

Kansas Department of Agriculture  
 Division of Water Resources  
**CHANGE: P/D WORKSHEET**

1. File Number: <b>25180</b>	2. Status Change Date: <b>3-6-19</b>	3. Change Num: <b>c1</b>	4. Field Office: <b>04</b>	5. GMD: <b>03</b>
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6. Status: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied by DWR/GMD <input type="checkbox"/> Dismiss by Request/Failure to Return	7. Filing Date of Change: <b>2/19/19</b>
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8a. Landowner, WUC, applicant New to system <input type="checkbox"/>  <b>FRY FAMILY FARMS LC                  AG MANAGEMENT CONSULTANTS                  PO BOX 1013                  GARDEN CITY KS 67846</b>	Person ID <b>41058</b> Add Seq# <b>1</b>  8c. New to system <input type="checkbox"/>  Person ID _____ Add Seq# <b>1</b>
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8b. Landowner(s) New to system <input type="checkbox"/>  Person ID _____ Add Seq# _____	8d. WUC New to system <input type="checkbox"/>  Person ID _____ Add Seq# _____
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9. Documents and Enclosure(s):  DWR Meter(s) Date to Comply: **12/31/19**     N & P Date to Comply: **12/31/20**

Anti-Reverse Meter     Meter Seal     Check Valve     N & P Form     Water Tube     Driller Copy     H & E Letter

Conservation Plan    Date Required: \_\_\_\_\_    Date Approved: \_\_\_\_\_    Date to Comply: \_\_\_\_\_

10. Use Made of Water    From: \_\_\_\_\_    To: \_\_\_\_\_

Date Prepared: **3/6/19**    By: **MAM**  
 Date Entered: \_\_\_\_\_    By: \_\_\_\_\_

File No. **25180**      11. County: **SV**      Basin: **CIMARRON**      Stream: \_\_\_\_\_      Formation Code: **211/331**      Special Use: \_\_\_\_\_

12. Points of Diversion										Rate and Quantity			
CHK MOD DEL ENT	PDIV	Qualifier	S	T	R	ID	'N	'W	Comment (AKA Line)	Authorized		Additional	
										Rate gpm	Quantity af	Rate gpm	Quantity af
ENT		NESESW	34	31	36	W	1074'	2693'		875	436	875	0

DEL 37909

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

13. Storage: Rate \_\_\_\_\_ NF      Quantity \_\_\_\_\_ ac/ft      Additional Rate \_\_\_\_\_ NF      Additional Quantity \_\_\_\_\_ ac/ft

14. Limitation: \_\_\_\_\_ af/yr at \_\_\_\_\_ gpm ( \_\_\_\_\_ cfs) when combined with file number(s) \_\_\_\_\_

Limitation: \_\_\_\_\_ af/yr at \_\_\_\_\_ gpm ( \_\_\_\_\_ cfs) when combined with file number(s) \_\_\_\_\_

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

CHK MOD DEL ENT	PUSE	S	T	R	ID	NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg?	Overlap Files	
						NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼					
CHK	26047																									8A
CHK	16192																									8A

Base Acres: \_\_\_\_\_      Year: \_\_\_\_\_      Minimum Reasonable Quantity: \_\_\_\_\_

Comments: \_\_\_\_\_

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



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

Mike Beam, Interim Secretary

Laura Kelly, Governor

March 6, 2019

FRY FAMILY FARMS LC  
AG MANAGEMENT CONSULTANTS  
PO BOX 1013  
GARDEN CITY KS 67846

RE: Water Right, File No. 25180

Dear Sir and Madam:

Enclosed is an order executed by the designee of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the application for change under the above referenced file number.

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in this approval for change. A condition of this approval is that acceptable water flowmeter must be installed on the diversion works authorized under the referenced file number and meet current specifications. Please return the required notification of completion of the diversion works and installation of the required meter as soon as these actions are completed.

Since this order modifies the original document referred to above, it should be recorded with the Register of Deeds as other instruments affecting real estate.

Should you have any questions, please feel free to call this office. If you would prefer, you could arrange an appointment for additional assistance.

Sincerely,

A handwritten signature in blue ink that reads "Michael A. Meyer".

Michael A. Meyer  
Water Commissioner

MAM:  
enclosures  
pc:


GROUNDWATER MANAGEMENT DISTRICT NO. 3

**CERTIFICATE OF SERVICE**

On this 6<sup>th</sup> day of March, 2019, I hereby certify that the foregoing Approval of Application for Change in Point of Diversion, Water Right, File No. 25,180, dated 6<sup>th</sup> day of March, 2019 was mailed postage prepaid, first class, US mail to the following:

FRY FAMILY FARMS LC  
AG MANAGEMENT CONSULTANTS  
PO BOX 1013  
GARDEN CITY KS 67846  
With photocopies to:

GROUNDWATER MANAGEMENT DISTRICT NO. 3

  
\_\_\_\_\_  
Division of Water Resources Staff

Submit completed application to:  
 Kansas Department of Agriculture  
 Division of Water Resources  
 Field Office for your area.

Call for address:

Topeka -- (785) 296-5733  
 Stafford -- (620) 234-5311  
 Stockton -- (785) 425-6787  
 Garden City -- (620) 276-2901  
<http://agriculture.ks.gov/dwr>

## DWR FIELD OFFICE APPLICATION FOR APPROVAL TO CHANGE THE PLACE OF USE AND/OR THE POINT OF DIVERSION



**STATE OF KANSAS**

**Filing Fee Must Accompany the Application, K.S.A. 82a-708b(b), as amended.**  
 Fee Schedule is on the third page of this application form.

**Paragraph Nos. 1, 2, 3 & 5 must be completed. Complete all other applicable portions.** If change in point of diversion is greater than 100 feet, or if place of use will be changed, include a topographic map or detailed plat showing the authorized and proposed point(s) of diversion and/or place of use.

File No. 25180

**RECEIVED**  
 4:20 pm  
**FEB 19 2019**

Garden City Field Office  
 DIVISION OF WATER RESOURCES

1. Application is hereby made for approval of the Chief Engineer to change the (check one or both):

Place of Use                       Point of Diversion

under the water right which is the subject of this application in accordance with the conditions described below.

The source of supply is:                       Groundwater                       Surface water

2. Name and address of Applicant: FRY FAMILY FARMS

PO BOX 1013 GARDEN CITY, KS. 67846

Phone Number: (620)276 2959

Email address: \_\_\_\_\_

Name and address of Water Use Correspondent: FRY FAMILY FARMS

PO BOX 1013 GARDEN CITY, KS. 67846

Phone Number: (620)276 2959

Email address: \_\_\_\_\_

3. The presently authorized place of use is:

Owner of Land ---- NAME: FRY FAMILY FARMS

ADDRESS: PO BOX 1013 GARDEN CITY, KS. 67846

(If there is more than one landowner, attach supplemental sheets as necessary.)

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
27	31	36W													8.0		5.0	37	50
34	31	36W	40	19	40	40	2.0		1.0	28	40	20	40	40	40	40	40	40	470

4. If this application is for a change in place of use, it is proposed that the place of use be changed to:

Owner of Land ---- NAME: NO CHANGE

ADDRESS: \_\_\_\_\_

(If there is more than one landowner, attach supplemental sheets as necessary.)

