

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

1. File Number: <p style="text-align: center;">49863</p>	2. Status Change Date: <p style="text-align: center;"><i>6/7/2018</i></p>	3. Field Office: <p style="text-align: center;">4</p>	4. GMD: <p style="text-align: center;">3</p>
5. Status: <input type="checkbox"/> Approved <input type="checkbox"/> Denied by DWR/GMD <input checked="" type="checkbox"/> Dismiss by Failure to Return			
6. Enclosures: <input type="checkbox"/> Check Valve <input type="checkbox"/> N of C Form <input type="checkbox"/> Water Tube <input type="checkbox"/> Driller Copy <input type="checkbox"/> Meter			
7a. Applicant(s) New to system <input type="checkbox"/> DAVID BATIE 1108 RD 7 HUGOTON KS 67951		7c. Landowner(s) New to system <input type="checkbox"/> Person ID <u>65580</u> Add Seq# _____	
7b. Landowner(s) New to system <input type="checkbox"/> Person ID _____ Add Seq# _____		7d. Misc. New to system <input type="checkbox"/> Person ID _____ Add Seq# _____	
8. WUR Correspondent New to system <input type="checkbox"/> Overlap File (s) WUC Agree <input type="checkbox"/> Yes <input type="checkbox"/> No		9. Use of Water: Changing? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Groundwater <input type="checkbox"/> Surface Water <input checked="" type="checkbox"/> IRR <input type="checkbox"/> REC <input type="checkbox"/> DEW <input type="checkbox"/> MUN <input type="checkbox"/> STK <input type="checkbox"/> SED <input type="checkbox"/> DOM <input type="checkbox"/> CON <input type="checkbox"/> HYD DRG <input type="checkbox"/> WTR PWR <input type="checkbox"/> ART RECHRG <input type="checkbox"/> IND SIC: _____ <input type="checkbox"/> OTHER: _____	
10. Completion Date: _____		11. Perfection Date: _____	
12. Exp Date: _____			
13. Conservation Plan Required? <input type="checkbox"/> Yes <input type="checkbox"/> No Date Required: _____ Date Approved: _____ Date to Comply: _____			
14. Water Level Measuring Device? <input type="checkbox"/> Yes <input type="checkbox"/> No Date to Comply: _____ Date WLMD Installed: _____			
Date Prepared: 5/22/2018 By: LI Date Entered: <i>6/26/2018</i> By: <i>LLM</i>			

File No. **49863** 15. Formation Code: Drainage Basin: County: Special Use: Stream:

16. Points of Diversion									
MOD	PDIV	Qualifier	S	T	R	ID	'N	'W	
DEL	ENT								
DEL	86210	E2 SW SW	27	33	38W	4	850	4500	

17. Rate and Quantity				
Authorized		Additional		
Rate gpm/cfs	Quantity af/mgy	Rate gpm/cfs	Quantity af/mgy	Overlap PD Files
200	15	200	15	NONE

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

19. Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) _____
 Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) _____

20. Meter Required? Yes No To be installed by _____ Date Acceptable Meter Installed _____

21. Place of Use										NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg?	Overlap Files
MOD	PUSE	S	T	R	ID	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼								
DEL	ENT																												
DEL	68432	27	33	38W	4																		7.5	7a	NO	NONE			

Comments:

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: May 22, 2018

FROM: Leslie Ireland

RE: Dismissal
File No. 49,863

A new application was filed under the referenced file for a 15 acre-foot exclusion permit as the owners, David and Ginny Batie wanted to have an irrigation well for pasture irrigation. They requested this application as a portion of their place of use was authorized by File No. 13,330, which requested a change in place of use per the application filed on December 28, 2016.

The applicant chose a location that did not meet spacing to the well authorized by File No. 13,330. The application was submitted with GMD 3 with a requested waiver of K.A.R 5-23-3(a)(1). The Board of GMD 3 did not support the requested waiver and recommended the application be denied.

The application was returned to the applicant so that he could consult with the District and/or modify the application and return. After several extensions and a site visit by DWR staff the it appears applicant did not choose to meet with the district or modify and return the application. On May 17, 2018, the office of the Chief Engineer received the Application for Change under File No. 13,330 with the May 14, 2018, notarized signatures of David and Ginny Batie. On May 18, 2018, I called and left a message for David Batie. He has not returned my call, so it appears he is no longer wanting an irrigation well under the referenced file.

It is recommended that the Findings and Order summarizing the failure to return and dismissal of the referenced application be signed.



Leslie Ireland
Environmental Scientist
Water Rights Section

STATE OF KANSAS

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



900 SW JACKSON, ROOM 456
TOPEKA, KS 66612
PHONE: (785) 296-3556
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GOVERNOR JEFF COLYER, M.D.
JACKIE McCLASKEY, SECRETARY OF AGRICULTURE

DAVID BATIE
1108 RD 7
HUGOTON KS 67951

June 28, 2018

FILE COPY

RE: Application, File No. 49,863

Dear Mr. Batie:

Enclosed is the Findings and Order by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, which dismisses the application under the referenced file which was received on June 26, 2017, for failure to meet the minimum well spacing criteria as detailed in K.A.R. 5-23-3(a)(1) and return of the application.

This order shall become final agency action without further notice to the parties, if a request for hearing or a petition for administrative review is not filed in a manner set forth in the enclosed order.

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,

A handwritten signature in cursive script, appearing to read "Brent A. Turney".

Brent A. Turney, P.G.
Environmental Scientist
Change Application Unit Supervisor

BAT:LI:li
Enclosure

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



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 PERMIT
 TO APPROPRIATE WATER
 FOR BENEFICIAL USE
 FILE NO. 49,863**

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

- That on June 26, 2017, the office of the Chief Engineer received an Application for Permit to Appropriate Water for Beneficial Use, requested a new permit as allowed by K.A.R. 5-23-4, filed by David Batie, (Applicant) of Stevens County, Kansas which was assigned File No. 49,863 for groundwater to be appropriated for irrigation use on the following land:

Sec. Twp. Range	NE¼				NW¼				SW¼				SE¼				TOTAL
	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
27 33S 38W											7.5						7.5

a total of 7.5 acres in Section 27, Township 33 South, Range 38 West, Stevens County, Kansas,

and sought water to be appropriated from:

one(1) well located near the East Half of the Southwest Quarter of the Southwest Quarter (E½ SW¼ SW¼) of Section 27, more particularly described as being near a point 850 feet North and 4,500 feet West of the Southwest corner of said section, in Township 33 South, Range 38 West, Stevens County, Kansas, limited to a maximum diversion rate not in excess of 200 gallons per minute (0.45 c.f.s) and a quantity not to exceed 15 acre-feet of water for any calendar year.

- The application was filed in conjunction with signature requirements for a change in place of use under Water Right, File No. 13,330, as a means for the applicant to have his own well for irrigation use.

3. That in letters dated July 3, 2017 and August 1, 2017, the application described in paragraph No. 1, was sent to the Southwest Kansas Groundwater Management District No. 3, (GMD 3) to provide a recommendation pursuant to the applicants request for a waiver of the well to well spacing, as detailed in K.A.R. 5-23-3(a)(1), specifically the spacing to the irrigation well under Water Right, File No. 13,330.
4. That in a letter dated September 28, 2017, Jason Norquest, Assistant Manager, GMD 3, informed the applicant that the failure of the application to meet the spacing standard created a presumption of impairment and the application was not consistent with the public interest and requested to supply additional information.
5. That GMD 3 requested additional time to review and make a recommendation resulting in an extension to November 13, 2017.
6. That with the assistance of the Division of Water Resources the applicant completed a letter of consent to reduced spacing as it was determined his domestic well also did not meet K.A.R. 5-23-3(a)(1).
7. That in a letter dated November 13, 2017, Jason Norquest, Assistant Manager, GMD 3, informed the Chief Engineer, Division of Water Resources of the completed review and recommendation for denial the application as a waiver of K.A.R. 5-23-3(a)(1) was not recommended by the Board of Directors of GMD 3.
8. That in a letter dated February 15, 2018, the application was returned and the applicant was informed that a waiver of K.A.R. 5-23-3(a)(1) was not granted by the Board of Directors of GMD 3. The application enclosed to allow the applicant to modify and return the application and or further consult with the District regarding their recommendation and afforded fifteen days (15) to modify and return the application to our office or request additional time, prior to the application being submitted to the Chief Engineer with the recommendation that the application described in paragraph No. 1 be denied and dismissed.
9. That in letters dated February 23, 2018, March 12 & 30, 2018 and April 27, 2018, extensions were granted till May 14, 2018, for the return of the application described in paragraph No. 1.
10. That as of May 22, 2018, the application for File No. 49,863, described in paragraph No. 1, was not returned by the deadline and no additional correspondence has been submitted by the applicant.
11. That the application for File No. 49,863, described in paragraph No. 1 should be dismissed and its priority forfeited for failure to meet K.A.R. 5-3-4b, *Deadline for the return of the documents*.

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 Permit to Appropriate Water for Beneficial Use, File No. 49,863 received on June 26, 2017, is herewith dismissed and the priority assigned to it is considered to be forfeited.

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. If you have questions or would like clarification concerning this order, you may contact the Chief Engineer.

Ordered this 7th day of June, 2018, 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)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this 7th day of June 2018, by Lane P. Letourneau, P.G., Program Manager, Division of Water Resources, Kansas Department of Agriculture.



Danielle Wilson

Notary Public

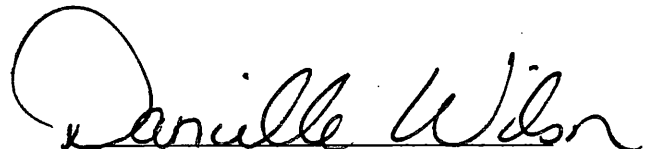
CERTIFICATE OF SERVICE

On this ^{28th} day of June, 2018, I hereby certify that the forgoing Findings and Order in the Matter of the Dismissal of Application for Permit to Appropriate Water for Beneficial Use, File No. 49,863, dated June 7th, 2018 was mailed postage prepaid, first class, US mail to the following:

DAVID BATIE
1108 RD 7
HUGOTON KS 67951

With photocopies sent to:

Garden City Field Office
Groundwater Management District No. 3


Danielle Wilson
Division of Water Resources

STATE OF KANSAS

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



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

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

April 27, 2018

FILE COPY

DAVID BATIE
1108 RD 7
HUGOTON KS 67951

RE: Appropriation Application
File No. 49,863

Dear Mr. Batie:

It appears you are needing additional time to consult with Jason Norquest, Assistant Manager of the Southwest Groundwater Management District No. 3, on their recommendation concerning the June 26, 2017 application referenced above. The Chief Engineer has extended until May 14, 2018, as the time in which to return your application to appropriate water under the referenced file.

If the application is not returned and information is not supplied by the deadline, of **May 14, 2018**, or any authorized extension of time thereof, the application will be dismissed. According to the law, default in returning the application and supplying the requested information, within the time allowed, shall constitute forfeiture of the priority date and dismissal of the application.

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.

If you have any questions, please contact me at (785)564-6633, or via email at Leslie.Ireland@KS.GOV. Please reference the file number listed above so that I may help you more efficiently.

Sincerely,

Leslie Ireland
Environmental Scientist
Water Appropriation Program

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

SCANNED

STATE OF KANSAS

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

FILE COPY

March 30, 2018

DAVID BATIE
1108 RD 7
HUGOTON KS 67951

RE: Appropriation Application
File No. 49,863

Dear Mr. Batie:

Due to time constraints in scheduling a field visit, the Chief Engineer has extended until April 15, 2018, as the time in which to return your application to appropriate water under the referenced file.

If the application is not returned and information is not supplied by the deadline, of **April 15, 2018**, or any authorized extension of time thereof, the application will be dismissed. According to the law, default in returning the application and supplying the requested information, within the time allowed, shall constitute forfeiture of the priority date and dismissal of the application.

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.

If you have any questions, please contact me at (785)564-6633, or via email at Leslie.Ireland@KS.GOV. Please reference the file number listed above so that I may help you more efficiently.

Sincerely,

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

Leslie Ireland
Environmental Scientist
Water Appropriation Program

LI:li

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

SCANNED

STATE OF KANSAS

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

March 12, 2018

DAVID BATIE
1108 RD 7
HUGOTON KS 67951

FILE COPY

RE: Appropriation Application
File No. 49,863

Dear Mr. Batie:

Per our conversation and that with Jason Norquest, Assistant Manager, of the Southwest Groundwater Management District No. 3, the Chief Engineer has extended until March 31, 2018, as the time in which to return your application to appropriate water under the referenced file number

If the application is not returned and information is not supplied by the deadline, of **March 31, 2018**, or any authorized extension of time thereof, the application will be dismissed. According to the law, default in returning the application and supplying the requested information, within the time allowed, shall constitute forfeiture of the priority date and dismissal of the application.

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.

If you have any questions, please contact me at (785)564-6633, or via email at Leslie.Ireland@KS.GOV. Please reference the file number listed above so that I may help you more efficiently.

Sincerely,

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

Leslie Ireland
Environmental Scientist
Water Appropriation Program

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

SCANNED



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

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

Secretary Jackie McClaskey

Governor Jeff Colyer, M.D.

February 23, 2018

DAVID BATIE
1108 RD 7
HUGOTON KS 67951

RE: Appropriation Application
File No. 49,863

Dear Mr. Batie:

Per our conversation and the icy weather, the Chief Engineer has extended until March 17, 2018, as the time in which to return your application to appropriate water under the referenced file number

If the application is not returned and information is not supplied by the deadline, of **March 17, 2018**, or any authorized extension of time thereof, the application will be dismissed. According to the law, default in returning the application and supplying the requested information, within the time allowed, shall constitute forfeiture of the priority date and dismissal of the application.

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.

If you have any questions, please contact me at (785)564-6633, or via email at Leslie.Ireland@KS.GOV. Please reference the file number listed above so that I may help you more efficiently.

Sincerely,

Leslie Ireland
Environmental Scientist
Water Appropriation Program

SCANNED

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

FILE COPY

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



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

Secretary Jackie McClaskey

Governor Jeff Colyer, M.D.

