="checkbox"/> N & P Form <input type="checkbox"/> Water Tube <input type="checkbox"/> Driller Copy <input type="checkbox"/> H & E Letter				
<input type="checkbox"/> Conservation Plan Date Required: _____ Date Approved: _____ Date to Comply: _____				
10. Use Made of Water From: _____ To: _____				
* ACTION TRAIL ENTRY: WATER RIGHT RESERVED FROM PLACE OF USE <div style="text-align: center;"><i>(SEE DOCUMENTS FOR DETAILS)</i></div> <div style="display: flex; justify-content: space-between;"> Date Prepared: 1/25/17 By: LI </div> <div style="display: flex; justify-content: space-between;"> Date Entered: <i>2/8/2017</i> By: <i>LLM</i> </div>				

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

MEMORANDUM

TO:Files

DATE: January 25, 2017

FROM: Leslie Ireland

RE: Vested Right, File Nos. FI 036; FI 039 & FI 040

On November 24, 2014, Mark Worf on behalf of Worf Land LLC, 1407, filed application to change the points of diversion authorized for irrigation use.

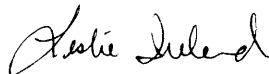
The applications for change were to construct a new well for the referenced files as the city has grown resulting in the points of diversion to be plugged due to infrastructure. The rights are withheld from the authorized place of use and the place of use has also been consumed by the infrastructure.

It would appear that the changes were filed to assure the rights would remain in good standing with regard to abandonment. The owner was informed that the change to the statute, K.S.A. 85a-718(e), *Abandonment of water rights; notices; bearing review of action*, would not require a change to facilitate a point of diversion and the rights would comply with K.A.R. 5-7-1, *Due and sufficient cause for nonuse*, as the rights are in an area closed by order of the Chief Engineer.

After explaining the new statute to the owner they determined that they did not want to change the points of diversion that are authorized and submitted a request to voluntarily dismiss the applications for change.

The database should be updated to show that the rights referenced above have been withheld from the authorized place of use per the deeds submitted to the office of the Chief Engineer on April 27, 2015

Based on the above discussion, it is recommended that the applications to change the points of diversion filed on November 24, 2014, for the referenced files, be dismissed.



Leslie Ireland
Environmental Scientist
Water Appropriation Program

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

February 9, 2017

WORF LAND LLC
MARK WORF CO-MGR
1407 MELS DR
GARDEN CITY KS 67846

FILE COPY

RE: Vested Right, File Nos. FI 036; FI 039 & FI 040

Dear Mr. Worf:

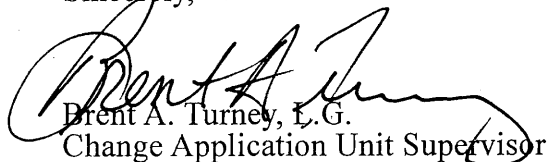
Enclosed are the Findings and Orders by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, regarding the Applications for Change under the referenced files.

Your request for the voluntary withdraw of the November 24, 2014, applications for change in point of diversion under the referenced files, was received in the office of the Chief Engineer on January 17, 2017, and has been processed in accordance with your request. The November 24, 2014, *Application to Change the Point of Diversion* for each of the referenced files has been dismissed and any priority held by the applications for change has been forfeited.

Please be reminded that the annual water use report must be submitted to this office. This report must provide a record indicating the amount of water used or one of the circumstances for nonuse as listed in K.A.R. 5-7-1, *Due and sufficient cause for nonuse*, must be listed on the report. It appears circumstance number 11 of this regulation which states the rights are located within an area of the state that is closed to by regulation or order of the Chief Engineer, would match your reason for due and sufficient cause for nonuse under the referenced files. Please be reminded that said information should be **furnished to the Chief Engineer by March 1** following the end of the previous calendar year.

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

Sincerely,



Brent A. Turney, L.G.
Change Application Unit Supervisor

BAT:LI:li
Enclosures
pc: Garden City Field Office
Groundwater Management District No. 3

THE STATE



OF KANSAS

KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

**FINDINGS AND ORDER
IN THE MATTER OF THE DISMISSAL
OF AN APPLICATION FOR APPROVAL
TO CHANGE THE AUTHORIZED
POINT OF DIVERSION
UNDER VESTED RIGHT, FILE NO. FI 036**

FILE COPY

After due consideration, the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture (hereinafter referred to as the "Chief Engineer"), makes the following findings and order:

FINDINGS

1. That on January 27, 1955, the Chief Engineer, in accordance with K.S.A. 82a-704a, issued an order determining and establishing a vested right, then identified as Vested Right, Code 6236, Finney County, now identified as Vested Right, File No. FI 036, to continue the beneficial use of groundwater for irrigation use.
2. That on November 24, 2014, Mark Worf on behalf of Worf Land LLC, 1407 Mels Drive, Garden City, Kansas 67846, owner of the place of use authorized under the Vested Right referenced in paragraph No. 1, filed an *Application for Approval to Change the Point of Diversion Under an Existing Water Right (Application)*, for the file described in paragraph No. 1 of these findings.
3. That by means of a written request dated January 11, 2017, and received in the Office of the Chief Engineer on January 17, 2017, Mark Worf on behalf of Worf Land LLC, requested to withdraw the Application described in paragraph No. 2 of these findings.

ORDER

NOW, THEREFORE, It is the decision and order of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, that effective the date of this order, the Application for Approval to Change the Point of Diversion Under an Existing Water Right, received in the Office of the Chief Engineer on November 24, 2014, under Vested Right, File No. FI 036, shall be dismissed and its priority forfeited.

In all other respects, the Certificate of Appropriation for Beneficial Use of Water, issued pursuant to irrigation use under Vested Right, File No. FI 036, dated January 27, 1955, remains as authorized.

This is a final agency action. If you choose to appeal this decision or any finding or part thereof, you must do so by filing a petition for review in the manner prescribed by the Kansas Act for Judicial Review and Civil Enforcement of Agency Actions (KJRA K.S.A. 77-601 et seq) within 30 days of service of this order. Your appeal must be made with the appropriate district court for the district of Kansas.

Ordered this 6th day of February, 2017, at Topeka, Shawnee County, Kansas.

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

State of Kansas }
County of Riley } SS

The foregoing instrument was acknowledged before me this 6th day of February, 2017, 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 9th day of February, 2017, I hereby certify that the foregoing Findings and Order in the Matter of the Dismissal of an Application for Approval to Change the Authorized Point of Diversion Under an Existing Water Right, for Vested Right, File No. FI 036, was mailed postage prepaid, first class, US mail to the following:

Worf Land LLC
Mark Worf Co-Mgr
1407 Mels Drive
Garden City, KS 67846

With photocopies sent to:

Garden City Field Office
Groundwater Management District No. 3

Danielle Wilson
Division of Water Resources

Voluntary Dismissal of an Application for Change in Point of Diversion

January 11, 2017
(Date)

Kansas Department of Agriculture
Division of Water Resources
1320 Research Park Drive
Manhattan, Kansas 66502

RE: Application for Change in Point of Diversion, File No. FI 036, FI 039, FI 040

Chief Engineer:

I am submitting this statement in regard to Application for Approval to Change the Authorized Point of Diversion, File No. FI 036, FI 039, FI 040. I am the applicant who filed this application. I now wish to voluntarily withdraw that application. I realize such withdrawal means the application will be dismissed and whatever priority it may have had will be forfeited. Please withdraw Application to Change the Point of Diversion, Vested File No. FI 036, FI 039, FI 040

Sincerely,

Mark Worf, Worf Land LLC
(Applicant)

1407 Mels Drive
(Mailing Address)

Garden City KS 67846
(City, State, Zip)

(Applicant)

(Mailing Address)

(City, State, Zip)

Mark Worf
(Applicant)

(Mailing Address)

(City, State, Zip)

(Applicant)

(Mailing Address)

(City, State, Zip)

WATER RESOURCES
RECEIVED

JAN 17 2017

KS DEPT OF AGRICULTURE

RECEIVED

JAN 11 2017



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

December 28, 2016

WORF LAND LLC
MARK WORF CO-MGR
1407 MELS DR
GARDEN CITY KS 67846

RE: Vested Right, File Nos. FI 036, FI 039 & FI 040

SCANNED

Dear Mr. Worf:

Reference is made to the applications for the approval of the Chief Engineer to change the points of diversion under the referenced files which were received in this office on November 24, 2014. In a letter dated May 12, 2016, the Southwest Kansas Groundwater Management District No. 3 (GMD3) recommended approval of the proposed applications for change and waiver of K.A.R. 5-23-3, *Minimum well spacing requirements: high plains aquifer*, with the additional stipulation that the authorized quantity be restricted to the acres that remain for irrigation use.

In summary, GMD3 recommended approval of the changes for the referenced files authorization of one (1) well to be constructed in the in the Northeast Quarter of the Southeast Quarter of the Northeast Quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 9, to be located approximately 3,464 feet North and 265 feet West of the Southeast corner of said section in Township 24 South, Range 32 West, Finney County, to be authorized by the referenced files. Their recommendation indicated the Board supported a waiver of K.A.R. 5-23-3(a)(1), but conditioned the waiver with a restriction on the usage to a quantity reasonable for the acres available for irrigation use. Their recommendation stated that there are 35 acres of land available to be irrigated and required the quantity to be restricted to that reasonable for the land available for irrigation use. In Finney County the quantity reasonable for irrigation use as defined by K.A.R. 5-3-23, *Maximum reasonable annual quantity approvable for irrigation use for an application for change in place of use and a request to reduce a water right*, would allow is two (2) acre-feet per acre. The 35 acres which appear to be available for irrigation use, would allow for 70 acre-feet to be put to beneficial use as irrigation use.

Please be advised that on July 1, 2012, K.S.A. 82a-718, *Abandonment of water rights; notices; hearing; review of actions; exceptions*, was modified to allow the closer of an area to new appropriations to be due and sufficient cause for nonuse and water rights located in the closed area shall not be deemed abandoned. The referenced files are located in an area that is closed to new appropriations, therefor will not be deemed abandoned for nonuse.

Should you choose to proceed with the pending applications for change the recommendation of GMD3 will be applied.

In light of the recommendation by GMD3 and further review of the rights, it appears several options would be available to proceed with the processing of the applications. To aide you in your decision a summary sheet and list of several options has been enclosed for your use in determining your course of action.

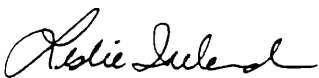
Please contact Michael Meyer, Water Commissioner, in our Garden City Field Office, at (620) 276-2901 to schedule an appointment so the he may assist you with the modification of the applications referenced above.

You have a period of 15 days (until January 12, 2017) to either (1) submit the applications with a modification of the proposed changes or (2) to request additional time beyond the 15 days to modify and return the applications. If you wish to request additional time, you must do so **in writing**, before the 15 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 submit additional information within the 15 day period (or any authorized extension), that information will be given due consideration prior to final action on the applications.

If you have any questions, please contact our office, my desk phone is (785) 564-6633, or you may contact me via email at Leslie.Ireland@ks.gov. Please reference your file numbers when contacting our offices so that we may help you more efficiently.

Sincerely,



Leslie Ireland
Change Application
Water Appropriation Program

LI:li

Enclosures

pc: Garden City Field Office
Groundwater Management District No. 3

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

VESTED RIGHT, FILE NOS. FI 036, FI 039 & FI 040
SUMMARY & OPTIONS

SUMMARY

The referenced files each authorize a blanket quantity and rate with no additional limitations. They overlap in point of diversion authorizing two wells.

(NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 9, in Township 24 South, Range 32 W, Finney County. WRIS ID 6

(NW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 9, in Township 24 South, Range 32 W, Finney County. WRIS ID 7

Authorizing a combined total of 480 acre-feet.

FILE NO.	QUANTITY, AF	RATE, GPM
FI 036	176	750
FI 039	154	1000
FI 040	150	1000

The referenced files are located in the Ark River Intensive Groundwater Utilization Control Area.

It appears the wells have been plugged as the South well is under a shopping development and the North well is under a parking lot. Per the Southwest Kansas Groundwater Management District No. 3, (GMD3) Memo Change Review.

The rights are authorized to irrigate 196 acres in the East half of Section 9, Township 24 South Range 32 West, Finney County. Records indicate the rights have been withheld by deed from the authorized place of use.

A review and Email dated May 23, 2016, Mike Meyer, Water Commissioner, Garden City Field Office determined the total acres perfect to be 202.5 acres. Assigning the acres per right and estimate of water available by another use per the criteria for a change in the use made of water.

FILE NO.	ACRES IRRIGATED	K.A.R. 5-5-9 QUANTITY, AF
FI 036	58.0	70.18
FI 039	77.0	93.17
FI 040	67.5	81.68

The November 24, 201, applications for change are to drill a new well to be constructed in the Northeast Quarter of the Southeast Quarter of the Northeast Quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 9, approximately 3,464 feet North and 265 feet West of the Southeast corner of Section 9, in Township 24 South, Range 32 W, Finney County. The GMD letter dated May 12, 2016 indicates owners wants to keep the water rights intact, but stated he needs to move the diversions due to the development in the area. This would result in 480 acre-feet to be authorized by the new well.

The move to the East and Northeast from the existing wells is approximately 2,067 feet from the North well and 3,200 feet from the South well, but the rights have a blanket quantity, the South well could be reduced resulting in a move that complies with K.A.R. 5-23-3(b), *Minimum well spacing requirements, high plains aquifer*, as one of the wells are less than 2,640 feet from the presently authorized and completed North point of diversion.

The proposed changes in point of diversion have been recommended for approval by GMD3. They have recommended all three rights move to the proposed well with the 480 acre-feet which requires 2,300 feet of spacing to nearby wells. As there is a junior right, File No. 12,806 located 1,820 feet to the South of the proposed well, so a waiver of K.A.R. 5-23-3(a)(1) was recommended by the Board of GMD 3. The Board recommended an additional condition restricting the irrigation quantity to the acres available, due to the concerns of the neighboring water rights owners about the amount of water that is authorized in comparison to the current acres still available to be watered.

It appears 35 acres remain within the currently authorized place of use indicating 70 acre-feet authorized from the new well and used for the options.

OPTIONS

Option 1 Withdraw applications for change

The referenced files are located in an area that is closed to new appropriations, therefor will not be deemed abandoned for nonuse. Withdrawing the applications for change will not jeopardize the rights as long as the statute K.S.A. 82a-718, *Abandonment of water rights; notices; hearing; review of actions; exceptions*, remains as adopted. Annual water use reports need to be filed.

Option 2 Modify change applications assigning quantity and rate for two wells. Assign a quantity to the new well that correlates to the to the acres that will be authorized.

The assignment can be one right or any combination of rights as long as the new well is authorized a quantity reasonable for the acres that will be irrigated. In this area, 2 acre-foot of water per acre is considered reasonable. Authorized the new well under File No. FI 040 and retain the South well by modifying the applications for change. These examples are based on 35 acres of irrigated land. No waiver needed.

Example 2a

New Well NE SE NE 9-24-32W		
<u>File No.</u>	<u>Quantity, AF</u>	<u>Rate, gpm</u>
FI 040	70	500

Existing Well ID 6 NW SE SE 9-24-32W		
<u>File No.</u>	<u>Quantity, AF</u>	<u>Rate, gpm</u>
FI 036	176	750
FI 039	154	1000
FI 040	80	500

Example 2b

New Well NE SE NE 9-24-32W		
<u>File No.</u>	<u>Quantity, AF</u>	<u>Rate, gpm</u>
FI 036	20	To be determined
FI 039	20	To be determined
FI 040	30	To be determined

Existing Well ID 6 NW SE SE 9-24-32W		
<u>File No.</u>	<u>Quantity, AF</u>	<u>Rate, gpm</u>
FI 036	156	To be determined
FI 039	134	To be determined
FI 040	130	To be determined

Kansas Department of Agriculture
1320 Research Park Drive
Manhattan, KS 66502-5000

May 13, 2015

RE: Vested Right, File Nos. FI 036; FI 039 and FI 040

Attention: Leslie Ireland

Dear Leslie,

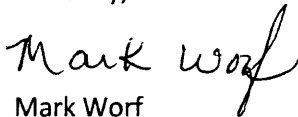
In reference to our conversation on May 4, 2015.

The following are the addresses for the domestic wells that are referenced on the map that you provided.

1. Kansas Schneider Family LLC, PO Box 457, Stillwater OK, 74076-0457
2. The house has been demolished, and it appears the well has been capped. We were not able to locate the well. This land is now part of a housing development that is under construction.
3. Merle and Polly Witt, 3360 E US Highway 50, Garden City KS, 67846
4. Grace Bible Church, 2595 N Jennie Barker Road, Garden City, KS 67846
5. Worf Land LLC, 1407 Mel's Drive, Garden City, KS 67846

Thank you for your assistance.

Sincerely,



Mark Worf

Co-manager, Worf Land LLC

WATER RESOURCES
RECEIVED

MAY 20 2015

KS DEPT OF AGRICULTURE

SCANNED

Ireland, Leslie

From: Ireland, Leslie
Sent: Friday, April 15, 2016 9:09 AM
To: 'Jason Norquest'
Subject: RE: 25196

Jason,

Thank you for the update and all the work on Worf.

You have a great weekend too.. the rain should help with you getting some much needed rest.
Leslie

From: Jason Norquest [mailto:norquest@gmd3.org]
Sent: Friday, April 15, 2016 9:07 AM
To: Ireland, Leslie <Leslie.Ireland@KDA.KS.GOV>
Subject: RE: 25196

Getting out and just relaxing sounds good, don't know when that will happen for me. Spent Sunday through Wednesday in Washington DC at a meeting. Got back very late on Wednesday evening and then had to get ready for Board meeting Thursday. Hoping they are right for the rain coming this weekend, we really need it.

I will put everything from the review together and send it to Brent. Hope to do that today, but still in catch up mode.

I will also try to get the Worf letter to you. We did talk about it yesterday as well. A quick summary is that the Board approved the move, but limit the quantity on that well to only the amount needed for the acres he can water. Leave the rest on the other PD, since it can be preserved there and we would not have a spacing issue either. I will try to get that in a letter for you too.

You have a good weekend!!!

Jason Norquest

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

From: Ireland, Leslie [mailto:Leslie.Ireland@KDA.KS.GOV]
Sent: Friday, April 15, 2016 8:05 AM
To: Jason Norquest
Subject: RE: 25196

Jason,

I was out of the office, just too nice to not be outside. I'm not working that change, not sure who is.. so probably best to send it to Brent as Change Unit Supervisor.

Hope you have a great weekend. Any resolution to the Worf applications? FI 36, FI 39 & FI 40? You can call if it would be easier.

Leslie Ireland, Environmental Scientist II
Kansas Department of Agriculture

Division of Water Resources - Change Unit
(785) 564-6633
Leslie.Ireland@kda.ks.gov
www.agriculture.ks.gov

From: Jason Norquest [<mailto:norquest@gmd3.org>]
Sent: Thursday, April 14, 2016 2:33 PM
To: Ireland, Leslie <Leslie.Ireland@KDA.KS.GOV>
Subject: 25196

Good afternoon Leslie. I was wondering if you know who was assigned the change app for 25196, John Abel. They are wanting to move 25196 down to a well that was just vacated by WR4809. It don't meet spacing to each other and the applicant requested a review, even though it needs to go through your process. We did review the app today and I was getting ready to send up our information to whoever was assigned it. We did send out notices to folks within a mile as well.

Just wondering who I should send it to. Have a good day and thanks for the help.

Jason Norquest

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

Ireland, Leslie

From: Meyer, Mike
Sent: Tuesday, March 29, 2016 10:31 AM
To: Ireland, Leslie
Subject: FW: Additional Information, change app's FI036, FL039 & FI040

Mike

From: Meyer, Mike
Sent: Tuesday, March 29, 2016 10:25 AM
To: Mark Rude; Large, Robert
Cc: Norquest, Jason; Letourneau, Lane; Turney, Brent; Garner, Leslie (Leslie.Garner@KDA.KS.GOV); Mark
Subject: RE: Additional Information, change app's FI036, FL039 & FI040

Mark Rude, good morning,
not sure if I follow

Currently, the application has been reviewed and does not meet spacing rules and was requested a recommendation to your office for comment. We have not received comment from the board on this specific item addressed in the rules. We have also not heard from Mr. Worf as our last letter dated February 24, 2016 requested to resolve this application that does not meet the rules.

We was hoping at least that we would received a recommendation by board on the spacing criteria, or have the application modified by Mr. Worf to meet spacing and then work on what is reasonable as you stated below.

Again the application is not in proper form or approvable and have not received a recommendation by the board.

Let me know how I can help resolve this long standing application pending since November 24, 2014

Thank you Leslie for reminding the parties of the deadlines in place that would have resulted in dismissal of this application.

Mike

From: Mark Rude [mailto:mrude@gmd3.org]
Sent: Tuesday, March 29, 2016 10:12 AM
To: Meyer, Mike; Large, Robert
Cc: Norquest, Jason; Letourneau, Lane; Turney, Brent; Garner, Leslie (Leslie.Garner@KDA.KS.GOV); Mark
Subject: FW: Additional Information, change app's FI036, FL039 & FI040

Good morning Mike,

I think we here at GMD3 are looking at Mr. Warf's request and thinking there are solid rights owned by the applicant, that the rights are severed from the land listed in connection with these old irrigation rights, the law grantees due cause for non-use, and only a portion of the existing rights can be reasonably committed to the acres proposed to be irrigated. Preserving the rights not needed and not reasonable for use on the portion that can be irrigated by restricting them as conservation condition on an approval order seems possible and appropriate.

There is something reasonably approvable here in the Mark Worf change application. We recommend that DWR authorize what is reasonable, restrict what isn't as a conservation limitation, and proceed with a reasonable approval order. The restricted (conserved) portion would then only become accessible through a future reasonable change

application proposal that is reviewable by us and the neighborhood, just as is the case today. A WRCP does not appear necessary or appropriate is the severed water right can remain with or without a WRCP. A simple water right condition subject to a future change application should do the trick. We suggest an order be drafted and reviewed by the applicant so there is no surprises, then issue the order with the limits.

There is no prohibition in the law for this that I am aware. What do you think?

Mark

Mark E Rude

Executive Director

Southwest Kansas Groundwater Management District No. 3

2009 E Spruce St.

Garden City, Kansas 67846

O 620.275.7147

C 620.272.3001

www.GMD3.org



From: Cox [<mailto:mworf@cox.net>]

Sent: Monday, March 21, 2016 1:49 PM

To: Mark Rude

Subject: Fwd: Additional Information, change app's FI036, FL039 & FI040

Hi Mark,

Is there anything I need to do? The 30 day extension will be expiring.