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

**For Office Use Only:** Code \_\_\_\_\_ Fee \$ 200.00 TR # \_\_\_\_\_ Receipt Date 2-19-19 Check # 1097

5. **Presently authorized point of diversion:**  
 One in the \_\_\_\_\_ Quarter of the NC Quarter of the S2 Quarter  
 of Section 34, Township 31 South, Range 36 (W),  
 in STEVENS County, Kansas, 1380 feet North 2525 feet West of Southeast corner of section.  
 Authorized Rate 875 GPM Authorized Quantity 436AF Depth of well \_\_\_\_\_ (feet)  
**(DWR use only: Computer ID No. 2 GPS \_\_\_\_\_ feet North \_\_\_\_\_ feet West)**  
 This point will not be changed  This point will be changed as follows:  No change, point better described with GPS as follows:  
**Proposed point of diversion: (Complete only if change is requested or if existing point is better described by GPS)**  
 One in the NE Quarter of the SE Quarter of the SW Quarter  
 of Section 34, Township 31 South, Range 36 (W),  
 in STEVENS County, Kansas, 1074 feet North 2693 feet West of Southeast corner of section.  
 Proposed Rate 875 GPM Proposed Quantity 436AF Proposed well depth (feet) \_\_\_\_\_  
 This point is:  Additional Well  Geo Center List other water rights that will use this point \_\_\_\_\_

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

7. The changes herein are desired for the following reasons?  
 (please be specific) lack of production on current PD

8. If a well, is the test hole log attached?  Yes  No

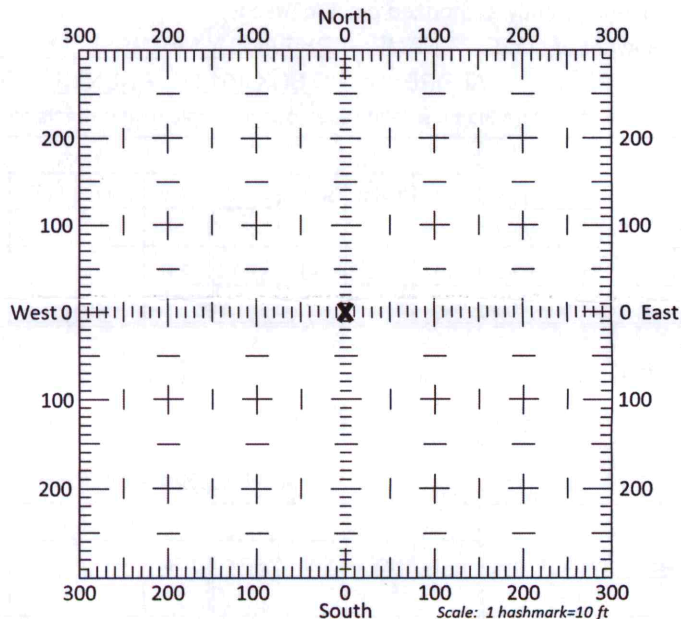
9. The change(s) (was)(will be) completed by?  
03/04/2019

10. If the point of diversion is a well:  
 (a) What are you going to do with the old well?  
To be plugged  
 (b) When will this be done? 03/04/2019

11. Groundwater Management District recommendation attached?  
 Yes  No

12. Assisted by CAC

13a. If the proposed point of diversion will be relocated more than 300 feet but within 2,640 feet of the existing point of diversion, attach a topographic map or aerial photograph. For groundwater sources, show all wells (including domestic) within one-half mile of the proposed point of diversion and the names and mailing addresses of the owners. For surface water sources, show the names and addresses of the landowner(s) one-half mile downstream and one-half mile upstream from your property lines



13b. If the proposed point of diversion will be relocated within 300 feet of the existing point of diversion, indicate its location on the diagram shown above in relation to the existing point of diversion. (PLEASE NOTE: The "X" in center of diagram above represents the presently authorized point of diversion.)

14. If the proposed groundwater point of diversion is 300 or fewer feet from the existing point of diversion, complete the following:

- (a) Does the undersigned represent all owners of the currently authorized place(s) of use identified in this application?  
 Yes     No    (If no, all owners must sign this application.)
- (b) Will the ownership interest of any owner of the currently authorized place(s) of use identified in this application be adversely affected if this application is approved as requested?  
 Yes     No    (If yes, all owners must sign this application.)
- (c) If this application is not approved expeditiously, will there be substantial damage to property, public health or safety?  
 Yes     No    (If no, all owners must sign this application.)

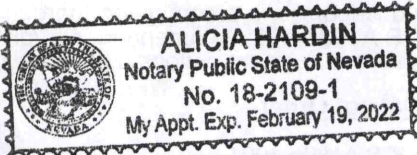
If the application proposes a surface water change in point of diversion, a groundwater change in point of diversion greater than 300 feet, or a change in place of use, the application must be signed by all owners of the currently authorized place of use, or their duly authorized agent (attach notarized statement authorizing representation).

I hereby verify, being first duly sworn upon my oath or affirmation and under penalty of perjury, that I am of lawful age and the owner, the spouse of the owner, or a duly authorized agent of the owner(s) to make this application on their behalf, in regards to the water right(s) to which this application pertains. I further verify that the statements contained in this application are true, correct and complete.

Dated at 02/13/2019, <sup>Nevada</sup>~~Kansas~~, this 13 day of February, 2019.

<u>Ed Banning</u> (Owner)	_____	(Spouse)
<u>Ed Banning</u> (Please Print)	_____	(Please Print)
_____	_____	(Spouse)
_____	_____	(Please Print)
_____	_____	(Spouse)
_____	_____	(Please Print)
_____	_____	(Spouse)
_____	_____	(Please Print)

State of ~~Kansas~~ <sup>Nevada</sup>  
County of Clark } SS



I hereby certify that the foregoing application was signed in my presence and sworn to before me this 13 day of February, 2019.

Alicia Hardin  
Notary Public

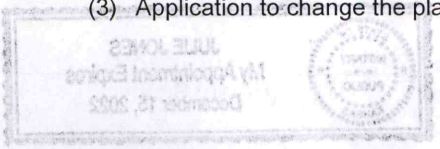
My Commission Expires Feb 19, 2022

**ONLY COMPLETE APPLICATIONS WILL BE PROCESSED.** To be complete, all of the applicable portions of the application form must be completed with accurate information; maps, if necessary, must be included; signatures of all the appropriate owners' must be affixed to the application and notarized; and the appropriate fee must be paid.

### FEE SCHEDULE

Each application to change the place of use or the point of diversion under this section shall be accompanied by the application fee set forth in the schedule below: Make checks payable to: **Kansas Department of Agriculture**

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



**SUMMARY ORDER APPROVING APPLICATION FOR CHANGE AND IMPOSING CONDITIONS**

This Summary Order is issued under authority of K.S.A. 82a-708b, as amended, and K.A.R. 5-5-1, *et seq.* and other applicable provisions of the *Kansas Water Appropriation Law, K.S.A. 82a-701 et. seq.*, and rules and regulations promulgated thereunder, With the exception of those conditions expressly contained herein, this Summary Order does not change the terms, conditions and limitations of File No. 25180.