February 15, 2018

FILE COPY

DAVID BATIE
1108 RD 7
HUGOTON KS 67951

RE: Application, File No. 49,863

Dear Mr. Batic:

We have received a recommendation from the Southwest Kansas Groundwater Management District No. 3, that the referenced application does not comply with K.A.R. 5-23-3(a)(1) *Minimum well spacing requirements: high plains aquifer*. Furthermore, a waiver of K.A.R. 5-23-3(a)(1) was not granted by the Board of Directors. The proposed well does not meet the 1,900 feet minimum spacing requirement to the well authorized 420 acre-feet of water under Water Right, File No. 13,330. A copy of their recommendation has been enclosed.

We are advising you of this recommendation in order to allow you an opportunity to consult with the district regarding their recommendation if you have already not done so. It is our understanding that there may be a location for the proposed well on your property that will meet the required 1,900 feet of well to well spacing. Your application is being returned and enclose herein so that you may coordinate with the District regarding their determination and recommendation.

You have a period of 15 days (until March 2, 2018) to either (1) modify and return the application to our office or (2) to request additional time to return the application. 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 modify the application and the amount of time you will need to return the application to our office.

According to law, default in returning the application within the time allowed or any authorized extension of time, shall cause dismissal of the application for permit to appropriate water under the above referenced file.

No File copy of App -
Liliana 2/15/18

If you have any questions, please contact our office, my desk phone is (785) 564-6633, or via email at Leslie.Ireland@KS.GOV. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

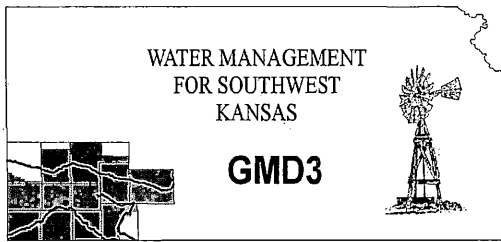
A handwritten signature in cursive script that reads "Leslie Ireland".

Leslie Ireland
Environmental Scientist
Water Appropriation Program

LI:li

Enclosure

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



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

November 13, 2017

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

RE: Application for New Appropriation
Appropriation, File No. 49863

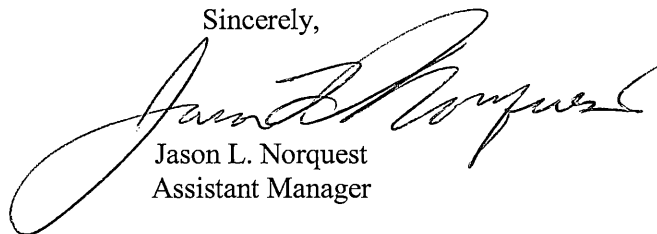
Dear Leslie:

We have completed a review of the application for the above referenced new appropriation. The proposal is in conflict with the Management Program of the Southwest Kansas Groundwater Management District No. 3 (GMD3). More specifically as it pertains to minimum spacing to neighboring wells in accordance with K.A.R. 5-23-3(a). We reviewed this application at our November 6, 2017 Board meeting.

A brief review of the application was given to the Board. This application was in response the change in place of use filed on Water Right, File No. 13330. In order for that application to proceed, Mr. Batie requested his own water right and well. His intentions are to water a small 7 acres pasture when needed. Staff has been in contact with Mr. Batie and the process for perfecting a water right has be explained to him. The proposed location however, does not meet minimum spacing to the well under File No. 13330. In an area that has seen significant decline, the Board believes that every effort should be exhausted to be compliant with the rules and would like the applicant and neighbors involved to look at other possible options that would not require a waiver. The Board does not recommend a waiver to K.A.R. 5-23-3(a) at this time. If the applicant would like to modify the current application or show that the application cannot proceed without a waiver, the Board would be willing to consider it at a future time.

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,

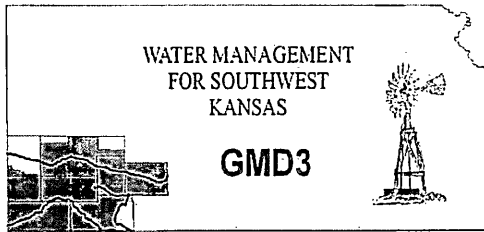


Jason L. Norquest
Assistant Manager

SCANNED

WATER RESOURCES
RECEIVED

NOV 20 2017



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

November 13, 2017

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

RE: Application for New Appropriation
Appropriation, File No. 49863

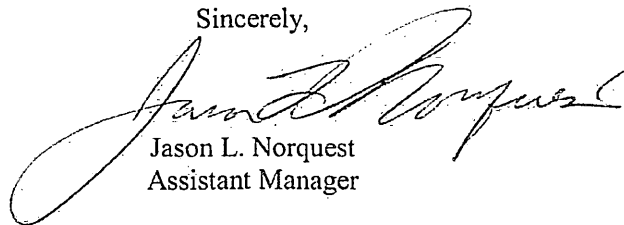
Dear Leslie:

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A brief review of the application was given to the Board. This application was in response to the change in place of use filed on Water Right, File No. 13330. In order for that application to proceed, Mr. Batie requested his own water right and well. His intentions are to water a small 7 acres pasture when needed. Staff has been in contact with Mr. Batie and the process for perfecting a water right has been explained to him. The proposed location however, does not meet minimum spacing to the well under File No. 13330. In an area that has seen significant decline, the Board believes that every effort should be exhausted to be compliant with the rules and would like the applicant and neighbors involved to look at other possible options that would not require a waiver. The Board does not recommend a waiver to K.A.R. 5-23-3(a) at this time. If the applicant would like to modify the current application or show that the application cannot proceed without a waiver, the Board would be willing to consider it at a future time.

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

NOV 17 2017

Serving Southwest Kansas Since 1976

KS DEPT OF AGRICULTURE
SCANNED

GMD3 Change Review

Change Application(s); New Appropriation

File No(s). 49863, David Batie

SEE ATTACHED MAP

In order to sign off on the change in place of use application for WR 13330, the applicant of this application wanted his own well to water a small pasture. The change in place of use is ready and meets the rules under KAR 5-5-11.

Neighboring wells: Spacing NOT met to WR 13330. Needs 2100', only has 1242'.

Spacing met to other wells.

Domestic wells: Possibly spacing to his own well

Regulation(s) Reviewed: KAR 5-23-3 & 5-23-4

Board Review Date: November 6, 2017

Board Recommendation: Since we are seeking new water, the Board would like to first be sure that all avenues are explored to try and meet the rules that are in place.

Waiver Reason:

Final Recommendation: After review and discussion with the Board. Staff recommends that the application be denied at this time and the applicant seek all possible means to meet the rules and fully understand what criteria must be done to fully certify a new appropriation and his intent.

A handwritten signature in black ink, appearing to be 'J. B.', is located in the lower right quadrant of the page.

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



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

Jackie McClaskey, Secretary

Governor Sam Brownback

October 19, 2017

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

Re: New Permit, File No. 49,863

Dear Mr. Rude:

In response to the October 17, 2017, email request of Jason Norquest, requesting an extension till November 10, 2017, the Chief Engineer has extended, the time in which to submit the recommendation concerning the above referenced file, due to your October monthly board meeting being rescheduled to November 6, 2017.

The request for comment has been extended and no action will be taken until November 13, 2017, due to the requested date of November 10, 2017, being Veterans Day and our offices will be closed.

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 ✓
David Batie

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Manhattan, Kansas 66502
(785) 564-6700



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Jackie McClaskey, Secretary

Governor Sam Brownback

October 19, 2017

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

Re: New Permit, File No. 49,863

Dear Mr. Rude:

In response to the October 17, 2017, email request of Jason Norquest, requesting an extension till November 10, 2017, the Chief Engineer has extended, the time in which to submit the recommendation concerning the above referenced file, due to your October monthly board meeting being rescheduled to November 6, 2017.

The request for comment has been extended and no action will be taken until November 13, 2017, due to the requested date of November 10, 2017, being Veterans Day and our offices will be closed.

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

SCANNED

LI:li

pc: Garden City Field Office ✓
David Batie

Ireland, Leslie

FILED. 49863

From: Jason Norquest <norquest@gmd3.org>
Sent: Tuesday, October 17, 2017 3:34 PM
To: Ireland, Leslie
Cc: Mark Rude; Meyer, Mike
Subject: extensions

Good afternoon Leslie. I appreciate the phone call this afternoon reminding me of reviews you are waiting on. Due to our monthly Board meeting being canceled for the late harvest I will need an extension for 39356 & 49863. We moved our November meeting to November 6th so we can attend the Governor's Water Conference, so I would hope I could work on them and have the recommendations back to you by November 10th. I have the review done for 13330, which is tied to the 49863 review.

Also, need an extension on 27188, Belfort/Borth, application. That one is currently getting data collected in connection with Mike's office. So an extension to the end of the year might be needed in that case.

Thanks for your time and have a good day.

Jason Norquest

Assistant Manager, GMD3

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

norquest@gmd3.org

www.gmd3.org

WATER RESOURCES
RECEIVED

OCT 19 2017

KS DEPT OF AGRICULTURE

SCANNED

Ireland, Leslie

From: Engelhaupt, David
Sent: Tuesday, October 3, 2017 12:43 PM
To: Ireland, Leslie
Subject: RE: Application File No. 49863
Attachments: Theis_49863.docx

The Theis results are attached. Under the assumed parameters, the proposed file causes a drawdown of 3.1 feet at well 13330 and 3.67 feet at the Hathaway domestic. The assumptions are detailed in the document. Let me know if you have any questions.

David E.

From: Ireland, Leslie
Sent: Wednesday, September 27, 2017 4:27 PM
To: Engelhaupt, David <David.Engelhaupt@ks.gov>
Subject: RE: Application File No. 49863

David,

I called the owner he said he runs a 1 to 1.5 horsepower motor so he thought it would be around 20 gallons per minute. This area of the state has an average gallons per capita per day of 320 gallons (per the KWO) and this data excludes farmsteads using more than 200,000 gallons I did the calculation with the average and came up with 0.36 AF of water so to error on the high side and this is a farmstead with a garden to max them out at twice the farmstead use with some topside so 1.25 AF. The 200000 gallon mark is only 0.61 AF.

The 1.25AF at 20 gpm is just an estimate, but on the high side is better than not in this case.

Leslie

From: Engelhaupt, David
Sent: Wednesday, September 27, 2017 3:51 PM
To: Ireland, Leslie <Leslie.Ireland@ks.gov>
Cc: Baum, Kristen <Kristen.Baum@ks.gov>
Subject: RE: Application File No. 49863

I can do that. To do a Theis run with both the proposed well and domestic well impacting 13330 I will need to know the rate and annual quantity that the domestic well pumps, any idea of reasonable values for that?

David Engelhaupt
Engineering Associate
Kansas Department of Agriculture
Division of Water Resources
(785) 564-6680

From: Ireland, Leslie
Sent: Wednesday, September 27, 2017 11:54 AM
To: Engelhaupt, David <David.Engelhaupt@ks.gov>

Cc: Baum, Kristen <Kristen.Baum@ks.gov>

Subject: Application File No. 49863

David,

I've been told you're the "go to" now for Theis and also somewhat by GMD3 that they don't have the ability to run a Theis. So we need some Theis data for the proposed application per 5-23-3 (e)(4). Attached is the information. The well log is the last page.

The proposed well and right is for 15 AF @ 200 gpm. The domestic well is probably the attached well log,, and is about 600 feet away, so the logs will probably be very similar.

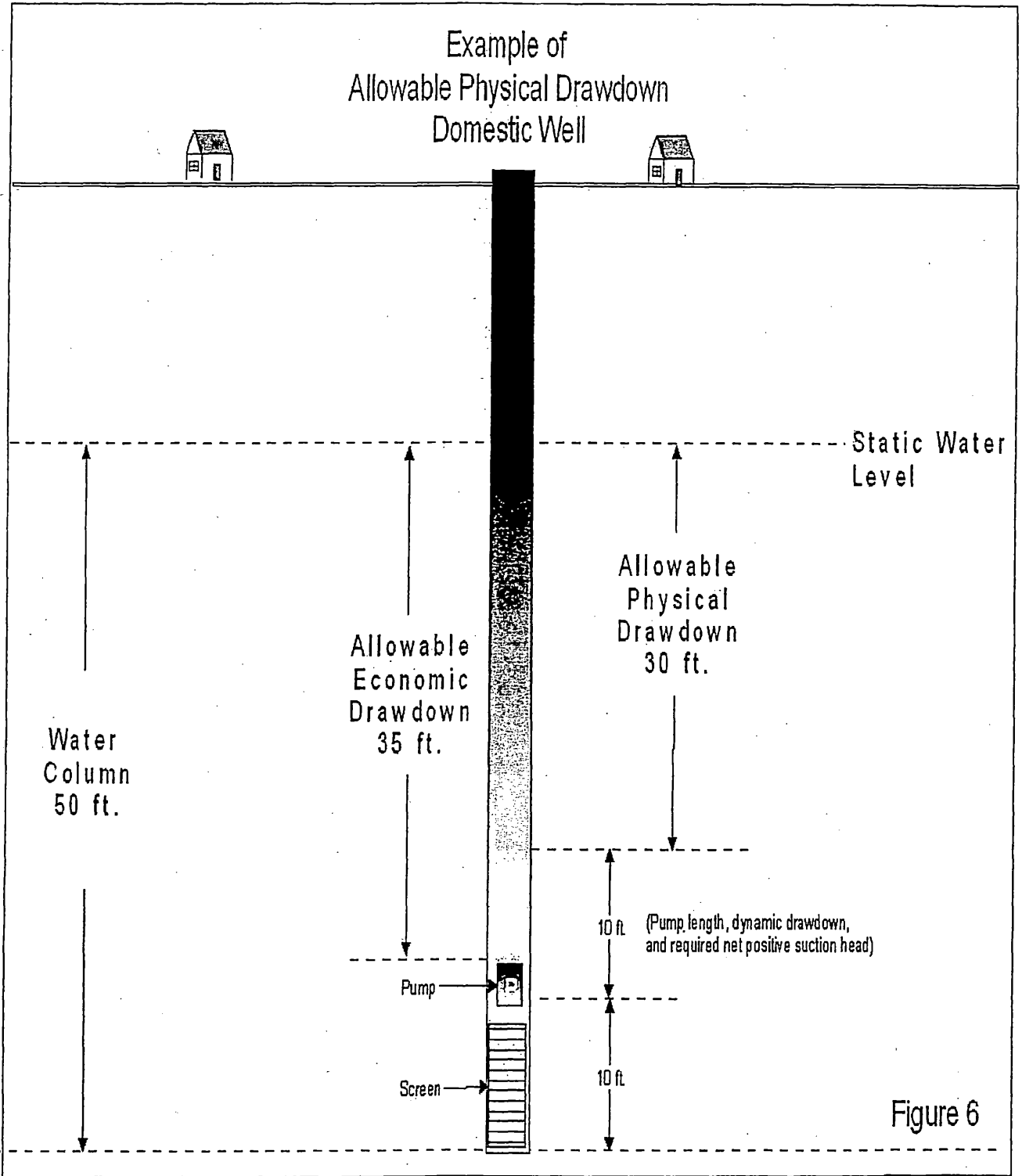
Could you also see what the proposed well would do to the well under File No. 13,330 that is 1217 feet to the NE? It's 420 AF would have it needing to be 2,100 feet away. Actually ,, what would happen to 13330, if the domestic and the referenced application File No. 49,863 both pumped? Would that data be possible?