Thanks, Mark Worf

Sent from my iPhone

Begin forwarded message:

From: "Meyer, Mike" <Mike.Meyer@KDA.KS.GOV>

Date: February 24, 2016 at 8:03:18 AM CST

To: Mark Rude <mrude@GMD3.org>, "Letourneau, Lane" <Lane.Letourneau@KDA.KS.GOV>, "Turney, Brent" <Brent.Turney@KDA.KS.GOV>

Cc: Mark <mworf@cox.net>, "Norquest, Jason" <Norquest@gmd3.org>

Subject: RE: Additional Information, change app's FI036, FL039 & FI040

Good morning

With this request will be sending Mr. Worf a letter confirming a 30 day extension to have the application be put in proper form for further processing. We will review options during this time period.

thanks

Mike

From: Mark Rude [<mailto:mrude@gmd3.org>]

Sent: Friday, February 19, 2016 5:43 PM

To: Letourneau, Lane; Meyer, Mike; Turney, Brent

Cc: Mark

Subject: Additional Information, change app's FI036, FL039 & FI040

Ireland, Leslie

From: Ireland, Leslie
Sent: Tuesday, May 05, 2015 8:23 AM
To: Mark
Subject: RE: Water Right, File Nos. FI 36, 39 & 40 Change Applications

Mark,

Please look at the map in the application for File No. FI 036. The map attempts to show domestic wells located within a half-mile of the well proposed under all of the applications. The information will need to be reviewed and the names and addresses of the owners added to the application/map. The information is from KGS web site and could be dated. When I spoke with Mark Worf he indicated that he knew of two of the wells and the owners.

Good working with you too. Thanks for the reminder about well construction.

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

From: Mark [mailto:mworf@cox.net]
Sent: Monday, May 04, 2015 10:06 PM
To: Ireland, Leslie
Subject: RE: Water Right, File Nos. FI 36, 39 & 40 Change Applications

Hi Leslie,

I have the documents that you sent. I will contact Mark Rude and get the documents back to you as quickly as possible.

Thanks for the assistance and working with me. I do appreciate the help.

Thanks, Mark Worf

From: Ireland, Leslie [mailto:Leslie.Ireland@KDA.KS.GOV]
Sent: Monday, May 04, 2015 11:44 AM
To: mworf@cox.net
Subject: Water Right, File Nos. FI 36, 39 & 40 Change Applications

Mark,

Attached is the correct address. Per our conversation, the original applications will have a blue date stamp.

Kansas Department of Agriculture
Attn: Leslie Ireland
1320 Research Park Drive
Manhattan, Kansas 66502-5000

SCANNED

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

Lane, Mike and Brent,

This is in response to a February 8, 2016 letter from Brent to the applicant. The applications involve a situation where the applicant wants to move all three rights out from under the Garden City Walmart parking lot to a proposed new irrigation well. The well does not meet spacing for the total amounts authorized. But will meet spacing for the amount needed to reasonably irrigate the 15 or so acres around the proposed well. So, this creates a reasonableness issue (400 acre feet on 15 acres example) and a well spacing issue. The sticking issue is not spacing so much as it is in need of the administrative mechanism to bind into conservation the unreasonable portion of these rights while allowing some irrigation from the proposed new well.

One concept discussed is to approve the move under the conditions that the remainder of the rights considered unreasonable for the acres proposed to be irrigated will be consensually restrained from use under a WCA order until a subsequent change is filed and order altering the WCA and available water. I have reviewed this with Mark Worf and also with George Rapp, who owns the irrigation well north of the proposed location.

The reasonableness for the acres issue must be resolved before proceeding with these applications. Please do not dismiss these off your desk yet. Consider a WCA and we can then seek a waiver from the board. Please let us know if a WCA can be used for this purpose.

Thanks for your consideration of this added information and WCA request on behalf of the applicant.
Mark

Mark E Rude

Executive Director
Southwest Kansas Groundwater Management District No. 3
2009 E Spruce St.
Garden City, Kansas 67846
O 620.275.7147
C 620.272.3001
www.GMD3.org



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

February 24, 2016

WOLF LAND LLC
MARK WOLF
1407 MELS DR
GARDEN CITY KS 67846

RE: Vested Right,
File Nos. FI 036, FI 039 and FI 040

Dear Mr. Wolf:

This will acknowledge receipt of an email from Mark Rude, GMD No. 3, dated February 19, 2016, in which he requested on your behalf an extension of time until March 23, 2016, to supply additional information regarding your applications.

Based upon the request of Mr. Rude the Chief Engineer has extended until **March 23, 2016**, the time in which to submit additional information before final action will be taken on your applications.

If additional information is not supplied by the deadline, or any authorized extension of time thereof, the applications will be submitted to the Chief Engineer for final action. According to the law, default in supplying the requested information, within the time allowed, shall constitute forfeiture of the priority date and dismissal of the applications.

If you wish to request additional time, you must do so in writing, before the period expires. Such a request should state what steps are being taken to supply the requested information.

In order to bring the applications into compliance with current rules and regulations, I highly recommend that you contact Mike Meyer, Water Commissioner, Garden City Field Office for assistance. You may contact Mr. Meyer at (620) 276-2901 to set up an appointment.

If you have any questions, please contact our office, my phone number is (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 black ink that reads "Brent A. Turney".

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

BAT
pc: Garden City Field Office
GMD No. 3

Submit To: CHIEF ENGINEER
 Division of Water Resources
 Kansas Department of Agriculture
 109 SW 9th Street, 2nd Floor
 Topeka, KS 66612-1283
www.ksda.gov/dwr

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



State of Kansas

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

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

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

- Place of Use
 Point of Diversion
 Use Made of Water

(Check one or more)

*FILE COPY
 12/28/16*

WATER RESOURCES
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NOV 24 2014
 2:17

KS DEPT OF AGRICULTURE

File No. FI 36

2. Name of applicant: WORF LAND LLC MARK WOPF CO-MGR

WATER RESOURCES
 RECEIVED

Address: 1407 MELS DR

MAY 20 2015

City, State and Zip: GARDEN CITY KS 67846

KS DEPT OF AGRICULTURE

Phone Number: (620)272-5426 E-mail address: _____

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

Name of water use correspondent: WORF LAND LLC MARK WOPF CO-MGR

Address: 1407 MELS DR

City, State and Zip: GARDEN CITY KS 67846

Phone Number: () E-mail address: _____

3. The change(s) proposed herein are desired for the following reasons (please be specific): to redrill wells which to a location where irrigation is possible. authorized wells are both plugged under parking lots of new retail developments.

The change(s) (will be) completed by spring 2015 (Date)

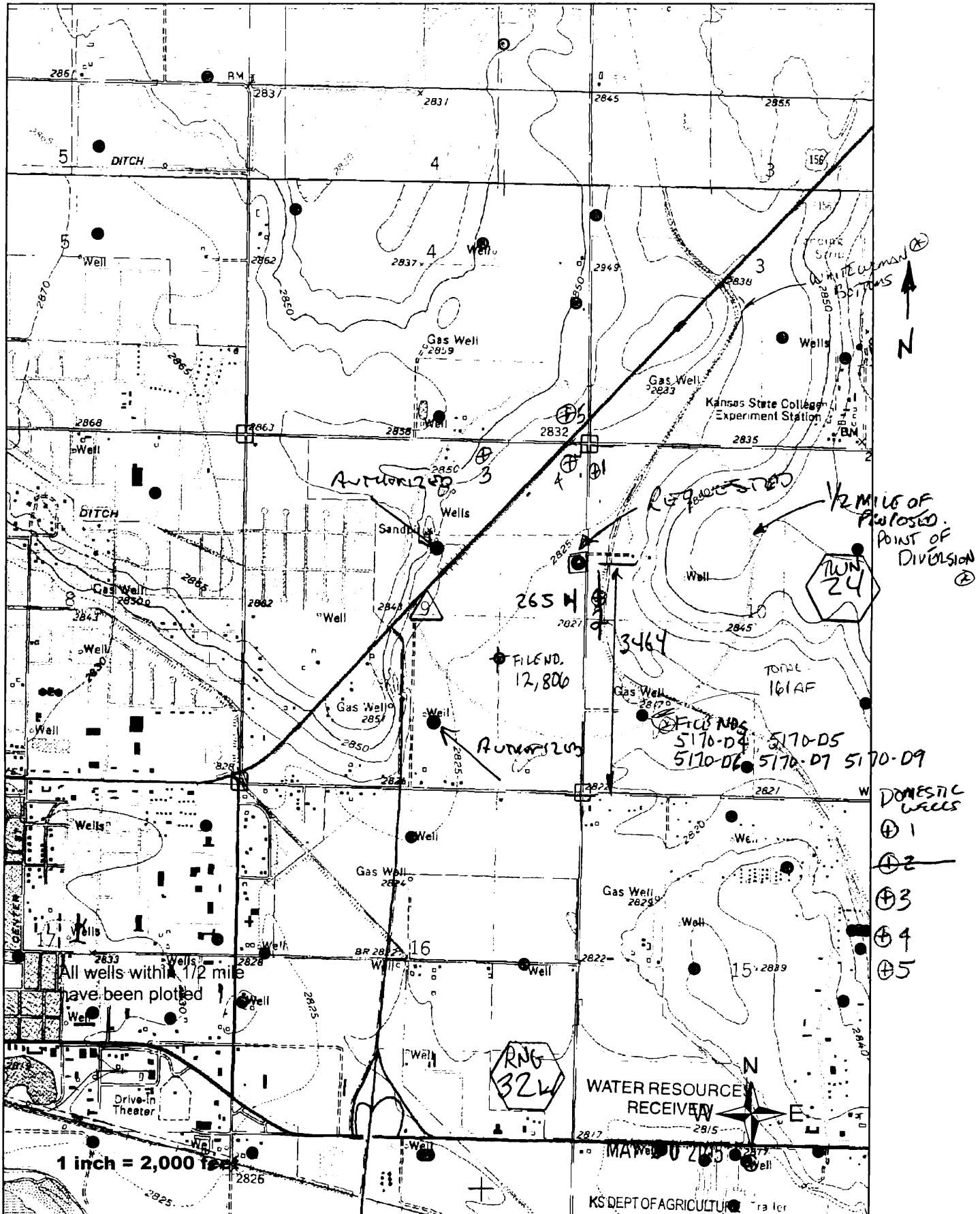
For Office Use Only:							
F.O.	<u>4</u>	GMD	<u>3</u>	Meets K.A.R. 5-5-1 (YES/NO)	Use	Source	County
Code	<u>(P)</u>	Fee \$	<u>200</u>	TR #	<u>15015998</u>	Receipt Date	<u>11/24/14</u>
						By	<u>RAE</u>
						Date	<u>12-1-14</u>
						Check #	<u>1102</u>

12/4/2014 UM

NOV 24 2014

FI36, FI39, FI40

KS DEPT OF AGRICULTURE



all water wells have been shown Mark w/ 1/2 LI/AWR 3/17/15
SCANNED

6. The presently authorized point(s) of diversion are 2 wells (Provide description and number of points)

7. The proposed point(s) of diversion is 1 well (Provide description and number of points)

List all presently authorized point(s) of diversion:

8. **Presently authorized point of diversion:**
 One in the nw Quarter of the sw Quarter of the ne Quarter of Section 9 , Township 24 South, Range 32 W, in Finney County, Kansas, 3750 feet North 2300 feet West of Southeast corner of section. Authorized Rate _____ Authorized Quantity _____
 (DWR use only: Computer ID No. 7 GPS _____ feet North _____ feet West)
 This point will not be changed This point will be changed as follows:
Proposed point of diversion: (Complete only if change is requested)
 One in the ne Quarter of the se Quarter of the ne Quarter of Section 9 , Township 24 South, Range 32 W, in Finney County, Kansas, 3464 feet North 265 feet West of Southeast corner of section. Proposed Rate _____ Proposed Quantity _____
 This point is: Additional Well Geo Center List other water rights that will use this point FI 36, FI 39, FI 40

9. **Presently authorized point of diversion:**
 One in the nw Quarter of the sw Quarter of the se Quarter of Section 9 , Township 24 South, Range 32 W, in Finney County, Kansas, 1125 feet North 2475 feet West of Southeast corner of section. Authorized Rate _____ Authorized Quantity _____
 (DWR use only: Computer ID No. 6 GPS _____ feet North _____ feet West)
 This point will not be changed This point will be changed as follows:
Proposed point of diversion: (Complete only if change is requested)
 One in the ne Quarter of the se Quarter of the ne Quarter of Section 9 , Township 24 South, Range 32 W, in Finney County, Kansas, 3464 feet North 265 feet West of Southeast corner of section. Proposed Rate _____ Proposed Quantity _____
 This point is: Additional Well Geo Center List other water rights that will use this point FI 36, FI 39, FI 40

10. **Presently authorized point of diversion:**
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter of Section _____, Township _____ South, Range _____ (E/W), in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section. Authorized Rate _____ Authorized Quantity _____
 (DWR use only: Computer ID No. _____ GPS _____ feet North _____ feet West)
 This point will not be changed This point will be changed as follows:
Proposed point of diversion: (Complete only if change is requested)
 One in the _____ Quarter of the _____ Quarter of the _____ Quarter of Section _____, Township _____ South, Range _____ (E/W), in _____ County, Kansas, _____ feet North _____ feet West of Southeast corner of section. Proposed Rate _____ Proposed Quantity _____
 This point is: Additional Well Geo Center List other water rights that will use this point _____

11. Describe the current condition of and future plans for any point(s) of diversion which will no longer be used. the wells are already plugged and under parking lots.

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

WATER RESOURCES RECEIVED

MAY 20 2015

NOV 24 2014 SCANNEL KS DEPT OF AGRICULTURE

12. The presently authorized use of water is for irr purposes.

It is proposed that the use be changed to irr purposes.

13. If changing the place of use and/or use made of water, describe how the consumptive use will not be increased.

na

(Please show any calculations here.)

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

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

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

a. If a change in the location of the point(s) of diversion is proposed, show:

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

b. If a change in the place of use is desired, show the proposed place of use by crosshatching on the map. Please be certain that the information shown on the map agrees with the information shown in Paragraph No. 5 of the application.

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

Same aquifer, changing from two wells to one.

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

moving well over 1/2 mile 5-23-3 b spacing to 12806 does not met 2100 feet as required by 5-23-3a
(Handwritten note: NOTE: BLANKET QUANTITY & RATE SO CHANGE COULD REDUCE THE RIGHTS TO ONE WELL (MOVE 2,067'))

WATER RESOURCES RECEIVED

NOV 24 2014

DOMESTIC WELL SPACING WATER RESOURCES RECEIVED KS DEPT OF AGRICULTURE

IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY

MAY 20 2015

Ireland, Leslie

From: Mark Rude <mrude@gmd3.org>
Sent: Monday, May 23, 2016 10:27 AM
To: Ireland, Leslie
Cc: Norquest, Jason
Subject: Worf change applications, FI036 et al
Attachments: LI_FI36+_PD recommend.doc

WATER RESOURCES
RECEIVED

MAY 23 2016

KS DEPT OF AGRICULTURE

Hi Leslie,

Just a follow-up note of clarification, if needed, on Jason's letter (attached) and the thinking for the interesting issues associated with the Mark Worf change applications. From the board discussions on these applications, it was apparent that the water rights are in an area that meet the K.S.A. 82a-718 (e) and therefore have due cause for non-use and shall not be deemed abandoned.

It was also apparent that the applicant wanted to be assured of this status of the property right that has been severed from the land by deed, while only proposing to use a portion of the rights to irrigate the proposed irrigable acreage.

The neighboring well owners (George Rapp meeting with Jason and Mark) had no concern for the limited irrigation and the conservation of groundwater by not exercising the remaining property right, as long as a process was in place to review future changes where they can be notified of future proposals.

Therefore, we suggest the points of diversion be changed to the new proposed point of diversion as recommended through the spacing waiver; that the full amount be relocated and preserved for irrigation use, but limited in the order to an amount considered reasonable for the proposed field acres to be irrigated; and the remaining quantity restricted from use until some future proposal for the purpose of water conservation. Any future proposal would be reviewed under the management program and rules in place at that time. Let us know if you have any questions.

Mark

Mark E Rude
Executive Director
Southwest Kansas Groundwater Management District No. 3
2009 E Spruce St.
Garden City, Kansas 67846
O 620.275.7147
C 620.272.3001
www.GMD3.org

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Parcel Search Results (Click on the Parcel ID Number for Detailed Results)

Owner Information	Property Address	Property Description	Apr Amount	Prop Class
<p>028-272-09-0-00-01-005.00-0 Quick Ref ID = 5790 Tax Year = 2015 WORF LAND LLC</p> <p>Owner Mailing Address: 1407 MEL'S DR GARDEN CITY, KS 67846-3364</p>	<p>2300 N JENNIE BARKER RD, Garden City, KS 67846</p> <p>ACRES=33.2 Neighborhood=356</p>	<p>S09, T24, R32W, ACRES 33.2, BEG 987.3' S OF NE COR NE4 TH S 1649.1' TH W 1295.2' TH NELY 334.6' TH NWLY 184' TH NELY 785.6' TH NWLY 94.2' TH NELY 49.5' TH NWLY 142.1' TH N 423.8' TH E 716' TO POB</p>	<p>\$12,390</p>	<p>Agricultural Use</p>
<p>028-272-09-0-00-01-005.01-0 Quick Ref ID = 5791 Tax Year = 2015 WORF LAND LLC</p> <p>Owner Mailing Address: 1407 MEL'S DR GARDEN CITY, KS 67846-3364</p>	<p>00000 ROMAN RD, Garden City, KS 67846</p> <p>ACRES=0.18 Neighborhood=356</p>	<p>S09, T24, R32W, A TR BEG 60' NELY & 100' NWLY SE COR LOT 1 BLK 1 PRAIRIE CROSSINGS ADD TH NWLY 212'(S) TH E 100'(S) TH SELY 145(S) TH SWLY 60'(s) TO POB</p>	<p>\$50</p>	<p>Agricultural Use</p>
<p>028-272-09-0-00-01-008.00-0 Quick Ref ID = 5793 Tax Year = 2015 WORF LAND LLC</p> <p>Owner Mailing Address: 1407 MEL'S DR GARDEN CITY, KS 67846-3364</p>	<p>3210 E MARY, Garden City, KS 67846</p> <p>ACRES=11.06 Neighborhood=356</p>	<p>S09, T24, R32W, ACRES 11.06, A TR BEG NE COR PRAIRIE CROSSING NORTH 1ST ADDITION TH SELY 500' TH NELY 167' TH SELY 72.4' TH NELY 588.8' TH N 16.7' TH NWLY 100.9' TH NWLY ON CURVE 313.3' TH W 685.1' TH S 357.8' TH E 111.9" TO POB</p>	<p>\$7,430</p>	<p>Agricultural Use</p>
<p>028-272-09-0-00-01-008.01-0 Quick Ref ID = 5794 Tax Year = 2015 WORF LAND LLC</p> <p>Owner Mailing Address: 1407 MEL'S DR GARDEN CITY, KS 67846-3364</p>	<p>00000 E KANSAS AVE, Garden City, KS 67846</p> <p>ACRES=4 Neighborhood=356</p>	<p>PRAIRIE CROSSINGS NORTH ADD--- 705, S09, T24, R32W, BLOCK 01, Lot 1, ACRES 4, OF THE VACATED PLAT OF PRAIRIE CROSSINGS NORTH ADD NO 1 & A TR BEG NW COR LOT 1 TH S 95.8' TH SELY 475.6' TH NELY 77'(S) TH NWLY 526.1' TO POB & A TR BEG SE COR</p>	<p>\$260</p>	<p>Agricultural Use</p>

LOT 1 TH NELY 150' TH NWLY 72.4' TH SWLY 150' TH SELY 72.4' TO POB
--

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The Parcel Number for this Property is 028-272-09-0-00-01-005.00-0
Quick Ref ID: 5790

Owner Information

Owner Name	WORF LAND LLC
Address	1407 MEL'S DR GARDEN CITY, KS 67846-3364

Property Situs Address

Address	2300 N JENNIE BARKER RD, Garden City, KS 67846
----------------	--

Land Based Classification System

Function	Farming / ranch land (no improvements)
Activity	Farming, plowing, tilling, harvesting, or related activities
Ownership	Private-fee simple
Site	Dev Site - crops, grazing etc - no structures

General Property Information

Prop Class	Agricultural Use - A
Living Units	
Zoning	A
Neighborhood	356
Tax Unit Group	085

Property Factors

Topography	Level - 1
Utilities	Well - 5
Access	Dirt Road - 3
Fronting	Secondary Artery - 2
Location	Neighborhood or Spot - 6
Parking Type	None - 0
Parking Quantity	None - 0
Parking Proximity	Far - 0
Parking Covered	
Parking Uncovered	

2015 Appraised Value

Class	Land	Building	Total
Agricultural Use - A	12,390	0	12,390
Total	12,390	0	12,390

2014 Appraised Value

Class	Land	Building	Total
Agricultural Use - A	10,130	0	10,130
Total	10,130	0	10,130

Tract Description

S09, T24, R32W, ACRES 33.2, BEG 987.3' S OF NE COR NE4 TH S 1649.1' TH W 1295.2' TH NELY 334.6' TH NWLY 184' TH NELY 785.6' TH NWLY 94.2' TH NELY 49.5' TH NWLY 142.1' TH N 423.8' TH E 716' TO POB

Deed Information

Book1	Page1	Book2	Page2	Book3	Page3	Book4	Page4
0217	0029	0217	0028	0217	0027	0217	0026

Agricultural Land

Ag Type	Ag Acres	Soil Unit	Irr Type	Well Depth	Acre Feet	Acre Ft/Ac	Adj Code	Govt Prog	Base Rate	Adj Rate	Ag Value
Irrigated Land - IR	6	1375	F	100	92	1			506	430	2,580
Irrigated Land - IR	27.2	1375	F	100	92	1			506	430	11,700

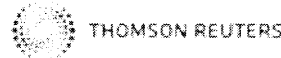
Ag Land Summary

Dry Land Acres	0
Irrigated Acres	33.2
Native Grass Acres	0
Tame Grass Acres	0
Total Ag Acres	33.2
Total Ag Use Value	14,280
Total Ag Market Value	99,600

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The Parcel Number for this Property is 028-272-09-0-00-01-008.00-0
Quick Ref ID: 5793

Owner Information

Owner Name	WORF LAND LLC
Address	1407 MEL'S DR GARDEN CITY, KS 67846-3364

Property Situs Address

Address	3210 E MARY, Garden City, KS 67846
----------------	------------------------------------