- 1. A change application was received on February 19, 2019 requesting that the place of use and / or point of diversion authorized under the above-referenced file number be changed as described in the application.
- 2. On and after the effective date of this summary order, the authorized place(s) of use shall be located substantially as shown on the topographic map accompanying the application to change the place of use.  Applicable  Not Applicable
- 3. The change in point of diversion shall not impair existing rights and shall be limited to the same source or sources of water as previously authorized. The point of diversion authorized by this summary order shall be located within a 50 foot radius of the authorized point(s) of diversion.  Applicable  Not Applicable
- 4. The point(s) of diversion described herein is administratively corrected to be more accurately described using the Global Positioning System (GPS), as described in the application.  Applicable  Not Applicable
- 5. The point(s) of diversion authorized herein shall not actually be located more than        feet from the previously authorized point(s) of diversion.  Applicable  Not Applicable
- 6. As required by K.A.R. 5-3-5d, if the works for diversion is a well with a diversion rate of 100 gallons per minute or more, a tube or other device suitable for making water level measurements shall be installed, operated and maintained in accordance with K.A.R. 5-6-13.  Applicable  Not Applicable
- 7. The owner of the authorized place(s) of use shall properly install an acceptable water flow meter on or before December 31, 2019, or before the first use of water, whichever occurs first. The water flow meter shall be installed, operated and maintained in accordance with K.A.R. 5-1-4 through 5-1-12. As required by K.S.A. 82a-732, as amended, and K.A.R. 5-3-5e, the owner shall maintain records and report the reading of the water flow meter and the total quantity of water diverted annually to the Chief Engineer by March 1 following the end of each calendar year.  Applicable  Not Applicable
- 8. Installation of the works for diversion of water shall be completed on or before December 31, 2019, or within any authorized extension of time. By March 1, 2020 the applicant shall notify the Chief Engineer that construction of the works for diversion has been completed, on the form provided by the Chief Engineer, as required by K.A.R. 5-8-4e.  Applicable  Not Applicable
- 9. The completed well log shall be submitted with the required notice.  Applicable  Not Applicable
- 10. All diversion works into which any type of chemical or other foreign substance will be injected into the water shall be equipped with an in-line, automatic, quick-closing check valve capable of preventing pollution of the source of the water supply. The check valve(s) shall be installed, operated and maintained in accordance with K.A.R. 5-3-5c.  Applicable  Not Applicable
- 11. Additional Conditions are attached.  Yes  No
- 12. In accordance with K.S.A. 82a-708a, as amended, and K.A.R. 5-5-14, all of the owners of the authorized place(s) of use of water appropriated under the above-referenced file number are responsible for compliance with its terms, conditions and limitations, as amended and/or supplemented by this Summary Order, and with applicable provisions of the *Kansas Water Appropriation Law* and the *Rules and Regulations* promulgated thereunder. Failure to comply with these provisions may result in civil penalties pursuant to K.S.A. 82a-737, as amended, and/or the suspension or revocation and dismissal of the water or appropriation right or any other enforcement actions authorized by law.

**Administrative Appeal and Effective Date of Order**

If you are aggrieved by this order, pursuant to K.S.A. 82a-1901, you may request an evidentiary hearing before the Chief Engineer or request administrative review by the Secretary of Agriculture. A request for hearing by the Chief Engineer must be filed within **15 days** of service of this Order and a request for administrative review by the Secretary must be filed within **30 days** pursuant to K.S.A. 77-531. Any request for administrative review must state a basis for review pursuant to K.S.A. 77-527. File any request with **Kansas Department of Agriculture, Legal Division, 1320 Research Park Drive, Manhattan, KS 66502**. Failure to timely request a hearing or review may preclude review under the Kansas Judicial Review Act.

*For Use by Register of Deeds*

FOR OFFICE USE ONLY  
**APPLICATION APPROVED AND SUMMARY ORDER ISSUED**

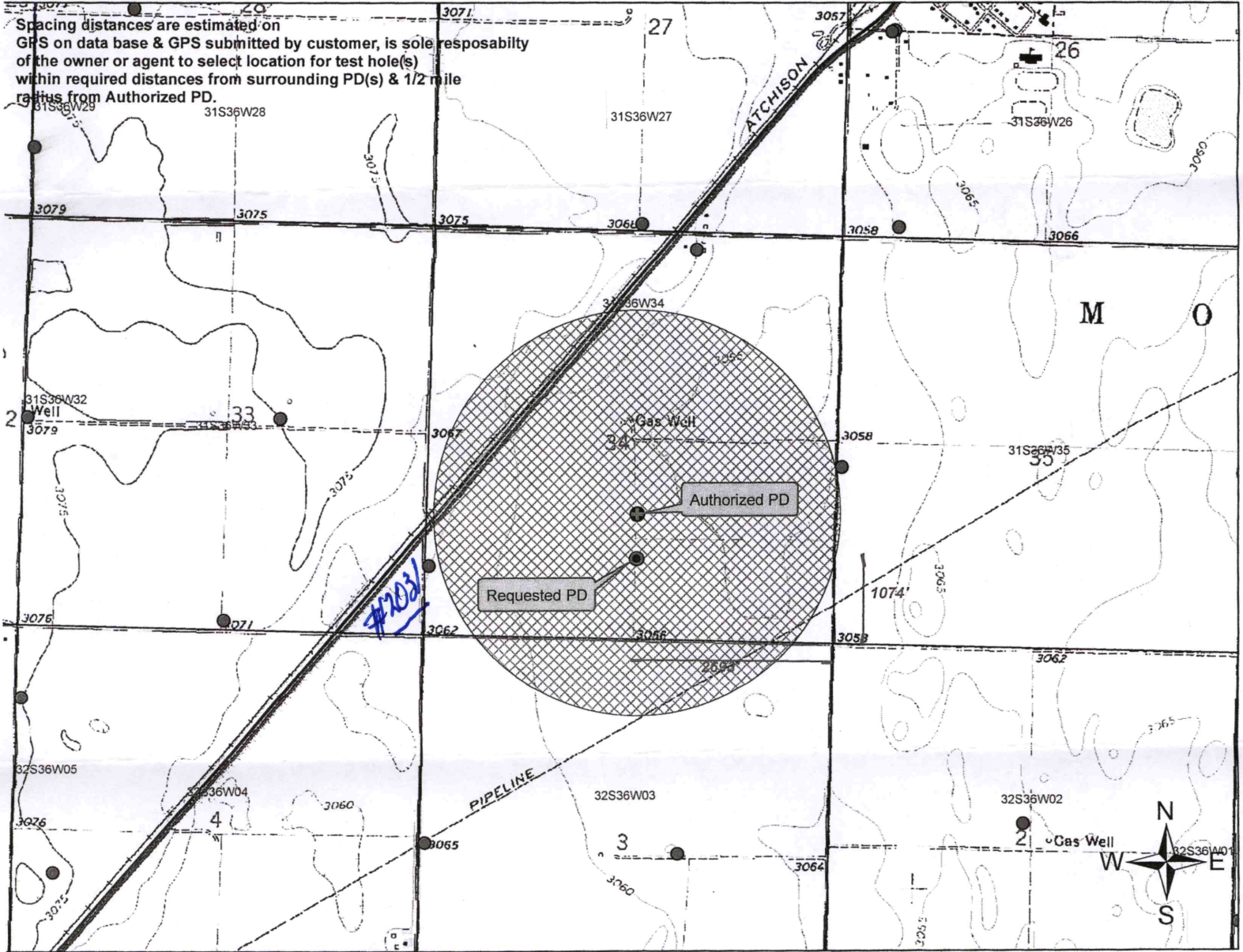
By: Michael A. Meyer  
Duly Authorized Designee of the Chief Engineer  
(Print Name): MICHAEL A. MEYER  
Division of Water Resources - Kansas Department of Agriculture  
Date of Issuance: March 6, 2019  
State of Kansas )  
County of Finney ) SS  
Acknowledged before me on March 6, 2019  
by Michael A. Meyer  
Signature: Julie Jones  
Notary Public  
My commission expires