There is a bit of a time crunch as the GMD 3 Board meets on the 11 and it would be good to get this on their agenda. If I need to do anything for this project please let me know.

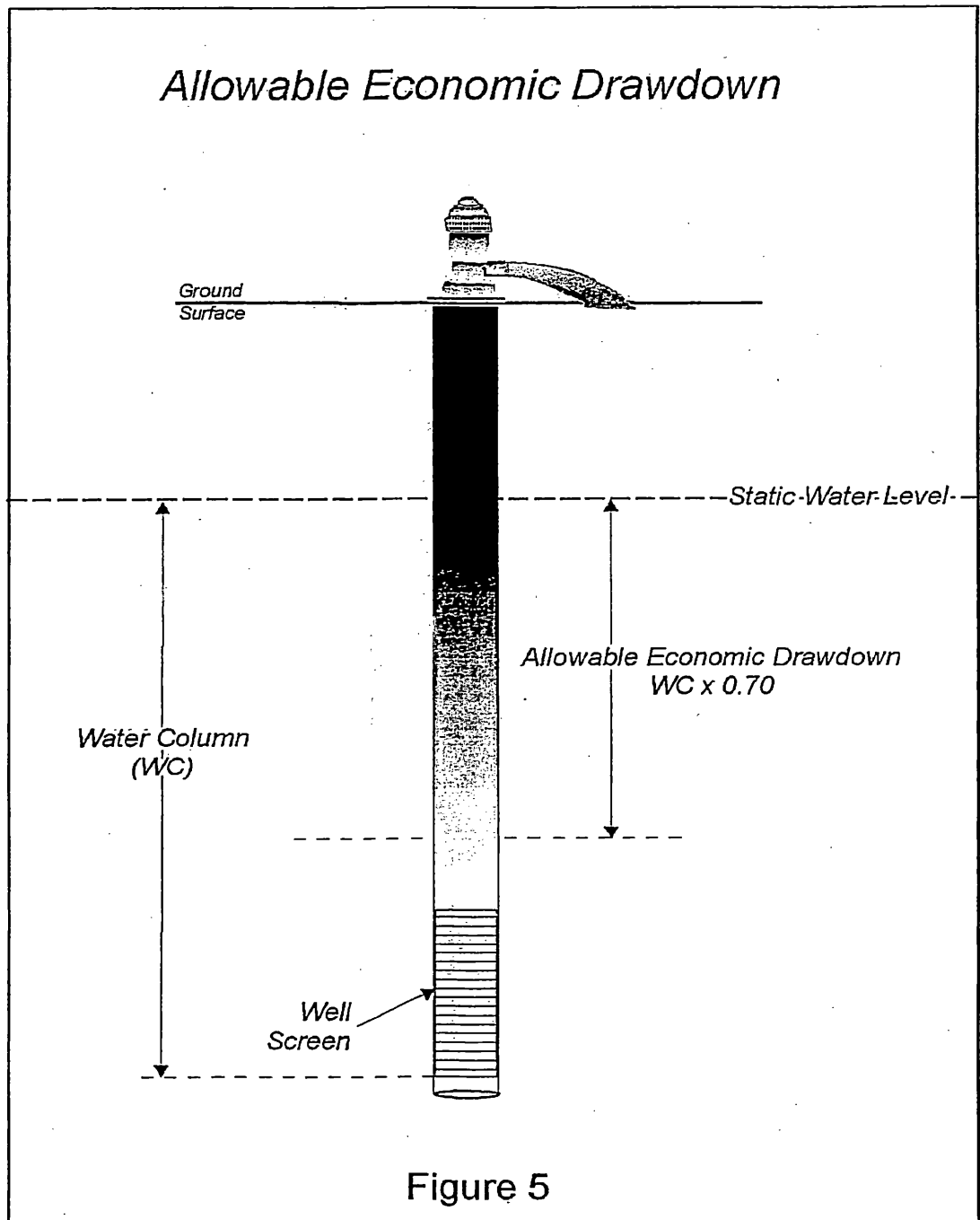
Thanks in advance.

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

Allowable Physical Drawdown



Allowable Economic Drawdown (70 Percent Guideline)



FILE NO. 49,863

Allowable Physical Drawdown

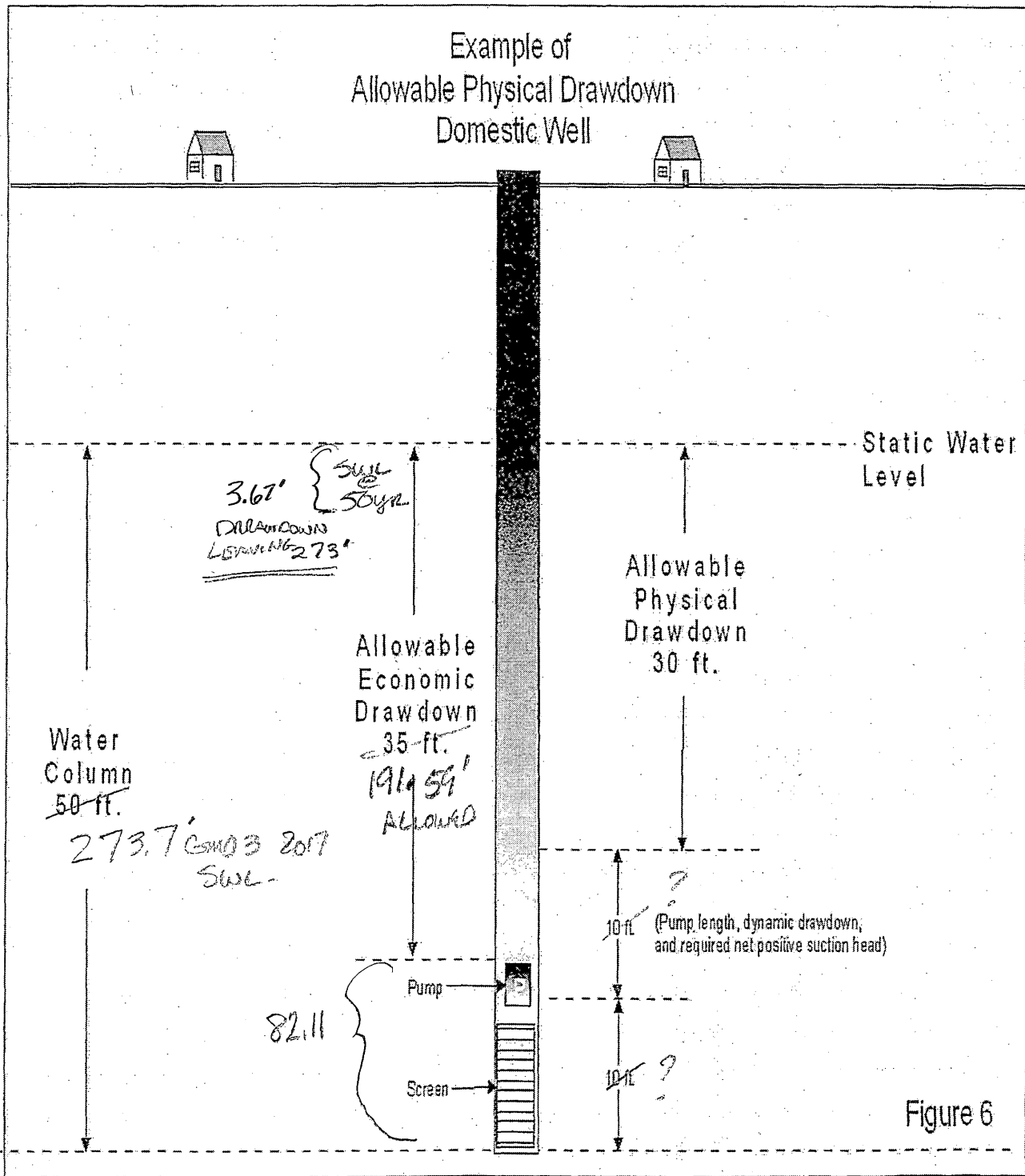
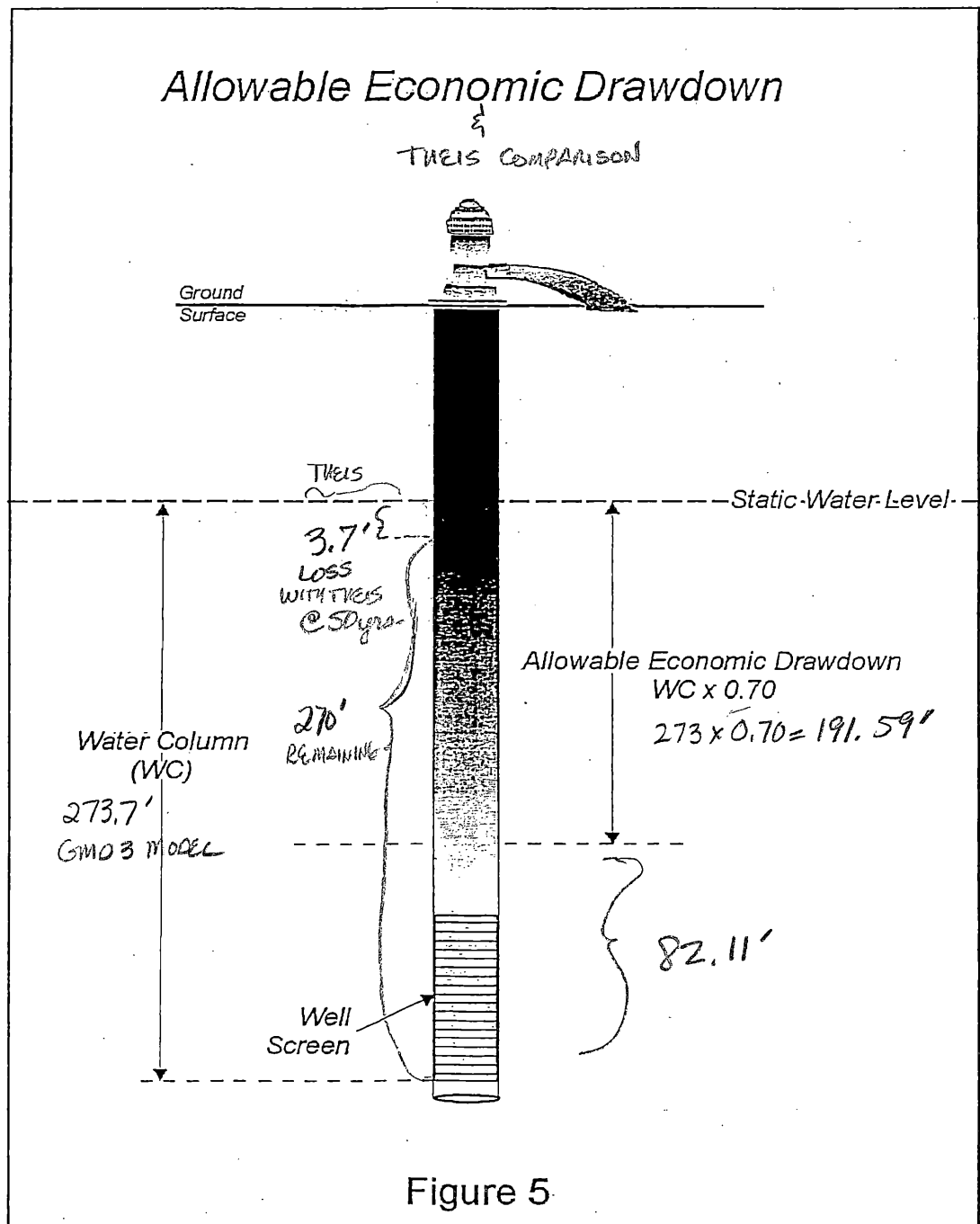


Figure 6

35' is 70% of SWL
 $273.7 \times 70\% = 191.59'$ LOSS
 $273.7 - 191.59 = 82.11'$ REMAINING

LS/DWL 10/1/17

Allowable Economic Drawdown (70 Percent Guideline)



Ireland, Leslie

From: Jason Norquest <norquest@gmd3.org>
Sent: Monday, September 11, 2017 3:31 PM
To: Ireland, Leslie
Cc: Meyer, Mike
Subject: RE: File Nos. 13330 & 49863

Sorry for the delay in responding. I would like to request an extension. I had a conversation with the applicant and he seemed hesitant that the applications was going to accomplish what he wished or even actually be perfected. I will try to get ahold of him again and get back with you.

Have a good day.

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@ks.gov]
Sent: Friday, September 08, 2017 10:30 AM
To: Jason Norquest <norquest@gmd3.org>
Cc: Meyer, Mike <Mike.Meyer@ks.gov>
Subject: File Nos. 13330 & 49863

Jason,

Were you going to ask for an extension on this package File Nos. 13330 & 49863 (Coulter/Batie) too?

The new app needs a waiver. I sent a letter Aug 1 about the waiver.