Land Based Classification System

Function	Farming / ranch land (with Ag improvements)
Activity	Farming, plowing, tilling, harvesting, or related activities
Ownership	Private-fee simple
Site	Dev Site - crops, grazing etc - no structures

General Property Information

Prop Class	Agricultural Use - A
Living Units	
Zoning	A
Neighborhood	356
Tax Unit Group	085

Property Factors

Topography	Level - 1
Utilities	None - 8
Access	Paved Road - 1
Fronting	Secondary Artery - 2
Location	Neighborhood or Spot - 6
Parking Type	None - 0
Parking Quantity	None - 0
Parking Proximity	Far - 0
Parking Covered	
Parking Uncovered	

2015 Appraised Value

Class	Land	Building	Total
Agricultural Use - A	760	6,670	7,430
Total	760	6,670	7,430

2014 Appraised Value

Class	Land	Building	Total
Agricultural Use - A	1,010	6,770	7,780
Total	1,010	6,770	7,780

Tract Description

S09, T24, R32W, ACRES 11.06, A TR BEG NE COR PRAIRIE CROSSING NORTH 1ST ADDITION TH SELY 500' TH NELY 167' TH SELY 72.4' TH NELY 588.8' TH N 16.7' TH NWLY 100.9' TH NWLY ON CURVE 313.3' TH W 685.1' TH S 357.8' TH E 111.9' TO POB

Deed Information

Book1	Page1	Book2	Page2	Book3	Page3	Book4	Page4
0217	0029	0217	0028	0217	0027	0217	0026

Other Improvements

No	Occupancy	MSCls	Rank	Qty	Yr Blt	Eff Yr	LBCS	Area	Perim	Hgt	Dimensions	Stories	Phys	Func	Econ	OVR%	Rsn	Cls
83	Farm Utility Building	D	2.00	1	1989			1,200	140	12	40 X 30	1	4	4				

Other Improvement Components

No	Code	Units	Pct	Size	Other	Rank	Year
83	No HVAC						
83	Single -Metal on Wood Frame		100				

Agricultural Land

Ag Type	Ag Acres	Soil Unit	Irr Type	Well Depth	Acre Feet	Acre Ft/Ac	Adj Code	Govt Prog	Base Rate	Adj Rate	Ag Value
Dry Land - DR	9.63	1375				0			81	81	780
Dry Land - DR	1.43	1868				0			94	94	130

Ag Land Summary

Dry Land Acres	11.06
Irrigated Acres	0
Native Grass Acres	0
Tame Grass Acres	0
Total Ag Acres	11.06
Total Ag Use Value	910
Total Ag Market Value	16,600

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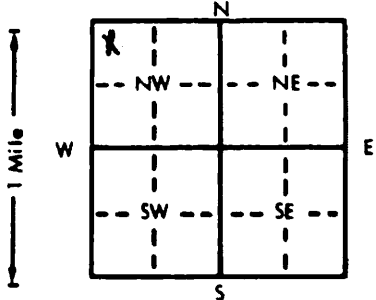
DOMESTIC #1

1] LOCATION OF WATER WELL: County: Finney	Fraction NW 1/4 NW 1/4 NW 1/4	Section Number 10	Township Number T 24S S	Range Number R 32 E(W)
---	---	-----------------------------	-----------------------------------	----------------------------------

Distance, and direction from nearest town or city street address of well if located within city? **From Garden City go to Jct. of 156 Highway and Mary Street go 1/8 mi East 1 city block South**

2] WATER WELL OWNER: **Dave Schneider**
 RR#, St. Address, Box # : **Eminence Star Route**
 City, State, ZIP Code : **Garden City, Kansas 67846**
 Board of Agriculture, Division of Water Resources
 Application Number:

3] LOCATE WELL'S LOCATION WITH AN "X" IN SECTION BOX:



4] DEPTH OF COMPLETED WELL: **260** ft. ELEVATION:
 Depth(s) Groundwater Encountered 1. **215** ft. 2. ft. 3. ft.
 WELL'S STATIC WATER LEVEL **45** ft. below land surface measured on mo/day/yr **4/27/87**
 Pump test data: Well water was ft. after hours pumping gpm
 Est. Yield gpm: Well water was ft. after hours pumping gpm
 Bore Hole Diameter **9** in. to **260** ft., and in. to ft.
 WELL WATER TO BE USED AS:
 1 Domestic 3 Feedlot 6 Oil field water supply 9 Dewatering 12 Other (Specify below)
 2 Irrigation 4 Industrial 7 Lawn and garden only 10 Observation well
 Was a chemical/bacteriological sample submitted to Department? Yes.....No.....; if yes, mo/day/yr sample was submitted
 Water Well Disinfected? Yes No

5] TYPE OF BLANK CASING USED:
 1 Steel 3 RMP (SR) 5 Wrought iron 8 Concrete tile CASING JOINTS: Glued Clamped
 2 PVC 4 ABS 6 Asbestos-Cement 9 Other (specify below) Welded
 7 Fiberglass Threaded.....

Blank casing diameter **5 1/2** in. to **200** ft., Dia. in. to ft., Dia. in. to ft.
 Casing height above land surface **28** in., weight **2.85** lbs./ft. Wall thickness or gauge No. **265**

TYPE OF SCREEN OR PERFORATION MATERIAL:
 1 Steel 3 Stainless steel 5 Fiberglass 7 PVC 10 Asbestos-cement
 2 Brass 4 Galvanized steel 6 Concrete tile 8 RMP (SR) 11 Other (specify)
 12 None used (open hole)

SCREEN OR PERFORATION OPENINGS ARE:
 1 Continuous slot 3 Mill slot 5 Gauzed wrapped 8 Saw cut 11 None (open hole)
 2 Louvered shutter 4 Key punched 6 Wire wrapped 9 Drilled holes
 7 Torch cut 10 Other (specify)

SCREEN-PERFORATED INTERVALS: From **200** ft. to **260** ft., From ft. to ft.
 From ft. to ft., From ft. to ft.
 GRAVEL PACK INTERVALS: From **190** ft. to **260** ft., From ft. to ft.
 From **26** ft. to **170** ft., From ft. to ft.

3] GROUT MATERIAL: 1 Neat cement 2 Cement grout 3 Bentonite 4 Other
 Grout Intervals: From **6** ft. to **26** ft., From **170** ft. to **190** ft., From ft. to ft.

What is the nearest source of possible contamination:
 1 Septic tank 4 Lateral lines 7 Pit privy 10 Livestock pens 14 Abandoned water well
 2 Sewer lines 5 Cess pool 8 Sewage lagoon 11 Fuel storage 15 Oil well/Gas well
 3 Watertight sewer lines 6 Seepage pit 9 Feedyard 12 Fertilizer storage 16 Other (specify below)
 13 Insecticide storage

Direction from well? **Southeast of new well** How many feet? **16'**

FROM	TO	LITHOLOGIC LOG	FROM	TO	LITHOLOGIC LOG
0	2	surface			
2	22	clay			
22	36	med. to large sand & gravel			
36	53	gipp rock			
53	64	30% clay, 20% med. to large sand & 50% gravel			
64	80	clay			
80	93	med. to large sand			
93	107	clay			
107	224	spots of clay with med. sand			
224	248	clay & fine sand			
248	260	gold sandy clay			

7] CONTRACTOR'S OR LANDOWNER'S CERTIFICATION: This water well was (1) constructed, (2) reconstructed, or (3) plugged under my jurisdiction and was completed on (mo/day/year) **April 27, 1987** and this record is true to the best of my knowledge and belief. Kansas Water Well Contractor's License No. **118** This Water Well Record was completed on (mo/day/yr) **April 28, 1987** under the business name of **Carlile Water Well Service, Inc.** by (signature) *[Signature]*

INSTRUCTIONS: Use typewriter or ball point pen. PLEASE PRESS FIRMLY and PRINT clearly. Please fill in blanks. underline or circle the correct answers. Send top three copies to Kansas Department of Health and Environment, Bureau of Water Protection, Topeka, Kansas 66620-7320, Telephone: 913-862-9360. Send one to WATER WELL OWNER and retain one for your records.

DOMESTIC #2

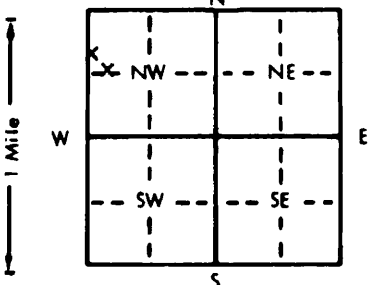
1] LOCATION OF WATER WELL: County: FINNEY	Fraction SW 1/4 NW 1/4 NW 1/4	Section Number 10	Township Number T 24 S	Range Number R 32 E/W
---	---	-----------------------------	----------------------------------	---------------------------------

Distance and direction from nearest town or city street address of well if located within city?

1/2 W OF GARDEN CITY, KS.

2] WATER WELL OWNER: **ROBERTO CORDIRO**
 RR#, St. Address, Box # : **4170 E. HWY. 50 #216**
 City, State, ZIP Code : **GARDEN CITY, KS. 67846**
 Board of Agriculture, Division of Water Resources
 Application Number:

3] LOCATE WELL'S LOCATION WITH AN "X" IN SECTION BOX:



4] DEPTH OF COMPLETED WELL: **200** ft. ELEVATION: _____

Depth(s) Groundwater Encountered 1. _____ ft. 2. _____ ft. 3. _____ ft.

WELL'S STATIC WATER LEVEL: **37** ft. below land surface measured on mo/day/yr

Pump test data: Well water was _____ ft. after _____ hours pumping _____ gpm

Est. Yield _____ gpm: Well water was _____ ft. after _____ hours pumping _____ gpm

Bore Hole Diameter: **9** in. to _____ ft., and _____ in. to _____ ft.

WELL WATER TO BE USED AS:

<input checked="" type="checkbox"/> Domestic	<input type="checkbox"/> 3 Feedlot	<input type="checkbox"/> 6 Oil field water supply	<input type="checkbox"/> 9 Dewatering	<input type="checkbox"/> 12 Other (Specify below)
<input type="checkbox"/> 2 Irrigation	<input type="checkbox"/> 4 Industrial	<input type="checkbox"/> 7 Lawn and garden only	<input type="checkbox"/> 10 Monitoring well	

5 Public water supply 8 Air conditioning 11 Injection well

Was a chemical/bacteriological sample submitted to Department? Yes _____ No _____; If yes, mo/day/yr sample was submitted _____

Water Well Disinfected? Yes No

5] TYPE OF BLANK CASING USED:

<input type="checkbox"/> 1 Steel	<input type="checkbox"/> 3 RMP (SR)	<input type="checkbox"/> 5 Wrought iron	<input type="checkbox"/> 8 Concrete tile	CASING JOINTS: Glued <input checked="" type="checkbox"/> Clamped _____
<input checked="" type="checkbox"/> PVC	<input type="checkbox"/> 4 ABS	<input type="checkbox"/> 6 Asbestos-Cement	<input type="checkbox"/> 9 Other (specify below)	Welded _____
		<input type="checkbox"/> 7 Fiberglass		Threaded _____

Blank casing diameter: **5** in. to **180** ft., Dia _____ in. to _____ ft., Dia _____ in. to _____ ft.

Casing height above land surface: **18** in., weight _____ lbs./ft. Wall thickness or gauge No. _____

TYPE OF SCREEN OR PERFORATION MATERIAL:

<input type="checkbox"/> 1 Steel	<input type="checkbox"/> 3 Stainless steel	<input type="checkbox"/> 5 Fiberglass	<input checked="" type="checkbox"/> PVC	<input type="checkbox"/> 10 Asbestos-cement
<input type="checkbox"/> 2 Brass	<input type="checkbox"/> 4 Galvanized steel	<input type="checkbox"/> 6 Concrete tile	<input type="checkbox"/> 8 RMP (SR)	<input type="checkbox"/> 11 Other (specify) _____
			<input type="checkbox"/> 9 ABS	<input type="checkbox"/> 12 None used (open hole)

SCREEN OR PERFORATION OPENINGS ARE:

<input type="checkbox"/> 1 Continuous slot	<input checked="" type="checkbox"/> Mill slot	<input type="checkbox"/> 5 Gauzed wrapped	<input type="checkbox"/> 8 Saw cut	<input type="checkbox"/> 11 None (open hole)
<input type="checkbox"/> 2 Louvered shutter	<input type="checkbox"/> 4 Key punched	<input type="checkbox"/> 6 Wire wrapped	<input type="checkbox"/> 9 Drilled holes	
		<input type="checkbox"/> 7 Torch cut	<input type="checkbox"/> 10 Other (specify) _____	

SCREEN-PERFORATED INTERVALS: From **180** ft. to **200** ft., From _____ ft. to _____ ft.

GRAVEL PACK INTERVALS: From **23** ft. to **200** ft., From _____ ft. to _____ ft.

6] GROUT MATERIAL: 1 Neat cement 2 Cement grout Bentonite 4 Other _____

Grout Intervals: From **3** ft. to **23** ft., From _____ ft. to _____ ft., From _____ ft. to _____ ft.

What is the nearest source of possible contamination:

<input type="checkbox"/> 1 Septic tank	<input type="checkbox"/> 4 Lateral lines	<input type="checkbox"/> 7 Pit privy	<input type="checkbox"/> 10 Livestock pens	<input type="checkbox"/> 14 Abandoned water well
<input type="checkbox"/> 2 Sewer lines	<input type="checkbox"/> 5 Cess pool	<input type="checkbox"/> 8 Sewage lagoon	<input type="checkbox"/> 11 Fuel storage	<input type="checkbox"/> 15 Oil well/Gas well
<input type="checkbox"/> 3 Watertight sewer lines	<input type="checkbox"/> 6 Seepage pit	<input type="checkbox"/> 9 Feedyard	<input type="checkbox"/> 12 Fertilizer storage	<input type="checkbox"/> 16 Other (specify below)
			<input type="checkbox"/> 13 Insecticide storage	<input type="checkbox"/> NONE

Direction from well? _____ How many feet? _____

FROM	TO	LITHOLOGIC LOG	FROM	TO	PLUGGING INTERVALS
0	3	TOP SOIL			
3	18	CLAY			
18	70	GRAVEL			
70	175	CLAY & SANDSTREAKS			
175	200	GRAVEL			

7] CONTRACTOR'S OR LANDOWNER'S CERTIFICATION: This water well was constructed, reconstructed, or plugged under my jurisdiction and was completed on (mo/day/year) **6-13-91** and this record is true to the best of my knowledge and belief. Kansas Water Well Contractor's License No. **462-B** This Water Well Record was completed on (mo/day/yr) **6-20-91** under the business name of **SAM'S WATER WELL SERVICE** by (signature) *[Signature]*



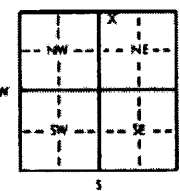
Scan of WWC5 Form

DOMESTIC #3

USE TYPEWRITER OR BALL POINT PEN-PRESS FIRMLY, PRINT CLEARLY.

WATER WELL RECORD
KSA 82a-1201-1215

Kansas Department of Health and Environment
Division of Environment
(Water well Contractors)
Topeka, Kansas 66620

1. Location of well:		County Finney	Fraction NE 1/4 NW 1/4	Section number 9	Township number T 24	Range number S R 32 W E/W
2. Distance and direction from nearest town or city: 1 Mile Northeast of Garden City			3. Owner of well: Fritz Sauer R.R. or street: 906 N. Second St. City, state, zip code: Garden City, Kansas 67846			
4. Locate with "X" in section below: Sketch map: 			8. Bore hole dia. 2 1/2 in. Completion date 11/17/75 Well depth 160 ft.			
5. Type and color of material			From	To	7. <input type="checkbox"/> Cable tool <input checked="" type="checkbox"/> Rotary <input type="checkbox"/> Driven <input type="checkbox"/> Dug <input type="checkbox"/> Hollow rod <input type="checkbox"/> Jorred <input type="checkbox"/> Bored <input type="checkbox"/> Reverse rotary	
Topsoil			0	8	8. Use: <input type="checkbox"/> Domestic <input type="checkbox"/> Public supply <input type="checkbox"/> Industry <input checked="" type="checkbox"/> Irrigation <input type="checkbox"/> Air conditioning <input type="checkbox"/> Stock <input type="checkbox"/> Lawn <input type="checkbox"/> Oil field water <input type="checkbox"/> Other	
Brown Clay			8	46	9. Casing: Material Steel Height: Above or below Threaded <input type="checkbox"/> Welded <input checked="" type="checkbox"/> Surface 12 in. RMP <input type="checkbox"/> PVC <input checked="" type="checkbox"/> Weight 43 lb./ft. Dia. 1 1/2 in. to 1 1/2 in. depth Wall thickness inches or Dia. 1 1/2 in. to 1 1/2 in. depth (page No. 219)	
Sand			46	54	10. Screen: Manufacturer's name Lakewood Type Steel Dia. 1 1/2 Inch Slot/gauge 3/16 Length 40 Set between 420 ft. and 160 ft. Gravel pack? <input checked="" type="checkbox"/> Size range of material 1/2	
Brown Clay			54	120	11. Static water level: 80 ft. below land surface Date 11/17/75	
Sand & Gravel			120	160	12. Pumping level below land surface: 140 ft. after 10 hrs. pumping 600 g.p.m. ft. after _____ hrs. pumping _____ g.p.m. Estimated maximum yield 600 g.p.m.	
Brown Clay			160		13. Water sample analyzed: no./day/yr. Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Date _____	
					14. Well head completion: <input type="checkbox"/> Flare adapter <input checked="" type="checkbox"/> 12 inches above grade	
					15. Well grouted? Yes With: <input type="checkbox"/> Neat cement <input checked="" type="checkbox"/> Bentonite <input type="checkbox"/> Concrete Depth From 0 ft. to 12 ft.	
					16. Nearest source of possible contamination: ft. 20 Direction NORTH Type Road Ditch Well disinfected upon completion? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
					17. Pump: <input checked="" type="checkbox"/> Not installed Manufacturer's name _____ HP _____ Volts _____ Length of drop pipe _____ ft. capacity _____ g.p.m. Type: <input type="checkbox"/> Submersible <input type="checkbox"/> Turbine <input type="checkbox"/> Jet <input type="checkbox"/> Reciprocating <input type="checkbox"/> Centrifugal <input type="checkbox"/> Other _____	
18. Elevation:			20. Water well contractor's certification: This well was drilled under my jurisdiction and this report is true to the best of my knowledge and belief. Sweengen Drilling Co. 242 Business name License No. _____ Garden City, Kansas Address _____ Signed Bill Sweengen Date 11/17/75 Authorized representative			
19. Remarks:						

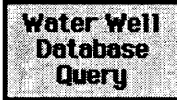
243320-9 NE NW NE

Forward the white, blue and pink copies to the Department of Health and Environment

Form WWC-3

WI-500

DAMESIC #4



Scan of WWC5 Form

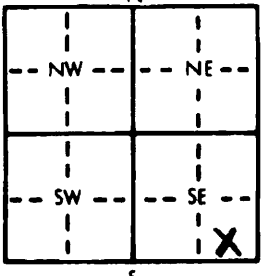
WATER WELL RECORD Form WWC-5 KSA 82a-1212

1 LOCATION OF WATER WELL:		Fraction	Section Number	Township Number	Range Number
County: Finney		NE 1/4 NE 1/4 NE 1/4	9	T 24 S	R 32 E (W)
Distance and direction from nearest town or city street address of well if located within city? 3 miles east of Garden City, Kansas					
2 WATER WELL OWNER: Charles Owings RR#, St. Address, Box #: 611 W. Mary City, State, ZIP Code: Garden City, Ks. 67846 Board of Agriculture, Division of Water Resources Application Number:					
3 LOCATE WELL'S LOCATION WITH AN "X" IN SECTION BOX:		4 DEPTH OF COMPLETED WELL: 256 ft. ELEVATION:			
		Depth(s) Groundwater Encountered: 1. _____ ft. 2. _____ ft. 3. _____ ft.			
		WELL'S STATIC WATER LEVEL: 50 ft. below land surface measured on mo/day/yr 12-13-84			
Pump test data: Well water was _____ ft. after _____ hours pumping _____ gpm Est. Yield: 75 gpm. Well water was _____ ft. after _____ hours pumping _____ gpm Bore Hole Diameter: 10 in. to 256 ft. and _____ in. to _____ ft.					
WELL WATER TO BE USED AS: <input checked="" type="checkbox"/> Domestic <input type="checkbox"/> Irrigation <input type="checkbox"/> Feedlot <input type="checkbox"/> Industrial <input type="checkbox"/> Lawn and garden only <input type="checkbox"/> Observation well <input type="checkbox"/> Public water supply <input type="checkbox"/> Air conditioning <input type="checkbox"/> Injection well <input type="checkbox"/> Oil field water supply <input type="checkbox"/> Dewatering <input type="checkbox"/> Other (Specify below)					
Was a chemical/bacteriological sample submitted to Department? Yes _____ No <input checked="" type="checkbox"/> If yes, mo/day/yr sample was submitted _____ Water Well Disinfected? Yes <input checked="" type="checkbox"/> No _____					
5 TYPE OF BLANK CASING USED:					
1 Steel		3 RMP (SR)		5 Wrought iron	
<input checked="" type="checkbox"/> PVC		4 ABS		6 Asbestos-Cement	
Blank casing diameter: 5 in. to 236 ft. Dia		Casing height above land surface: 12 in. weight _____ lbs./ft.		7 Fiberglass	
TYPE OF SCREEN OR PERFORATION MATERIAL:		<input checked="" type="checkbox"/> PVC		8 Concrete tile	
1 Steel		3 Stainless steel		9 Other (specify below)	
2 Brass		4 Galvanized steel		10 Asbestos-cement	
SCREEN OR PERFORATION OPENINGS ARE:		6 Concrete tile		9 ABS	
1 Continuous slot		3 Mill slot		11 Other (specify) _____	
2 Louvered shutter		4 Key punched		12 None used (open hole)	
SCREEN-PERFORATED INTERVALS:		5 Gauzed wrapped		<input checked="" type="checkbox"/> Saw cut	
From 236 ft. to 256 ft.		6 Wire wrapped		9 Drilled holes	
GRAVEL PACK INTERVALS:		7 Torch cut		10 Other (specify) _____	
From 17 ft. to 226 ft.		8 RMP (SR)		11 None (open hole)	
From 236 ft. to 256 ft.		9 ABS			
6 GROUT MATERIAL:					
1 Neat cement		<input checked="" type="checkbox"/> Cement grout		<input checked="" type="checkbox"/> Bentonite	
2 Sewer lines		3 Feedyard		4 Other _____	
3 Watertight sewer lines		6 Seepage pit		9 Feedyard	
GROUT INTERVALS: From 7 ft. to 17 ft.		From 226 ft. to 236 ft.		From _____ ft. to _____ ft.	
What is the nearest source of possible contamination: <input checked="" type="checkbox"/> Septic tank <input type="checkbox"/> Lateral lines <input type="checkbox"/> Pit privy <input type="checkbox"/> Fuel storage <input type="checkbox"/> Abandoned water well <input type="checkbox"/> Sewer lines <input type="checkbox"/> Cess pool <input type="checkbox"/> Sewage lagoon <input type="checkbox"/> Fertilizer storage <input type="checkbox"/> Other (specify below) <input type="checkbox"/> Watertight sewer lines <input type="checkbox"/> Seepage pit <input type="checkbox"/> Feedyard <input type="checkbox"/> Insecticide storage					
Direction from well? _____ How many feet? 100 ft.					
7 CONTRACTOR'S OR LANDOWNER'S CERTIFICATION: This water well was <input checked="" type="checkbox"/> constructed, <input type="checkbox"/> reconstructed, or <input type="checkbox"/> plugged under my jurisdiction and was completed on (mo/day/year) 12-13-84 and this record is true to the best of my knowledge and belief. Kansas Water Well Contractor's License No. 449 This Water Well Record was completed on (mo/day/yr) 1-18-85 under the business name of Midwest Well & Pump by (signature) <i>William Fullmer</i>					
INSTRUCTIONS: Use typewriter or ball point pen, PLEASE PRESS FIRMLY and PRINT clearly. Please fill in blanks, underline or circle the correct answers. Send top three copies to Kansas Department of Health and Environment, Division of Environment, Environmental Geology Section, Topeka, KS 66620. Send one to WATER WELL OWNER and retain one for your records.					