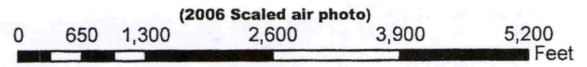
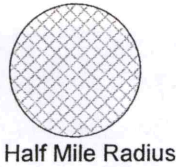
**Point of Diversion Change  
WR 25180  
T 31 R36W Sec 34 Stevens County**

Spacing distances are estimated on GPS on data base & GPS submitted by customer, is sole responsibility of the owner or agent to select location for test hole(s) within required distances from surrounding PD(s) & 1/2 mile radius from Authorized PD.



- Authorized PD
- Requested PD
- Point of Diversion

-  Authorized PU
-  Requested PU



# WELL LOG

WR: 25180

DATE: 2-2-19

## Downey Drilling Inc.

LEXINGTON, NE  
ALLAMANCE, NE  
GARDEN CITY, KS



CUSTOMER NAME: Fog Family Farms

LEGAL: SE 34-315-36w Steverson Co.

COUNTY: \_\_\_\_\_

GPS: 37° 18' 12" N 37. 303333

101° 13' 17" W -101. 221388

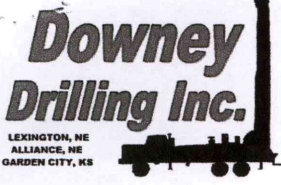
1074' N  
2693' W

Quartz / 144  
Sedn Ash / 1

DRILLER: \_\_\_\_\_

WO: \_\_\_\_\_

TW	FROM	TO	TYPE	HARDNESS	COLOR	SPEED	PULL DOWN	OTHER / DRILLING ACTION
	0	20	top soil clay	soft	tan	fast		smooth
	20	60	fine sand with some clay	soft	tan	fast		smooth
	60	80	<del>very</del> silty clay coarse fine sand	soft	tan	fast		smooth
	80	120	sandy clay	soft	tan	fast		smooth
	120	160	sandy clay white clay limestone layers	soft	tan/white	fast		smooth
			fine gravel from 155-160					
	160	180	sandy clay with fine sand	soft	tan	fast		slight chatter
	180	213	sandy clay	soft	tan	fast		smooth
	213	240	medium sand	soft	tan	fast		smooth
	240	320	sandy clay trace of medium sand	soft	tan	fast		slight chatter
	320	360	fine sand medium sand fine gravel	soft	red	fast		chatter
	360	380	silty clay sandy clay fine sand trace	soft	tan	fast		smooth
	380	520	fine sand fine sand fine gravel	soft	red	fast		chatter
	520	585	silty clay fine gravel fine sand	soft	tan	fast		slight chatter
			trace of red clay @ 580					
	585	600	red bed	soft	red	slow		smooth