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

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



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

Jackie McClaskey, Secretary

Governor Sam Brownback

August 1, 2017

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

Re: New Permit, File No. 49,863

Dear Mr. Rude:

We are enclosing a copy of the amended application referred to above which reflects the July 18, 2017, update that a waiver of K.A.R. 5-23-3(a)(1) minimum well spacing will be needed to comply with K.A.R. 5-23-4(b)(4)(B). The owners would have requested a waiver of spacing had it come to my attention during the preparation of the application. It does appear that the proposed well that would divert 15 acre-feet would need only 660 feet of spacing, but Water Right, File No. 13,330, authorized 420 acre-feet, by regulation is afforded 2,100 feet of well to well spacing. It appears the proposed well is approximately 1,250 feet from the well authorized by File No. 13,330.

There is no well log for File No. 13,330, but nearby logs constructed to approximately a depth of 320 feet are to sand or sandy clay, with static water levels indicated to be approximately 160 feet. It appears none of the wells in the area have been completed to bedrock. The well logs referenced have been enclosed for your review. It would appear the proposed new appropriation would not result in a significant decline in the aquifer, resulting in impairment to the senior right, File No. 13,330, which is proposing a change in place of use to utilize a pivot system. Additional justification for the requested waiver would be the applicants proposed crop of pasture hay, the location of the well due to buildings, an existing oil well and property boundaries.

Nearby well owners have been notified of the proposed permit. No written comments objecting to the application were received.

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 recommendation concerning this application.

FILE COPY SCANNED

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

FILE COPY

LI:li

Enclosure

pc: Garden City Field Office
David Batie

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

July 3, 2017

CRAIG & LIZ HATHAWAY
1114 RD 7
HUGOTON KS 67591

RE: Application, File No. 49,863

Dear Sir or Madam:

This is to advise you that David & Ginny Batie have filed the application referred to above for permit to appropriate 15 acre-feet of water per calendar year for irrigation use to be diverted at a maximum rate of 200 gallons per minute from a well located as follows:

one (1) well located in the East half of the Southwest Quarter of the Southwest Quarter (E $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 27, more particularly described as being near a point 850 feet North and 4,500 feet West of the Southeast corner of said section, in Township 33 South, Range 38 West, Stevens County, Kansas.

Records in this office indicate that you may have a well or wells in this vicinity and you are notified of receipt of this application in order that you may be fully informed of the proposed location of the applicant's point of diversion and proposed use of water. Consideration will be given to comments or other information which you desire to submit to this office within 15 days from the date of this letter.

If you have any questions, please contact Leslie Ireland at (785) 564-6633. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

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

Leslie Ireland
Environmental Scientist
Water Appropriation Program

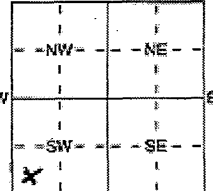
pc: Garden City Field Office
Groundwater Management District No. 3
David & Ginny Batie

FILE COPY

WATER WELL RECORD Form WWC-5 KSA 82a-1212 ID No.

1 LOCATION OF WATER WELL: Fraction SW 4 SW 4 SW 4 Section Number 27 Township Number T 33 S Range Number R 38 EW
 County: Osage Distance and direction from nearest town or city street address of well if located within city? Hugoton - Hwy 36 SW-15-67

2 WATER WELL OWNER: Jay Holcomb
 R/R, St. Address, Box # : # 601 Board of Agriculture, Division of Water Resources
 City, State, ZIP Code : Hugoton, KS 67951 Application Number:

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

 4 DEPTH OF COMPLETED WELL: 320 ft. ELEVATION:
 Depth(s) Groundwater Encountered: 1 102 ft. 2 225 ft. 3 225 ft.
 WELL'S STATIC WATER LEVEL: 102 ft. below land surface measured on (mo/day/yr) 2-25-02
 Pump test data: Well water was _____ ft. after _____ hours pumping _____ gpm
 Est. Yield _____ gpm: Well water was _____ ft. after _____ hours pumping _____ gpm
 WELL WATER TO BE USED AS: 5 Public water supply 8 Air conditioning 11 Injection well
 1 Domestic 3 Feedlot 6 Oil field water supply 9 Dewatering 12 Other (Specify below)
 2 Irrigation 4 Industrial 7 Domestic (town & garden) 10 Monitoring well
 Was a chemical/bacteriological sample submitted to Department? Yes _____ No X; If yes, (mo/day/yr) sample was submitted _____
 Water Well Disinfected? Yes X No _____

5 TYPE OF BLANK CASING USED: 1 Steel 3 RMP (SR) 5 Wrought iron 8 Concrete tile CASING JOINTS: Glued X Clamped X
 2 PVC 4 ABS 6 Asbestos-Cement 9 Other (specify below) Welded _____
 7 Fiberglass Threaded _____
 Blank casing diameter 5.56 in. to 250 ft. Dia _____ in. to _____ ft. Dia _____ in. to _____ ft. Dia _____
 Casing height above land surface 30 in. weight 800 lbs./ft. Wall thickness or gauge No. 30R-21
 TYPE OF SCREEN OR PERFORATION MATERIAL: 7 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 8 Saw cut 11 None (open hole)
 1 Continuous slot 3 Mill slot 9 Drilled holes
 2 Louvered shutter 4 Key punched 7 Torch cut 10 Other (specify) _____ ft.
 SCREEN-PERFORATED INTERVALS: From 280 ft. to 320 ft. From _____ ft. to _____ ft.
 From _____ ft. to _____ ft. From _____ ft. to _____ ft.
 GRAVEL PACK INTERVALS: From 15 ft. to 320 ft. From _____ ft. to _____ ft.
 From _____ ft. to _____ ft. From _____ ft. to _____ ft.

6 GROUT MATERIAL: 1 Neat cement 2 Cement grout 3 Bentonite 4 Other _____
 Grout intervals: From 4 ft. to 26 ft. From _____ ft. to _____ ft. From 165 ft. to 175 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) _____
 Direction from well? _____ How many feet? _____

FROM	TO	LITHOLOGIC LOG	FROM	TO	PLUGGING INTERVALS
0	5	Topsoil	210	235	Yellow Clay
5	14	Brown Clay	235	243	Tan Sandy Clay
14	46	Tan Sandy Clay	243	251	Yellow Clay
46	72	Sand & gravel w/ sandy clay	251	263	Tan Sandy clay / fine sand streaks
72	98	Tan, Pink, Red sandy clay & sandstone	263	267	Fine to medium sand
98	127	Sand & gravel & sandstone & sandy clay	267	275	Tan Sandy Clay
127	137	clay	275	309	Sand & Gravel w/ sandy clay streaks
137	148	Tan clay	309	320	Tan Sandy Clay
148	158	sandstone & sandy clay			
158	164	Tan Clay			
164	179	sand & gravel			
179	184	Tan Clay			
184	184	Sand & Gravel			
184	210	Tan, yellow clay w/ sand & gravel			

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) 2-25-02 and this record is true to the best of my knowledge and belief, Kansas Water Well Contractor's License No. 600. This Water Well Record was completed on (mo/day/yr) 2-25-02 under the business name of Cramer Drilling Co. by (signature) Ray Cramer

INSTRUCTIONS: Use typewriter or ball point pen. PLEASE PRESS FIRMLY and PRINT clearly. Please fill in blanks, underline or circle the correct answers. Send three copies to the Bureau of Water, Geology Section, 1000 SW Jackson St., Suite 420, Topeka, Kansas 66612-1387. Telephone 785-296-5522. Send one to WATER WELL OWNER. Fee of \$5.00 for each constructed well. 000869

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

July 3, 2017

TRAVIS COULTER
1200 S ADAMS
HUGOTON KS 67951

RE: Application, File No. 49,863

Dear Sir or Madam:

This is to advise you that David & Ginny Batie have filed the application referred to above for permit to appropriate 15 acre-feet of water per calendar year for irrigation use to be diverted at a maximum rate of 200 gallons per minute from a well located as follows:

one (1) well located in the East half of the Southwest Quarter of the Southwest Quarter (E $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 27, more particularly described as being near a point 850 feet North and 4,500 feet West of the Southeast corner of said section, in Township 33 South, Range 38 West, Stevens County, Kansas.

Records in this office indicate that you may have a well or wells in this vicinity and you are notified of receipt of this application in order that you may be fully informed of the proposed location of the applicant's point of diversion and proposed use of water. Consideration will be given to comments or other information which you desire to submit to this office within 15 days from the date of this letter.

If you have any questions, please contact Leslie Ireland at (785) 564-6633. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

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

Leslie Ireland
Environmental Scientist
Water Appropriation Program

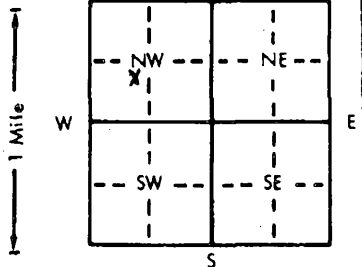
pc: Garden City Field Office
Groundwater Management District No. 3
David & Ginny Batie

FILE COPY

1] LOCATION OF WATER WELL: Fraction NE 1/4 SW 1/4 NW 1/4 Section Number 27 Township Number T 33 S Range Number R 38 EAW
 County: Stevens
 Distance and direction from nearest town or city street address of well if located within city? from Hugoton, KS. go 5 Miles West on Hwy 51, 1 Mile South, east into location.

2] WATER WELL OWNER: Howard Holcomb Mobil Oil Corporation
 RR#, St. Address, Box #: Star Route 2 Board of Agriculture, Division of Water Resources
 City, State, ZIP Code: Hugoton, KS 67951 Application Number: 900003

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



4] DEPTH OF COMPLETED WELL: 360 ft. ELEVATION:
 Depth(s) Groundwater Encountered 1. 155 ft. 2. ft. 3. ft.
 WELL'S STATIC WATER LEVEL 155 ft. below land surface measured on mo/day/yr 12-29-89
 Pump test data: Well water was ft. after hours pumping gpm
 Est. Yield 100 gpm: Well water was ft. after hours pumping gpm
 Bore Hole Diameter 9 in. to 360 ft. and in. to ft.
 WELL WATER TO BE USED AS:
 5 Public water supply 8 Air conditioning 11 Injection well
 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 Monitoring well
 Was a chemical/bacteriological sample submitted to Department? Yes.....No...X.....; If yes, mo/day/yr sample was submitted
 Water Well Disinfected? Yes X No

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

Blank casing diameter 5 1/2 in. to 260 ft. Dia in. to ft. Dia in. to ft.
 Casing height above land surface 30 in., weight 2.93 lbs./ft. Wall thickness or gauge No. 265

TYPE OF SCREEN OR PERFORATION MATERIAL:
 1 Steel 3 Stainless steel 5 Fiberglass 8 RMP (SR) 10 Asbestos-cement
 2 Brass 4 Galvanized steel 6 Concrete tile 9 ABS 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 260 ft. to 360 ft., From ft. to ft.
 From ft. to ft., From ft. to ft.
 GRAVEL PACK INTERVALS: From 23 ft. to 360 ft., From ft. to ft.
 From ft. to ft., From ft. to ft.

6] GROUT MATERIAL: 1 Neat cement 2 Cement grout 3 Bentonite 4 Other
 Grout Intervals: From 0 ft. to 2 ft., From 2 ft. to 23 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? Northwest How many feet? 225

LITHOLOGIC LOG			PLUGGING INTERVALS		
FROM	TO		FROM	TO	
0	2	Surface			
2	15	Sandy Clay			
15	35	Clay			
35	42	Gravel			
42	156	Clay			
156	165	70% Clay, 30% Fine Sand			
165	250	Clay			
250	262	60% Clay, 40% Fine Sand			
262	300	Medium Sand			
300	320	Fine Sand			
320	360	Medium Sand			

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) 12-29-89 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) 01-24-90 under the business name of Carlile Water Well Service, Inc. by (signature) [Signature]

OFFICE USE ONLY
T
R
EW
SEC.
1/4
1/4

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

July 3, 2017

JAMES E & DONNA D LIVINGSTON
CATHY L & BILLIE D STARR
1290 ROAD 14
HUGOTON KS 67951-5109

RE: Application, File No. 49,863

Dear Sir or Madam:

This is to advise you that David & Ginny Batie have filed the application referred to above for permit to appropriate 15 acre-feet of water per calendar year for irrigation use to be diverted at a maximum rate of 200 gallons per minute from a well located as follows:

one (1) well located in the East half of the Southwest Quarter of the Southwest Quarter (E $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 27, more particularly described as being near a point 850 feet North and 4,500 feet West of the Southeast corner of said section, in Township 33 South, Range 38 West, Stevens County, Kansas.

Records in this office indicate that you may have a well or wells in this vicinity and you are notified of receipt of this application in order that you may be fully informed of the proposed location of the applicant's point of diversion and proposed use of water. Consideration will be given to comments or other information which you desire to submit to this office within 15 days from the date of this letter.

If you have any questions, please contact Leslie Ireland at (785) 564-6633. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

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

Leslie Ireland
Environmental Scientist
Water Appropriation Program

pc: Garden City Field Office
Groundwater Management District No. 3
David & Ginny Batie

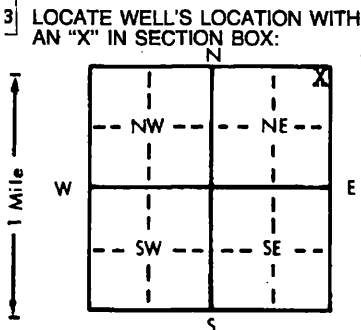
FILE COPY

LIVINGSTON - STARR WELL?