DOMESTIC WELL #5

1 LOCATION OF WATER WELL: Fraction SE 1/4 SE 1/4 SW 1/4 Section Number 4 Township Number T 24 S Range Number R 32 EW
 County: FINNEY
 Distance and direction from nearest town or city street address of well if located within city?

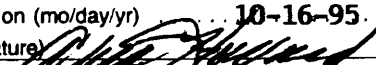
2 WATER WELL OWNER: MINIER - WILSON Cecil O'Brate
 RR#, St. Address, Box #: W HWY 50 OBRATE
 City, State, ZIP Code: GARDEN CITY, KS 67846 Board of Agriculture, Division of Water Resources
 Application Number:

3 LOCATE WELL'S LOCATION WITH AN "X" IN SECTION BOX:  4 DEPTH OF COMPLETED WELL: 295 ft. ELEVATION: _____ ft.
 Depth(s) Groundwater Encountered 1. _____ ft. 2. _____ ft. 3. _____ ft.
 WELL'S STATIC WATER LEVEL _____ ft. below land surface measured on mo/day/yr 10-16-95
 Pump test data: Well water was _____ ft. after _____ hours pumping _____ gpm
 Est. Yield _____ gpm: Well water was _____ ft. after _____ hours pumping _____ gpm
 Bore Hole Diameter: 11 in. to 295 ft., and _____ in. to _____ ft.
 WELL WATER TO BE USED AS: 5 Public water supply 8 Air conditioning 11 Injection well
 Domestic 3 Feedlot 6 Oil field water supply 9 Dewatering 12 Other (Specify below)
 2 Irrigation 4 Industrial 7 Lawn and garden only 10 Monitoring well
 Was a chemical/bacteriological sample submitted to Department? Yes _____ No If yes, mo/day/yr sample was submitted
 Water Well Disinfected? Yes No

5 TYPE OF BLANK CASING USED: 5 Wrought iron 8 Concrete tile CASING JOINTS: Glued Clamped _____
 1 Steel 3 RMP (SR) 6 Asbestos-Cement 9 Other (specify below) Welded _____
 PVC 4 ABS 7 Fiberglass Threaded _____
 Blank casing diameter 6 in. to 295 ft., Dia _____ in. to _____ ft., Dia _____ in. to _____ ft.
 Casing height above land surface 24 in., weight 2.902 lbs./ft. Wall thickness or gauge No. 280 SDR 21
 TYPE OF SCREEN OR PERFORATION MATERIAL: PVC 10 Asbestos-cement
 1 Steel 3 Stainless steel 5 Fiberglass 8 RMP (SR) 11 Other (specify) _____
 2 Brass 4 Galvanized steel 6 Concrete tile 9 ABS 12 None used (open hole)
 SCREEN OR PERFORATION OPENINGS ARE: 5 Gauzed wrapped Saw cut 11 None (open hole)
 1 Continuous slot 3 Mill slot 6 Wire wrapped 9 Drilled holes
 2 Louvered shutter 4 Key punched 7 Torch cut 10 Other (specify) _____
 SCREEN-PERFORATED INTERVALS: From 200 ft. to 295 ft., From _____ ft. to _____ ft.
 From _____ ft. to _____ ft., From _____ ft. to _____ ft.
 GRAVEL PACK INTERVALS: From 150 ft. to 295 ft., From _____ ft. to _____ ft.
 From _____ ft. to _____ ft., From _____ ft. to _____ ft.

6 GROUT MATERIAL: Neat cement 2 Cement grout 3 Bentonite 4 Other HOLE PLUG
 Grout Intervals: From 0 ft. to 16 ft., From _____ ft. to _____ ft., From _____ ft. to _____ ft.
 What is the nearest source of possible contamination:
 1 Septic tank 4 Lateral lines 7 Pit privy 10 Livestock pens 14 Abandoned water well
 2 Sewer lines 5 Cess pool 8 Sewage lagoon 11 Fuel storage 15 Oil well/Gas well
 3 Watertight sewer lines 6 Seepage pit 9 Feedyard 12 Fertilizer storage 16 Other (specify below)
 13 Insecticide storage
 Direction from well? _____ How many feet? _____

FROM	TO	LITHOLOGIC LOG	FROM	TO	PLUGGING INTERVALS
0	2	CLAY	284	295	BROWN & YELLOW CLAY
2	16	SANDY CLAY			
16	36	GRAVEL			
36	50	SAND			
50	64	CLAY			
64	116	SAND & GRAVEL			
116	136	SAND & CLAY STREAKS			
136	147	SAND & GRAVEL			
147	156	CLAY			
156	169	SAND			
169	179	CLAY			
179	234	SAND			
234	244	CLAY			
244	272	SAND			
272	284	BROWN CLAY & SAND STREAKS			

7 CONTRACTOR'S OR LANDOWNER'S CERTIFICATION: This water well was constructed, reconstructed, or plugged under my jurisdiction and was completed on (mo/day/year) 10-16-95 and this record is true to the best of my knowledge and belief. Kansas Water Well Contractor's License No. KWICL-430. This Water Well Record was completed on (mo/day/yr) 10-16-95 under the business name of HOWARD DRUG CO. BOX 806 BEAVER, OK 73932 by (signature) 

INSTRUCTIONS: Use typewriter or ball point pen. PLEASE PRESS FIRMLY and PRINT clearly. Please fill in blanks, underline or circle the correct answers. Send top three copies to Kansas Department of Health and Environment, Bureau of Water, Topeka, Kansas 66620-0001. Telephone: 913-296-5545. Send one to WATER WELL OWNER and retain one for your records.

Ireland, Leslie

From: Meyer, Mike
Sent: Monday, May 23, 2016 2:53 PM
To: Ireland, Leslie
Subject: RE: Worf change applications, FI036 et al

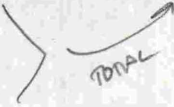
Yes I have time

Perfected acres total I have is 202.5 acres

FI 036 58 acres

FI 39 77 acres

FI 40 67.5 acres

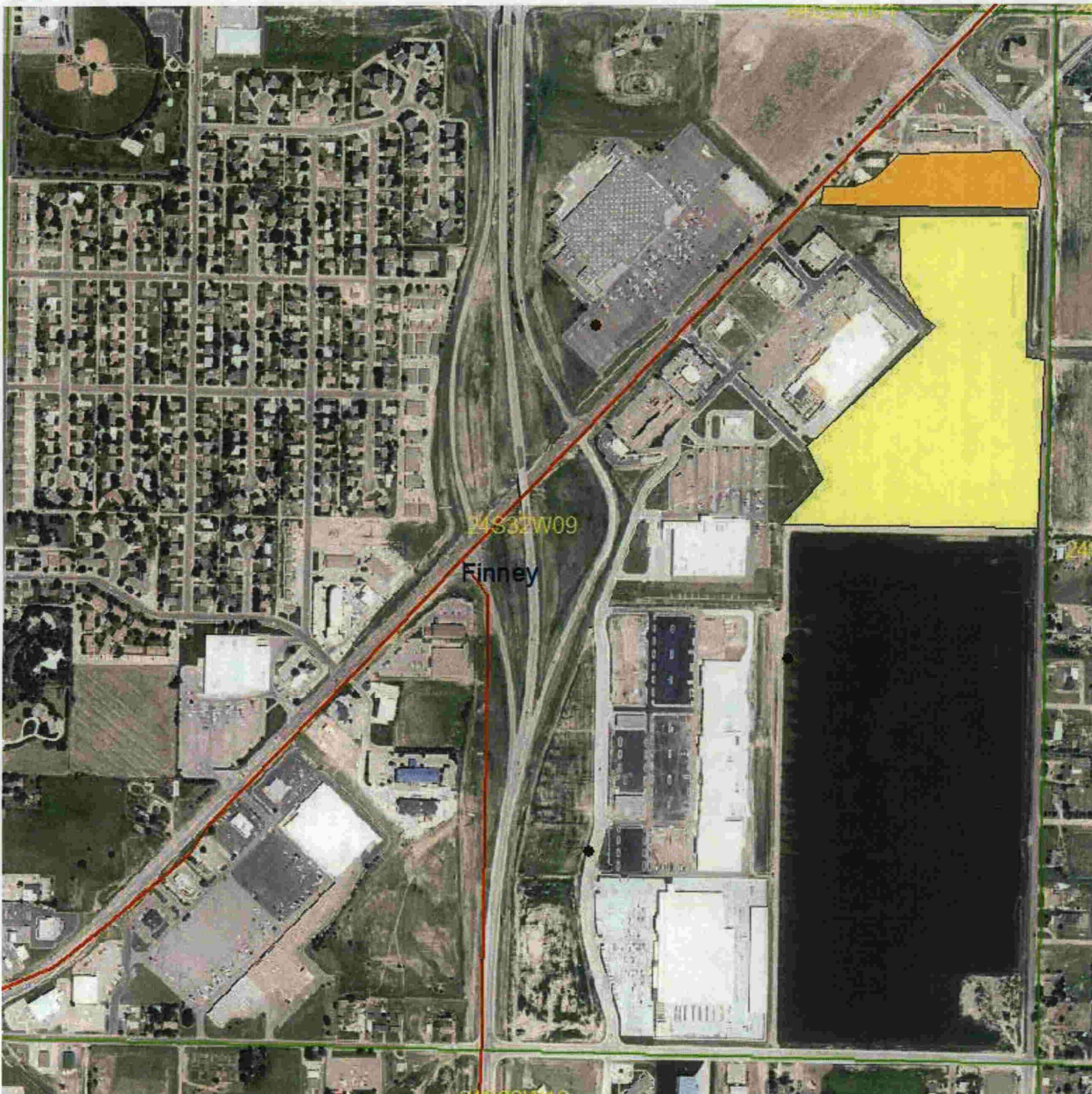


I would show the current authorized acres as base (cant confirm one way or another right now)

The map below shows the only physical acres that could be watered by the new well (yellow highlight) may be possible to water orang highlight but not sure if owns that land anymore.

30 acres

5 acres.



From: Ireland, Leslie
Sent: Monday, May 23, 2016 1:18 PM
To: Meyer, Mike <Mike.Meyer@KDA.KS.GOV>
Subject: FW: Worf change applications, FI036 et al

Mike,

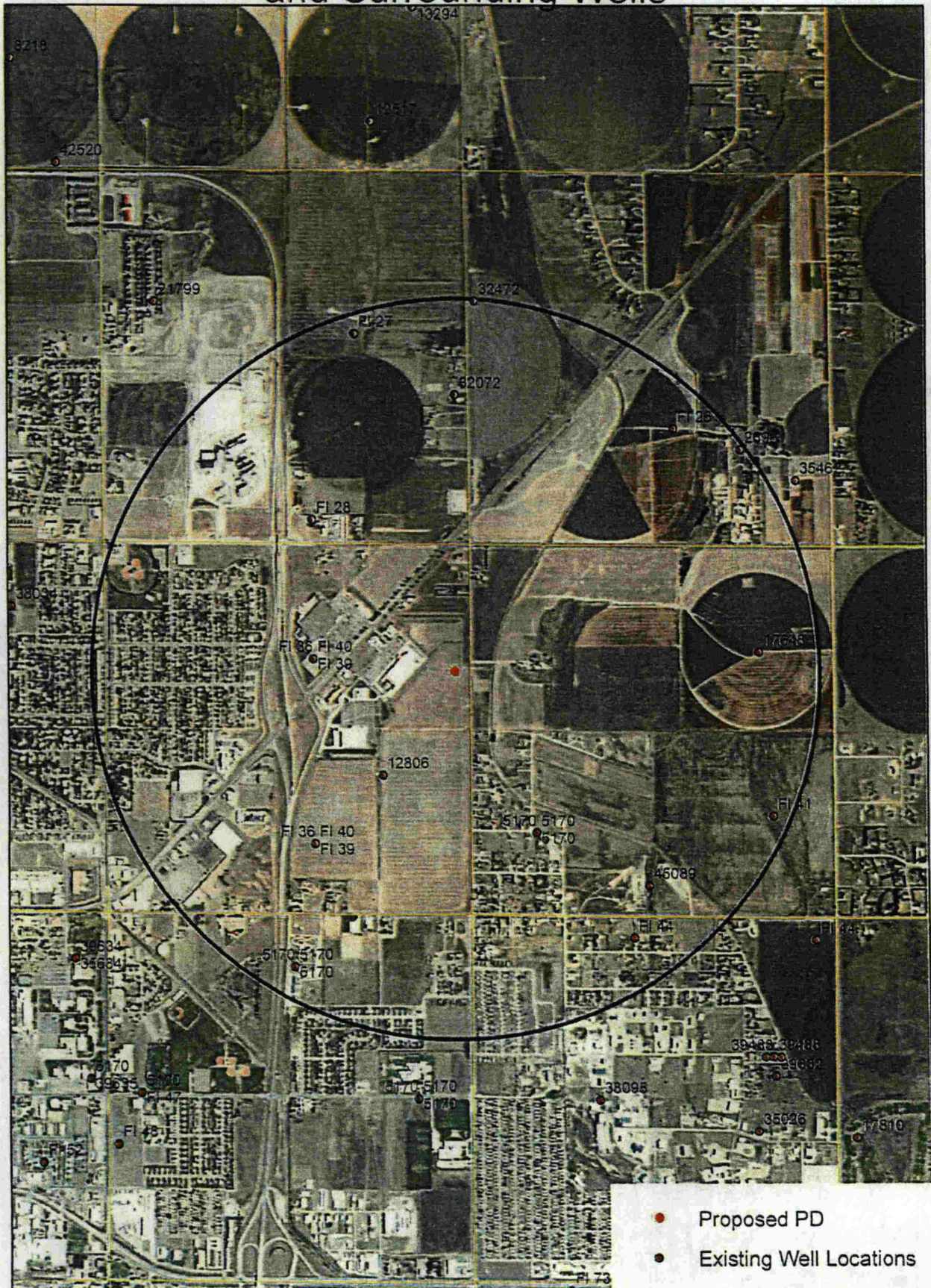
Below is the latest from Mark. The attachment is the letter recommendation from Jason.

Could we schedule a time tomorrow morning or afternoon after 3? We'd like to talk about the plan of attach and documents that I'll need to put together. If we divide FI 040, the base and max acres will be needed from your shop.

Also do you have a map of the acres remaining?

Leslie Ireland, Environmental Scientist II
Kansas Department of Agriculture
Division of Water Resources - Change Unit
(785) 564-6633

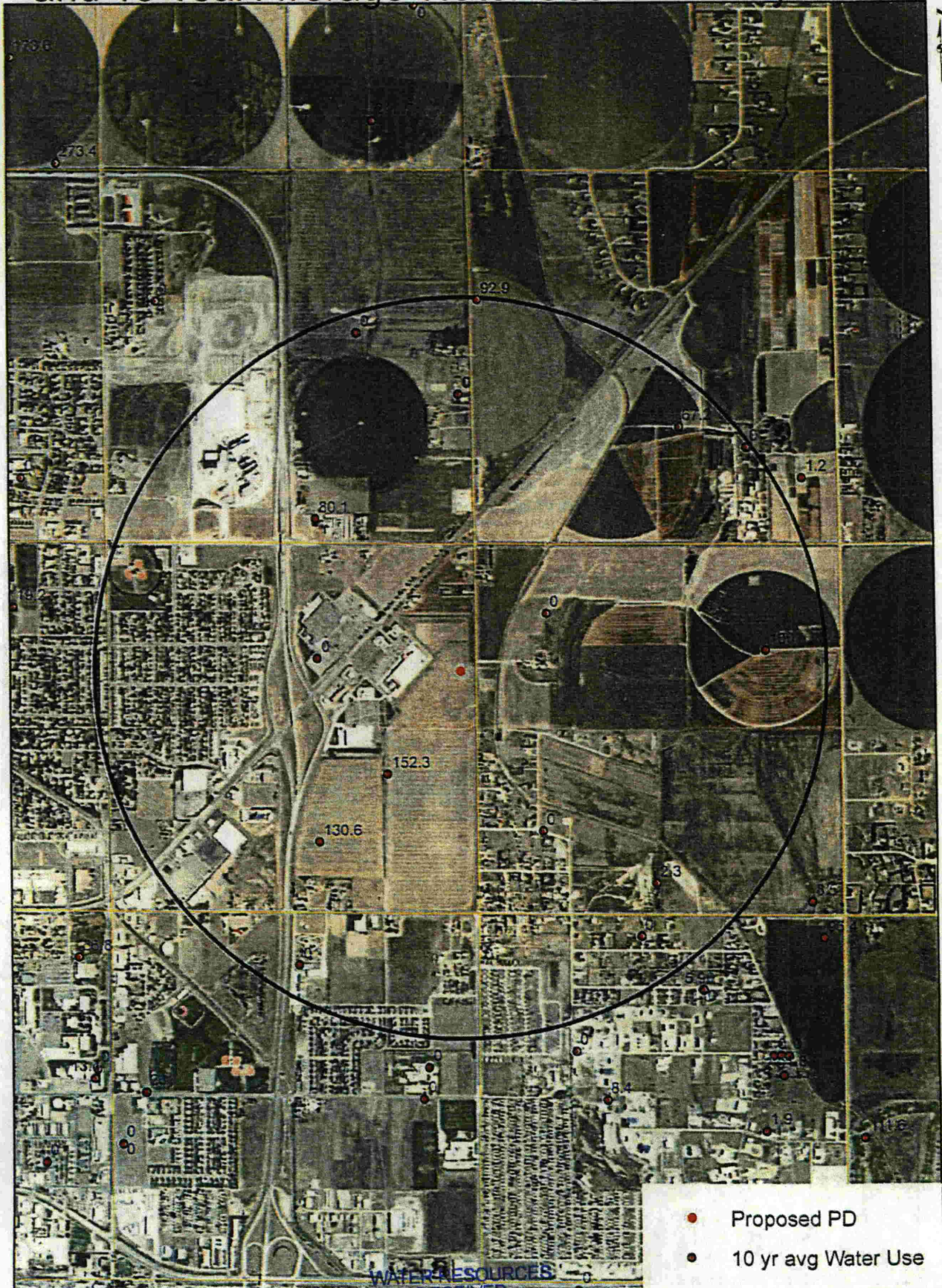
Proposed PD for WR Nos FI36, FI39, and FI40 and Surrounding Wells



1:24,000

RECEIVED
K9 DEPT OF AGRICULTURE

Proposed PD for WR Nos FI36, FI39, and FI40 and 10 Year Average Water Use of Nearby Wells



1:24,000

MAY 16 2016

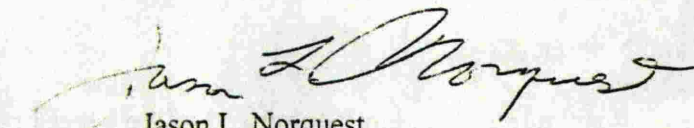
SCANNED

KS DEPT OF AGRICULTURE

neighbors wish to provide should occur within 15 days from the date of this letter or any extension of time granted. If no response is received from you, the applicant, within that time, we will recommend that the rule be upheld and the application denied. We will also consider information from the neighbors responding to their copy of this letter.

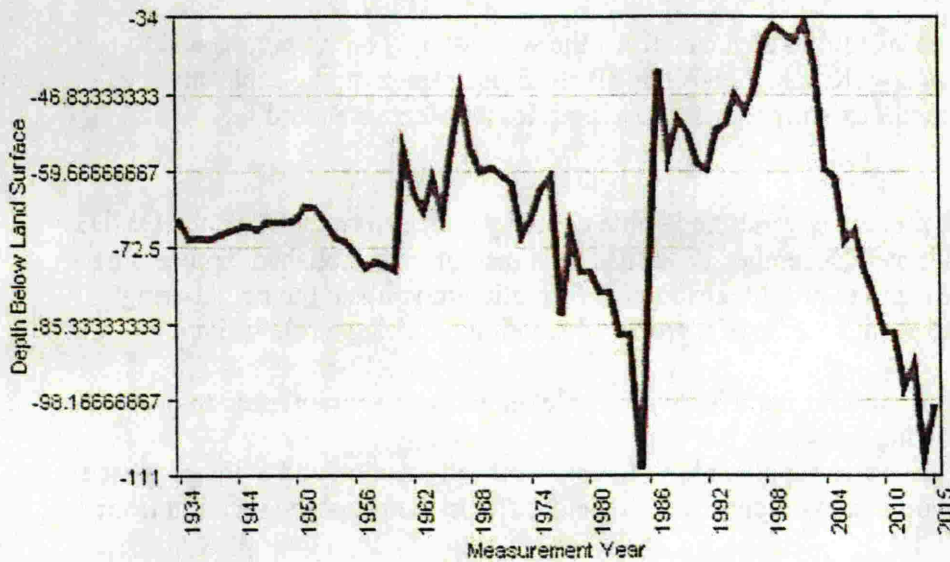
Should you have any questions, please feel free to call this office. If you would prefer, an appointment could be arranged for additional assistance. Please refer to the water right file number when you contact us.