# Well Design & Construction

**Customer Name:** FRY FAMILY FARMS c/o AG MANAGEMENT CONSULTANTS

**Legal:** SE 34-31S-36W **County:** STEVENS

**G.P.S.:** 37 18' 12" N **Date:** \_\_\_\_\_

101\* 13' 17" W **WO #:** \_\_\_\_\_

**DRILLER:** ISAAC JESUS

**WATER SUPPLY:** IRRIGATION WELL (WEST)

**HELPER(S) & CREW:** \_\_\_\_\_ & CREW

**DRILLING RIG:** M-100

**BOREHOLE DIAMETER:** 30"

**DRILLING METHOD:** REVERSE CIRCULATION

**CASING DIAMETER:** 16"

**QUIKGEL:** TBD **HOLE PLUG:** 20'+

**TOTAL WELL DEPTH:** 595'

**GRAVEL:** 125 TON OF #1 COARSE

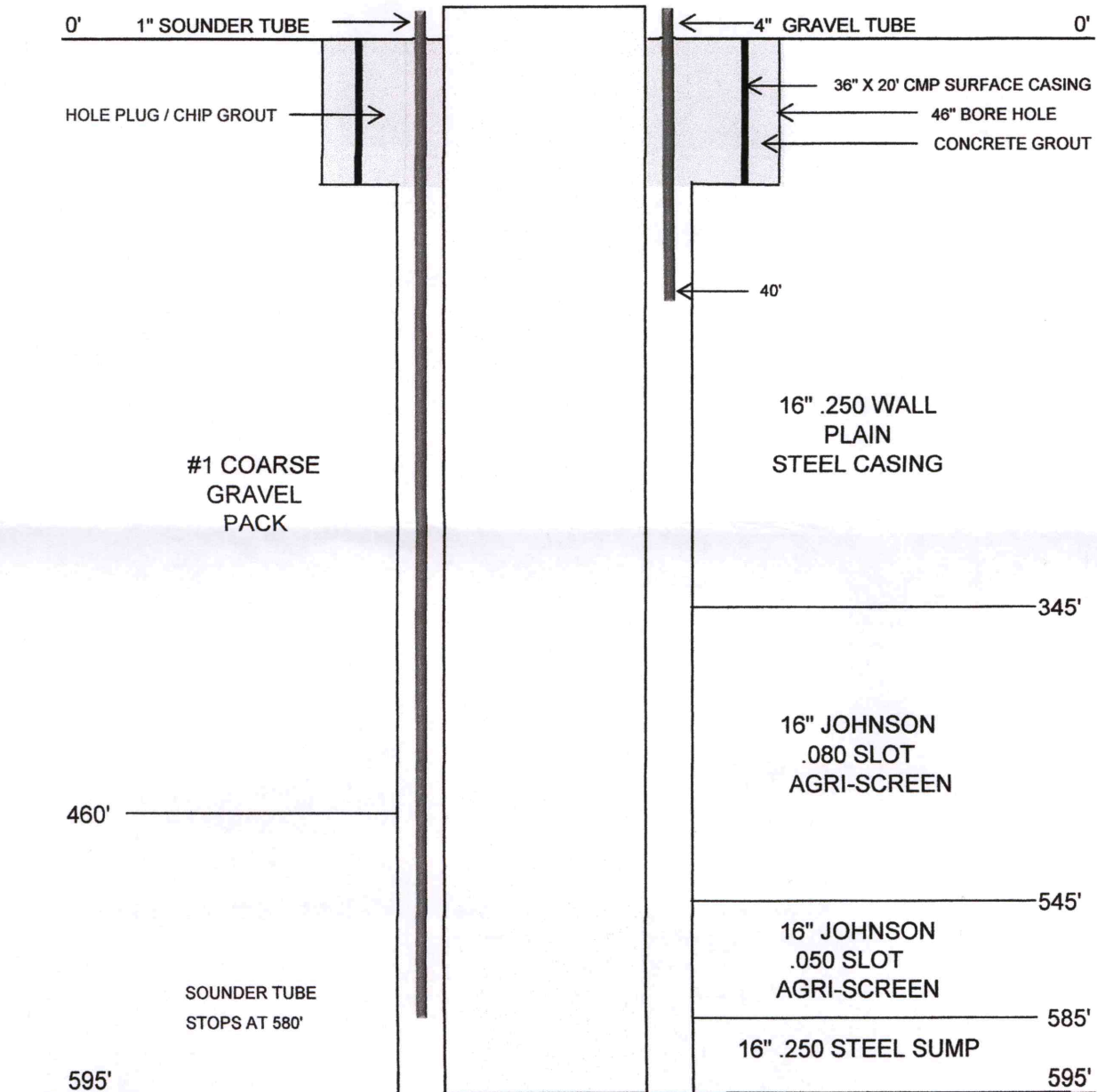
**DRILLING FLUID:** TBD

**GRAVEL SUPPLIER:** HUBER

**ADDITIONAL INFO:** SWL = 316'

GROUT  
AND  
GRAVEL

SCREEN AND  
CASING



INPUTS		
	Longitude	Latitude
Point 1	-101.230170	37.302890
Point 2	-101.220899	37.304870

Degrees Longitude per Foot 3.43791598E-06

Degrees Latitude per Foot 2.74642075E-06

Distance Between Points (ft) 2791

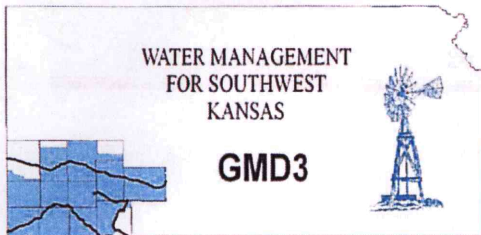
Compute Distance Between Points

#### Instructions

1. Enter Longitudes and Latitudes of the two points (both must be in the same datum, NAD27 or NAD83).
2. Click "Compute Distance Between Points" button.

File No. 25180  
# 2031

Field data



**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

March 5, 2019

Michael A. Meyer  
Division of Water Resources  
2508 N Johns Street  
Garden City, Kansas 67846

RE: Application for Change in Point of Diversion  
Water Right, File Nos. 25180

Dear Mike:

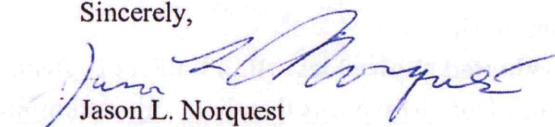
We have completed a review of the application for the above referenced water right. The proposed change in point of diversion is in accordance with current area rules, K.A.R. 5-23-3, as it pertains to distance moved and minimum spacing to neighboring wells.

Well evaluations were conducted to estimate possible effects of the proposal on the supply of other wells with water rights prior to the proposal per K.S.A. 82a-708b, and the draft revised management program. Under K.S.A. 82a-708b, an applicant requesting a change in point of diversion must demonstrate to the chief engineer that any proposed change is reasonable and will not impair. The enclosed report is an analysis performed by the GMD on behalf of our membership. Under this analysis, the proposed change is considered to be reasonable and unlikely to impair if either the net in-season well-to-well effect of the proposed change is less than a strict maximum allowable threshold (4 ft in cases where saturated thickness is greater than 200 ft), or if no well with a net well-to-well effect exceeding the threshold is identified as critical. Critical wells are identified as wells that are expected to either lose or greatly diminish water supply over the next 25 years. The attached review information is based on a Theis analysis using inputs from the GMD3 aquifer model, which is considered to be the best information on well and aquifer data readily and easily available to the public. If either the applicant or the neighbors believe they have better data that might change the result of the analysis, they should contact GMD3. Conclusions of the well analysis may change if better information on well and aquifer data can be made available.

Every neighboring well within 1 mile of the proposed move was evaluated. Evaluations showed that in no case did the net effect on neighboring wells exceed the 4.0 ft maximum allowable threshold. Therefore, GMD3 sees this move as reasonable and unlikely to impair neighboring wells. It should also be noted that the calculations is base on maximum annual quantity and rate. Review of this water right appears to show that the applicant has reported exceeding they annual authorized rate. Continued pumping at a higher than authorized rate could drastically change the results. It is therefore recommended that the application be approved and the applicant be informed and held to no more than authorized rate.

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

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MAR 05 2019

## GMD3 Change Review

---

File No(s): 25180.

DWR office: GC.

App filed to change: PD.

Is Landowner(s) correct in WRIS: Fry Family Farms .

If NO, is documentation included?

Is Water Use Correspondent correct in WRIS? Yes .

If NO, is documentation included?

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

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

	ft. North	ft. West	
Authorized PD	1380	2525	Sect 34-31-36
Proposed PD	1074	2693	
Difference	306 s	-168 w	
$a^2 + b^2 = c^2$	93636	28224	349.0845 foot move SW

GPS for proposed PD: Lat: 37.303333 Long: -101.221388.

Is proposed PD stacking on existing WRs? No .

Is Proposed PU overlapping existing WRs? No Change .

Land Owner(s) notified:  .

Name  .

Name  .

Address  .

Address  .

Zip  .

Zip  .

Neighboring certified well(s) notified:  .

Name  .

Name  .

Address  .

Address  .

Zip  .

Zip  .

Domestic well(s) notified:  .

Name  .

Name  .

Address  .

Address  .

Zip  .

Zip  .

Base Acres:  .

Perfected Acres:  .

Irr. Return-Flow  %

**Should be noted they have been reporting 1000gpm on a water right only authorized 875gpm. They need to be made aware of this and held to the authorized rate. Also reporting excess rate on WR 2031, which overlaps PU and limits AF on 25180.**

**Saturated thickness estimate for area is 270', so maximum allowable drawdown would be set at 4'.**

**All wells evaluated showed less than half foot affect.**

Is a waiver needed: Move less than half mile and minimum spacing in met to neighboring wells.

# GMD3 Change Review

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Recommendation: After review of all available information, it appears all current area rules are met. Well analysis shows minimal effect with the proposed move. Staff therefore recommends approval of the application.



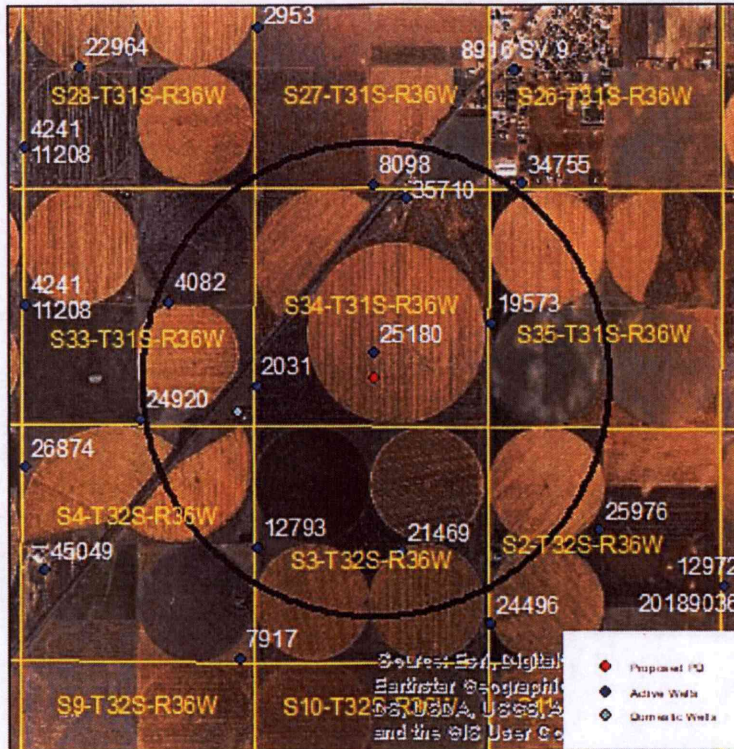
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Garden City Field Office  
Division of Water Resources

**Evaluation of proposed move for Water Right No 25180**

Proposed: Move the well authorized under water right no. 25180 568 ft to the south.