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

1] LOCATION OF WATER WELL: Fraction NE 1/4 NE 1/4 NE 1/4 Section Number 33 Township Number T 33 S Range Number R 38 EW
 County: STEVENS
 Distance and direction from nearest town or city street address of well if located within city?
 5 West of Hugoton, Kansas

2] WATER WELL OWNER: Mr. C. P. Brecheisen
 RR#, St. Address, Box #: 926 S. Main Board of Agriculture, Division of Water Resources
 City, State, ZIP Code: Hugoton, Kansas 67951 Application Number: ---



4] DEPTH OF COMPLETED WELL... 385 ft. ELEVATION: ... Slope
 Depth(s) Groundwater Encountered 1 Not available ft. 2 ft. 3 ft.
 WELL'S STATIC WATER LEVEL ... 160 ft. below land surface measured on mo/day/yr April 3, 1985
 Pump test data: Well water was ... ft. after ... hours pumping ... gpm
 Est. Yield ... 20 gpm: Well water was ... ft. after ... hours pumping ... gpm
 Bore Hole Diameter ... 9 7/8 in. to ... 385 ft., and ... in. to ... ft.
 WELL WATER TO BE USED AS:
 XX Domestic 3 Feedlot 6 Oil field water supply 8 Air conditioning 11 Injection well
 2 Irrigation 4 Industrial 7 Lawn and garden only 9 Dewatering 12 Other (Specify below)
 Was a chemical/bacteriological sample submitted to Department? Yes.....No...XX.....; If yes, mo/day/yr sample was submitted
 Water Well Disinfected? Yes XX No

5] TYPE OF BLANK CASING USED:
 1 Steel 3 RMP (SR) 5 Wrought iron 8 Concrete tile CASING JOINTS: Glued XX Clamped
 XX PVC 4 ABS 6 Asbestos-Cement 9 Other (specify below) Welded
 7 Fiberglass Threaded
 Blank casing diameter ... 5 in. to ... 345 ft., Dia ... in. to ... ft., Dia ... in. to ... ft.
 Casing height above land surface ... 12 in., weight ... 2.8 lbs./ft. Wall thickness or gauge No. ... 265

TYPE OF SCREEN OR PERFORATION MATERIAL:
 1 Steel 3 Stainless steel 5 Fiberglass XX PVC 10 Asbestos-cement
 2 Brass 4 Galvanized steel 6 Concrete tile 9 ABS 11 Other (specify)
 12 None used (open hole)

SCREEN OR PERFORATION OPENINGS ARE:
 1 Continuous slot 3 Mill slot 5 Gauzed wrapped XX 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 ... 345 ft. to ... 385 ft., From ... ft. to ... ft.
 GRAVEL PACK INTERVALS: From ... 14 ft. to ... 385 ft., From ... ft. to ... ft.

6] GROUT MATERIAL: XX Neat cement 2 Cement grout 3 Bentonite 4 Other
 Grout Intervals: From ... 4 ft. to ... 14 ft., From ... ft. to ... ft., From ... ft. to ... ft.

What is the nearest source of possible contamination:
 XX 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? East How many feet? 100

FROM	TO	LITHOLOGIC LOG	FROM	TO	LITHOLOGIC LOG
0	5	Clay			
5	55	Fine Sand			
55	60	Med. to Lar. Sand			
60	117	Clay			
117	138	Fine Sand and Dry Gravel			
138	350	Clay w/Streaks of Gravel			
350	380	Clay, Fine Sand and Gravel			
380	385	Med. to Lar. Sand & Gravel			

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 4, 1985 ... and this record is true to the best of my knowledge and belief. Kansas Water Well Contractor's License No. ... 252 ... This Water Well Record was completed on (mo/day/yr) April 9, 1985 ... under the business name of FRIESEN WINDMILL & SUPPLY INC. 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, Division of Environment, Environmental Geology Section, Topeka, KS 66620. Send one to WATER WELL OWNER and retain one for your records.

ADDRESS LISTING NEARBY NOTIFICATION LETTER DATED JULY 3, 2017
Permit, File No. 49,863

Domestic SW of Section 27
CRAIG & LIZ HATHAWAY
1114 RD 7
HUGOTON KS 67591

Domestic NE of Section 33
JAMES E & DONNA D LIVINGSTON
CATHY L & BILLIE D STARR
1290 ROAD 14
HUGOTON KS 67951-5109

Water Right, File No. 13,330
TRAVIS COULTER
1200 S ADAMS
HUGOTON KS 67951



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 13, 2017

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

Re: New Permit, File No. 49,863

Dear Mr. Rude:

In response to the September 11, 2017, email request of Jason Norquest, the Chief Engineer has extended, the time in which to submit the recommendation concerning the above referenced file.

At your request, we are delaying any further action until October 13, 2017.

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
David Batie

FILE COPY

SCANNED

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



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

Jackie McClaskey, Secretary

Governor Sam Brownback

July 3, 2017

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

Re: New Permit, File No. 49,863

Dear Mr. Rude:

We are enclosing a copy of the application referred to above which appears to be in proper form. The enclosed application requests a fifteen acre-foot allocation per the regulation K.A.R. 5-23-4, *High plains aquifer*.

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 recommendation concerning this application.

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

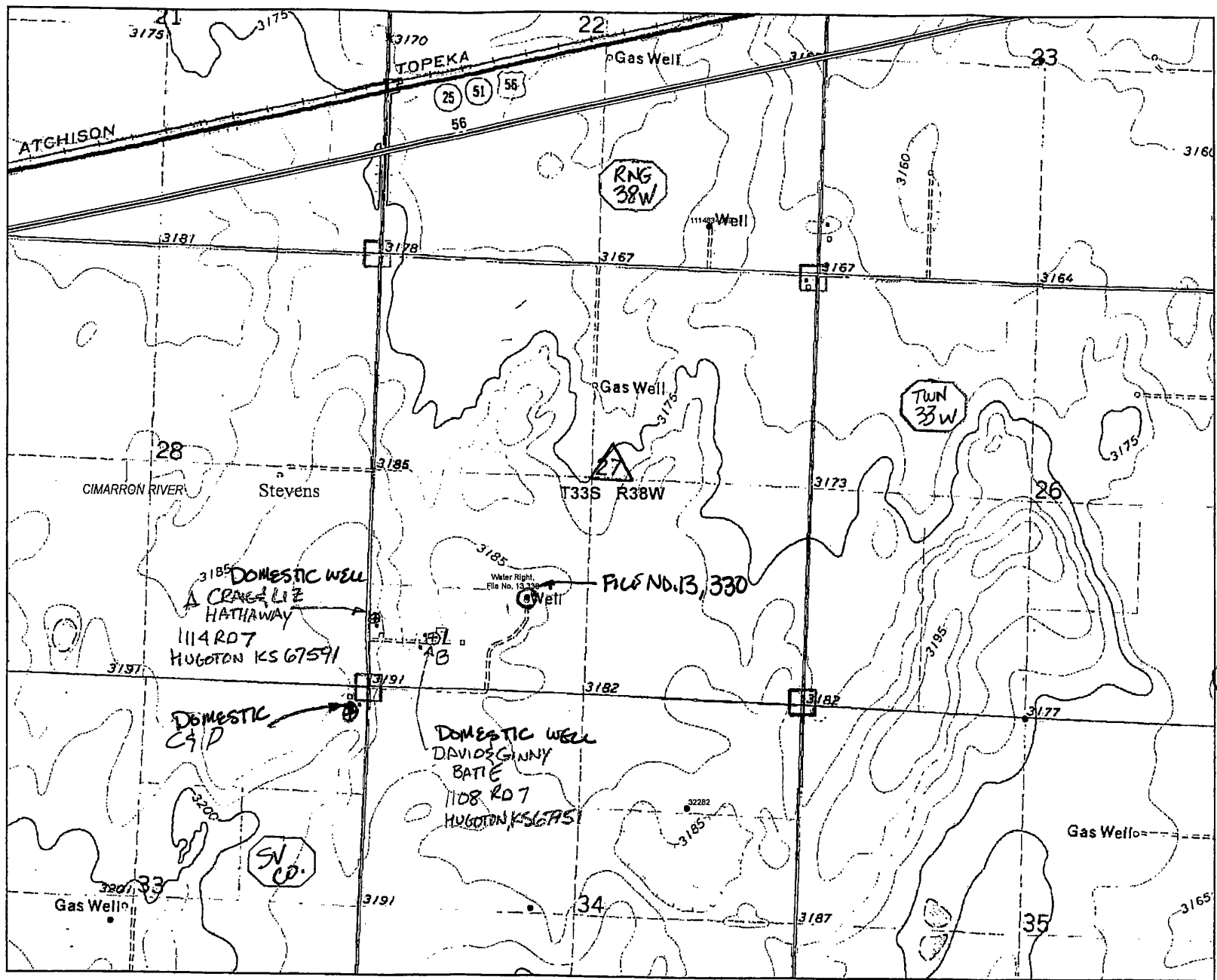
LI:li

Enclosure

pc: Garden City Field Office ✓
David Batie

FILE COPY

Proposed Appropriation of Water, File No. 49803



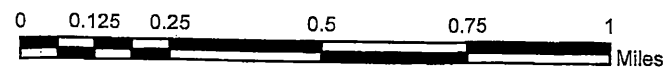
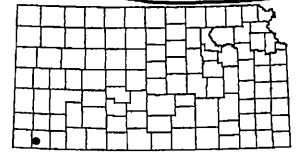
WATER RESOURCES
 DIVISION
 JUN 26 2017
 DEPT OF AGRICULTURE
 IRR Places of Use

Legend
 S U W
 •
 ⊕ - DOMESTIC WELL
 A/B LISTED ON MAP.
 C&D DONNA OJ JAMES STARR
 CATHY L & BILLY D LIVINGSTON
 1095 RD 7
 HUGOTON KS 67951

of and Rate

ALL NEARBY WELLS
 HAVE BEEN SHOWN

Well ~~330~~
 NORTH
 WEST
 Index Map



This map was created by L. Ireland in WIMAS.

Water Rights and Points of Diversion Within 1.50 miles of point defined as:
 850 ft N and 4500 ft W of the SE Corner of Section 27, T 33S, R 38W
 Located at: 101.444211 West Longitude and 37.143372 North Latitude
 GROUNDWATER ONLY

PROPOSED
PWF # 49863

File Number	Use	ST	SR	Dist (ft)	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Twp	Rng	ID	Batt	Auth_Quan	Add_Quan	Unit
A__ 11148	00	IRR	NK	G	5858	--	SW	SE	SE	525	1300	22	33	38W	1	680.00	680.00	AF
A__ 13330	00	IRR	NK	G*	1217	--	NC	E2	SW	1160	3330	27	33	38W	1	420.00	420.00	AF
A__ 24941	D1	IRR	NK	G	5605	--	NW	SW	SE	895	2550	34	33	38W	2	270.00	270.00	AF
A__ 24941	D2	IRR	NK	G	5605	--	NW	SW	SE	895	2550	34	33	38W	2	18.00	18.00	AF
A__ 26283	00	IRR	NK	G	7256	--	NW	NW	NE	5240	2600	35	33	38W	1	960.00	960.00	AF
A__ 26659	00	IRR	NK	G	3706	--	CS	SE	NW	2700	3150	34	33	38W	3	326.00	326.00	AF
A__ 32282	00	IRR	NK	G	3878	--	--	NC	NE	3994	1285	34	33	38W	4	272.00	272.00	AF
A__ 34059	00	IRR	NK	G	5858	--	SW	SE	SE	525	1300	22	33	38W	1	262.00	262.00	AF
A__ 42207	00	IRR	NK	G	6400	--	SE	SE	SE	305	305	29	33	38W	4	250.00	250.00	AF
A__ 42338	00	IRR	NK	G	7173	--	NE	NE	NW	5200	2666	4	34	38W	2	520.00	520.00	AF
A__ 42344	00	IRR	NK	G	5294	--	NE	NE	SW	2332	2882	33	33	38W	3	960.00	960.00	AF
A__ 43371	A	IRR	NK	G	7173	--	NE	NE	NW	5200	2666	4	34	38W	2	260.00	260.00	AF
A__ 49863	00	IRR	AY	G	0	--	E2	SW	SW	850	4500	27	33	38W	4	15.00	15.00	AF
T_20127469	MF	IRR	GY	G	5605	--	NW	SW	SE	895	2550	34	33	38W	2	1355.15	.00	AF
T_20127608	MF	IRR	GY	G	3706	--	CS	SE	NW	2700	3150	34	33	38W	3	1630.00	.00	AF

PROPOSED

Total Net Quantities Authorized:	Direct	Storage
Total Requested Amount (AF) =	15.00	.00
Total Permitted Amount (AF) =	.00	.00
Total Inspected Amount (AF) =	.00	.00
Total Pro_Cert Amount (AF) =	.00	.00
Total Certified Amount (AF) =	5198.00	.00
Total Vested Amount (AF) =	.00	.00
TOTAL AMOUNT (AF) =	5213.00	.00

PROPOSED APPROXIMATION ISAF@ 2006M

An * after the source of supply indicates a pending application for change for the file number.
 An * after the ID indicates a 15 AF exemption was granted for the file number.
 A "G" in the Batt column indicates the GEO CTR of a battery. A "B" indicates a well in the battery.
 The number in the Batt column is the number of wells in the battery.