Sincerely,


Jason L. Norquest
Assistant Manager

Attachment: GMD3 General Groundwater Resource Review, File Nos. FI36, FI39 & FI40
Copy to:

Regional Average Trends, from
<http://hercules.kgs.ku.edu/geohydro/wizard/wizardregional.cfm>





Southwest Kansas
Groundwater Management District No. 3
2009 E. Spruce Street
Garden City, Kansas 67846
(620) 275-7147 phone (620) 275-1431 fax
www.gmd3.org

June 23, 2015

Worf Land LLC
% Mark Worf
1407 Mels DR
Garden City, KS 67846

RE: Vested Water Right, File Nos. FI 36, FI 39 &
FI 40

Dear Mr. & Mrs. Worf and Neighbors,

This is to advise you that your application for approval of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, to change the point of diversion under the above referenced application requires a waiver of a rule, specifically, K.A.R. 5-23-3 as it pertains to distance moved or Spacing to neighboring wells.

The application proposes to change the location of the two wells to one well with a point described as being 3464 feet North and 265 feet West of the SE corner of Section 9, Township 24s, Range 32w, in Finney County. A plat and groundwater resource review information is enclosed for your reference.

Changing a water right in a local aquifer area can affect the water supply to the project and to other water rights and users. Kansas law (K.S.A. 82a-708b (2)) requires a demonstration that any change is reasonable and will not impair existing rights. Spacing rules provide a standard for implementing this requirement.

To meet the need for added due process beyond the ½ mile courtesy notice from the state, the GMD3 Board passed Resolution 2013-6, adopted December 17, 2013. This resolution established a process of added notice of a rule waiver request and to provide resource information to you and the neighboring water rights whose wells are located within a mile of a proposed location requiring a rule waiver.

Accordingly, local resource information is included with this letter and you are requested to provide information in response to the following questions:

- 1) Can the aquifer yield a similar water supply at both the present well location and at the proposed well location(s)? In other words, how might the well yield differ in the proposed location from the present location?
- 2) Can the addition of infrastructure, such as pipelines or purchase of neighboring wells with water rights, meet the need without a rule waiver?
- 3) How do the specifics of the proposal conserve energy and/or water over other alternatives?

The GMD3 board supports the pursuit of high value water use, through reasonable changes that don't have an unreasonable affect to other water rights. We request that any response you or your

WATER RESOURCES
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Serving Southwest Kansas Since 1976

MAY 16 2016 SCANNED

KS DEPT OF AGRICULTURE

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

June 5, 2015

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

RECEIVED
JUN 08 2015
SWKSGMD3

Re: Application for Change, Vested Right, File Nos. FI 036, FI 039 & FI 040

Dear Mr. Rude:

We are enclosing a copy of the applications referred to above which appear to be in proper form.

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

Please submit your recommendations within the allotted time, or any authorized extension of time thereof. If you wish to refer to a specific file, please reference it when you contact us.

Sincerely,

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

Leslie Ireland
Environmental Scientist
Water Appropriation Program

LI:li
Enclosure

pc: Garden City Field Office
Mark Worf, Worf Land LLC

KS DEPT OF AGRICULTURE


Kansas
Department of Agriculture
Division of Water Resources

109 SW 9th Street, 2nd Floor
Topeka, Kansas 66612-1280
Jackie McClaskey, Secretary
David W. Barfield, Chief Engineer

Phone: (785) 296-3717
Fax: (785) 296-1176
www.agriculture.ks.gov
Sam Brownback, Governor

June 17, 2015

SOUTHWEST KANSAS GROUNDWATER
MANAGEMENT DISTRICT NO 3
ATTN JASON NORQUEST
2009 E SPRUCE STREET
GARDEN CITY KS 67846

RE: Vested Right, File Nos. FI 036, FI 039 & FI 040

Dear Mr. Norquest:

In response to your June 15, 2015, E-mail, the Chief Engineer has extended the time in which to submit a recommendations concerning the November 24, 2014, applications to change the points of diversion for the above referenced files.

At your request the Chief Engineer has delayed any further action until July 10, 2015.

Please submit your recommendation within the allotted time, or any authorized extension of time thereof. If you wish to refer to a specific file, please reference it when you contact us.

Sincerely,



Leslie Ireland
Environmental Scientist
Water Appropriation Program

LI:li

pc: Garden City Field Office
Mark Worf, Co-Mgr, Worf Land LLC

RECEIVED
JUN 22 2015
SWKSGMD3

WATER RESOURCES
RECEIVED

MAY 16 2016

KS DEPT OF AGRICULTURE

SCANNED

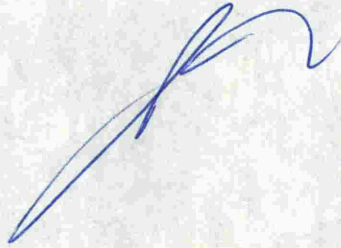
GMD3 Change Review

Board Review Date: July 8, 2015 & April 14, 2016

Board Recommendation: Waiver of Spacing, but limit the amount that can be used to 2AF/acre still available to be watered and let the rest be preserved for possible future changes or needs

Waiver Reason:

Final Recommendation: After review of the information with the Board, staff recommends approval of the application and a waiver to spacing if the limitation is placed on the water right as to the amount that may be used for irrigation.



WATER RESOURCES
RECEIVED

KS DEPT OF AGRICULTURE

GMD3 Change Review

Change Application(s); PD
 File No(s). FI36, FI39 & FI40 Worf Land LLC



Applicant is wanting to keep the water rights intact, but needs to move the diversion due to development of the area. Currently there are 2 PD's and this application would only authorize 1 PD. This map does not show it, but the south well under these water rights is at the new shopping development on the bypass and the north well is in the WalMart parking lot.

A couple of the neighboring wells called after receiving GMD3 letters. They wanted to know more information, but did not raise a concern and did not want to submit anything in writing.

	ft. North	ft. West	
Authorized P/D	3750	2300	Sect. 9-24-32
Proposed P/D	3464	265	
Difference	286	2035	
a2 + b2 = c2	81796	4141225	2055.0 foot move SE

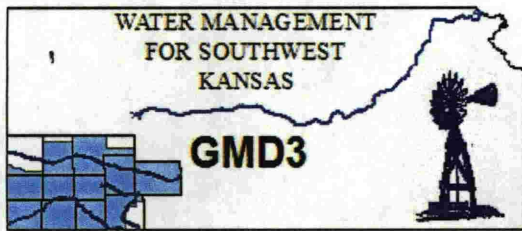
Neighboring wells: Spacing NOT met to the well under WR 12806. Needs 2100' and proposed spacing would only be 1820'

Domestic wells: Spacing MET to domestics and no concerns raised by any of them.

Regulation(s) Reviewed: KAR 5-23-3

WATER RESOURCES
RECEIVED

MAY 16 2016



**Southwest Kansas
Groundwater Management District No. 3**
2009 E. Spruce Street
Garden City, Kansas 67846
(620) 275-7147 phone (620) 275-1431 fax
www.gmd3.org

May 12, 2016

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

RE: Change Application,
Vested Right, File Nos. FI 36, FI 39 & FI 40

Dear Leslie:

We have completed a review of the applications for the above referenced vested water rights. The proposals are in conflict with the Management Program of the Southwest Kansas Groundwater Management District No. 3 (GMD3). More specifically, it does not meet the minimum spacing requirement to the well under Water Right, File No. 12,806 in accordance with K.A.R. 5-23-3(a). We reviewed the applications at our July 8, 2015 & April 14, 2016 Board meeting.

The applicant proposed these applications to move the blanket authority on two wells to a new well. The current wells are currently or will be plugged due to expansion of retail development in the area. With all the development on the land that was once authorized place of use, the applicant only has 35 acres that is still farmed. However there is still great future value in protecting the vested rights with their proximity to the city and new development. Concern was raised by a neighboring water right about the amount of water that is authorized in comparison to the current acreage still available to be watered. The Board discussed the importance of preserving the water right. After thorough discussion, the Board recommends a waiver to KAR 5-23-3(a) and that the current applications be approved, but limit usage to no more than 2 acre foot per acre that is still authorized for irrigation, so that there is not excessive usage, and to have the applicant administratively pursue actions to keep the remaining water right intact.

Thank you for the opportunity to review the applications and to provide a recommendation. If you have any questions, please don't hesitate to contact us.

Sincerely,

Jason L. Norquest
Assistant Manager

WATER RESOURCES
RECEIVED

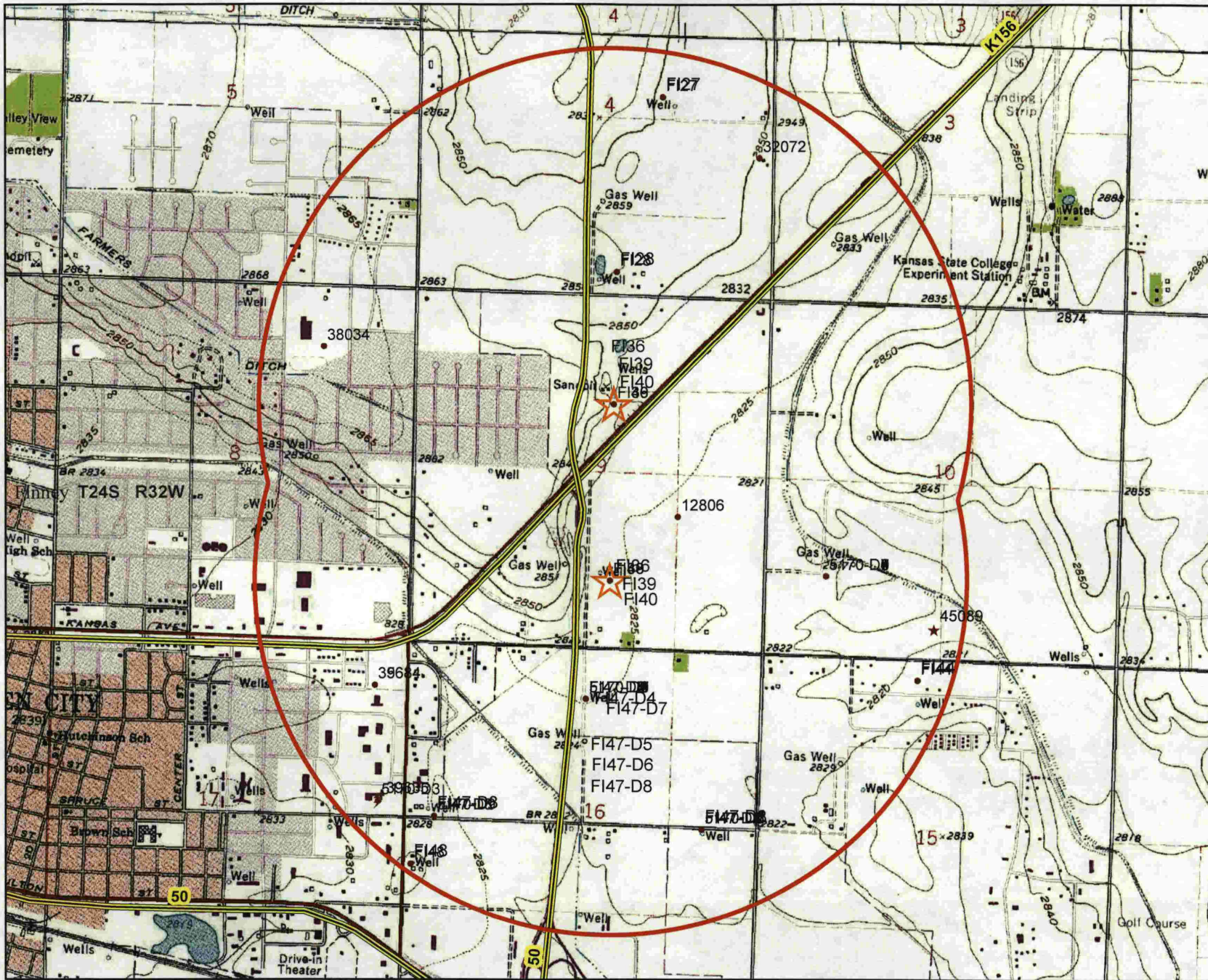
MAY 16 2016

SCANNED

Serving Southwest Kansas Since 1976

KS DEPT OF AGRICULTURE

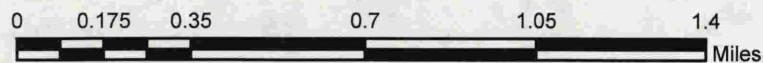
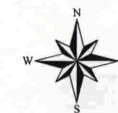
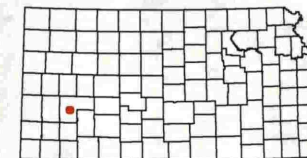
VESTED RIGHT FILE NOS. FI036 FI 039 FI 040



Legend

- WIMAS_PD

Index Map



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

3464 ft N and 265 ft W of the SE Corner of Section 9, T 24S, R 32W

Located at: 100.829288 West Longitude and 37.984351 North Latitude

GROUNDWATER ONLY

PROPOSED PD FILE NOS. FI 36
FI 39
FI 40

File Number	Use	ST	SR	Dist (ft)	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Twp	Rng	ID	Batt	Auth_Quan	Add_Quan	Unit
A 2696 00	IRR	NK	G	5206	--	SE	NW	SE	1360	1360	3	24	32W	2		266.00	266.00	AF
A 5170 D4	IRR	NK	G	2581	--	NE	SW	SW	1220	4360	10	24	32W	3		29.80	29.80	AF
Same				4841	--	SW	NW	NE	4500	2595	16	24	32W	4				
A 5170 D5	IRR	NK	G	2581	--	NE	SW	SW	1220	4360	10	24	32W	3		4.77	4.77	AF
Same				4841	--	SW	NW	NE	4500	2595	16	24	32W	4				
A 5170 D6	IRR	NK	G	2581	--	NE	SW	SW	1220	4360	10	24	32W	3		7.70	7.70	AF
Same				4841	--	SW	NW	NE	4500	2595	16	24	32W	4				
A 5170 D7	IRR	NK	G	2581	--	NE	SW	SW	1220	4360	10	24	32W	3		6.90	6.90	AF
Same				4841	--	SW	NW	NE	4500	2595	16	24	32W	4				
A 5170 D8	IRR	NK	G	4841	--	SW	NW	NE	4500	2595	16	24	32W	4		30.00	30.00	AF
A 5170 D9	IRR	NK	G	2581	--	NE	SW	SW	1220	4360	10	24	32W	3		111.84	111.84	AF
Same				4841	--	SW	NW	NE	4500	2595	16	24	32W	4				
A 12806 00	IRR	NK	G	1820	--	CW	NE	SE	1820	1820	9	24	32W	2		180.00	180.00	AF
A 17648 00	IRR	NK	G	4409	--	NW	SE	NE	3790	1130	10	24	32W	4		200.00	200.00	AF
A 32072 00	IRR	NK	G	3909	--	NE	NE	SE	2100	250	4	24	32W	5		18.00	18.00	AF
A 32472 00	IRR	NK	G	5250	--	NW	SW	NW	3450	5215	3	24	32W	5		94.00	94.00	AF
A 45089 00	IND	KK	G	4137	--	SE	SE	SW	465	2740	10	24	32W	5		14.00	14.00	AF
VFI 26 00	IRR	AA	G	4688	--	SW	NW	SE	-----	-----	3	24	32W	1		200.00	200.00	AF
VFI 27 00	IRR	AA	G	4999	--	SE	SW	NE	-----	-----	4	24	32W	1		320.00	320.00	AF
VFI 28 00	IRR	AA	G	2986	--	SW	SW	SE	-----	-----	4	24	32W	2		300.00	300.00	AF
VFI 36 00	IRR	AA	G*	3200	--	NW	SW	SE	-----	-----	9	24	32W	6		176.00	176.00	AF
Same				2067	--	NW	SW	NE	-----	-----	9	24	32W	7				
VFI 39 00	IRR	AA	G*	3200	--	NW	SW	SE	-----	-----	9	24	32W	6		154.00	154.00	AF
Same				2067	--	NW	SW	NE	-----	-----	9	24	32W	7				
VFI 40 00	IRR	AA	G*	3200	--	NW	SW	SE	-----	-----	9	24	32W	6		150.00	150.00	AF
Same				2067	--	NW	SW	NE	-----	-----	9	24	32W	7				
VFI 41 00	IRR	AA	G	5031	--	SW	NE	SE	1465	937	10	24	32W	7		124.00	124.00	AF
VFI 44 00	IRR	AA	G	4600	--	NE	NE	NW	-----	-----	15	24	32W	2		230.00	230.00	AF
VFI 47 D4	IRR	AA	G	4841	--	SW	NW	NE	4500	2595	16	24	32W	4		120.20	120.20	AF
VFI 47 D5	IRR	AA	G	4841	--	SW	NW	NE	4500	2595	16	24	32W	4		19.23	19.23	AF
VFI 47 D6	IRR	AA	G	4841	--	SW	NW	NE	4500	2595	16	24	32W	4		152.05	152.05	AF
VFI 47 D7	IRR	AA	G	4841	--	SW	NW	NE	4500	2595	16	24	32W	4		27.80	27.80	AF
VFI 47 D8	IRR	AA	G	4841	--	SW	NW	NE	4500	2595	16	24	32W	4		450.54	450.54	AF

MAYO
1300' SPACING NEEDED
FANSHER INC
1300ft SPACING NEEDED
FOR TRIM BUT 2100'
FOR FI 36 39 40
MAINTAIN

330 AF 480 AF
COULD IRRIGATE
61.23 ACRES
@ 2.45 AF/A

Total Net Quantities Authorized:	Direct	Storage
Total Requested Amount (AF) =	.00	.00
Total Permitted Amount (AF) =	14.00	.00
Total Inspected Amount (AF) =	.00	.00
Total Pro_Cert Amount (AF) =	.00	.00
Total Certified Amount (AF) =	949.01	.00
Total Vested Amount (AF) =	2423.82	.00
TOTAL AMOUNT (AF) =	3386.83	.00

PROPOSED FILES TOTAL 480 AF NEED 2100 ft SPACING
NEARBY -
WR 201000 -
5170 D4 - D9 Q TOTAL - 161.01 AF
4/11/2000 WR RESOLVED FROM LAND -
480 AF UNDER FI 36, 39 & 40 ON 196.0 ACRES

An * after the source of supply indicates a pending application for change for the file number.

An * after the ID indicates a 15 AF exemption was granted for the file number.

A "G" in the Batt column indicates the GEO CTR of a battery. A "B" indicates a well in the battery.

The number in the Batt column is the number of wells in the battery.

IF ADJUST WELL LOCATION TO MAKE 1900' TO WELL UNDER 12806
THE VESTED RIGHTS 36 & 39 330 AF WOULD MEET SPACING. A CRUAL LOCATION
OF 12806 UNKNOWN. ALSO ACTUAL ACRES THAT CAN STILL BE IRRIGATED IS 35 ACRES
2.45 AF/A

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

100.829288 West Longitude and 37.984351 North Latitude

GROUNDWATER ONLY

WATER USE CORRESPONDENTS:

File Number Use ST SR

A 2696 00 IRR NK G

> SOUTHWEST KANSAS RESEARCH EXT CENTER

> 4500 E MARY ST
> GARDEN CITY KS 67846

A 5170 D4 IRR NK G

> CLIFFORD A MAYO TRUST
> C A & P L MAYO TTEES
> 104 SUFFOLK CT
> GARDEN CITY KS 67846

A 5170 D5 IRR NK G

> CLIFFORD A MAYO TRUST
> C A & P L MAYO TTEES
> 104 SUFFOLK CT
> GARDEN CITY KS 67846

A 5170 D6 IRR NK G

> STONE DEVELOPMENT INC
> 2125 BUFFALO HEIGHTS DRIVE
> GARDEN CITY KS 67846

A 5170 D7 IRR NK G

> CLIFFORD A MAYO TRUST
> C A & P L MAYO TTEES
> 104 SUFFOLK CT
> GARDEN CITY KS 67846

A 5170 D8 IRR NK G

> STONE DEVELOPMENT INC
> 2125 BUFFALO HEIGHTS DRIVE
> GARDEN CITY KS 67846

A 5170 D9 IRR NK G

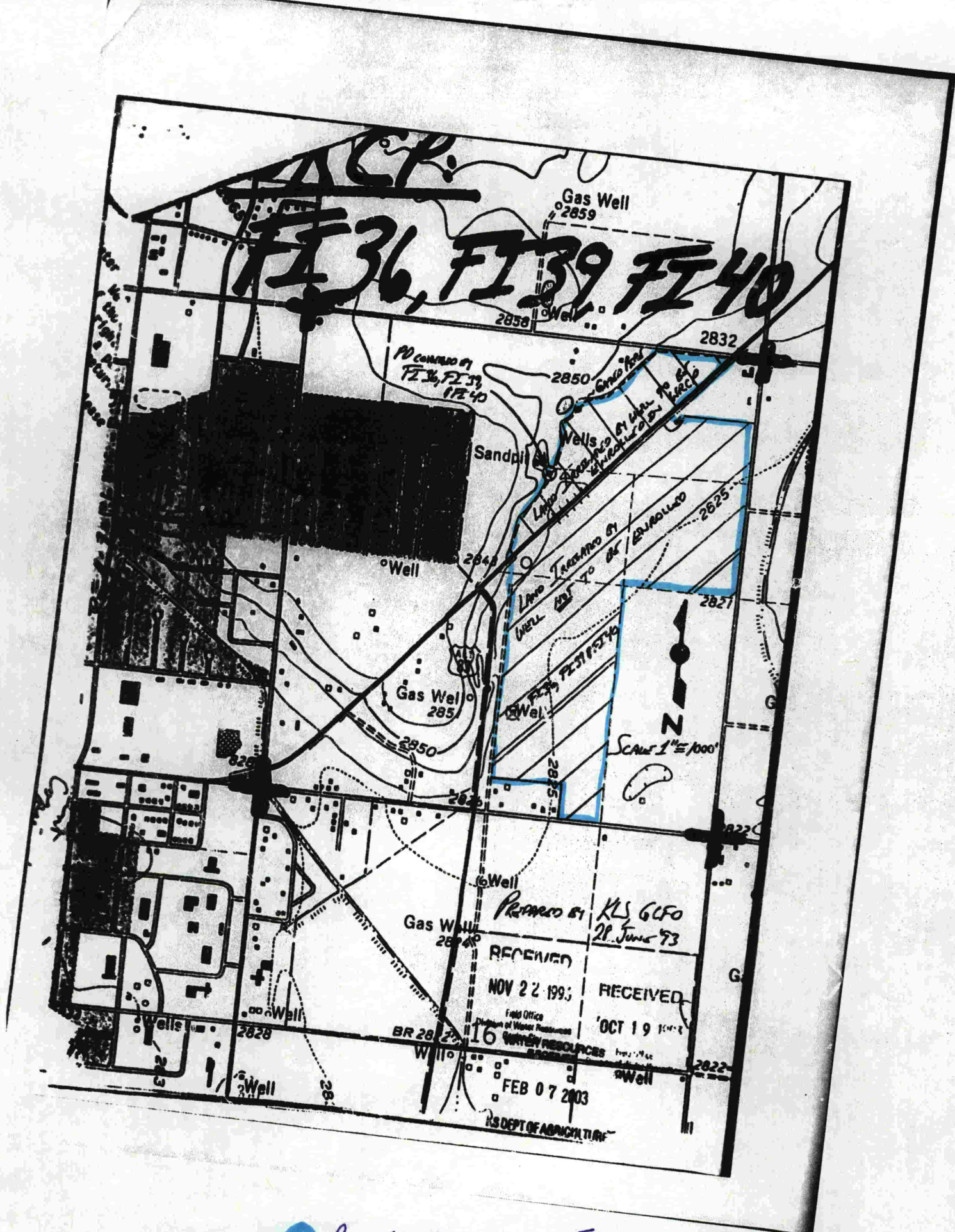
> ADMINISTRATIVE PURPOSES
> CCCCCCCCCCCCCC CO 00000

A 12806 00 IRR NK G

> FANSHER INC

Handwritten notes and markings on the left margin, including "A 12806 00 IRR NK G" and other illegible scribbles.