Wells within 1 mile: 2031, 35710, 8098, 19573, 21469, 12793, 4082, and a domestic well in section 33-31-36.

The saturated thickness at the proposed well location is estimated to be 271 ft, based upon the driller’s log at the proposed well location and water level information from a monitoring well located in section 3-32-36. For saturated thicknesses greater than 200 ft, the maximum allowable drawdown to neighboring critical wells is 4.0 ft.

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

$S = 0.1442$ ,  $T = 29,829 \text{ ft}^2/\text{day}$ ,  $t_{p\text{current}} = 76 \text{ days}$  (based upon reported quantity and observed rate at 2012 inspection),  $Q_{\text{current}} = 875 \text{ gpm}$  (observed at 2012 inspection),  $t_{p\text{proposed}} = 113 \text{ days}$ ,  $Q_{\text{proposed}} = 875 \text{ gpm}$ . Wells were given the following X-Y coordinates:

- 25180 (Current PD): X = -122,739 ft, Y = 156,818 ft
- 25180 (Proposed PD): X = -122,739 ft, Y = 156,235 ft
- 2031: X = -125,427 ft, Y = 156,110 ft
- 35710: X = -122,052 ft, Y = 160,255 ft
- 8098: X = -122,739 ft, Y = 160,568 ft
- 19573: X = -120,094 ft, Y = 157,464 ft

PROPOSED

PROS & CONS



12469: X = -122,135 ft, Y = 152,380 ft

12793: X = -125,406 ft, Y = 152,485 ft

4082: X = -127,364 ft, Y = 157,985 ft

Domestic 33-31-36: X = -125,823 ft, Y = 155,547 ft

These drawdowns were calculated as follows:

2031: Drawdown from current location = 1.14 ft  
Drawdown from proposed location = 1.51 ft  
Net drawdown = **0.4 ft**

35710: Drawdown from current location = 0.95 ft  
Drawdown from proposed location = 1.18 ft  
Net drawdown = **0.2 ft**

8098: Drawdown from current location = 0.91 ft  
Drawdown from proposed location = 1.13 ft  
Net drawdown = **0.2 ft**

19573: Drawdown from current location = 1.15 ft  
Drawdown from proposed location = 1.45 ft  
Net drawdown = **0.3 ft**

21469: Drawdown from current location = 0.80 ft  
Drawdown from proposed location = 1.21 ft  
Net drawdown = **0.4 ft**

12793: Drawdown from current location = 0.73 ft  
Drawdown from proposed location = 1.09 ft  
Net drawdown = **0.4 ft**

4082: Drawdown from current location = 0.77 ft  
Drawdown from proposed location = 1.04 ft  
Net drawdown = **0.28 ft**

Domestic 33-31-36: Drawdown from current location = 0.99 ft  
Drawdown from proposed location = 1.38 ft  
Net drawdown = **0.4 ft**

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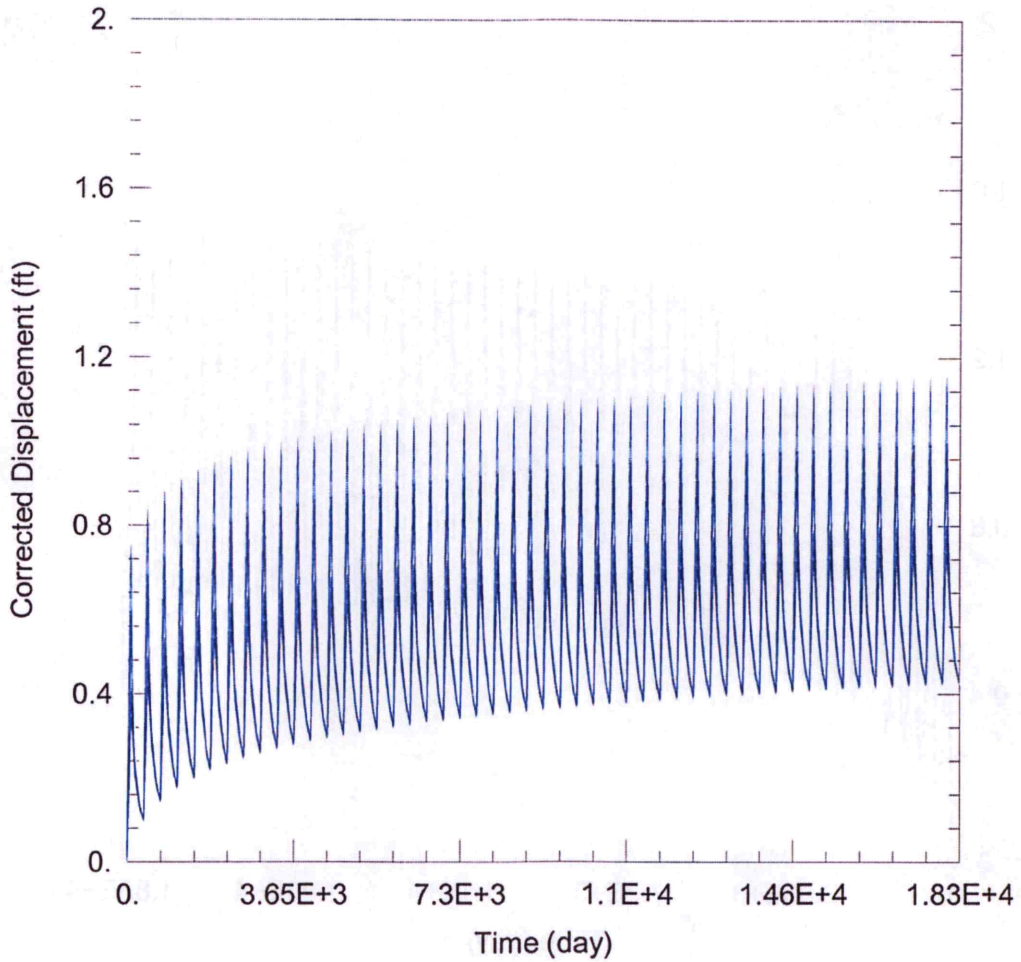
Garden City Field Office  
Division of Water Resources

Net drawdown does not exceed 4.0 ft on any of the neighboring wells, so critical well evaluation is not necessary.