Water Rights and Points of Diversion Within 1.50 miles of point defined as:
 101.444211 West Longitude and 37.143372 North Latitude
 GROUNDWATER ONLY

WATER USE CORRESPONDENTS:

File Number	Use	ST	SR
A__ 11148	00	IRR	NK G
>	T-4 FARMS LLC		
>	TIMOTHY COULTER		
>	PO BOX 939		
>	HUGOTON KS 67951		

A__ 13330	00	IRR	NK G
>	TRAVIS COULTER		
>			
>	1200 S ADAMS		
>	HUGOTON KS 67951		

Water Rights and Points of Diversion Within 2.00 miles of point defined as:

800 ft N and 4500 ft W of the SE Corner of Section 27, T 33S, R 38W

Located at: 101.444211 West Longitude and 37.143234 North Latitude

GROUNDWATER ONLY

File Number	Use	ST	SR	Dist	(ft)	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Twp	Rng	ID	Batt	Auth_Quan	Add_Quan	Unit
A_ 6032	00	IRR	NK	G	8414	--	--	CE	SE	1284	70	20	33	38W	4		573.00	573.00	AF
A_ 11148	00	IRR	NK	G	5900	--	SW	SE	SE	525	1300	22	33	38W	1		680.00	680.00	AF
A_ 11859	00	IRR	NK	G	8537	--	SW	SW	NE	3000	2850	3	34	38W	5		698.00	698.00	AF
A_ 13330	00	IRR	NK	G*	1230	--	NC	E2	SW	1160	3330	27	33	38W	1		420.00	420.00	AF
A_ 17498	00	IRR	NK	G	9841	--	SW	SW	SW	100	5180	15	33	38W	2		400.00	400.00	AF
A_ 21070	00	IRR	NK	G	9104	--	--	CE	NW	3960	2675	21	33	38W	2		471.00	.00	AF
A_ 24941	D1	IRR	NK	G	5558	--	NW	SW	SE	895	2550	34	33	38W	2		270.00	270.00	AF
A_ 24941	D2	IRR	NK	G	5558	--	NW	SW	SE	895	2550	34	33	38W	2		18.00	18.00	AF
A_ 26282	00	IRR	NK	G	10050	--	SE	SE	NW	2700	2700	23	33	38W	1		700.00	700.00	AF
A_ 26283	00	IRR	NK	G	7250	--	NW	NW	NE	5240	2600	35	33	38W	1		960.00	960.00	AF
A_ 26659	00	IRR	NK	G	3660	--	CS	SE	NW	2700	3150	34	33	38W	3		326.00	326.00	AF
A_ 27994	00	IRR	NK	G*	10425	--	SW	SW	NW	2687	5210	36	33	38W	1		451.00	451.00	AF
A_ 32282	00	IRR	NK	G	3851	--	--	NC	NE	3994	1285	34	33	38W	4		272.00	272.00	AF
A_ 32443	00	IRR	NK	G	8414	--	--	CE	SE	1284	70	20	33	38W	4		290.00	290.00	AF
A_ 33039	00	IRR	NK	G	8414	--	--	CE	SE	1284	70	20	33	38W	4		246.00	27.00	AF
A_ 34059	00	IRR	NK	G	5900	--	SW	SE	SE	525	1300	22	33	38W	1		262.00	262.00	AF
A_ 40961	00	IRR	NK	G*	10425	--	SW	SW	NW	2687	5210	36	33	38W	1		320.00	320.00	AF
A_ 40979	00	IRR	NK	G*	10425	--	SW	NW	NW	4180	5180	25	33	38W	2		361.00	361.00	AF
A_ 42207	00	IRR	NK	G	6396	--	SE	SE	SE	305	305	29	33	38W	4		250.00	250.00	AF
A_ 42338	00	IRR	NK	G	7129	--	NE	NE	NW	5200	2666	4	34	38W	2		520.00	520.00	AF
A_ 42344	00	IRR	NK	G	5258	--	NE	NE	SW	2332	2882	33	33	38W	3		960.00	960.00	AF
A_ 43371	A	IRR	NK	G	7129	--	NE	NE	NW	5200	2666	4	34	38W	2		260.00	260.00	AF
T_20127396	MF	IRR	GY	G	10425	--	SW	NW	NW	4180	5180	25	33	38W	2		1492.00	.00	AF
T_20127469	MF	IRR	GY	G	5558	--	NW	SW	SE	895	2550	34	33	38W	2		1355.15	.00	AF
T_20127471	MF	IRR	GY	G	10425	--	SW	SW	NW	2687	5210	36	33	38W	1		2706.00	.00	AF
T_20127608	MF	IRR	GY	G	3660	--	CS	SE	NW	2700	3150	34	33	38W	3		1630.00	.00	AF

Total Net Quantities Authorized:	Direct	Storage
Total Requested Amount (AF) =	.00	.00
Total Permitted Amount (AF) =	.00	.00
Total Inspected Amount (AF) =	.00	.00
Total Pro_Cert Amount (AF) =	.00	.00
Total Certified Amount (AF) =	9018.00	.00
Total Vested Amount (AF) =	.00	.00
TOTAL AMOUNT (AF) =	9018.00	.00

↑
NO 15 AF EXEMPTIONS-
AS OF 6/6/17-

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

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

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

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

Water Rights and Points of Diversion Within 2.00 miles of point defined as:

101.444211 West Longitude and 37.143234 North Latitude

GROUNDWATER ONLY

WATER USE CORRESPONDENTS:

File Number Use ST SR

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



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

June 27, 2017

DAVID BATIE
1108 RD 7
HUGOTON KS 67951

FILE COPY

RE: Application
File No. 49863

Dear Sir or Madam:

Your application for permit to appropriate water in 27-33S-38W in Stevens County, was received and has been assigned the file number noted above.

As a matter of record, the Division of Water Resources has on hand a large number of applications awaiting processing. Therefore to be fair to all concerned, and so that we can process those applications on hand in the order they were received, we intend to concentrate on the backlog of applications until the issue is resolved. Once review of your application has begun, we will contact you, if additional information is required.

In accordance with the provisions of the Kansas Water Appropriation Act, a portion of which is included below, the use of water as proposed prior to approval of the application is unlawful. Once approved, compliance with the terms, conditions and limitations of the permit is necessary. Conservation of the water resources of Kansas is required.

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

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

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

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

Sincerely,

A handwritten signature in cursive script that reads "Kristen A. Baum".

Kristen A. Baum
New Applications Unit Supervisor
Water Appropriation Program

BAT: dlw
pc: GARDEN CITY Field Office
GMD 3

SCANNED



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

September 28, 2017

David Batie
1108 RD 7
Hugoton, KS 67951

RE: Water Right, File No. 49863

Dear Mr. Batie and Neighbors,

This is to advise you that your application for approval of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, for a new appropriation of groundwater falls under the 15 acre foot exemption under KAR 5-23-4 rule closing the High Plains Aquifer in GMD3. The above referenced application requires a waiver of K.A.R. 5-23-3, well spacing rule, as it pertains to spacing to neighboring wells, which will be considered by the GMD3 Board at our October 11, 2017 meeting and a recommendation provided to the Chief Engineer. GMD3 Spacing rules provide a standard for implementing this requirement. Conversely, not meeting the spacing standard creates a presumption that impairment will occur or that the application is not consistent with the public interest.

The application seeks a new 15 acre foot appropriation from an existing well at a point described as being 850 feet North and 4500 feet West of the SE corner of Section 27, Township 33s, Range 38w, in Stevens County. The water requested is to irrigate a 7.5 acre pasture.

A new appropriation of water in a declining local aquifer area can affect the water supply to other water rights and the Groundwater Management Program. Kansas law (K.S.A. 82a-711) requires a demonstration that any appropriation and change is reasonable and will not impair existing rights. Information that the State must consider under this law is enclosed for your reference.

The water right administration program of GMD3 provides information for members to help assure their water rights can be fairly administered and equitably considered. GMD3 Board guiding principles for this program include consideration of the groundwater supply decline, the dedication of existing rights to the natural supply, promoting a culture of conservation, and disclosure of any evaluation of economic or physical effects that might cause unreasonable hardship resulting from the approval of a proposal.

In addition, the draft management program has GMD3 Board rule waiver considerations that recognize a number of public interest concerns as groundwater values increase and local supplies decline. The maximum allowable rate of depletion in the current draft of the management program is 40% in 25 years. The area rate of depletion exceeds this standard by 34.14%. The non-use of existing area appropriations provide an element of water conservation that may be negated under the small use exemption in the rules. In the board goal to promote a culture of conservation, adding a new appropriation for irrigation may not be consistent with the management program without a similar reduction to the base water right appurtenant to the land.

To meet the needs of due process for prior rights beyond the ½ mile courtesy notice from the state, the GMD3 Board established a process of informing members of the District. This letter is to inform and to seek more information from you and the neighboring water right owners whose wells are located within a mile of a proposed well location requiring a rule waiver.

WATER RESOURCES
RECEIVED

Serving Southwest Kansas Since 1976

OCT 03 2017

SCANNED

KS DEPT OF AGRICULTURE

Accordingly, you are requested to provide information in response to the following questions:

- 1) Can the addition of infrastructure, such as pipelines or purchase of neighboring wells with water rights, meet the need without a rule waiver?
- 2) How do the specifics of the proposal conserve energy and/or water over other alternatives?
- 3) How do you plan to efficiently irrigate the pasture?
- 4) Are there any known objections to this permit?

We request that any response you or your 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, and concerns of merit are received from the area water right owners, within that time, we may recommend that the rule be upheld and the application denied. We will 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 No. 49863

Copy to:

Warren & Amanda Willis

Travis Coulter - 13.330

Wayne & Evalena Reynolds Living Trust - File No. 32,282 - 272 AF @ 1200 GPM

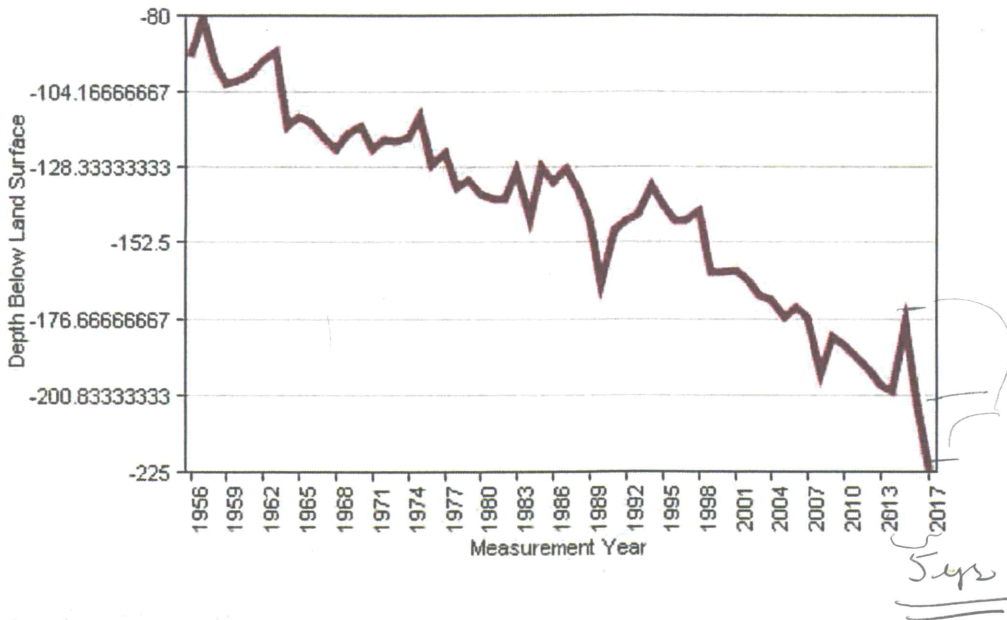
Eric Morgan

C. P. Brecheisen

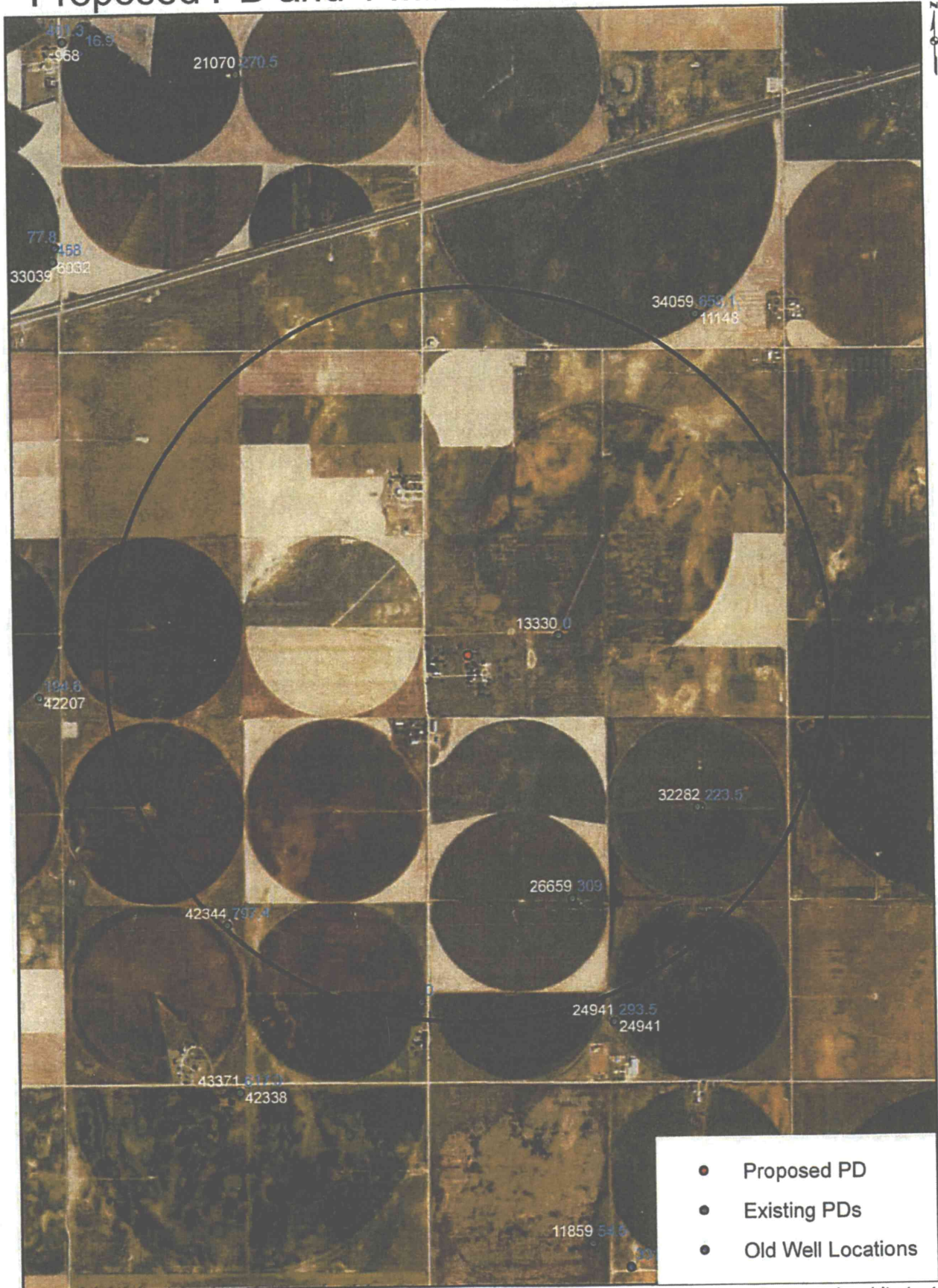
ALSO 24941-D1

Regional Average Tend, from

<http://hercules.kgs.ku.edu/geohydro/wizard/wizardregional.cfm>



Proposed PD and 1 Mile Circle for WR No 49863



1:24,000

Water right numbers are in white text.
10 year average use is in blue text.