Large handwritten notes at the bottom of the page, including "100.829288 West Longitude and 37.984351 North Latitude" and other illegible text.



ACR:
FI 36, FI 39, FI 40

PREPARED BY **KLS GCFO**
21 June 93
 RECEIVED
NOV 22 1993
 FIELD OFFICE
 DIVISION OF WATER RESOURCES
16 WATER RESOURCES
FEB 07 2003
 U.S. DEPT. OF AGRICULTURE

● PLACES OF USE . FI 36, FI 39, FI 40.
 APPROX 200 ACRES -
 complete overlay

(785) 564-6633
Leslie.Ireland@kda.ks.gov
www.agriculture.ks.gov

From: Turney, Brent
Sent: Monday, February 22, 2016 8:15 AM
To: Ireland, Leslie <Leslie.Ireland@KDA.KS.GOV>
Subject: FW: Additional Information, change app's FI036, FL039 & FI040

Brent A. Turney, P.G.
Kansas Department of Agriculture
Division of Water Resources
1320 Research Park Drive
Manhattan Kansas 66502
(785) 564-6645
Brent.Turney@kda.ks.gov
www.agriculture.ks.gov

From: Mark Rude [<mailto:mrude@gmd3.org>]
Sent: Friday, February 19, 2016 5:43 PM
To: Letourneau, Lane; Meyer, Mike; Turney, Brent
Cc: Mark
Subject: Additional Information, change app's FI036, FL039 & FI040

Lane, Mike and Brent,

This is in response to a February 8, 2016 letter from Brent to the applicant. The applications involve a situation where the applicant wants to move all three rights out from under the Garden City Walmart parking lot to a proposed new irrigation well. The well does not meet spacing for the total amounts authorized. But will meet spacing for the amount needed to reasonably irrigate the 15 or so acres around the proposed well. So, this creates a reasonableness issue (400 acre feet on 15 acres example) and a well spacing issue. The sticking issue is not spacing so much as it is in need of the administrative mechanism to bind into conservation the unreasonable portion of these rights while allowing some irrigation from the proposed new well.

One concept discussed is to approve the move under the conditions that the remainder of the rights considered unreasonable for the acres proposed to be irrigated will be consensually restrained from use under a WCA order until a subsequent change is filed and order altering the WCA and available water. I have reviewed this with Mark Worf and also with George Rapp, who owns the irrigation well north of the proposed location.

The reasonableness for the acres issue must be resolved before proceeding with these applications. Please do not dismiss these off your desk yet. Consider a WCA and we can then seek a waiver from the board. Please let us know if a WCA can be used for this purpose.

Thanks for your consideration of this added information and WCA request on behalf of the applicant.
Mark

Mark E Rude



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

February 8, 2016

WORF LAND LLC
MARK WORF CO-MGR
1407 MELS DR
GARDEN CITY KS 67846

RE: Vested Right, File Nos. FI 036, FI 039 & FI 040

FILE COPY

Dear Mr. Worf:

Reference is made to the applications for the approval of the Chief Engineer to change the points of diversion under the referenced files which were received in this office on November 24, 2014. On June 5, 2015, the applications were submitted to Southwest Kansas Groundwater Management District No. 3 (GMD3) for a recommendation on the proposed changes and the requested waiver of K.A.R. 5-23-3, *Minimum well spacing requirements: high plains aquifer*.

Several extensions of time in which to make a recommendation have been requested and granted, GMD3, but as of today's date no recommendation has been received. It appears the applications cannot be approved in their present form.

The proposed changes in point of diversion do not comply with the Rules and Regulations of the Southwestern Kansas Groundwater Management District No. 3. Specifically, as proposed the applications for change do not comply with K.A.R. 5-23-3, *Minimum well spacing requirements: high plains aquifer*, due to the quantity authorized by the referenced files and the distance to a nearby irrigation well.

For the reason given above, it will be recommended to the Chief Engineer that the applications for approval to change the points of diversion under File Nos. FI 036, FI 039 & FI 040, be denied and dismissed due to the failure to meet the required well to well minimum allowable spacing as required by K.A.R. 5-23-2. **We are advising you of this recommendation in order to allow you an opportunity consult with the district regarding their recommendation, or to submit additional information to show why the evaluation should be reconsidered.**

You have a period of 15 days (until February 23, 2016) to either (1) submit additional information to our office or (2) to request additional time beyond the 15 days to submit additional information or to meet with the district. If you wish to request additional time, you must do so **in writing**, before the 15 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.

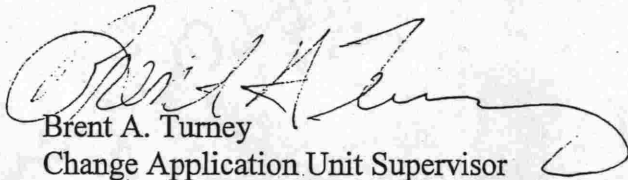
RE: File No. FI 036, FI 039 & FI 040

Page 2

If you do submit additional information within the 15 day period (or any authorized extension), that information will be given due consideration prior to final action on the applications.

If you have any questions, please contact our office, my desk phone is (785) 564-6645. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,



Brent A. Turney
Change Application Unit Supervisor
Water Appropriation Program

BAT:LI:li

pc: Garden City Field Office
Groundwater Management District No. 3

FILE COPY

Ireland, Leslie

From: Ireland, Leslie
Sent: Tuesday, February 23, 2016 8:53 AM
To: Meyer, Mike
Subject: RE: Change app's FI036, FL039 & FI040 Worf

Correct, they want to move all to one well by the proposals I have. Oh!!! thought a WCA was the same as WRCP just different wording coming in from the GMD. Think Brent has me straightened out on that...

I concur... We come up with a proposal for the landowner to move a portion of the quantity that is reasonable for the remaining PU for ag, and figure out a D1, D2, WRCP. We need the exact acres that he has to irrigate.

Not sure about the option that would limit the quantity to day but revisit it later.

The division could take care of the multiple well down to one that will move for the irrigation.. actually does he really want to irrigate?

Actually does he need to enroll in the WRCP?
Does he need to do anything???
Find a buyer within ½ mile????

Can we schedule a call this afternoon with you and Brent?

Leslie Ireland

From: Meyer, Mike
Sent: Tuesday, February 23, 2016 8:43 AM
To: Ireland, Leslie <Leslie.Ireland@KDA.KS.GOV>
Cc: Turney, Brent <Brent.Turney@KDA.KS.GOV>
Subject: RE: Change app's FI036, FL039 & FI040 Worf

All the water rights have two wells each
They are proposing to move both wells to one location, correct?

I do not think a WCA is the best option here. This is not was the statute was intended for.

Can we come up with a proposal for the landowner to move a portion of the quantity that is reasonable for the remaining PU for ag, and figure out a D1, D2, WRCP option, or an option that would limit the quantity to day but revisit it later.

Once we get a proposal together we need to update lane

Mike

From: Ireland, Leslie
Sent: Tuesday, February 23, 2016 8:08 AM
To: Meyer, Mike
Cc: Turney, Brent
Subject: RE: Change app's FI036, FL039 & FI040 Worf

NO. The way I was thinking is based on the place of use that they have available is what I would divide one of the rights to and then WCA the rest. They don't need an additional well. FI 040 has two wells.

Sorry leaving at 4:30 these days due to the van ride.

From: Meyer, Mike

Sent: Monday, February 22, 2016 4:34 PM

To: Ireland, Leslie <Leslie.Ireland@KDA.KS.GOV>; Turney, Brent <Brent.Turney@KDA.KS.GOV>

Subject: RE: Change app's FI036, FL039 & FI040 Worf

Leslie

Are you talking about dividing these rights or an additional well? FI36 and FI 39, FI 40?

Mike

From: Ireland, Leslie

Sent: Monday, February 22, 2016 10:23 AM

To: Turney, Brent; Meyer, Mike

Cc: Letourneau, Lane

Subject: Change app's FI036, FL039 & FI040 Worf

Brent,

The facts. Summary of attachment and WRIS.

These rights developed 2.45 AF/A. They have a total combined quantity of 480 AF. The most junior right has the least assigned quantity between the two wells with a blanket quantity of 150 AF, or could irrigate 61.23 acres.

It is my understanding that there are 35 acres remaining of the 196 acres that are currently permitted. This would avail 85.75 AF needed for the place of use based on their historical use.

Not sure how George Rapp is involved unless he is the owner of Fansher Inc. WR# 12806 is owned by Fasnher Inc. The well under FWR#12806 is located to the Southwest of the proposed point of diversion. It is the only well that I see not meeting the required 2300 feet of spacing. The distance between the proposed and WR# 12806 is indicated by WRIS to be 1820 feet, but no actual feet distances are show for WR# 12806 in WRIS. If the actual location of this well and the proposed were looked at they may meet the required 1900 feet of spacing for the 330 AF, combined total under WR# FI 036 & 039. Just the PU issue remains.

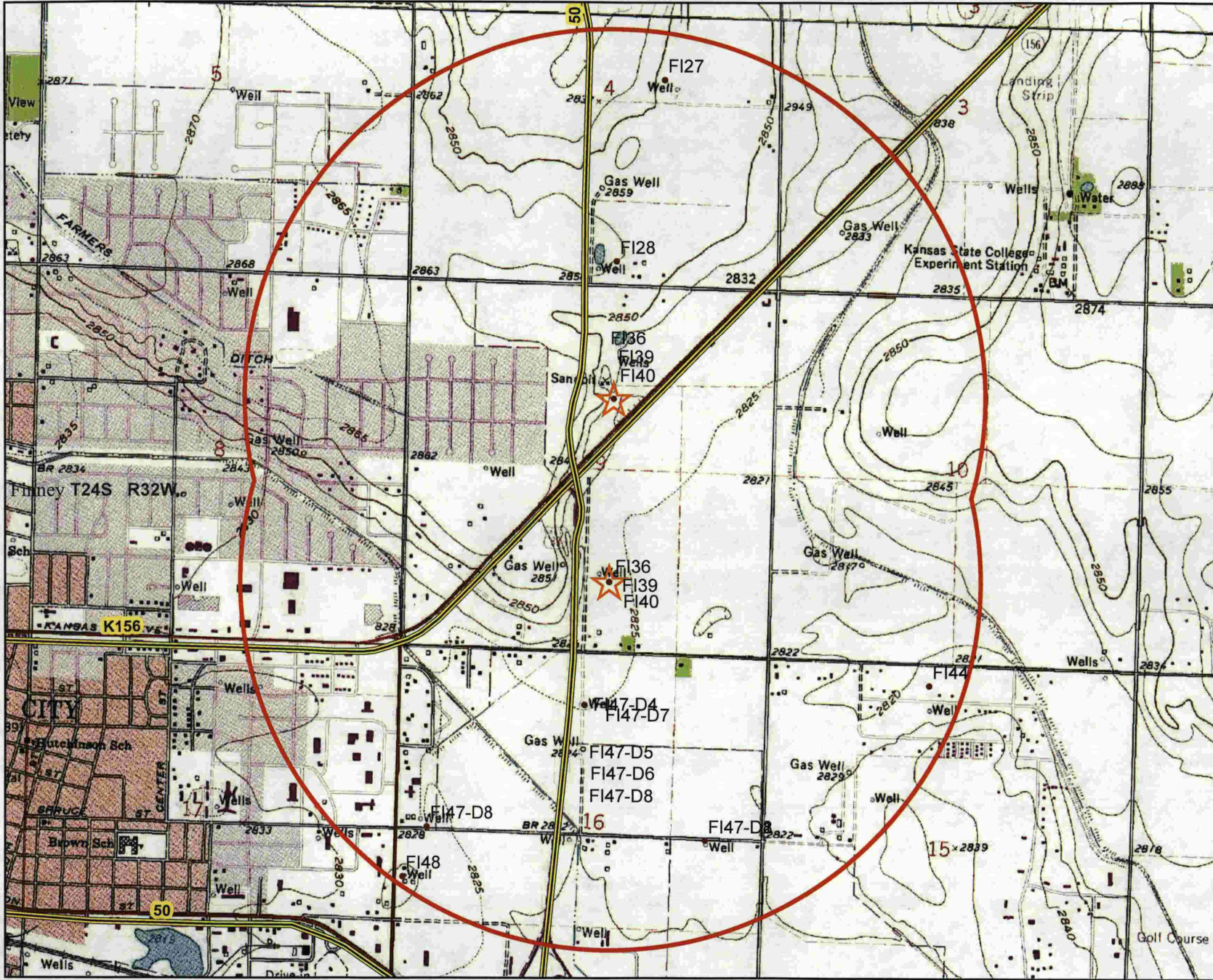
So looking at this from both sides now.. the land for the quantity and the quantity for well to well spacing. It all looks like it can be done and could be possibly done without a waiver in that if they only will keep 85.75 AF active for the irrigation of 35 acres, needing only 1300 feet then the 80 feet of unknown well spacing is not an issue. The 330 AF under FI 036 & FI 039 would irrigate, 134.69 acres doing a very nice circle of alfalfa somewhere.

So... I will do a 30 day extension to the GMD. I did not send them this information, but can if you recommend that I do so they can work on spacing issue, (may not be), WCA, withdraw what changes, and make a recommendation. I did ask about CREP, or the recent buyout program, but I think they didn't qualify.

If am needed to help with any of the paperwork or send the similar information to Mark, please let me know.

Leslie Ireland, Environmental Scientist II
Kansas Department of Agriculture
Division of Water Resources - Change Unit

VESTED RIGHT FILE NOS. FI036 FI 039 FI040

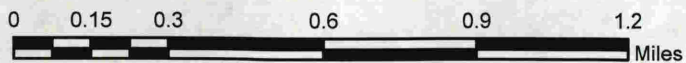
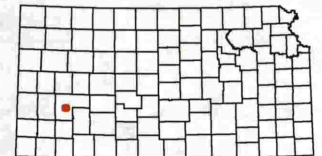


Legend

S_UMW

• G_IRR

Index Map





Department of Agriculture
Division of Water Resources

109 SW 9th Street, 2nd Floor
Topeka, Kansas 66612-1280
Jackie McClaskey, Secretary
David W. Barfield, Chief Engineer

Phone: (785) 296-3717
Fax: (785) 296-1176
www.agriculture.ks.gov
Sam Brownback, Governor

July 8, 2015

SOUTHWEST KANSAS GROUNDWATER
MANAGEMENT DISTRICT NO 3
ATTN JASON NORQUEST
2009 E SPRUCE STREET
GARDEN CITY KS 67846

RE: Vested Right, File Nos. FI 036, FI 039 & FI 040

Dear Mr. Norquest:

In response to your July 7, 2015, E-mail, the Chief Engineer has extended the time in which to submit a recommendations concerning the November 24, 2014, applications to change the points of diversion for the above referenced files.

At your request the Chief Engineer has delayed any further action until August 9, 2015.

Please submit your recommendation within the allotted time, or any authorized extension of time thereof. If you wish to refer to a specific file, please reference it when you contact us.

Sincerely,

Leslie Ireland
Environmental Scientist
Water Appropriation Program

LI:li

pc: Garden City Field Office
Mark Worf, Co-Mgr, Worf Land LLC

FILE COPY

Ireland, Leslie

From: Jason Norquest <norquest@gmd3.org>
Sent: Tuesday, July 07, 2015 11:51 AM
To: Ireland, Leslie
Cc: Mark Rude; Meyer, Mike
Subject: Worf Apps. FI36, FI39 & FI40

Good morning Leslie, hope you survived the storms I heard were going through your area.

After discussion with neighboring water right holders and with Mike at the field office, we are going to remove the waiver review for the above vested rights with the Board at the July meeting. We believe at this time more discussion needs to take place before an informed decision can be made on these applications. The main point is that we are moving the authority of these water rights, which is 480AF, to a well location that will need a waiver of spacing. Due to increased development on this ground, the applicant only has roughly 35-50 acres of land that can still be irrigated at this time. The applicant wishes to maintain his full authority and at the same time we have had a couple of the neighboring water right holders express concern with what could happen with the water rights in the future if the proposed well was allowed to pump close to it's full authority.

We feel that this will need to have further discussion with Mike and your office to come up with the best solution that we can while taking the water right holders concerns into account.

At this time we ask for another 30 day discussion and we will also be talking with the applicant to explain the delay in coming to a recommendation. Please let me know if you have any questions.

Thanks for your time. Have a good day.

Jason Norquest

Assistant Manager, GMD3

Office: 620-275-7147 Cell: 620-271-1289

norquest@gmd3.org

www.gmd3.org

FILE COPY



109 SW 9th Street, 2nd Floor
Topeka, Kansas 66612-1280
Jackie McClaskey, Secretary
David W. Barfield, Chief Engineer

Department of Agriculture
Division of Water Resources

Phone: (785) 296-3717
Fax: (785) 296-1176
www.agriculture.ks.gov
Sam Brownback, Governor

June 17, 2015

SOUTHWEST KANSAS GROUNDWATER
MANAGEMENT DISTRICT NO 3
ATTN JASON NORQUEST
2009 E SPRUCE STREET
GARDEN CITY KS 67846

RE: Vested Right, File Nos. FI 036, FI 039 & FI 040

Dear Mr. Norquest:

In response to your June 15, 2015, E-mail, the Chief Engineer has extended the time in which to submit a recommendations concerning the November 24, 2014, applications to change the points of diversion for the above referenced files.

At your request the Chief Engineer has delayed any further action until July 10, 2015.

Please submit your recommendation within the allotted time, or any authorized extension of time thereof. If you wish to refer to a specific file, please reference it when you contact us.

Sincerely,

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

Leslie Ireland
Environmental Scientist
Water Appropriation Program

LI:li

pc: Garden City Field Office
Mark Worf, Co-Mgr, Worf Land LLC

FI036 FI39 FI40

Ireland, Leslie

From: Jason Norquest <norquest@gmd3.org>
Sent: Monday, June 15, 2015 2:54 PM
To: Ireland, Leslie
Subject: Worf Land

Leslie, due to the nature of the application for Vested Water Rights, File Nos. FI36, FI 39 & FI40, we are requesting an extension of time to submit our recommendations. It appears that a waiver may be needed to the spacing rule. We will need an extension of time to collect more information and allow the Board time to consider it at our next monthly meeting. We therefore request an extension of time until July 10th. If additional time is needed, we will submit another request for an extension.

Thanks in advanced and have a good day.

Jason Norquest

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

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

June 5, 2015

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

Re: Application for Change, Vested Right, File Nos. FI 036, FI 039 & FI 040

Dear Mr. Rude:

We are enclosing a copy of the applications referred to above which appear to be in proper form.

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

Please submit your recommendations within the allotted time, or any authorized extension of time thereof. If you wish to refer to a specific file, please reference it when you contact us.

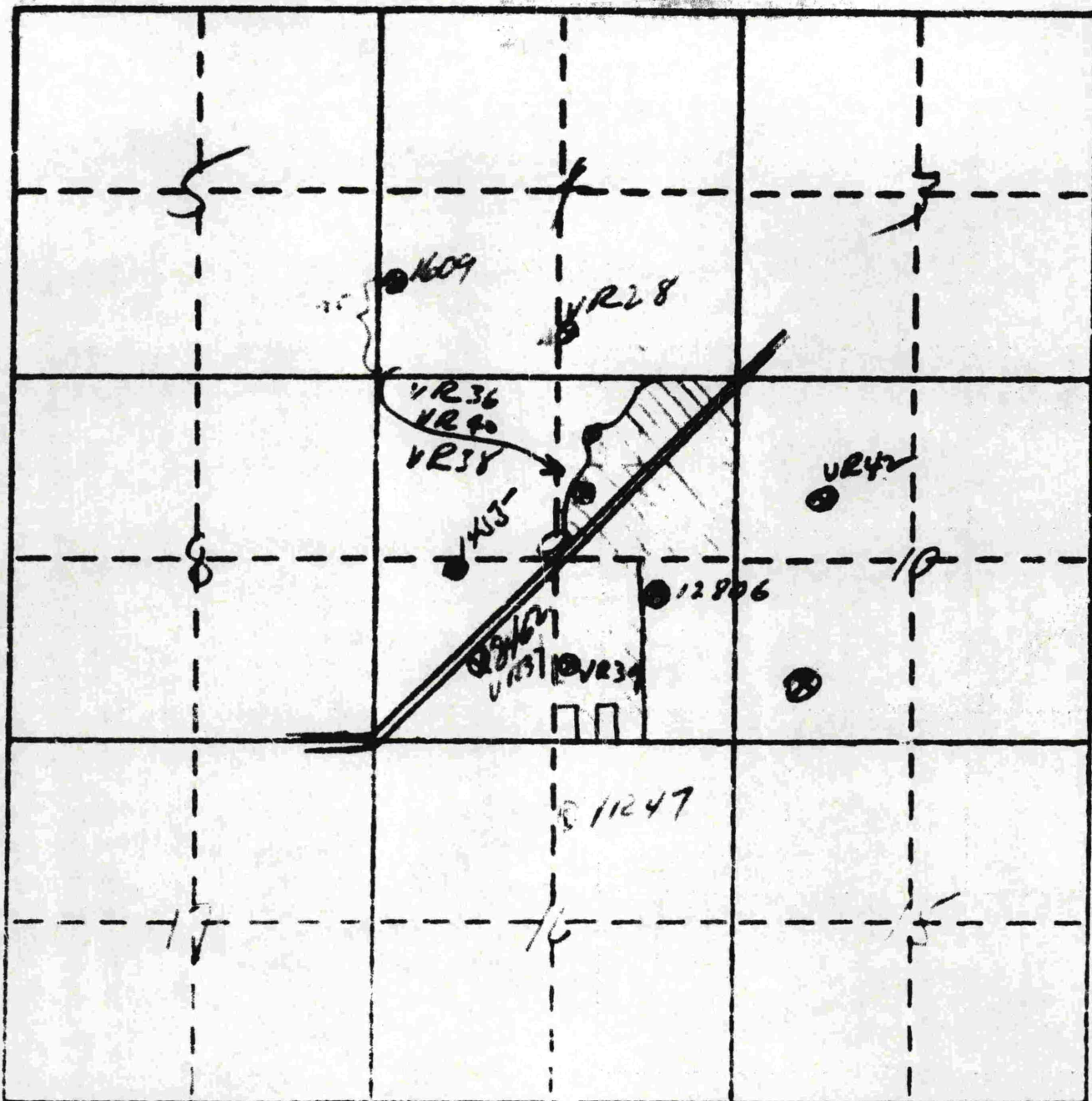
Sincerely,

Leslie Ireland
Environmental Scientist
Water Appropriation Program

FILE COPY

LI:li
Enclosure

pc: Garden City Field Office
Mark Worf, Worf Land LLC



- x - Domestic well
- O - Municipal well
- M - Irrigation Well
- θ - Industrial Well

Scale

Show location of other wells in a one-half mile radius of the well or wells covered by this application.