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MAR 18 2018

U.S. DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT



WELL TEST ANALYSIS

Data Set: C:\Users\trevora\Documents\2019\_moves\25180\25180 Current.aqt  
 Date: 03/01/19 Time: 11:09:39

PROJECT INFORMATION

Company: GMD 3  
 Client: Fry Family Farms  
 Project: 25180  
 Location: Stevens County  
 Test Well: 25180

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WELL DATA

Garden City Field Office  
 Division of Water Resources

Pumping Wells

Well Name	X (ft)	Y (ft)
25180	-122739	156818

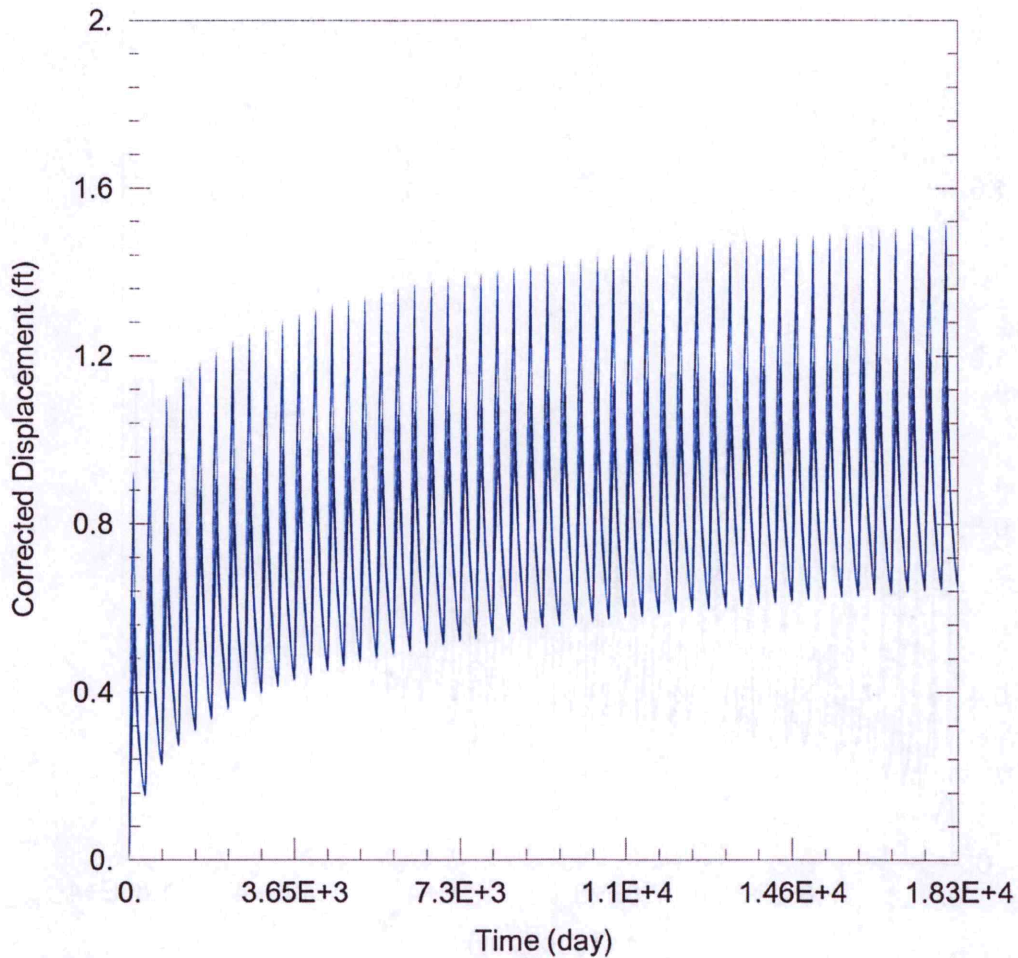
Observation Wells

Well Name	X (ft)	Y (ft)
□	-122739	156818
□ 2031	-125427	156110
□ 35710	-122052	160255
□ 8098	-122739	160568
□ 19573	-120094	157464
□ 21469	-122135	152380
□ 12793	-125406	152485
□ 4082	-127364	157985
□ Domestic 33-31-36	-125823	155547

SOLUTION

Aquifer Model: Unconfined

Solution Method: Theis



**WELL TEST ANALYSIS**

Data Set: C:\Users\trevora\Documents\2019\_moves\25180\25180 Proposed.aqt

Date: 03/01/19

Time: 11:09:31

**PROJECT INFORMATION**

Company: GMD 3

Client: Fry Family Farms

Project: 25180

Location: Stevens County

Test Well: 25180

**WELL DATA**

**Pumping Wells**

Well Name	X (ft)	Y (ft)
25180	-122739	156235

**Observation Wells**

Well Name	X (ft)	Y (ft)
□	-122739	156235
□ 2031	-125427	156110
□ 35710	-122052	160255
□ 8098	-122739	160568
□ 19573	-120094	157464
□ 21469	-122135	152380
□ 12793	-125406	152485
□ 4082	-127364	157985
□ Domestic 33-31-36	-125823	155547

**SOLUTION**

Aquifer Model: Unconfined

Solution Method: Theis

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

1074 ft N and 2693 ft W of the SE Corner of Section 34, T 31S, R 36W

Located at: 101.221387 West Longitude and 37.303335 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_ 2031	00	IRR	NK	G	2285	--	NW	SW	SW	-----	-----	34	31	36W	1	2300	1050.00	1050.00	AF
A_ 4082	00	IRR	NK	G	4817	--	SE	SW	NE	2706	1904	33	31	36W	4	2300	900.00	900.00	AF
A_ 8098	00	IRR	NK	G	4578	--	SW	SW	SE	-----	-----	27	31	36W	2	2100	320.00	320.00	AF
A_ 12793	00	IRR	NK	G	4545	--	--	--	CW	2554	5200	3	32	36W	1	2300	760.00	760.00	AF
A_ 19573	00	IRR	NK	G	3031	--	NW	NW	SW	2300	5150	35	31	36W	4	2300	1000.00	1000.00	AF
A_ 21469	00	IRR	NK	G	3932	--	NE	NW	SE	2475	1930	3	32	36W	3	2300	520.00	520.00	AF
A_ 24920	00	IRR	NK	G	5275	--	SW	SW	SE	70	2562	33	31	36W	3	2100	260.00	260.00	AF
A_ 25180	00	IRR	NK	G*	349	--	--	NC	S2	1380	2525	34	31	36W	2	2100	436.00	.00	AF
A_ 35710	00	IRR	NK	G	4088	--	NE	NW	NE	5080	1880	34	31	36W	3	2100	22.00	22.00	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) =	4832.00	.00
Total Vested Amount (AF) =	.00	.00
TOTAL AMOUNT (AF) =	4832.00	.00

*Spacing MET*

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 1.00 miles of point defined as:

101.221387 West Longitude and 37.303335 North Latitude

GROUNDWATER ONLY

WATER USE CORRESPONDENTS:

- File Number Use ST SR
- A\_ 2031 00 IRR NK G
- > FRY FAMILY FARMS LC
- > AG MANAGEMENT CONSULTANTS
- > PO BOX 1013
- > GARDEN CITY KS 67846
- 
- A\_ 4082 00 IRR NK G
- > JEREMY ELLSAESSER
- >
- > 146 S JEFFERSON ST
- > HUGOTON KS 67951
- 
- A\_ 8098 00 IRR NK G
- > TIA JEAN BELL
- >
- > PO BOX 11
- > MOSCOW KS 67952