SCANNED

DESCRIPTION OF OPERATION FOR IRRIGATION PROJECTS

Completion of this form is required before the Division of Water Resources can process your application to appropriate water. Attach supplemental sheets as needed.

Legal description of the field(s) to be irrigated:

_____ acres in the _____¹/₄ of Section _____, Township _____ S, Range
_____ W, _____ County, Kansas.

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

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

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

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

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

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

Other, please describe: _____

4. System design features:

a. For gravity irrigation systems, describe how you will control tailwater:

b. For sprinkler systems:

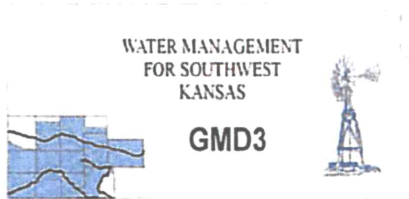
- 1) Estimate the pressure at the pivot: _____ psi
- 2) What is the sprinkler package design rate? _____ gpm
- 3) What is the wetted diameter (twice the distance the sprinkler throws water) of a sprinkler on the outer 100 feet of the system? _____ feet
- 4) Is a copy of the sprinkler package design information attached? Yes No

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

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

Applicant's signature: _____

Date signed: ____/____/____



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

September 28, 2017

David Batie
1108 RD 7
Hugoton, KS 67951

RE: Water Right, File No. 49863

Dear Mr. Batie and Neighbors,

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To meet the needs of due process for prior rights beyond the ½ mile courtesy notice from the state, the GMD3 Board established a process of informing members of the District. This letter is to inform and to seek more information from you and the neighboring water right owners whose wells are located within a mile of a proposed well location requiring a rule waiver.

49863, New Appropriation Review



August 8, 2017

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

- Meters
- Wells
- WIMAS WELLS GMD3
- Sections

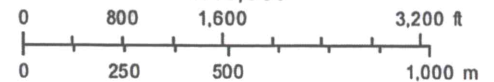
SCANNED

WATER RESOURCES RECEIVED

NOV 17 2017

KS DEPT OF AGRICULTURE

1:18,056



Accordingly, you are requested to provide information in response to the following questions:

- 1) Can the addition of infrastructure, such as pipelines or purchase of neighboring wells with water rights, meet the need without a rule waiver?
- 2) How do the specifics of the proposal conserve energy and/or water over other alternatives?
- 3) How do you plan to efficiently irrigate the pasture?
- 4) Are there any known objections to this permit?

We request that any response you or your 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, and concerns of merit are received from the area water right owners, within that time, we may recommend that the rule be upheld and the application denied. We will 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.

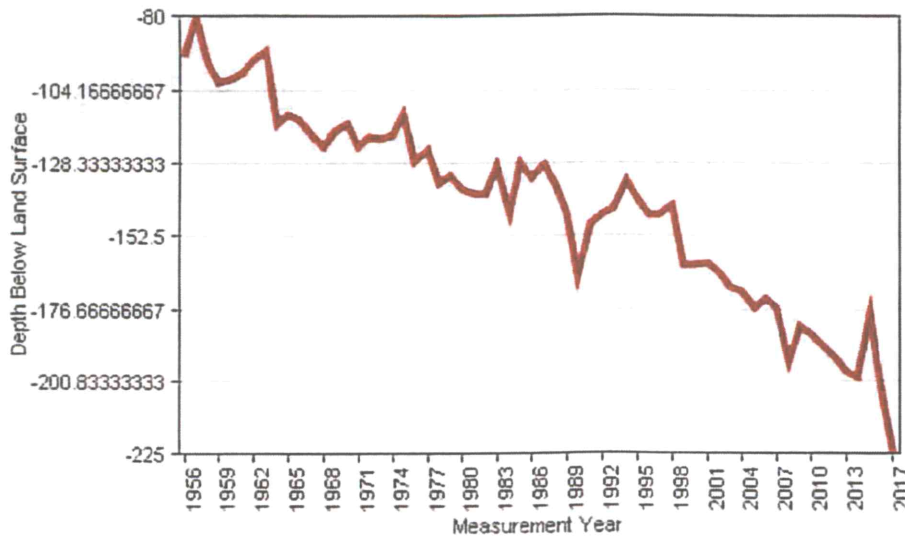
Sincerely,



Jason L. Norquest
Assistant Manager

Attachment: GMD3 General Groundwater Resource Review, File No. 49863
Copy to: Warren & Amanda Willis
Travis Coulter
Wayne & Evalena Reynolds Living Trust
Eric Morgan
C. P. Brecheisen

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



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Proposed PD and 1 Mile Circle for WR No 49863



1:24,000

Water right numbers are in white text.
10 year average use is in blue text

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OCT 13 2017
SWKSGMD3

To: Southwest Kansas Groundwater Management District No. 3
2009 E Spruce Street
Garden City, KS 67846
Fax: 620-275-1431

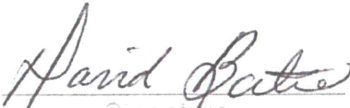
Kansas Department of Agriculture
Division of Water Resources
1320 Research Park Drive, Manhattan
Kansas 66502
Fax: (785) 564 - 6777

Re: Domestic Well Spacing ~~Consent Form~~
Consent Form

I, David Batie along with my wife, Ginny Batie, own a domestic well in the East half of the Southwest Quarter of the Southwest Quarter (E $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 27, in Township 33 South, Range 38 West, Stevens County, Kansas. We are also the applicants and owners of the place of use proposed by the new permit, File No. 49,863, which is proposing a well in the same area. Our domestic well water is used only for domestic purposes as follows:

- household use;
- watering of livestock, poultry, farm and domestic animals used in operating a farm; and/or
- irrigation of lands not exceeding a total of two (2) acres in area for the growing of gardens, orchards and lawns.

Application, File No. 49,863 has been filed with the Division of Water Resources to allow us to irrigate 7.5 acres from a proposed well that will be located closer to our domestic well than allowed by the rules and regulations of the regulations of the Southwest Kansas Groundwater Management District No. 3, in particular K.A.R. 5-23-3. As allowed by part (e)(2) of this regulation we hereby are supplying our written request to reduced minimum spacing as required by the regulation and to install the well as proposed under File No. 49,863.


Signature

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KS DEPT OF AGRICULTURE
SCANNED

CAMPAIGN
2008
CANDIDATE

UNITED STATES OF AMERICA
DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION
WASHINGTON, D.C. 20535



MEMORANDUM FOR THE DIRECTOR, FBI
SUBJECT: [Illegible]



DATE: [Illegible]

[Illegible signature]

Water Rights and Points of Diversion Within 2.00 miles of point defined as:

850 ft N and 4500 ft W of the SE Corner of Section 27, T 33S, R 38W

Located at: 101.444211 West Longitude and 37.143372 North Latitude

GROUNDWATER ONLY

*No other
15 AF in area*

File Number	Use	ST	SR	Dist (ft)	Q4	Q3	Q2	Q1	FeetN	FeetW	Sec	Twp	Rng	ID	Batt	Auth_Quan	Add_Quan	Unit
A_ 6032	00	IRR	NK	G	8379	--	--	CE SE	1284	70	20	33	38W	4		573.00	573.00	AF
A_ 11148	00	IRR	NK	G	5858	--	SW SE	SE	525	1300	22	33	38W	1		680.00	680.00	AF
A_ 11859	00	IRR	NK	G	8586	--	SW SW	NE	3000	2850	3	34	38W	5		698.00	698.00	AF
A_ 13330	00	IRR	NK	G*	1217	--	NC E2	SW	1160	3330	27	33	38W	1		420.00	420.00	AF
A_ 17498	00	IRR	NK	G	9791	--	SW SW	SW	100	5180	15	33	38W	2		400.00	400.00	AF
A_ 21070	00	IRR	NK	G	9057	--	--	CE NW	3960	2675	21	33	38W	2		471.00	.00	AF
A_ 24941	D1	IRR	NK	G	5605	--	NW SW	SE	895	2550	34	33	38W	2		270.00	270.00	AF
A_ 24941	D2	IRR	NK	G	5605	--	NW SW	SE	895	2550	34	33	38W	2		18.00	18.00	AF
A_ 26282	00	IRR	NK	G	10015	--	SE SE	NW	2700	2700	23	33	38W	1		700.00	700.00	AF
A_ 26283	00	IRR	NK	G	7256	--	NW NW	NE	5240	2600	35	33	38W	1		960.00	960.00	AF
A_ 26659	00	IRR	NK	G	3706	--	CS SE	NW	2700	3150	34	33	38W	3		326.00	326.00	AF
A_ 27994	00	IRR	NK	G	10442	--	SW SW	NW	2687	5210	36	33	38W	1		451.00	451.00	AF
A_ 32282	00	IRR	NK	G	3878	--	--	NC NE	3994	1285	34	33	38W	4		272.00	272.00	AF
A_ 32443	00	IRR	NK	G	8379	--	--	CE SE	1284	70	20	33	38W	4		290.00	290.00	AF
A_ 33039	00	IRR	NK	G	8379	--	--	CE SE	1284	70	20	33	38W	4		246.00	27.00	AF
A_ 34059	00	IRR	NK	G	5858	--	SW SE	SE	525	1300	22	33	38W	1		262.00	262.00	AF
A_ 40961	00	IRR	NK	G	10442	--	SW SW	NW	2687	5210	36	33	38W	1		320.00	320.00	AF
A_ 40979	00	IRR	NK	G	10408	--	SW NW	NW	4180	5180	25	33	38W	2		361.00	361.00	AF
A_ 42207	00	IRR	NK	G	6400	--	SE SE	SE	305	305	29	33	38W	4		250.00	250.00	AF
A_ 42338	00	IRR	NK	G	7173	--	NE NE	NW	5200	2666	4	34	38W	2		520.00	520.00	AF
A_ 42344	00	IRR	NK	G	5294	--	NE NE	SW	2332	2882	33	33	38W	3		960.00	960.00	AF
A_ 43371	A	IRR	NK	G	7173	--	NE NE	NW	5200	2666	4	34	38W	2		260.00	260.00	AF
A_ 49863	00	IRR	AY	G	0	--	E2 SW	SW	850	4500	27	33	38W	4		15.00	15.00	AF

*Part. Areas X N IR 808
1.40'
.85
= 395 AF*

Total Net Quantities Authorized:	Direct	Storage
Total Requested Amount (AF) =	15.00	.00
Total Permitted Amount (AF) =	.00	.00
Total Inspected Amount (AF) =	.00	.00
Total Pro_Cert Amount (AF) =	.00	.00
Total Certified Amount (AF) =	9018.00	.00
Total Vested Amount (AF) =	.00	.00
TOTAL AMOUNT (AF) =	9033.00	.00

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

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

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

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

Water Rights and Points of Diversion Within 2.00 miles of point defined as:

101.444211 West Longitude and 37.143372 North Latitude

GROUNDWATER ONLY

WATER USE CORRESPONDENTS:

File Number Use ST SR
A_ 6032 00 IRR NK G
> WARREN M & AMANDA R WILLIS
>

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NOV 17 2017

KS DEPT OF AGRICULTURE
SCANNED

> 814 S JACKSON ST
> HUGOTON KS 67951

A__ 11148 00 IRR NK G
> T-4 FARMS LLC
> TIMOTHY COULTER
> PO BOX 939
> HUGOTON KS 67951

A__ 11859 00 IRR NK G
> GREG GREWELL
>
> 193 ROAD 12
> HUGOTON KS 67951

A__ 13330 00 IRR NK G
> TRAVIS COULTER
>
> 1200 S ADAMS
> HUGOTON KS 67951

A__ 17498 00 IRR NK G
> JOEL T MCCLURE
>
> 1949 ROAD 7
> HUGOTON KS 67951

A__ 21070 00 IRR NK G
> VANCE FARRAR
>
> 2045 PASEO DEL ORO
> COLORADO SPRINGS CO 80904

A__ 24941 D1 IRR NK G
> WAYNE & EVALENA REYNOLDS LIVING TRUSTS
>
> 601 W CITY LIMITS ST
> HUGOTON KS 67951

A__ 24941 D2 IRR NK G
> WAYNE & EVALENA REYNOLDS LIVING TRUSTS
>
> 601 W CITY LIMITS ST
> HUGOTON KS 67951

A__ 26282 00 IRR NK G
> SYNATA HUGOTON LLC
>
> 1043 ROAD P
> HUGOTON KS 67951

A__ 26283 00 IRR NK G

DESCRIPTION OF OPERATION FOR IRRIGATION PROJECTS

Completion of this form is required before the Division of Water Resources can process your application to appropriate water. Attach supplemental sheets as needed.

Legal description of the field(s) to be irrigated:

_____ acres in the _____¹/₄ of Section _____, Township _____ S, Range
_____ W, _____ County, Kansas.

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

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

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

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

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

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

Other, please describe: _____

4. System design features:

a. For gravity irrigation systems, describe how you will control tailwater:

b. For sprinkler systems:

- 1) Estimate the pressure at the pivot: _____ psi**
- 2) What is the sprinkler package design rate? _____ gpm**
- 3) What is the wetted diameter (twice the distance the sprinkler throws water) of a sprinkler on the outer 100 feet of the system? _____ feet**
- 4) Is a copy of the sprinkler package design information attached? Yes No**

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

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

Applicant's signature: _____

Date signed: ____/____/____

To: Southwest Kansas Groundwater Management District No. 3
2009 E Spruce Street
Garden City, KS 67846
Fax: 620-275-1431

Kansas Department of Agriculture
Division of Water Resources
1320 Research Park Drive, Manhattan
Kansas 66502
Fax: (785) 564 - 6777

FILE NO. 49,863

Re: Domestic Well Spacing
Consent Form

I, David Batie along with my wife, Ginny Batie, own a domestic well in the East half of the Southwest Quarter of the Southwest Quarter (E $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 27, in Township 33 South, Range 38 West, Stevens County, Kansas. We are also the applicants and owners of the place of use proposed by the new permit, File No. 49,863, which is proposing a well in the same area. Our domestic well water is used only for domestic purposes as follows:

- household use;
- watering of livestock, poultry, farm and domestic animals used in operating a farm; and/or
- irrigation of lands not exceeding a total of two (2) acres in area for the growing of gardens, orchards and lawns.