Reported

Measured

Date

Depth of well

FI 036, 39 & 40

Ireland, Leslie

From: Mark Rude <mrude@gmd3.org>
Sent: Wednesday, April 01, 2015 11:08 AM
To: Meyer, Mike; Ireland, Leslie
Cc: Turney, Brent; Lanterman, Jeff; Letourneau, Lane; Barfield, David; Mark; Norquest, Jason; Law, Chris; Trevor Ahring
Subject: New rule application for GMD3
Attachments: WorfLetter_FI36_032415.pdf

Dear Commissioner Meyer and Leslie,

This is a friendly "time out" e-mail. The attached letter raises a new rule application for SW Kansas. It is similar to the provision in the Ark River IGUCA order. However, the referenced K.A.R. 5-5-13 is without boundaries and is apparently only applicable to alluvial aquifers. It's application, as proposed in the attached letter raises a number of management program questions that should be reviewed in proper context and with the benefit of DWR expertise.

We are requesting some implementation discussion between GMD3 and DWR as to the purpose of the new rule for GMD3. We would like to discuss how it has been implemented to date and how it should be applied to applications in aquifer areas where alluvial systems are above the Ogallala Aquifer and both are considered the same source of supply. The discussion may not take long.

Until this can be accomplished, we are requesting that DWR hold the processing of the Worf change applications, file nos. FI 36; FI 39 & FI 40 and use of the rule to other applications filed in GMD3 so that the processing of the applications can benefit for that discussion. If you would like advice from the GMD3 board, I can request that it be included on next Wednesdays board agenda, but the May meeting be better after staff of DWR and GMD3 have the opportunity for a review.

Please provide confirmation of the suspended processing and let us know when you may be able to have this discussion so we can coordinate calendars. Thanks in advance,

Mark

Mark E Rude
 Executive Director
 Southwest Kansas Groundwater Management District No. 3
 2009 E Spruce St.
 Garden City, Kansas 67846
 O 620.275.7147
 C 620.272.3001
www.GMD3.org



FILE COPY



109 SW 9th Street, 2nd Floor
Topeka, Kansas 66612-1283

Jackie McClaskey, Acting Secretary
David W. Barfield, Chief Engineer

Phone: (785) 296-3717
Fax: (785) 296-1176
<http://agriculture.ks.gov/dwr>

Sam Brownback, Governor

March 24, 2015

WORF LAND LLC
MARK WORF CO-MGR
1407 MELS DR
GARDEN CITY KS 67846

RE: Vested Right, File Nos. FI 036; FI 039 & FI 040

FILE COPY

Dear Mr. Worf:

Reference is made to the applications for approval of the Chief Engineer to change the points of diversion under the referenced file numbers which were received in this office on November 24, 2014.

Upon review of the applications submitted, which propose to relocate the points of diversion authorized by the referenced files, it appears that the applications cannot be approved as proposed. It appears the applications propose to relocate the points of diversion, to complete a new well located in the Northeast Quarter of the Southeast Quarter of the Northeast Quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 9, more particularly described as being near a point 3,464 feet North and 265 feet West of the Southeast corner of said section, in Township 24 South, Range 32 West, Finney County, Kansas. A review of that the proposed location appears to decrease the distance to a stream identified in the Office of the Chief Engineer, by the name of Whitewoman Bottoms by more than ten percent (10%) in violation of K.A.R. 5-5-13, *Relocation of alluvial wells*. This regulation of the Water Appropriation Act which states:

“If an authorized point of diversion is a well that has as its source of supply an alluvium in a reach of a basin that is fully appropriated or closed to new appropriations, the approval of a change in point of diversion, and any subsequent approvals of changes in points of diversion, shall not authorize the distance between the well and the centerline of the stream to be decreased by more than 10 percent since the time the source of supply became fully appropriated or was closed to new appropriations.”

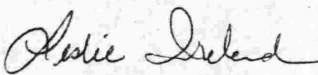
Based on this evaluation of the applications it will be recommended to the Chief Engineer that the Applications for Approval to Change the Authorized Points of Diversion under the referenced files, be denied and dismissed due to the failure to meet K.A.R. 5-5-13, *Relocation of alluvial wells*.

We are advising you of this recommendation and returning your applications in order to allow you an opportunity to modify the applications or submit additional information to show why our evaluation should be reconsidered. **You have a period of 30 days (until April 23, 2015) to either (1) submit modified applications for change, (2) provide additional information to our office or (3) 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.

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

Sincerely,



Leslie Ireland
Environmental Scientist
Change Application Unit
Water Appropriation Program

FILE COPY

LI:li

Enclosures

pc: Garden City Field Office
Groundwater Management District No. 3

FI36, FI39, FI40



All wells within 1/2 mile
have been plotted

1 inch = 2,000 feet

WATER RESOURCE
RECEIVED
NOV 24 2014
KS DEPT OF AGRICULTURE

32

33

T23S R32W

34

35

FI 036, FI 039 & FI 040

CUG PD

BRIDGE DRAINAGE CAN

E KS AVE

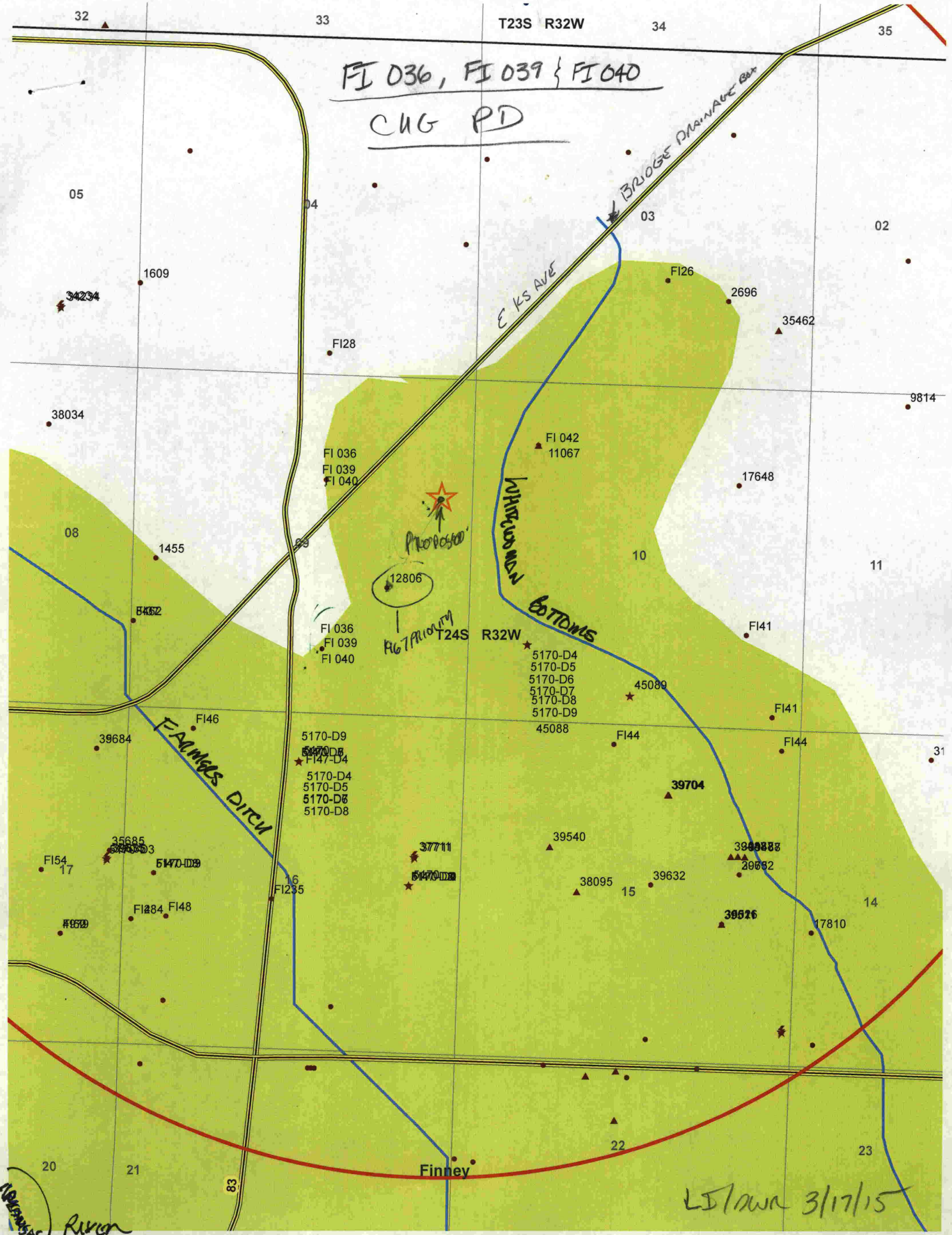
WILKINSON

BOTTOMS

FANNING DITCH

Finney

LS/awa 3/17/15



FI 036
FI 039
FI 040

FI 036
FI 039
FI 040

5170-D9
5170-D4
5170-D4
5170-D5
5170-D6
5170-D8
5170-D8

5170-D4
5170-D5
5170-D6
5170-D7
5170-D8
5170-D9

34234

1609

38034

1455

8462

39684

35685

5170-D9

FI 284 FI 148

FI 28

FI 042
11067

17648

35462

9814

FI 41

R32W

45088

FI 44

FI 41

FI 44

39704

39540

37711

5170-D8

38095

39632

39688

20682

39526

17810

22

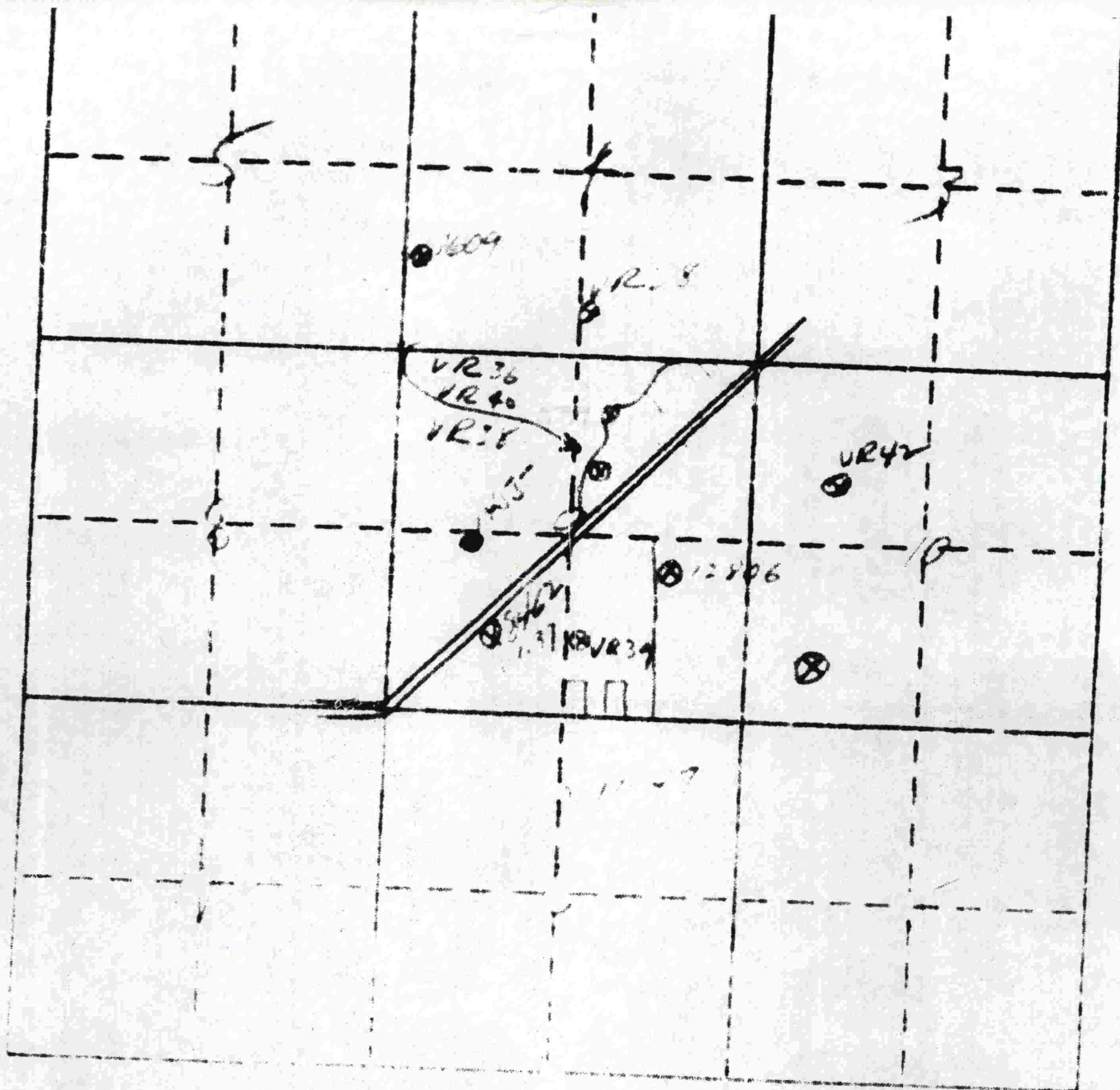
23

20

21

83

WILKINSON RIVER



- Municipal well
- ⊗ Industrial well
- ⊖ Industrial well

Show location of other wells in a one-half mile radius of the well or wells covered by this application.

	<u>Reported</u>	<u>Measured</u>
Date
Depth of well
*Depth to water
Fuel

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 1, 2015

SOUTHWEST KANSAS GROUNDWATER
MANAGEMENT DISTRICT NO 3
ATTN JASON NORQUEST
2009 E SPRUCE STREET
GARDEN CITY KS 67846

RE: Vested Right, File Nos. FI 036, FI 039 & FI 040

Dear Mr. Norquest:

In response to your August 31, 2015, E-mail, the Chief Engineer has extended the time in which to submit a recommendations concerning the November 24, 2014, applications to change the points of diversion for the above referenced files.

At your request the Chief Engineer has delayed any further action until October 30, 2015.

Please submit your recommendation within the allotted time, or any authorized extension of time thereof. If you wish to refer to a specific file, please reference it when you contact us.

Sincerely,

Leslie Ireland
Environmental Scientist
Water Appropriation Program

LI:li

pc: Garden City Field Office
Mark Worf, Co-Mgr, Worf Land LLC

FILE COPY

Kansas Department of Agriculture
109 SW 9th Street, 2nd Floor
Topeka, KS 66612-1283

April 17, 2015

RE: Vested Right, File Nos. FI 036; FI 039 and FI 040

Attention Leslie Ireland

Dear Leslie,

In reference to your letter of April 3, 2015.

We continue to work with Mark Rude and the Southwest Kansas Ground Water Management District #3 office. We have identified all wells located within ½ mile of the proposed well. However the topographical map that you referenced in your letter was not included in the documents that you sent.

I am requesting that you please send us the map so we may document the location of the wells as requested. I am also requesting that the deadline of April 23, 2015 be extended.

I am enclosing the signed signature page, with my signature as the duly appointed agent for Worf Land LLC. I am also enclosing copies of the deeds for the water rights in question. These deeds convey the water rights in questions to Worf Land LLC.

If it would facilitate the process, you may contact me at my work phone, 620-272-5426, Monday-Friday, 8:00 AM to 5:00 PM.

Thank you for your assistance.

Sincerely,

Mark Worf
Co-manager, Worf Land LLC

WATER RESOURCES
RECEIVED

APR 27 2015

KS DEPT OF AGRICULTURE

SCANNED

282 49

STATE OF KANSAS ss. #6647

FINNEY COUNTY This instrument was filed for Record on

the 13 day of Dec AD. 2007

at 2:30 o'clock P M and duly recorded

in book 282 Page 49 Fee \$ 20.00

Rita A. Dwyer Register of Deeds

Rita A. Dwyer



DATA ENTRY
LAND INDEX ✓

Entered in Transfer Record in my office this
14 day of Dec A.D. 2007
Elsa Ulrich
Finney County Clerk

KANSAS BUSINESS ORGANIZATION LIMITED WARRANTY DEED

On this 4 day of December, 2007, Worf Land, L.L.C., a Kansas limited liability company duly organized and existing under the laws of the State of Kansas, and having its principal place of business at 109 West 8th Street, Scott City, County of Scott, State of Kansas ("Grantor"), **CONVEYS AND GRANTS** to: Sam's West, Inc., an Arkansas corporation, ("Grantee") all of the real property (the "Property") in Finney County, Kansas:

Lots 1 and 2, Block 1, as shown on the Final Plat of 156 Commercial, Phase Four, in the Northeast Quarter of Section 9, Township 24 South, Range 32 West of the 6th P.M., Garden City, Finney County, Kansas as recorded in ~~Map Book 450~~ ^{Map Book 450}, Page _____ on December 11, 2007 with the Finney County, Kansas, Register of Deeds;

Together with any of the following to the extent appurtenant to the Property and owned and transferrable by Grantor, if any: all improvements thereon, easements, and other rights appurtenant thereto, including mineral rights, and all of Grantor's right, title, and interest in any public rights-of-way adjoining the Property, together with any and all credits for development fees, impact fees, water, sewer or other utility tap, connection, meter or services fees or amounts which have been paid to any governmental authority in connection with any previous development of the Property or any utility service provided to any improvement located on said Property;

Save, Except, and reserving back unto Grantor all water rights and interests in the Property. Such reserved interests include, but are not limited to, all water rights appurtenant to the Property under D.W.R. File Numbers F136, F139; and F140, held in the names of LE and Leona Worf, and Worf Land, L.L.C.; and

SUBJECT TO: current and future real property taxes and special assessments; zoning and other governmental restrictions; and those matters listed on Exhibit A attached hereto and incorporated by reference herein;

(collectively the "Property") for the sum of \$10.00 and other good and valuable consideration.

*270404
Lawyers Title
Wichita KS
20.00*

1

WATER RESOURCES RECEIVED

APR 27 2015

KS DEPT OF AGRICULTURE

SCANNED

STATE OF KANSAS

SS. # 646

FINNEY COUNTY

DATA ENTRY ✓
LAND INDEX ✓

This Instrument was filed for Record on
the 27 day of Jan A.D. 2003

at 2:29 o'clock P M and duly recorded

in book 251 Page 542 Fee \$ 20.00
RITA ALSOP

Register of Deeds

VOL 251 PAGE 516



(Space above reserved for Recorder of Deeds certification)

KANSAS WARRANTY DEED

THIS INDENTURE, Made by and between **Worf Land LLC**, a limited liability company, duly organized, incorporated and existing under and by virtue of the laws of the State of Kansas and having its principal place of business at 109 West 8th Street, Scott County, Kansas 67871, (herein called the "Grantor"), and **Woltemath/Otis Development, Inc.**, a corporation, duly organized, incorporated and existing under and by virtue of the laws of the State of Nebraska and having its principal place of business at 9140 West Dodge Road, Financial Plaza Building, Suite 242, City of Omaha, State of Nebraska 68114 (herein called the "Grantee").

Handwritten note: Home Depot

WITNESSED: THAT GRANTOR, in consideration of the sum of Ten and NO/100 Dollars (\$10.00) and other valuable consideration duly paid, the receipt of which is hereby acknowledged, does by these presents, sell and convey unto the Grantee, its successors and assigns, the lot, tract or parcel of land, lying, being and situated in the County of **Finney** and State of **Kansas**, described on **Exhibit A** attached hereto and incorporated by reference herein, **EXCEPT** all rights to water, minerals, oil, gas and other hydrocarbon substances in, to and under the Property, and all rights appurtenant thereto.

SUBJECT TO covenants, conditions, easements, restrictions, reservations of record and taxes and assessments, general and special, not now due and payable.

TO HAVE AND TO HOLD THE SAME, Together with all and singular, the tenements, hereditaments and appurtenances thereto belonging or in any wise appertaining, forever.

And the Grantor, and Grantor's successors and assigns, do hereby covenant, promise and agree to and with the Grantee that at the delivery of these presents Grantor is lawfully seized in Grantor's own right, of an absolute and indefeasible estate of inheritance, in fee simple, of and in all singular the above granted and described premises, with the appurtenances; that the same are free, clear, discharged and unencumbered of and from all former and other grants, titles, charges, estates, judgments, taxes, assessments and encumbrances of what nature of kind whatsoever except as hereinbefore stated, and except for the lien of taxes and assessments both special and general, not now due and payable, and that Grantor will warrant and forever defend the same unto Grantee, and Grantee's successors and assigns, against Grantor, and Grantor's successors and assigns, and all and every person or persons whomsoever, lawfully claiming or to claim the same.

WORDS and phrases herein, including acknowledgement hereof, shall be construed as in the singular or plural number, and as masculine or feminine gender, according to the context.