*Same operator:  
EMD Insp. shows GPS meets Spacing.*

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Garden City Field Office  
Division of Water Resources

-----  
A\_\_ 12793 00 IRR NK G  
> MARSHA DIXON MONICA  
>  
> 12913 CANTERBURY RD  
> LEAWOOD KS 66209  
-----

A\_\_ 19573 00 IRR NK G  
> SHIRLEY G MAY TRUST  
> SHIRLEY G MAY TRUSTEE  
> 2339 MAYS RD  
> MOSCOW KS 67952  
-----

A\_\_ 21469 00 IRR NK G  
> MARSHA DIXON MONICA  
>  
> 12913 CANTERBURY RD  
> LEAWOOD KS 66209  
-----

A\_\_ 24920 00 IRR NK G  
> STEVE MUNSON  
>  
> PO BOX 195  
> MOSCOW KS 67952  
-----

A\_\_ 25180 00 IRR NK G  
> FRY FAMILY FARMS LC  
> AG MANAGEMENT CONSULTANTS  
> PO BOX 1013  
> GARDEN CITY KS 67846  
-----

A\_\_ 35710 00 IRR NK G  
> MICHAEL J COLANTONIO  
>  
> PO BOX 141  
> MOSCOW KS 67952  
-----  
=====

PROS J O DAN  
MOSCOW, KS 67952

INPUTS		
	Longitude	Latitude
Point 1	-101.221388	37.303333
Point 2	-101.230110	37.302920

Proposed 25180  
2031,GMD3 Insp

Degrees Longitude per Foot 3.43788168E-06  
Degrees Latitude per Foot 2.74642111E-06

Distance Between Points (ft) 2541

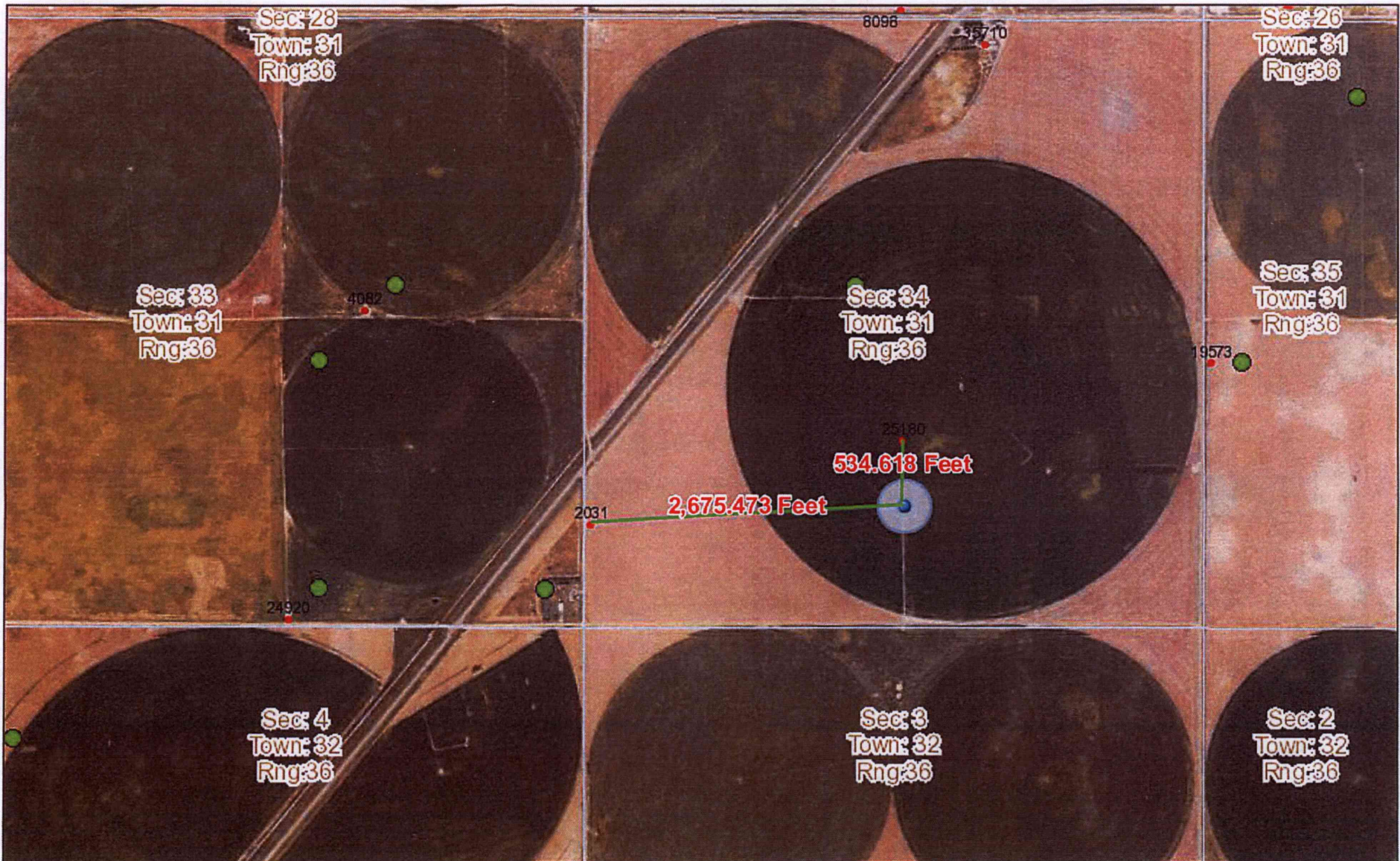
Compute Distance Between Points

- Instructions**
1. Enter Longitudes and Latitudes of the two points (both must be in the same datum, NAD27 or NAD83).
  2. Click "Compute Distance Between Points" button.

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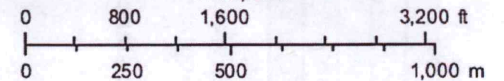
Garden City Field Office  
Division of Water Resources



March 1, 2019  
13:48 PM

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

1:18,056



GPS Position

<b>Wells</b>	CON	FPR	MUN	THX
Other	DEW	HYD	REC	Empty
IRR	DOM	IND	STK	WWC5 WELLS GMD3



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



Phone: 620-276-2901  
Fax: 620-276-9315  
[www.agriculture.ks.gov](http://www.agriculture.ks.gov)

Mike Beam, Interim Secretary

Laura Kelly, Governor

February 21, 2019

SOUTHWEST KANSAS GROUNDWATER  
MANAGEMENT DISTRICT NO. 3  
409 CAMPUS DRIVE, SUITE 106  
GARDEN CITY KS 67846

Re: Water Right File No. 25180

Dear Mr. Norquest:

This is to advise you that Fry Family Farms has filed an application for approval of the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, to change the point of diversion for the above referenced file.

We are delaying action on the change application to allow you time to review and provide a recommendation. Please submit a recommendation within 15 days from the date of this letter.

Thank you and as always feel free to contact this office at any time.

Sincerely,

A handwritten signature in blue ink that reads "Michael A. Meyer".

Michael A. Meyer  
Water Commissioner

MAM  
Enclosures