Application, File No. 49,863 has been filed with the Division of Water Resources to allow us to irrigate 7.5 acres from a proposed well that will be located closer to our ~~domestic well than allowed by the rules and regulations of the regulations of the Southwest Kansas Groundwater Management District No. 3, in particular K.A.R. 5-23-3.~~ As allowed by part (e)(2) of this regulation we hereby are supplying our written request to reduced minimum spacing as required by the regulation and to install the well as proposed under File No. 49,863.

WATER RESOURCES
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OCT 13 2017

KS DEPT OF AGRICULTURE

David Batie
Signature

SCANNED

This Analysis of Proposed File No. 49863 on File No. 13330

This This analysis evaluates the impacts of proposed well 49863 on the target well 13330. Parameters for the analysis are in Table 1. Nearby well logs indicate a thick clay layer. Because of this layer, it was assumed that the aquifer was confined for the purposes of selecting a storage coefficient. The storage coefficient was estimated to be the distance from the static water level to bedrock (420 feet) multiplied by 10^{-6} . Transmissivity estimate is from the GMD No. 3 groundwater model projected to year 2041. Year 2041 provides the worst case of the three years available from the model (2016, 2041, 2066). Model values for all three years are presented in Table 2. Model values are for Township 33 South, Range 38 West, Section 27. The proposed and target wells are both located within this section. The pumping rate and volume is as proposed. Pumping time is computed from rate and volume. After 50 years of pumping cycles the proposed well causes a drawdown of 3.10 feet at the target well.

Table 1: Scenario parameters

Scenario Definition			Units
Storage Coefficient	S	0.00042	
Transmissivity	T	44736.38	gpd/ft
Distance from Pumping Well	r	1217	ft
Pumping Time	tp	16.98	days
Pumping Rate	Q	200	gpm
Pumping Volume	V	15	AF
Proposed		File 49863 27-33-38W	4
Target		File 13330 27-33-38W	1

Table 2: Aquifer properties from GMD No. 3 groundwater model for T33S R38W 27

Year	Saturated Thickness (FT)	Specific Yield	Transmissivity (gpd/ft)
2016	273.7	0.0884	95,832.98
2041	240.0	0.1970	44,736.38
2066	217.1	0.2058	46,232.66

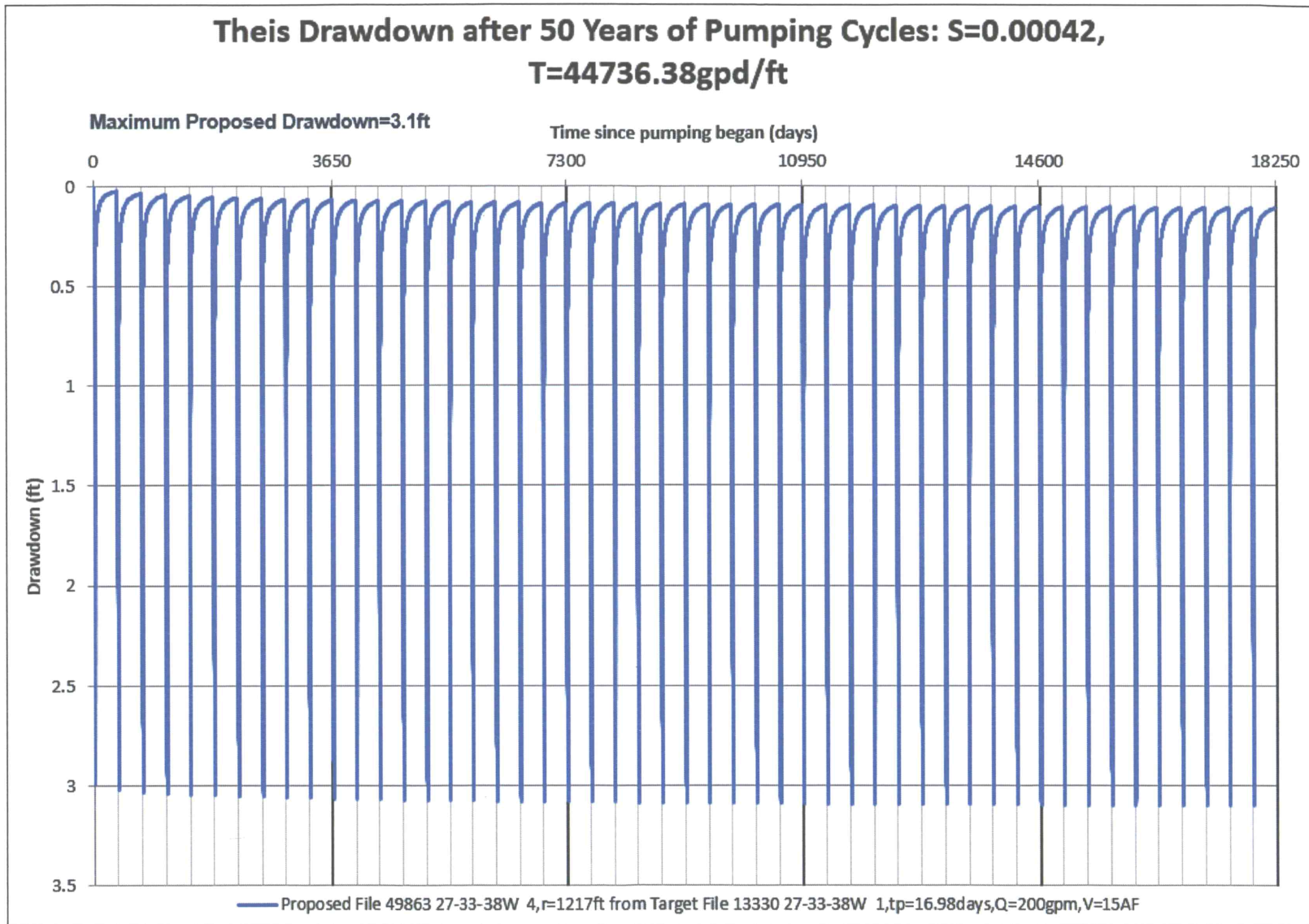


Figure 1: Cumulative drawdown from 50 years of pumping cycles

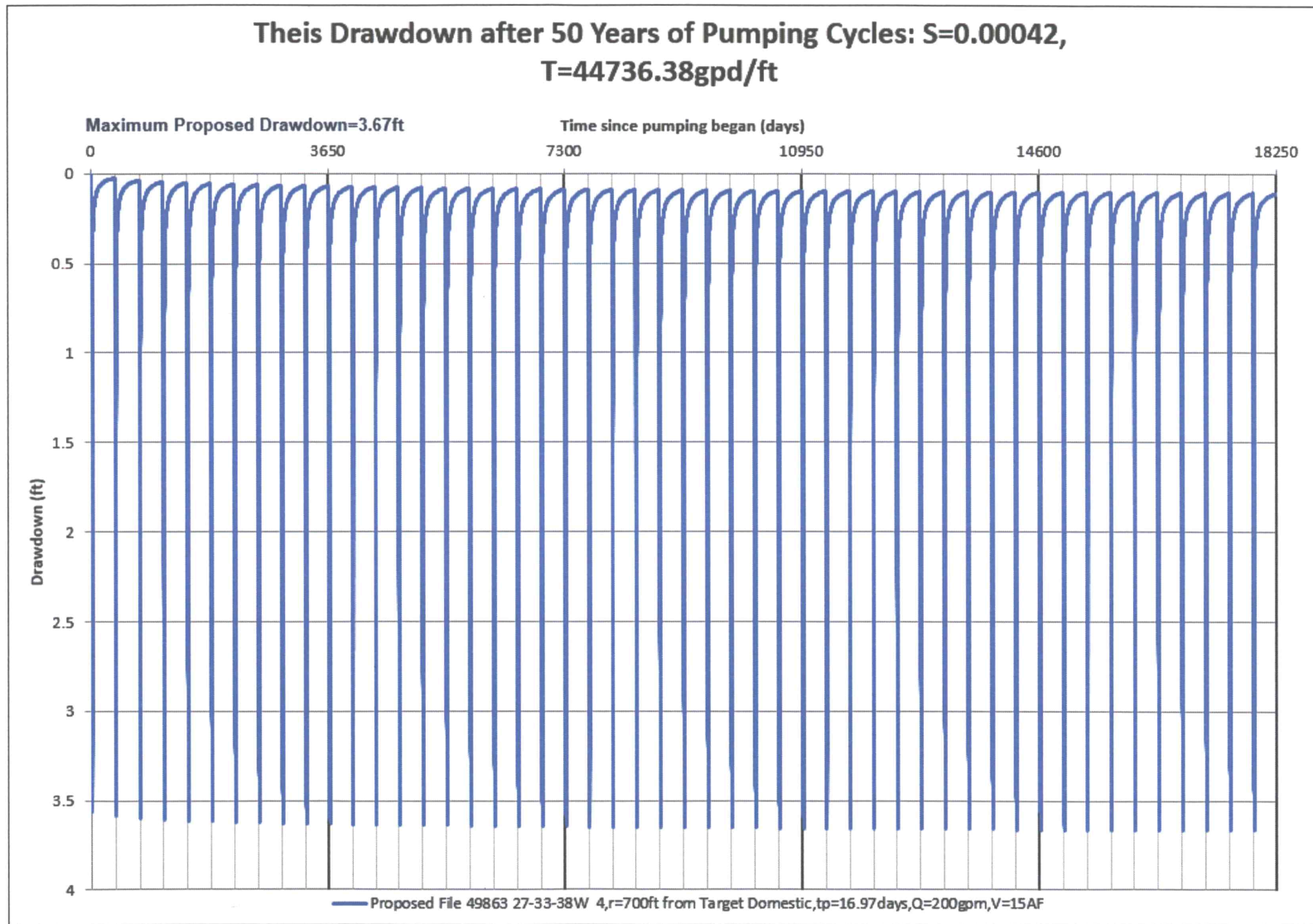


Figure 2: Cumulative drawdown from 50 years of pumping cycles

This Analysis of Proposed File No. 49863 on Hathaway Domestic

This analysis evaluates the impacts of proposed well 49863 on the target domestic well located approximately 700 feet to the west. Parameters for the analysis are in Table 3. Nearby well logs indicate a thick clay layer. Because of this layer, it was assumed that the aquifer was confined for the purposes of selecting a storage coefficient. The storage coefficient was estimated to be the distance from the static water level to bedrock (420 feet) multiplied by 10^{-6} . Transmissivity estimate is from the GMD No. 3 groundwater model projected to year 2041. Year 2041 provides the worst case of the three years available from the model (2016, 2041, 2066). Model values for all three years are presented in Table 4. Model values are for Township 33 South, Range 38 West, Section 27. The proposed and target wells are both located within this section. The pumping rate and volume is as proposed. Pumping time is computed from rate and volume. After 50 years of pumping cycles the proposed well causes a drawdown of 3.67 feet at the target well.

Table 3: Scenario parameters

Scenario Definition			Units
Storage Coefficient	S	0.00042	
Transmissivity	T	44736.38	gpd/ft
Distance from Pumping Well	r	700	ft
Pumping Time	tp	16.98	days
Pumping Rate	Q	200	gpm
Pumping Volume	V	15	AF
Proposed		File 49863 27-33-38W 4	
Target		Domestic	

Table 4: Aquifer properties from GMD No. 3 groundwater model for T33S R38W 27

Year	Saturated Thickness (FT)	Specific Yield	Transmissivity (gpd/ft)
2016	273.7	0.0884	95,832.98
2041	240.0	0.1970	44,736.38
2066	217.1	0.2058	46,232.66

INPUTS	
Target Section Definition	13330
Section	27
Township	33
Range	38
Range Direction	W
Target Point Coordinates (NAD27 or NAD83)	
Target Longitude	-101.440150
Target Latitude	37.144230

Load Data and Compute

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

Loaded Section Data From LEOBASE using NAD83		
Corner	Corner Latitudes	Corner Longitudes
SW	37.14107747	-101.44721350
NW	37.15551228	-101.44733537
NE	37.15543618	-101.42920833
SE	37.14106239	-101.42920850
Degrees Longitude per Foot		3.43085998E-06
Degrees Latitude per Foot		2.74649300E-06
Target Point Distances from Corners using NAD83		
Corner	Feet North(+)/South(-)	Feet East(-)/West(+)
SW	1148	-2059
NW	-4108	-2094
NE	-4080	3189
SE	1153	3189

Loaded Section Data From LEOBASE using NAD27		
Corner	Corner Latitudes	Corner Longitudes
SW	37.14105200	-101.44677700
NW	37.15548700	-101.44689900
NE	37.15541100	-101.42877200
SE	37.14103700	-101.42877200
Degrees Longitude per Foot		3.43085884E-06
Degrees Latitude per Foot		2.74598553E-06
Target Point Distances from Corners using NAD27		
Corner	Feet North(+)/South(-)	Feet East(-)/West(+)
SW	1157	-1932
NW	-4099	-1967
NE	-4072	3316
SE	1163	3316

Difference (NAD83 Minus NAD27)		
Corner	Corner Latitudes	Corner Longitudes
SW	0.00002547	-0.00043650
NW	0.00002528	-0.00043637
NE	0.00002518	-0.00043633
SE	0.00002539	-0.00043650
Difference (NAD83 Minus NAD27)		
Corner	Feet North(+)/South(-)	Feet East(-)/West(+)
SW	-9.48748650	-127.22693205
NW	-8.44700219	-127.18902882
NE	-8.41570602	-127.17913195
SE	-9.45936777	-127.22868221

AUTHORIZED $\frac{1''N}{1160}$ $\frac{1''W}{3330}$
 ACTUAL 1163 3316
 $3^2 + 14^2 = 14' \text{ off}$



proposed PD for pasture 1010'N / 4538'W

13330 Irrigation 1159'N / 3337'W

existing domestic 500 / 4465'W

1210'

515'

1306'