203389.3

WATER RESOURCES
RECEIVED

APR 27 2015

KS DEPT OF AGRICULTURE

Entered in Transfer Record in my office this

28 day of Jan A.D., 20 03

Handwritten signature of Clerk

Finney County Clerk

SCANNED



FROM DATA ENTRY LAND INDEX

#1857

Entered in Transfer Record in my office, this 12 day of March 2002

STATE OF KANSAS, Finney County, ss.

This instrument was filed for record on the 11 day of March 2002, at 11:27 o'clock A.M., and duly recorded in Book 245 of Deeds, at page 110

By Allie Kaye Deputy Register of Deeds.

FEES. Register of Deeds, for recording, \$ 6.00 County Clerk, for transfer, \$ Total, \$

THIS DEED, Made this 28th day of February, 2002, between

Worf Land, L.L.C., a Kansas limited liability company of Scott County, in the State of Kansas

of the first part, and Garden City Hospitality, L.L.C., a South Dakota limited liability company

of Finney County, in the State of Kansas of the second part,

WITNESSETH, That parties of the first part, in consideration of the sum of One... and NO 100. Dollars, and other valuable consideration, the receipt of which is hereby acknowledged, do es by these presents

convey and warrant unto parties of the second part, their

heirs and assigns, all the following-described real estate situated in the County of Finney and State of Kansas, to-wit:

Lot Five (5), Block One (1), 156 Commercial, Phase Three and a Replat of 156 Commercial, Phase Two, in the Northeast Quarter of Section 9, Township 24 South, Range 32 West of the 6th P.M., Garden City, Finney County, Kansas; EXCEPT all rights to water, minerals, oil, gas and other hydrocarbon substances in, to and under the above-described property, and all rights appurtenant thereto;

**No Sales Validation Questionnaire is required due to K.S.A. 79-1437e Exception No.3 **This is to Correct the signature on Deed recorded March 07, 2002 at 2:52 PM in Book 245 at Page 46.

TO HAVE AND TO HOLD THE SAME, Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, forever.

And party of the first part, for themselves, their heirs, executors and administrators, do es hereby covenant, promise and agree to and with parties of the second part that at the delivery of these presents their own right, of an absolute and indefeasible estate of inheritance, in fee simple, of and in all and singular the above granted and described premises, with the appurtenances; that the same are free, clear, discharged and unincumbered of and from all former and other grants, titles, charges, estates, judgments, taxes, assessments and incumbrances of what nature or kind soever except;

Easements, restrictions and right of way of record, if any.

and that they will warrant and forever defend the same unto parties of second part, heirs and assigns, against parties of the first part, their heirs, and all and every person or persons whomsoever, lawfully claiming or to claim the same.

IN WITNESS WHEREOF, parties of the first part have hereunto subscribed their name, the day and year first above written.

Deward E. Worf, its Manager Worf Land, L.L.C. A Kansas Limited Liability Company

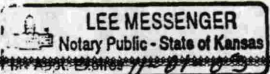
STATE OF KANSAS, Finney COUNTY, ss.

BE IT REMEMBERED, That on this 28th day of February, 2002, before me, the undersigned, a Notary Public in and for the County and State aforesaid, came Deward E. Worf, its Manager, Worf Land, L.L.C., a Kansas limited liability company who is personally known to me to be the same person who executed the foregoing deed, and duly acknowledged the execution of the same.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my official seal on the day and year last above written.

My appointment expires November 01, 2003

Lee Messenger Notary Public.



WATER RESOURCES RECEIVED

APR 27 2015

KS DEPT OF AGRICULTURE

SCANNED

State of Kansas, Finney County SS.
This instrument was filed for Record
06/06/2012 at 04:26 PM
& recorded in Book 0305 on Page 21
Fees: \$16.00

2012-03327


ULRIKE LAPPIN,
FINNEY COUNTY REGISTER OF DEEDS

305 21

DATA ENTRY
LAND INDEX

KANSAS SPECIAL WARRANTY DEED

Effective as of 10-10-12, WORF LAND, L.L.C., a Kansas limited liability company ("Grantor"), CONVEYS AND GRANTS to CITY OF GARDEN CITY, KANSAS, a Kansas municipal corporation ("Grantee"), with an address of P.O. Box 499, Garden City, Kansas 67846, the real estate described on the attached Exhibit A, which is incorporated by reference herein (the "Property"), for the sum of \$10.00 and other good and valuable consideration;

EXCEPTING FROM SUCH GRANT AND CONVEYANCE, AND RESERVING TO GRANTOR: all water rights appurtenant to the Property (including but not limited to those vested water rights recorded in Book 24, Page 572 and Book 24, Page 575); provided, however, Grantor acknowledges that there are no existing diversion points on the Property and Grantor waives the right to add or create any diversion points on the Property; and

SUBJECT TO: Easements, rights-of-way, restrictions, reservations and other matters of record; taxes and assessments not yet due and payable; and zoning and other governmental restrictions.

Grantor, for Grantor and Grantor's successors, covenants that Grantor is lawfully seized of Grantor's fee simple interest in the Property and has good right to convey Grantor's fee simple interest in the Property and guarantees the quiet possession and fee simple ownership of the Property against the claims of those claiming any right, interest or title through Grantor, except as may be described above, and further covenants that the Property is free from all encumbrances created by Grantor, except as may be described above, and Grantor will warrant and defend the Property against all lawful claims of those claiming any right, interest or title through Grantor, except as may be described above; but Grantor does not warrant title against those claiming a right, interest or title that arose prior to, or separate from, Grantor's interest in the Property.

[SIGNATURES COMMENCE ON THE FOLLOWING PAGE]

WATER RESOURCES
RECEIVED

APR 27 2015

KS DEPT OF AGRICULTURE
SCANNED

KANSAS SPECIAL WARRANTY DEED

Effective as of October 17, 2013, WORF LAND, L.L.C., a Kansas limited liability company ("Grantor"), CONVEYS AND GRANTS to NCKAN Partners, Inc., a Kansas corporation ("Grantee"), with an address at c/o Collett & Associates, 1111 Metropolitan Avenue, Suite 700, Charlotte, North Carolina 28204, the real estate described on the attached Exhibit A, which is incorporated by reference herein (the "Property"), for the sum of \$10.00 and other good and valuable consideration;

EXCEPTING FROM SUCH GRANT AND CONVEYANCE, AND RESERVING TO GRANTOR: all water rights appurtenant to the Property (including but not limited to those vested water rights recorded in Book 24, Page 572; Book 24, Page 573; Book 24, Page 574; Book 68, Page 313; and Book 77, Page 836); provided, however, Grantor acknowledges that there are no existing diversion points on the Property and Grantor waives the right to add or create any diversion points on the Property; and

Commence in future!

SUBJECT TO: Easements, rights-of-way, restrictions, reservations and other matters of record; taxes and assessments not yet due and payable; and zoning and other governmental restrictions.

Grantor, for Grantor and Grantor's successors, covenants that Grantor is lawfully seized of Grantor's fee simple interest in the Property and has good right to convey Grantor's fee simple interest in the Property and guarantees the quiet possession and fee simple ownership of the Property against the claims of those claiming any right, interest or title through Grantor, except as may be described above, and further covenants that the Property is free from all encumbrances created by Grantor, except as may be described above, and Grantor will warrant and defend the Property against all lawful claims of those claiming any right, interest or title through Grantor, except as may be described above; **but Grantor does not warrant title against those claiming a right, interest or title that arose prior to, or separate from, Grantor's interest in the Property.**

[SIGNATURES COMMENCE ON THE FOLLOWING PAGE]

WATER RESOURCES
RECEIVED

APR 27 2015

KS DEPT OF AGRICULTURE

SCANNED

Any use of water that is not as authorized by the water right or permit to authorize water **before** the chief engineer approves this application is a violation of the Kansas Water Appropriation Act for which criminal or civil penalties may be assessed. Such violation is a class C misdemeanor, punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. K.S.A. 82a-728(b). Civil penalties shall be not less than \$100 nor more than \$1,000 per violation. In the case of a continuing violation, each day such violation continues may be deemed a separate violation. In addition to these penalties the water right may be modified or suspended. K.S.A. 82a-737, as amended.

The application must be signed by all owners of the place of use authorized under the water right and his or her spouse, if married. Please indicate if there is no spouse. If land is being purchased under contract, the seller must sign as landowner until such time as the contract is completed.

In the event that all applicants cannot appear before one notary public, they may as necessary sign separate copies of the application before any notary public conveniently available to them. All copies signed in this manner shall be considered to be valid parts of the application.

If the request is signed on behalf of any Owner by someone with legal authority to do so (for example, an agent, one who has power of attorney, or an executor, executrix, conservator), it will be necessary to attach proper documents showing such authority.

I declare that I am an owner of the currently authorized place of use as identified herein, or that I represent all such owners and am authorized to make this application on their behalf, and declare further that the statements contained herein are true, correct, and complete. By filing this application I authorize the chief engineer to permanently reduce the quantity of water and/or rate of diversion as specified in sections 14 and 15 of this application.

Dated at APRIL 17th GARDEN CITY, Kansas, this 17th day of APRIL, 20 15.

<u>Mark Wolf</u> (Owner)	_____	(Spouse)
<u>MARK WOLF</u> (Please Print)	_____	(Please Print)
_____	_____	(Spouse)
_____	_____	(Please Print)
_____	_____	(Spouse)
_____	_____	(Please Print)
_____	_____	(Spouse)
_____	_____	(Please Print)

State of Kansas }
County of Finney } SS

NOTARY PUBLIC-State of Kansas
BILLEE DAWN KOEHN
My Appt. Exp 8/25/18

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 17 day of April, 2015.

[Signature]
Notary Public

My Commission Expires 8/25/18

FEE SCHEDULE

Each application to change the place of use, the point of diversion or the use made of the water under this section shall be accompanied by the application fee set forth in the schedule below:

- (1) Application to change a point of diversion 300 feet or less \$100
- (2) Application to change a point of diversion more than 300 feet \$200
- (3) Application to change the place of use \$200
- (4) Application to change the use made of the water \$300

Make check payable to **Kansas Department of Agriculture.**

WATER RESOURCES
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APR 27 2015
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KS DEPT OF AGRICULTURE



109 SW 9th Street, 2nd Floor
Topeka, Kansas 66612-1283

Jackie McClaskey, Acting Secretary
David W. Barfield, Chief Engineer

Phone: (785) 296-3717
Fax: (785) 296-1176
<http://agriculture.ks.gov/dwr>

Sam Brownback, Governor

April 3, 2015

WORF LAND LLC
MARK WORF CO-MGR
1407 MELS DR
GARDEN CITY KS 67846

RE: Vested Right, File Nos. FI 036; FI 039 & FI 040

Dear Mr. Worf:

Reference is made to the applications for approval of the Chief Engineer to change the points of diversion under the referenced file numbers which were received in this office on November 24, 2014, and my letter of March 24, 2014.

It is my understanding that you have been working with the Southwest Kansas Groundwater Management District No. 3 and our area Water Commissioner who has informed me that the construction of the proposed well to be authorized by the referenced files will restrict the withdraw of water from the overlying alluvial aquifer. This construction should strive to protect the flows of the Whitewoman Bottoms stream and compliance with K.A.R. 5-5-13.

Further review of the applications found that additional information is needed to process them as proposed. It is required by K.A.R. 5-5-5, *Signatures required on change application*, that the Division of Water Resources, is require to obtain a notarized signature from each landowner and their spouse, or a duly authorized agent of the authorized place of use. Anyone who owns land listed as authorized under the authority of these file numbers may have an ownership interest in whatever water rights may have been developed, unless otherwise indicated by deed or voluntarily surrendered by the owners. If the extent of each owner's interest in a water right has not been legally determined, then all landowners holding an undetermined portion of the water right must sign the change application. Enclosed will be found an additional signature page for the required signatures. Please note that all signatures must be made in the in the presence of a registered notary.

The change application returned for Vested Right, File No. FI 036, contains an updated topographic map. It attempts to show the location of domestic wells as identified by the Kansas Geological Survey, that are located within one-half (1/2) mile of the proposed well. The Chief Engineer has requested that the location of all water wells of every kind within one-half (1/2) mile of a proposed well shall be identified on the topographic map. Identify each as to its use (e.g. domestic, irrigation, industrial, municipal) and furnish the name and mailing address of the owner(s). Please complete the identification and listing of all nearby wells, their owners and add a statement to the map declaring all wells within one-half (1/2) mile of the requested point of diversion have been plotted, and add your signature to it.

FILE COPY

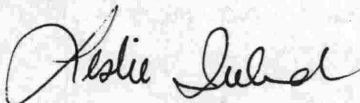
Per my letter of March 24, 2015, your applications were to be returned to this office by April 23, 2015. In order for the applications retain their priority of filing the requested information must be supplied to complete the applications on or before April 23, 2015. According to law, default in supplying the requested information as outlined above within the time allowed or any authorized extension of time, shall cause dismissal of the applications for change.

Should you need additional time in which to review and or provide the information and you want to request additional time, you must do so in writing, before the time 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 allowed time 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 time period (or any authorized extension), that information will be given due consideration prior to final action on the applications.

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

Sincerely,



Leslie Ireland
Environmental Scientist
Change Application Unit
Water Appropriation Program

FILE COPY

LI:li
Enclosure

pc: Garden City Field Office
Groundwater Management District No. 3

FILE COPY

MIDWEST WELL & PUMP

PO BOX 692, Garden City, Kansas 67846

(620)275-1920

Owner Name: Mark Worf
 Address: 1407 Mels Dr.
 City, St. Zip: Garden City, KS 67846
 GPS: N37.98435 W100.82929
 Contact #: Mark Worf (620-272-5426)
 Location: SE ¼ 9-24-32 Finney County
 From Old Well:

Date: 10/14
 Test Hole: 3-14
 Driller: Soukup
 Dig Safe#14437948
 Static Water Level About: 75'
 Total Depth: 267'

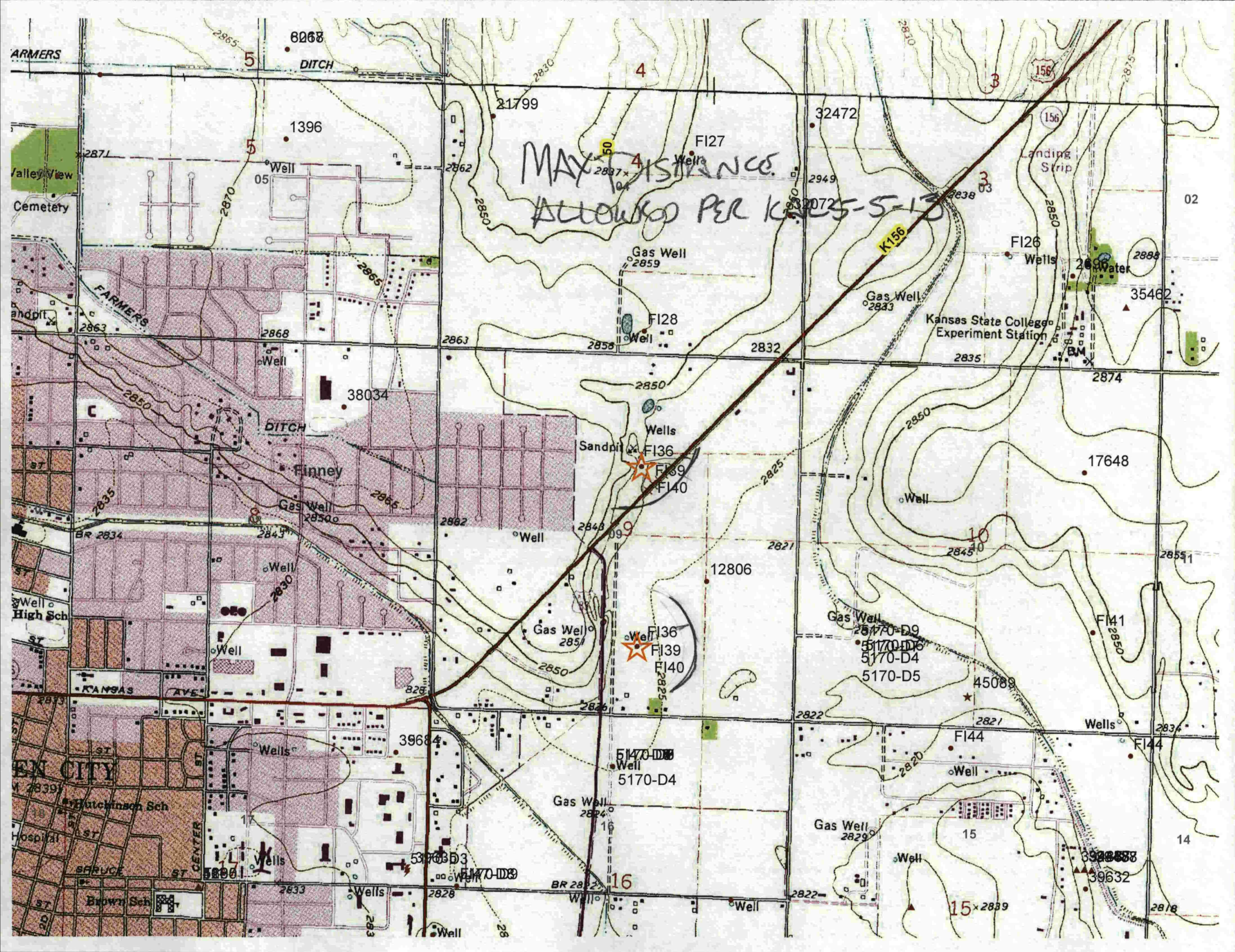
FROM:	TO:	STRATA:
0	2	Top Soil
2	22	Brown Clay
22	40	Coarse Sand Small Gravel (Loose)
40	45	Cemented Sand
45	54	Medium to Coarse Sand, Small Gravel, Few Cemented Sand Streaks
54	70	Brown Sandy Clay
70	82	Brown Clay 8' CLAY
82	100	Medium to Coarse Sand Small Gravel, Few Cemented Sand Streaks
100	111	Medium to Coarse Sand Small Gravel (Loose)
111	127	Brown Clay, Few Very Small Medium to Coarse Sand Streaks
127	136	Medium to Coarse Sand, Small Gravel (Clean- Loose)
136	158	Fine to Medium Sand, Few Small Brown Clay Streaks
158	174	Soft Brown Sandy Clay With Fine to Medium Sand Streaks
174	212	Medium to Coarse Sand, Small Gravel, White Broken Rock (Clean- Loose)
212	219	Brown Clay 7' CLAY
219	222	Very Fine to Fine Sand, Few Very Small Brown Clay Streaks
222	231	Brown Sandy Clay, Fine Sand Streaks
231	240	Brown Clay 9' CLAY
240	250	Medium to Coarse Sand Small Gravel, White Broken Rock Chips
250	262	Brown Sand Clay, Few Medium Sand Streaks With White Broken Rock
262	267	Yellow Soap Stone
267		Black Shale

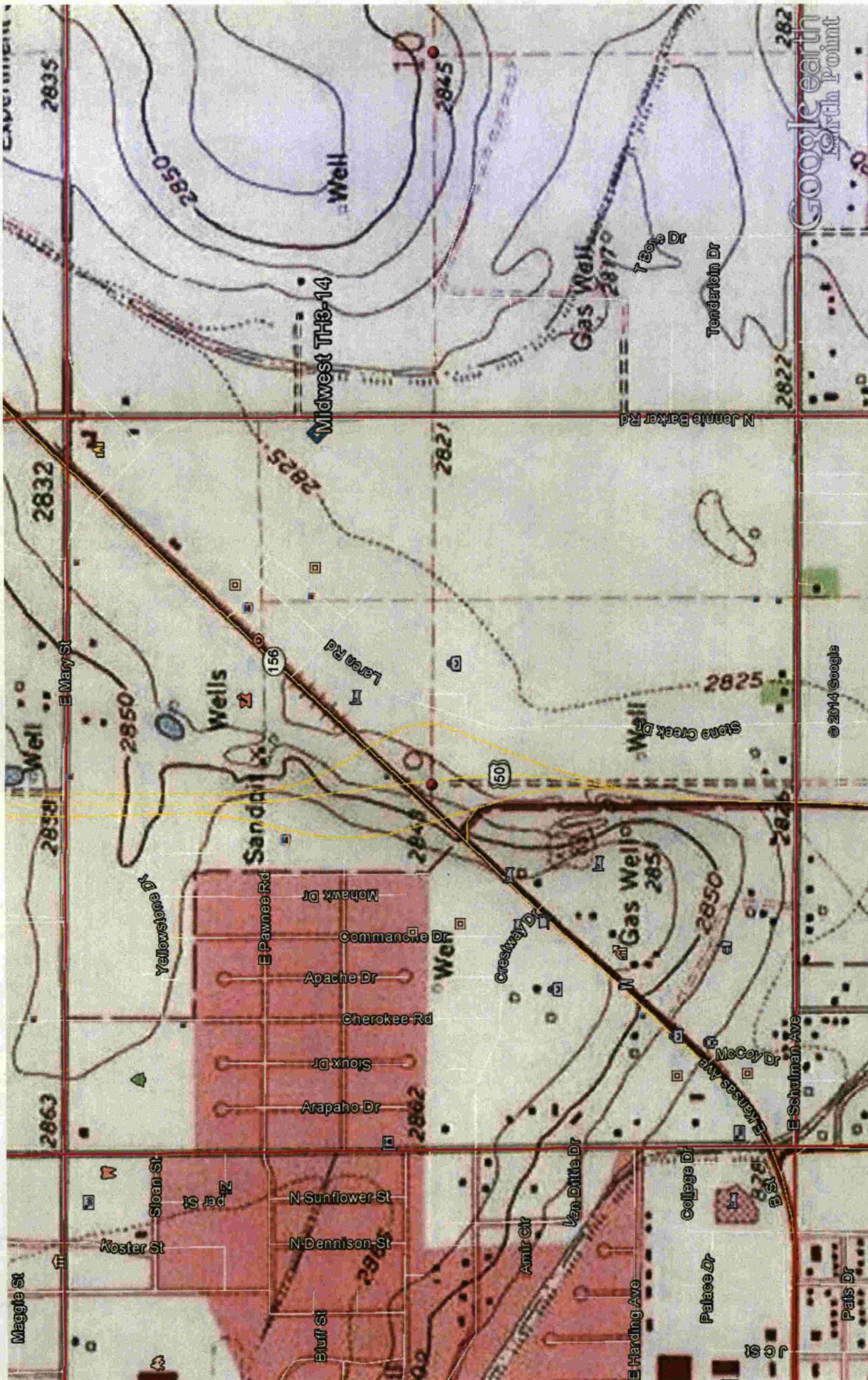
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F1 36, F1 39, F1 40





Google earth

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